

CHAPTER 7

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ARTICLE I

Administration of Nuisances

Sec. 7-1. Prohibition against nuisances; right of entry to investigate.

(a) A *public nuisance* is a substance, act, occupation, condition or use of property which is of such nature and shall continue for such length of time as to:

- (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- (2) In any way render the public insecure in life or in the use of property;
- (3) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley or other public way.

(b) In all cases where no provision is made defining what are nuisances and how the same may be removed, abated or prevented, in addition to what may be declared such herein, those offenses which are known to the common law of the land and state statutes as nuisances may, in case the same exist within the Town, be treated as such and proceeded against as in this Section provided, or in accordance with any other provision of law.

(c) Any person in the Town who is responsible for any nuisance as provided in this Article and who shall fail to abate the same after the giving of adequate notice shall be in violation of this Article and subject to the penalties herein provided.

(d) Where a nuisance exists upon private property, and is the outgrowth of the usual,

natural or necessary use of the property, the owner thereof or his or her agent is hereby declared the author thereof; but where any such nuisance shall arise from the unusual use to which any such property may be put, or from any business thereon conducted, the occupant shall also be deemed the author thereof; and any person who shall by himself, herself or any agent cause or create the same shall be deemed the author of such nuisance.

(e) Complaints of nuisances may be made to the Town Manager, Chief of Police or any other official. Whenever possible, any complaint shall state the nature of such nuisance, the location including street address, name of the owner, agent or occupant of the building or lot if known, and the name and address of the complainant.

(f) Whenever necessary to make an inspection to enforce any of the provisions of this Article, or whenever an authorized representative of the Town shall have reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a nuisance hereunder, the Town Manager or police officer may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed on any of them, provided that the following procedures have been complied with:

- (1) If the building or premises is occupied, the Town Manager or police officer shall first present proper credentials and demand entry. If entry is granted by the occupant, the inspection may proceed in a reasonable manner. If entry is refused, the inspection shall not proceed without the consent of the owner and/or occupant of the building or premises unless pursuant to a valid search warrant.

(2) If the building is unoccupied, the Town Manager or police officer shall make a reasonable effort to locate the owner and/or occupant or other person having charge or control of the building or premises, and upon locating said owner, occupant or other person, shall present proper credentials and demand entry. If entry is granted, the inspection shall proceed in a reasonable manner. If entry is refused or if the owner cannot be located, the inspection shall only occur in accordance with a valid search warrant.

(g) After the expiration of twenty-four (24) hours from a demand of entry which is refused, the Town Manager may appear before the Municipal Judge of the Municipal Court and upon a showing of probable cause shall obtain a search warrant entitling entrance into the building or upon the premises. A determination of probable cause will be based upon reasonableness, and if a valid public interest justified the intrusion contemplated, then there is probable cause to issue a search warrant. The Town Manager shall not be required to demonstrate specific knowledge of the condition of the particular structure or premises in issue in order to obtain a search warrant.

(h) Upon presentation of a search warrant and proper credentials, or possession of the same in the case of an unoccupied building or premises, said person may enter into said building or upon said premises using such reasonable force as may be necessary to gain entry. It shall be unlawful for any owner and/or occupant of said building or premises to resist reasonable force used by any authorized agent acting pursuant to a search warrant.

(i) Whenever an emergency situation exists in relation to the enforcement of any of the provisions of this Chapter, the Town Manager or police officer, upon a presentation of proper credentials or identification, in the case of an occupied building or premises, or possession of said credentials in the case of an unoccupied building or premises, may enter into any building or upon any premises within the Town. In an emergency situation such person may use such reasonable force as may be necessary to gain entry into said building or upon said premises. An *emergency situation* shall include, but not be limited to, any situation where there is imminent danger of loss of life, limb and/or property. It shall be unlawful for any owner and/or occupant of the building or premises to resist reasonable force used by the authorized official acting pursuant to this Subsection. (Prior code Ch. X §1-12; Ord. 4-1994 §1; Ord. 4-1999 §1)

Sec. 7-2. Abatement of nuisances.

(a) Each and every nuisance declared or defined by any ordinance of the Town or otherwise is hereby prohibited, and the Town Manager or Chief of Police is hereby authorized, in his or her discretion, to cause the same to be summarily abated in such manner as he or she may direct subject to the limitations herein provided.

(b) Upon authorization of the Town Manager or Chief of Police, if any nuisance found to exist shall cause such imminent danger to the life, limb, property or health as to require immediate abatement, any such nuisance may be summarily abated by action of the Town Manager, Chief of Police, police officer or the Building Official.

(c) In the case of any nuisance not requiring summary abatement, it shall be the duty of the Town Manager or Chief of Police to cause notice to be served upon the person responsible for any nuisance which may be found, requiring the person to abate the same in a reasonable time and in such reasonable manner as prescribed. In causing notice to be served, the Town Manager or Chief of Police may authorize inspectors or any other appropriate Town employee to issue notice of abatement. The reasonable time for abatement shall not exceed fourteen (14) days unless it appears from the facts and circumstances that compliance could not reasonably be made within fourteen (14) days or that a good faith attempt at compliance is being made. The notice shall be in writing, signed by the Town Manager and shall be personally served upon the person responsible for the nuisance, if the person occupies the premises upon which the nuisance exists. If the premises is not occupied by the responsible person, then the notice shall be posted prominently at some place on the premises upon which the nuisance exists. If service is by posting, a copy of the notice shall also be mailed by certified mail, return receipt requested, to the owner of the property as shown upon the tax rolls of the County. The notice shall, in addition to other requirements herein, state that if the nuisance is not abated within the time stated in the notice, the cost of such abatement may be assessed as a lien against the property pursuant to the terms of this Article, together with an additional five-percent assessment for inspection and incidental costs and an additional ten-percent assessment for costs of collection, and collected in the same manner as real estate taxes against the property.

