

CHAPTER 7 Health, Sanitation and Animals

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**CHAPTER 7 Health, Sanitation and Animals**

***ARTICLE I Administration and Abatement of Nuisances***

**Sec. 7-1-10. Definitions.**

As used in this Chapter, the following terms shall have the meanings indicated:

*Brush* means voluntary growth of bushes and such as are growing out of place at the location where growing, and shall include all cuttings from trees and bushes; and also high and rank shrubbery growth which may conceal filthy deposits.

*Inoperable vehicle* means any automobile, truck, tractor, motorcycle or self-propelled vehicle which is in a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the functions or purpose for which it was originally constructed. The existence of any of the following conditions shall raise the presumption that a vehicle is inoperable:

- a. Absence of an effective registration plate upon such vehicle.
- b. Placement of the vehicle or parts thereof upon jacks, blocks, chains or other supports.
- c. Absence of one (1) or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets and highways.

*Litter* means the scattering or dropping of rubbish, trash or other matter, organic or mineral.

*Noise* means the use of music, noisemakers or loudspeakers on the streets of the Town for the sale or vending of products, advertising or other commercial purposes.

*Nuisance* means any substance, act, occupation, condition or use of property declared a nuisance by this Chapter, declared a nuisance by the State or by any court or agency thereof, known as a nuisance at common law or which is of such nature and duration as to:

- a. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- b. In any way render the public insecure in life or in the use of property;
- c. Substantially interfere with, obstruct or tend to obstruct or render dangerous or impossible for passage any street, alley, highway or easement as shown on plats of subdivisions in the Town.

*Offensive odor* means an odor which is offensive to a person of ordinary sensibility and shall include, but not be limited to, the odor caused by the growing, cultivation or processing of marijuana on or within premises not equipped with a proper ventilation system that filters out the odor of the marijuana.

*Refuse* means and includes any grass clippings, leaves, hay, straw, manure, shavings, excelsior, paper, ashes, rubbish containers, boxes, glass, cans, bottles, garbage, waste and discarded building and construction materials, including but not limited to plaster, broken concrete, bricks, cinder blocks, stones, wood, roofing material, wire or metal binding, sacks or loose discarded or unused material; all rubbish of any kind or nature whatsoever; and any other materials commonly known as rubbish or refuse of any kind or character or by any means known.

*Rubbish* means any type of debris, trash, waste or rejected matter.

*Trash* means any worn out, broken up or used refuse, rubbish, toppings, twigs, leaves of trees or worthless matter or material.

*Wood debris accumulation* means any accumulation of slash, diseased, infested, downed and/or dead trees or other natural wood debris.

### **Sec. 7-1-20. Common law nuisances.**

Every term defined in Section 7-1-10 above is declared to be a nuisance. It is a violation of this Chapter to cause or permit a nuisance as so defined.

### **Sec. 7-1-30. Reserved.**

### **Sec. 7-1-40. Prohibition of nuisances.**

- (a) No person being the owner, agent or occupant or having under his or her control any building, lot, premises or unimproved real estate within the limits of the Town shall maintain or allow any nuisance to be or remain therein.
- (b) Any act, condition, substance, occupation or use of property which substantially meets the criteria of a *nuisance* as defined in Section 7-1-10 above may be so declared by the Board of Trustees, and nothing in Article II of this Chapter shall be construed to limit the power of the Town to make such declaration.

(Prior code 3-2-3)

### **Sec. 7-1-50. Ascertaining nuisances.**

Whenever the pursuit of any trade, business or manufacture or the maintenance of any substance or condition of things shall, upon investigation, be considered by the Town to be dangerous to the health of any of the inhabitants of the Town, the same shall be considered a nuisance and shall be abated.

### **Sec. 7-1-60. Constitution of separate offense.**

In the case of any nuisance in or upon any street, alley or other public or private grounds, the author thereof shall be guilty of a separate offense for every period of forty-eight (48) hours' continuance thereof after notice has been given to abate the same.

### **Sec. 7-1-70. Filing complaint.**

In addition to or in lieu of any procedure for abatement, a direct complaint may be filed by any person or police officer against any person who violates any provision of this Chapter.