(d) If, after notification, a nuisance is not voluntarily abated, the person responsible for the nuisance shall be guilty of a violation of this Code, and the Town Manager or Chief of Police may proceed at once, upon the expiration of the

time specified in such notice, to commence appropriate legal action to cause such nuisance to be abated. Provided, however, if the owner or person responsible for the nuisance is unknown or cannot be found, the Town Manager may proceed to abate the nuisance after notice has been posted for the period equal to the time specified to abate the nuisance. In either case, the expense of the abatement of the nuisance shall be collected from the person who caused, created, continued or suffered the nuisance to exist. Upon a judicial determination that a nuisance exists, the Chief of Police may be authorized to abate the nuisance or cause the same to be abated, employing such forces and persons as may be necessary to abate the same. (Prior code Ch. X §§1-13, 1-14; Ord. 4-1994 §1; Ord. 4-1999 §1)

Sec. 7-3. Remedies cumulative.

(a) No remedy provided herein shall be exclusive, but the same shall be cumulative, and the taking of any action hereunder, including charge or conviction of violation of this Article in the Municipal Court shall not preclude or prevent the taking of other action hereunder to abate or enjoin any nuisance found to exist.

(b) Whenever a nuisance exists, no remedy provided for herein shall be exclusive of any other charge or action, and when applicable the abatement provisions of this Article shall serve as and constitute a concurrent remedy over and above any charge of conviction of any municipal offense or any other provision of law. Any application of this Article that is in the nature of a civil action shall not prevent the commencement or application of any other charges brought under the municipal ordinances or any other provision of law. (Prior code Ch. X §1-15; Ord. 4-1999 §1)

Secs. 7-4—7-20. Reserved.

ARTICLE II

Nuisances

Sec. 7-21. Nuisances declared.

Without limiting the activities or circumstances which may constitute a nuisance, the following are hereby specifically declared to be public nuisances within the Town and subject to the provisions of this Code:

(1) A contaminated or impure well or cistern shall be deemed a nuisance when the water therein is used for human consumption.

(2) The burning, dumping, throwing or placing any rubbish, cans, trash, garbage, debris, grass clippings or other waste materials on any public place in the Town.

(3) To pile, store or allow to accumulate any rubbish, trash, garbage, weeds or animal feces on any lot or real estate within the Town which could harbor and conceal harmful vermin, rodents or insects, or which are unsafe, unhealthy or unsightly to persons or public.

(4) To expose, convey or place or cause to be exposed, conveyed or placed in any street or public place any substance, animal or thing to the prejudice of the public health.

(5) To maintain any property or building or any other structure in the Town in a condition which is in violation of this Code.

(6) To keep, store or provide for the collection of junk within the Town, and the keeping, storage or collection of junk within the Town is hereby declared to be a nuisance and is detrimental to the health, safety, convenience and general welfare of the citizens thereof. *Junk* is hereby defined to be any old, used or secondhand materials of any kind,

including, without limitation, cloth, rags, clothing, paper, rubbish, bottles, rubber, iron, tires, brass, copper or other metal, furniture, refrigerators, freezers, all other appliances, the parts of used motor vehicles, machines, apparatuses, contrivances and parts thereof, which are no longer in use, any used building material, boards or other lumber, cement blocks, bricks or brick bats, or other second-hand building materials, or any discarded machinery, tractors, trucks or automobiles, or any other article or thing commonly known and classified as junk.

(7) Trees that pose a threat to public safety including, without limitation, trees that are injurious to public property, weak in structural soundness, harbor destructive or communicable disease or pestilence that endangers the well-being of other trees in the Town or are affected with an injurious fungus, insect or other pest. (Prior code Ch. X §1-16; Ord. 4-1994 §1; Ord. 12-1998 §3; Ord. 4-1999 §1)

Secs. 7-22—7-30. Reserved.

ARTICLE III

Solid Waste

Sec. 7-31. Application.

The provisions of this Article shall apply to the accumulation, collection, conveyance and disposition of all solid waste in the Town. (Ord. 4-1993 §1; Ord. 4-1999 §1)

Sec. 7-32. Definitions.

For the purposes of this Article, the following terms shall have the meaning hereinafter provided:

Ashes is the residue from the burning of wood or other combustible material.

Construction trash is nonputrescible refuse generated by construction activities, which is not edible by bears or other wildlife.

Refuse is all putrescible and nonputrescible solid waste, except trash.

Trash is yard clippings, unbagged ashes, construction trash, human body wastes, dead animals, abandoned motor vehicles, solid market and industrial wastes, all materials or substances which are hazardous, infectious or toxic, contain radioactive particles or are regulated by any federal or state law concerning hazardous, toxic or other similar substances or materials, grit and sludge from wastewater treatment and grease.

Wildlife resistant Dumpster enclosure means a structure constructed in accordance with the structural requirements set forth in Chapter 18, Article III of this Code, irrespective of the actual enclosed square footage of the structure. This structure shall be fully enclosed consisting of four (4) sides and a roof, with one (1) side accommodating a door. The sides of the structure must extend to the ground and the door cannot have more than a two-inch gap along the bottom. The door must have a latching device of sufficient design and strength to prevent access by wildlife. Ventilation openings shall be kept to a minimum and must be covered with a heavy gauge steel mesh or other material of sufficient strength to prevent access. Wildlife resistant Dumpster enclosures must be approved by the Chief of Police and the Public Works Director.

Wildlife resistant refuse container means a fully enclosed metal container with a metal lid. The lid must have a latching mechanism which prevents access to the contents by wildlife. Wildlife resistant refuse containers must be approved by the Chief of Police and the Public Works Director. (Ord. 4-1993 §1; Ord. 4-1999 §1)

Sec. 7-33. Who may collect refuse.

All refuse accumulated in the Town shall be collected, conveyed and disposed of only by the Town or a licensed business. (Ord. 4-1993 §1; Ord. 4-1999 §1)

Sec. 7-34. Dumpster enclosures.

All Dumpster enclosures that contain refuse containers which are not wildlife resistant must be wildlife resistant Dumpster enclosures. The general appearance of Dumpster enclosures shall be compatible with Dumpster enclosures presently existing within the Town. The precise location and design of Dumpster enclosures shall be approved by the Planning Director prior to the issuance of a building permit for the structure. The Planning Director may approve a variance from the design requirements upon good cause shown to the satisfaction of the Planning Director, Public Works Director and the Chief of Police. (Ord. 1-1994 §2; Ord. 10-1997 §12; Ord. 4-1999 §1)

Sec. 7-35. Appeals from the decisions of Public Works Director.

Any person aggrieved by the application of a regulation, a fee charged or the decision made by the Public Works Director may appeal to the Town Manager, who shall have the authority to confirm, modify or revoke any such fee, decision or application of a regulation. (Ord. 4-1993 §1; Ord. 4-1999 §1)

Sec. 7-36. Residential collection practices.

The collection, conveyance and disposal of all residential refuse shall only be by the Town, and all residences designated by the Public Works Director shall subscribe to service from the Town. The following shall apply to the collection of all residential refuse:

(1) Limitation on residential quantity. The Town shall collect a reasonable accumulation of refuse of each residential user during the collection period for the standard charge.

(2) Curbside collection. The areas of the Town which will utilize curbside collection of refuse will be designated by the Public Works Director. The following shall apply to the collection of all curbside residential refuse:

a. Collection location. Refuse shall be placed for collection at ground level of the right-of-way designated by the Public Works Director and shall be readily accessible from the street from which collection is made. Town employees may not enter private property to collect residential refuse.

b. Refuse containers. All refuse containers, except wildlife resistant refuse containers, shall be obtained from the Town. Any refuse which is in noncomplying containers will not be removed by the Town. All refuse containers shall be stored, when not placed for collection on the collection day, in the house or garage of the residential customer or in a wildlife resistant Dumpster enclosure.

c. Collection day. The Public Works Director shall designate a collection day for specific locations. Containers shall not be placed in the public right-of-way except on designated pick-up days. After pickup, the containers must be re-secured inside the home, garage or enclosure by 6:00 p.m.

d. Construction trash. Construction trash may be placed in approved refuse containers, provided that all construction trash shall be contained in the approved container.

(3) Drop-off collection. The areas of the Town which will utilize drop-off collection of refuse will be designated by the Public Works Director. The following shall apply to the collection of residential refuse at drop-off locations:

a. Collection location. The Public Works Director shall designate drop-off locations which shall be utilized for the collection of residential refuse from designated subdivisions. The designated collection location shall be utilized only by drop-off customers and shall not be utilized by curbside or commercial customers.

b. Construction trash. The deposit of construction trash at drop-off collection locations is authorized, provided that the construction trash is placed in a Dumpster and does not exceed one-half ($\frac{1}{2}$) cubic yard per week per customer.

c. Refuse container. The Public Works Director shall provide a wildlife resistant refuse container or shall construct and maintain a wildlife resistant Dumpster enclosure in accordance with the provisions of Section 7-38(6) below. (Ord. 4-1993 §1; Ord. 1-1994 §§3, 4; Ord. 4-1999 §1)

Sec. 7-37. Commercial collection practices.

The following shall apply to the collection of all commercial refuse:

(1) Limitation on commercial quantity. The Town shall collect the amount of refuse agreed upon according to the weight, volume and frequency of collection. Additional amounts may be collected, requiring additional charges, which additional charges shall be established by the Public Works Director.

(2) Obstruction removal. Access to the designated pickup location shall be maintained free of obstructions by the customer on the designated pickup days. The customer shall be responsible for the removal of all snow and ice in the vicinity of the collection location. In the event that reasonable access to the collection location cannot be attained by Town employees, service to the collection location will be discontinued until all obstructions have been removed.

(3) Collection day. The Public Works Director shall designate a collection day for specific commercial locations.

(4) Construction trash. The deposit of construction trash into a Dumpster is authorized, provided that all of the construction trash fits within the Dumpster.

(5) Wildlife protection. All customers shall keep the collection location premises free from the accumulation of refuse edible by bears and other wildlife. Customers shall ensure that all refuse edible by wildlife is properly disposed of in a wildlife resistant refuse container or a refuse container stored within a wildlife resistant Dumpster enclosure. All wildlife resistant refuse containers or wildlife resistant Dumpster enclosures shall remain secured when refuse is not being deposited to prevent access by bears and other wildlife. (Ord. 4-1993 §1; Ord. 1-1994 §5; Ord. 4-1999 §1)

Sec. 7-38. General collection practices.

The following shall apply to the collection of all refuse:

(1) Yard clippings. No person shall place for collection any yard clippings or waste during the period commencing April

15 and ending October 31 of each year. All yard clippings during this period shall be placed for collection at the location designated by the Public Works Director.

(2) Ashes. No person shall place for collection any ashes which have not been placed in an enclosed bag and which are not cold.

(3) Construction trash. Except as provided otherwise in this Article, construction trash shall not be placed for collection at any location, residential or commercial, within the Town. The creator of construction trash shall make private arrangements for its removal to an appropriate disposal site outside of the Town limits.

(4) Requirements for vehicles. Persons who desire to dispose of refuse or trash, or who desire to haul or cause to be hauled refuse or trash in the Town or over the streets or rights-of-way in the Town shall:

- a. Use or cause to be used a water-tight hauling area;
- b. Use or cause to be used a tight cover; and
- c. Prevent offensive odors escaping therefrom and prevent refuse or trash from being blown, dropped or spilled.

Disposal of refuse shall be made outside the Town limits at an appropriate disposal site.

(5) Additional charges. Extra accumulation or nonrefuse items may be collected upon request. The Town shall have the authority to refuse to collect unreasonable amounts or it may require additional charges for such amounts.

(6) Refuse containers. All refuse containers intended to receive refuse which is edible by bears and other wildlife shall be either Public Works Director approved wildlife resistant refuse containers which prevent wildlife from having access to the contents, or refuse containers which are stored within a wildlife resistant Dumpster enclosure, building, house or garage.

(7) Dumpster visibility. A Dumpster must not be visible from off the premises, lot or parcel upon which it is located. If the Dumpster is visible from off the premises, lot or parcel, then the container must be stored within a Dumpster enclosure. (Ord. 4-1993 §1; Ord. 1-1994 §2; Ord. 4-1999 §1)

Sec. 7-39. Prohibited practices.

The following are hereby declared to be practices which are public nuisances:

(1) Public places. No person shall place, throw or deposit any refuse in any street, alley, stream, pond, watercourse or other public place, or upon any private property, whether owned by such person or not, within the Town, except in proper containers for collection or under express approval granted by the Public Works Director.

(2) Unauthorized accumulations. No unauthorized accumulation of refuse on any premises shall occur.

(3) Scattering of refuse. No person shall cast, place, sweep or deposit anywhere within the Town any refuse in such a manner that it may be carried or deposited by the

elements upon any street, sidewalk, alley, sewer, parkway or other public place, or onto any premises, occupied or not, within the Town.

(4) Unauthorized disposal. No person shall place or deposit his or her refuse in the container of another or in a manner so that it will be collected as though it had been generated by another. No nonresident of the Town, person who is not a real property owner in the Town or business in the Town shall place or deposit his or her refuse in any container in the Town.

(5) Contagious/diseased refuse. No person shall deposit, or allow to be collected by the Public Works Department, any garbage, refuse, rubbish or substance or thing which is contagious or infectious, or contains any disease-producing item or thing regulated by the Colorado Department of Health, including but not limited to those organisms or conditions controlled in Title 25, C.R.S.

(6) Inflammable or explosive refuse. No person shall place for collection any highly inflammable or explosive material. Such material shall be lawfully disposed of by the owner or producer at the expense of the owner or producer thereof.

(7) Hazardous materials. No person shall place for collection any hazardous, toxic or poisonous substance or material, including but not limited to household hazardous wastes such as used motor oil, used antifreeze, oil-base paint, turpentine, thinners or solvents. (Ord. 4-1993 §1; Ord. 4-1999 §1)

Sec. 7-40. Rules and regulations.

The Public Works Director shall have the authority to adopt regulations concerning the days of collection, type and location of waste containers and such other matters pertaining to the collection, conveyance and disposal as the Public Works Director shall find necessary, and to change and modify the same after notice as required by law, provided that such regulations are not contrary to the provisions hereof. Any violation of any rule or regulation adopted by the Public Works Director shall be considered to be a violation of the provisions of this Code. (Ord. 4-1993 §1; Ord. 4-1999 §1)

Sec. 7-41. Fees.

(a) The Public Works Director shall determine the fee for all levels of service for residential and commercial collections, after consultation with the Town Council.

(b) Delinquent accounts. An account is delinquent if not paid in full within ten (10) days after the due date on the bill. If the bill is not paid in full within that time, service may be discontinued. The Town may proceed for collection of unpaid charges in the manner provided by law for the collection of a municipal claim. Any unpaid charges pursuant to this Article shall be a personal debt of the owner of the lands benefited or served and in addition shall constitute a lien upon each lot, land, building and premises served or benefited. In the event said charges are not paid when due, the Town Council may certify the delinquent fee to the County Treasurer to be paid by the owner and placed upon the tax list for the current year, to be collected in the manner other taxes are collected, plus a ten-percent administrative charge to defray the cost of collection, in compliance with the laws of the State for the assessment and

collection of general taxes, including the laws for the sale of property for taxes and redemption of the same which shall apply. (Ord. 4-1993 §1; Ord. 1-1995 §2; Ord. 4-1999 §1)

Secs. 7-42—7-60. Reserved.

ARTICLE IV

Recycling

Sec. 7-61. Applicability.

The provisions of this Article shall apply to the collection of recyclables in the Town. (Ord. 4-1993 §1; Ord. 4-1999 §1)

Sec. 7-62. Definitions.

For the purposes of this Article, *recyclable* is glass, paper, aluminum and corrugated cardboard, and such other items determined to be recyclables by the Public Works Director. (Ord. 4-1993 §1; Ord. 1-1995 §3; Ord. 4-1999 §1)

Sec. 7-63. Who may collect recyclables.

All recyclables accumulated in the Town shall be collected, conveyed and disposed of only by the Town or a licensed business. (Ord. 4-1993 §1; Ord. 4-1999 §1)

Sec. 7-64. Residential collection practices.

The following shall apply to the collection of all residential recyclables:

- (1) Curbside collection. The areas of the Town which will utilize curbside collection of recyclables will be designated by the Public Works Director. The following shall apply to the collection of all curbside residential recyclables:

a. Collection location. Recyclables shall be placed for collection at ground level of the right-of-way designated by the Public Works Director and shall be readily accessible from the street from which collection is made. Town employees may not enter private property to collect residential recyclables.

b. Containers for recyclables. Containers for recyclables shall be obtained from the Town. All recyclables shall be sorted and shall be placed only in the appropriate container for each type of recyclable. Any recyclables which are in nonconforming containers or items which are not recyclables will not be collected by the Town.

c. Collection day. The Public Works Director shall designate a collection day for specific locations. Containers for recyclables shall not be placed in the public right-of-way except on designated collection days.

(2) Drop-off collection. The areas of the Town which will utilize drop-off collection will be designated by the Public Works Director. The following shall apply to the collection of residential recyclables at drop-off locations:

a. Deposit of recyclables. All recyclables shall be placed for collection in the appropriate container located at the drop-off collection location.

b. Sorting of recyclables. All recyclables shall be sorted and shall be placed only in the appropriate container for each type of recyclable. (Ord. 4-1993 §1; Ord. 1-1995 §3; Ord. 4-1999 §1)

Sec. 7-65. Commercial collection practices.

The following shall apply to the collection of all commercial recyclables:

(1) Obstruction removal. Access to the designated pickup location shall be maintained free of obstructions by the customer on the designated pickup days. The customer shall be responsible for the removal of all snow and ice in the vicinity of the collection location. In the event that reasonable access to the collection location cannot be attained by Town employees, service to the collection location will be discontinued until all obstructions have been removed.

(2) Collection day. The Public Works Director shall designate a collection day for specific commercial locations.

(3) Containers for recyclables. Containers for recyclables shall meet the requirements and specifications established by the Public Works Director. All recyclables shall be sorted and shall be placed only in the appropriate container for each type of recyclable. Any recyclables which are in nonconforming containers will not be collected by the Town. (Ord. 4-1993 §1; Ord. 1-1995 §3; Ord. 4-1999 §1)

Sec. 7-66. Rules and regulations.

The Public Works Director shall have the authority to adopt regulations concerning the collection of recyclables as the Public Works Director shall find necessary, and to change and modify the same after notice as required by law, provided that such regulations are not contrary to the provisions hereof. Any violation of any rule or regulation adopted by the Public Works Director shall be considered to be a violation of the provisions of this Code. (Ord. 4-1993 §1; Ord. 4-1999 §1)

Secs. 7-67—7-80. Reserved.

ARTICLE V

Animals

Sec. 7-81. Definitions.

The definitions and terms used in this Chapter, unless the context otherwise indicates, are herewith defined as follows:

Animal Control Officer means a person employed by the Town and under the direct supervision of the Chief of Police who enforces the provisions of this Article.

Cat means any domesticated animal of the feline species.

Certificate of vaccination means the certificate issued by a veterinarian licensed to practice veterinary medicine, who shall retain a duplicate copy for not less than twenty-four (24) months after issuance, which shall contain the following information:

- a. The name, address, license number and state of practice of the registered veterinarian;
- b. The name, current address and telephone number of the owner and of the premises at which the inoculated animal will be harbored;
- c. The type of vaccine used, the name of the manufacturer, the number identifying the vaccine used and the expiration date;
- d. The rabies inoculation date;
- e. The breed, age, color, sex and name of the inoculated animal; and
- f. Statement by the veterinarian whether or not the animal is neutered, spayed or sterilized at the time of issue of the certificate.

Dog means any domesticated animal of the canine species.

Harassing animal means any animal that:

- a. Chases, snaps at, bites or attacks an animal or person;
- b. Has demonstrated tendencies that would cause a reasonable person to believe that the animal may inflict injury upon any person or animal, whether or not the offending animal inflicts injury.

Kennel or *cattery* means any premises wherein any owner engages in the business of boarding, breeding more than two (2) litters per calendar year, buying, letting for hire, training for a fee or selling dogs or cats.

Owner or *owns* means any person owning, possessing, harboring, keeping, having financial or property interest in, or having control or custody of an animal, for a period of not less than five (5) days, consecutively or cumulatively.

Vicious animal means any animal that:

- a. Has inflicted bodily or serious bodily injury upon or has caused the death of a person or domestic animal;
- b. Has demonstrated tendencies that would cause a reasonable person to believe that the animal may inflict injury upon or cause the death of any person or domestic animal; or
- c. Has engaged in or been trained for animal fighting as described and prohibited in Section 18-9-204, C.R.S. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-82. Animal litter prohibited.

Any owner of any animal shall promptly, and in a public place immediately, pick up, remove and dispose of in a sanitary fashion any and all animal litter attributable to such animal. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-83. Animal premises.

No owner shall keep or maintain any place where animals are kept, harbored or maintained, except in a clean condition, free from noxious odors. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-84. Animals prohibited on public property.

(a) It shall be unlawful for any person to permit any animal to enter upon or remain in the immediate vicinity of any swimming pool open to the public.

(b) The Chief of Police may from time to time designate certain areas where animals will not be permitted, to maintain the public health, safety and welfare. Appropriate signs must be conspicuously posted in order for such designation to be valid. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-85. Cruelty to animals prohibited.

(a) No owner or person shall poison any animal, or distribute poison in any manner whatsoever with the intent and purpose of poisoning any animals.

(b) An owner or person commits cruelty to animals if he or she knowingly or with criminal negligence overdrives, overloads, overworks, tortures, torments, deprives of necessary sustenance, unnecessarily or cruelly beats, needlessly mutilates, needlessly kills, carries or confines in or upon any vehicles in a cruel or reckless

manner, or otherwise mistreats or neglects any animal, or causes or procures it to be done, or, having the charge or custody of any animal, fails to provide it with proper food, drink or protection from the weather, or abandons it.

(c) No owner or person shall confine any animal within a parked vehicle without adequate ventilation or water. The Animal Control Officer may remove the animal from the vehicle if the Animal Control Officer reasonably determines that probable cause exists that the animal is subject to a hazard to its health. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-86. Leghold traps.

It shall be unlawful to use, set or place any leghold, steel jaw or similar animal trap. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-87. Prohibited animals.

No owner shall keep, harbor or maintain any animal other than a dog, cat or horse, or an animal authorized by Chapter 16 or Chapter 16a of this Code, without the expressed approval of the Town Council. Exempt from this Section are the keeping of small, caged birds or aquatic and amphibian animals, and small animals kept solely as pets inside the premise of the owner. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-88. Unattended animals.

No owner shall tether an animal in a public place and then leave the same unattended. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-89. Harassment.

No owner of an animal shall permit the animal to harass any other person or animal. An animal shall be deemed harassing whether or not the offending animal inflicts injury. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-90. Vicious animals.

Vicious animals are prohibited. Upon issuance of a summons and complaint to the owner of a vicious animal, the vicious animal shall be impounded as a public nuisance pending final disposition of the charge. Upon conviction of the owner, and the exhaustion of any right the owner has to appeal, the court may order that the owner's vicious animal be destroyed by lethal injection administered by a licensed veterinarian. (Ord. 3-1992 §2; Ord. 4-1994 §1; Ord. 4-1999 §1)

Sec. 7-91. Animal bites.

(a) Reporting. Any person having knowledge of an animal who bites a person or other animal shall immediately report the incident to the Police Department or the Animal Control Officer.

(b) Quarantine of animals. Any animal which has bitten a person shall be quarantined and observed for a period of ten (10) days from the date of the bite, at the expense of the owner. The procedure and place of quarantine and observation shall be designated by the Animal Control Officer. The owner of any animal that has been reported as having inflicted a bite on any person shall, on demand, produce the animal for quarantine. Refusal to produce the animal for quarantine constitutes a violation of this Section, and each day of such refusal shall constitute a separate and distinct violation.

(c) Removal of animals from quarantine. No person shall remove from any place of isolation or quarantine any animal which has been isolated or quarantined, without the approval of the Animal Control Officer. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-92. Impoundment.

Animals shall be taken up and held in a suitable place provided therefor when found in violation of this Article. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-93. Disposition of impounded animals.

As soon as practical after impoundment, notice of impoundment shall be given to the owner thereof if known, and, if not known, reasonable notice shall be posted at the location designated by the Town for public notices, for a minimum of five (5) days. If such animal is not reclaimed within five (5) days, it shall be deemed abandoned and may be euthanized or disposed of by adoption. No dog or cat shall be released from impoundment without the owner having produced a certificate of vaccination and, in the case of a dog, a valid license. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-94. Impoundment fees.

There shall be charged and collected from each owner or person redeeming an impounded dog or cat the following fees and costs:

(1) Base impound fee for dogs, twenty-five dollars (\$25.00). For each day the dog is impounded, the impoundment fee shall be ten dollars (\$10.00) per day or any fraction thereof, in addition to the base fee.

(2) Base impound fee for cats, ten dollars (\$10.00). For each day the cat is impounded, the impoundment fee shall be five dollars (\$5.00) per day or any fraction thereof, in addition to the base fee.

(3) An owner will also be responsible for any additional charges incurred while the animal is impounded, including veterinarian services. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-95. Abandonment.

It shall be unlawful for any person to abandon any animal or cause or permit such abandonment within the Town. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-96. Relinquishment of ownership.

A Town resident may legally relinquish ownership of a dog, cat or domestic small animal by releasing the animal to the Animal Control Officer. The owner must provide proof of ownership, such as a veterinarian record or registration, in order to release the animal. The Animal Control Officer may elect to adopt out the animal or have the animal humanely euthanized immediately upon receipt of the animal. The owner shall pay a fee of fifty dollars (\$50.00) and any additional costs related to the relinquishment. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-97. Adoptions.

The Animal Control Officer may elect to present for adoption, for a fee determined by the Animal Control Officer, an animal that has been released to Animal Control by an owner, or an animal that has been impounded in the shelter for a minimum of five (5) days and whose owner cannot be located. All animals adopted out shall be spayed or neutered. The Animal Control Officer retains the right to screen all potential adopters and shall have the right to refuse adoption to anyone. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-98. Animals disturbing the peace and quiet.

No owner shall keep, harbor or maintain any animal which disturbs the quiet or safety of any person or neighborhood. No owner shall permit any animal, by loud and persistent or habitual barking, howling, meowing, squawking or emission of noise, to disturb or annoy any person or neighborhood; and the same is hereby declared

to be a public nuisance. (Ord. 3-1992 §2; Ord. 4-1994 §1; Ord. 4-1999 §1)

Sec. 7-99. Vaccination required for cats.

Every owner of a cat six (6) months of age and older must obtain a certificate of vaccination. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-100. Proof of vaccination for cats.

The owner of a cat shall produce a copy of a valid certificate of vaccination upon demand to the police or the Animal Control Officer. Failure to produce the certificate of vaccination shall be presumed that the cat is unvaccinated. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-101. Cats; mandatory confinement.

Any female cat in heat shall be securely confined in the owner's home or in a secure enclosure in such a manner that contact with other animals is prevented. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-102. Catteries prohibited.

Catteries are prohibited except in areas authorized by Chapter 16A of this Code. (Ord. 3-1992 §2; Ord. 4-1999 §1; Ord. 4-1998 §1)

Sec. 7-103. Frightening horses.

No person shall willfully do any act which is calculated or intended to frighten any horse which is being driven or ridden. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-104. Horses and livestock limited.

Horses and other livestock shall be kept, harbored or maintained only in areas authorized by Chapter 16 or Chapter 16a of this Code. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Secs. 7-105—7-120. Reserved.

Sec. 7-121. Dog collar or harness.

Every owner of a dog shall place upon the dog such a collar or harness made of durable material to which any required tags, such as rabies tags, and licensing tags for dogs, shall be attached. All dogs shall wear such a collar or harness at all times. Any dog found without the required tag is subject to immediate impoundment. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-122. Dog kennels prohibited.

Kennels are prohibited except in areas authorized by Chapter 16 or Chapter 16a of this Code. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-123. Dogs; mandatory confinement.

Any female dog in heat shall be securely confined in the owner's home or in a secure enclosure in such a manner that contact with other animals is prevented. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-124. Dogs; running at large prohibited.

It shall be unlawful for any owner, possessor or person who keeps a dog to permit the same to run at large within the Town. A dog shall be deemed to be running at large when it is off or away from the premise of the owner, possessor or keeper thereof or on any property accessible by the public and is not under the direct control of such owner, possessor or keeper by a leash no longer than ten (10) feet in length, or within a vehicle or other confinement. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-125. Dog license required.

It shall be unlawful for any owner to keep, harbor or maintain any dog six (6) months old or greater within the Town without obtaining a license therefor. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-126. Dogs; exemptions from license.

Licenses shall not be required if the owner resides less than fifteen (15) consecutive days in the Town and does not own real property in the Town, provided that a valid certificate of vaccination properly issued by the authorities in the regular place of residence of the owner, and a valid proof of licensing, exist for the dog. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-127. Dog vaccination required.

No dog shall be licensed without a valid certificate of vaccination. Every owner of a dog six (6) months of age and older shall have the dog vaccinated and obtain a certificate of vaccination. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-128. Dog license term.

The license shall be obtained by the owner once each year. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-129. Dog license fees.

Every person desiring to keep a dog within the Town shall make a license application therefor and pay the following fee:

Male dog	\$10.00
Female dog	10.00
Neutered dog	3.00
Replacement license	1.00

The above fees shall be waived for Seeing Eye dogs and/or Hearing dogs which are necessary and trained to assist the disabled, if certification or proof acceptable to the Animal Control Officer is provided. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-130. Dogs; change of location.

A change of location where the animal is harbored shall be registered with the Animal Control Officer within ten (10) days after such change. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-131. Dog license tag.

(a) The Animal Control Officer shall keep a record of the date of issuance and tag number of each license tag; the name, address and phone number of the owner; a name and description of the animal licensed and the date of its certificate of vaccination.

(b) No person shall transfer any license tag to any dog for which the tag has not been issued or remove the tag from any dog to which it is issued, except for emergencies, cleaning, health and safety reasons or renewal. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-132. Dogs; proof of license and vaccination.

The owner of a dog shall produce a copy of the valid license and valid certificate of vaccination upon demand to the police or the Animal Control Officer. Failure to produce the license or certificate of vaccination shall be presumed that the dog is unlicensed and unvaccinated. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-133. Interference with Animal Control Officer.

No person shall interfere with, molest, hinder or impede the Animal Control Officer in the discharge of his or her duties as herein prescribed, or to violate any of the provisions of this Article. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-134. Enforcement.

(a) The police or the Animal Control Officer shall have the power to issue summonses and

complaints for violations of this Article, as well as to issue warning notices to persons in violation of the provisions of this Article.

(b) The police or Animal Control Officer shall have the right to enter any premises in the Town at reasonable hours to enforce the provisions of this Article. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-135. Penalty assessment.

The following penalty assessments are declared to be mandatory and minimum:

Animal litter prohibited (Sec. 7-82)	
First offense within 1 year	\$25.00
Second offense within 1 year	Summons
Unattended animals (Sec. 7-88)	
First offense within 1 year	25.00
Second offense within 1 year	Summons
Harassment (Sec. 7-89)	
First offense within 1 year	50.00
Second offense within 1 year	Summons
Animal disturbing peace and quiet (Sec. 7-98)	
First offense within 1 year	25.00
Second offense within 1 year	50.00
Third offense within 1 year	Summons
Vaccination required for cat (Sec. 7-99)	15.00
Dogs running at large prohibited (Sec. 7-124)	
First offense within 1 year	
altered	20.00
unaltered	30.00
Second offense within 1 year	
altered	40.00
unaltered	60.00
Third offense within 1 year	
altered	60.00
unaltered	90.00
Fourth offense within 1 year	Summons
Dog license required (Sec. 7-125)	15.00
Dog vaccination required (Sec. 7-127)	15.00

(Ord. 3-1992 §2; Ord. 4-1999 §1)

Secs. 7-136—7-150. Reserved.

ARTICLE VI

Wildlife Protection

Sec. 7-151. Definitions.

The definitions and terms used in this Article, unless the context otherwise indicates, are herewith defined as follows:

Special event means a large, outdoor gathering such as a concert, conference, festival or rodeo.

Wildlife means any medium to large size nondomestic mammal indigenous to the Town including, but not limited to, black bear, mule deer, elk, raccoon, coyote, beaver, skunk, badger, bobcat, mountain lion, porcupine and fox.

Wildlife resistant Dumpster enclosure means a fully enclosed structure consisting of four (4) sides and a roof, with one (1) side accommodating a door. The sides of the structure must extend to the ground and the door cannot have more than a two-inch gap along the bottom. The door must have a latching device of sufficient design and strength to prevent access by wildlife. Ventilation openings shall be kept to a minimum and must be covered with a heavy gauge steel mesh or other material of sufficient strength to prevent access. Wildlife resistant Dumpster enclosures must be approved by the Chief of Police and the Public Works Director.

Wildlife resistant refuse container means a fully enclosed metal container with a metal lid. The lid must have a latching mechanism, which prevents access to the contents by wildlife. Wildlife resistant refuse containers must be approved by the Chief of Police and the Public Works Director. (Ord. 4-1999 §1)

Sec. 7-152. Wildlife resistant refuse containers or enclosures required.

Between the dates of April 15 and November 15, all refuse containers, regardless of size, that receive refuse edible by bears or other wildlife shall be either an approved wildlife resistant refuse container or a refuse container which is stored within a building, house, garage or approved wildlife resistant Dumpster enclosure. (Ord. 4-1999 §1)

Sec. 7-153. Maintenance and operation of wildlife resistant refuse containers and Dumpster enclosures.

(a) Wildlife resistant refuse containers and Dumpster enclosures must be kept closed and secure when refuse is not being deposited.

(b) If a container or enclosure is damaged, allowing access by bears or other wildlife, repairs must be made within twenty-four (24) hours after written notification by the Police Department. (Ord. 4-1999 §1)

Sec. 7-154. Residential refuse disposal.

(a) All containers that receive refuse edible by bears or other wildlife must be secured inside the home or garage. Residents unable to keep their refuse container inside the home or garage shall store their refuse in a wildlife resistant refuse container or enclosure approved by the Police Department.

(b) Residents with curbside pickup shall place their refuse containers at the curb only on the day of pickup. After pickup, the containers must be re-secured inside the home, garage or wildlife resistant Dumpster enclosure by 6:00 p.m. (Ord. 4-1999 §1)

Sec. 7-155. Special event refuse disposal.

Outdoor special event sites shall be kept free from the accumulation of refuse edible by wildlife. Refuse must be collected from the grounds at the close of each day's activities and shall be deposited in wildlife resistant containers or enclosures, or be removed to an appropriate disposal site. (Ord. 4-1999 §1)

Sec. 7-156. Construction site refuse disposal.

All construction sites must have a designated container that receives refuse edible by bears and other wildlife. This container shall be either a wildlife resistant refuse container, or a container that is emptied at the end of each workday and then securely stored inside a trailer or building. (Ord. 4-1999 §1)

Sec. 7-157. Feeding of wildlife.

(a) No person shall knowingly leave or store any refuse, food product, pet food, grain or salt in a manner which would constitute a lure, attraction or enticement of wildlife.

(b) Birdfeeders are allowed; however, between the dates of April 15 and November 15, all feeders must be suspended on a cable or other device so that they are inaccessible to bears, and the area below the feeders must be kept free from the accumulation of seed debris. (Ord. 4-1999 §1)

Sec. 7-158. Interference with Animal Control Officer.

No person shall interfere with, molest, hinder or impede the Animal Control Officer in the discharge of his or her duties as herein prescribed, or to violate any of the provisions of this Article. (Ord. 3-1992 §2; Ord. 4-1999 §1)

Sec. 7-159. Enforcement.

(a) Police or Animal Control Officers shall have the power to issue summonses and complaints for violations of this Article, as well as to issue warning notices to persons in violation of the provisions of this Article.

(b) Police or Animal Control Officers shall have the right to enter any premises in the Town at reasonable hours to enforce the provisions of this Article. (Ord. 4-1999 §1)

Sec. 7-160. Compliance required and time period.

Any Dumpster enclosure or refuse container shall be brought into conformity with the wildlife protection provisions of this Article within a period not to exceed sixty (60) days from the effective date of the ordinance codified herein. Upon application to the Chief of Police, and showing a hardship by any owner of a Dumpster enclosure or refuse container required to comply with this Article, the Chief of Police may grant an extension, for a reasonable period of time, within which to comply with the provisions of this Article. (Ord. 4-1999 §1)

Sec. 7-161. Penalty assessment.

The following penalty assessments are declared to be mandatory and minimum:

Wildlife resistant refuse container (Sec. 7-152)	
First offense within 1 year	\$ 50.00
Second offense within 1 year	250.00
Third offense within 1 year	Summons
Maintenance of wildlife resistant refuse containers and wildlife resistant Dumpster enclosures (Sec. 7-153)	
First offense within 1 year	50.00
Second offense within 1 year	250.00
Third offense within 1 year	Summons
Residential refuse disposal (Sec. 7-154)	
First offense within 1 year	50.00
Second offense within 1 year	250.00
Third offense within 1 year	Summons

Special event refuse disposal (Sec. 7-155)	
First offense within 1 year	250.00
Second offense within 1 year	500.00
Third offense within 1 year	Summons
Construction site refuse disposal (Sec. 7-156)	
First offense within 1 year	250.00
Second offense within 1 year	500.00
Third offense within 1 year	Summons
Feeding of wildlife (Sec. 7-157)	
First offense within 1 year	50.00
Second offense within 1 year	250.00
Third offense within 1 year	Summons

(Ord. 4-1999 §1)

Secs. 7-162—7-180. Reserved.