**Sec. 7-1-80. Abatement of nuisance.**

Each and every nuisance declared or defined by this code shall be abated as follows:

- (1) Summary abatement. Any nuisance existing on public property shall be summarily abated by whatever means are necessary and appropriate. Any nuisance on private property determined to create imminent danger to the public health or safety shall be summarily abated by whatever means are necessary and appropriate.
- (2) Notice of abatement. In the case of any nuisance not requiring summary abatement, the Town Clerk may cause notice to be served upon the person or legal entity on whose property the nuisance exists, requiring such person or entity to abate the same in such reasonable time and in such reasonable manner as prescribed in the notice. 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. Such notice shall be in writing and signed by an official of the Town and shall be personally served on the owner or occupant of the premises upon which the nuisance exists or, if the premises are unoccupied, then by posting the same prominently at some place on the premises. If service is by posting, a copy of the notice shall be mailed by regular mail to the owner of the premises as shown on the tax rolls of the County at the address of such owner as shown therein.
- (3) Failure to voluntarily abate. If, after notification, a nuisance is not voluntarily abated, the following alternative procedures shall apply:
  - a. The Town may proceed to abate the nuisance, employing such forces and persons as may be necessary, by contract or otherwise.
  - b. The Town Attorney may institute proceedings in the district court for the County to obtain a judicial determination that such nuisance exists, to abate such nuisance, to enjoin the same and for such other relief as may be necessary, including but not limited to the costs and expenses of abatement. Upon a judicial determination that a nuisance exists, the Town may proceed to abate the nuisance, employing such forces and persons as may be necessary, by contract or otherwise.
  - c. The Town may cause prosecution of the person or legal entity responsible for the nuisance in the Municipal Court; provided that compliance with the notice procedure contained in this Chapter shall not be a condition thereof.

**Sec. 7-1-90. Right of entry.**

The Chief of Police or any other authorized person may enter upon or into any lot, house or other building or premises, with the proper respect for the occupant's constitutional rights, to examine the same and to ascertain whether any such nuisance exists, and shall be free from any action or liability on account thereof.

**Sec. 7-1-100. Liability for abatement costs.**

The person responsible for any nuisance within the Town shall be liable for and pay and bear all costs and expenses of the abatement of said nuisance, which costs and expenses may be collected by the Town in any action at law, referred for collection by the Town Attorney in his or her discretion, or collected in connection with an action to abate a nuisance, or assessed against the property as hereinafter provided.

**Sec. 7-1-110. Abatement costs a lien.**

If, after the expiration of the period of time provided for in said notice, or as extended, costs or expenses are incurred by or on behalf of the Town in the abatement or in connection with the abatement of the nuisance, and

said costs are not otherwise collected, then the Town Clerk shall cause a notice to be mailed to the owner of the premises as shown by the tax roll of the County, at the address shown upon the tax roll, by first-class mail, postage prepaid, notifying such owner that work has been performed pursuant to this Article, stating the date of performance of the work and the nature of the work and demanding payment of the costs thereof, together with a five-percent assessment for inspection and other incidental costs in connection therewith. Such notice shall state that, if said amount is not paid within thirty (30) days after mailing the notice, it shall become an assessment on and a lien against the property of said owner, describing the same, and will be certified as an assessment against the property, together with the ten-percent assessment for costs of collection, and the above-mentioned assessment will be collected in the same manner as a real estate tax upon the property.

**Sec. 7-1-120. Collection of costs.**

- (a) If after the expiration of the period of time provided for in said notice, or as extended, costs or expenses are incurred by or on behalf of the Town in the abatement or in connection with the abatement of the nuisance, and said costs are not otherwise collected, then the Town Treasurer may thereafter certify to the Town Clerk the legal description of the property upon which such work was done, together with the name of the owner thereof as shown by the tax rolls of the County, together with a statement of the work performed, the date of performance and the costs thereof.
- (b) Upon receipt of such a statement from the Town Treasurer, the Town Clerk shall mail a notice to the owner of said premises as shown by said tax roll, at the address shown upon the tax roll, by first class mail, postage prepaid, notifying such owner that work has been performed pursuant to this Chapter, stating the date of performance of the work and the nature of the work and demanding payment of the costs thereof (as certified by the Director of Finance), together with a five-percent assessment for inspection and other incidental costs in connection therewith. Such notice shall state that if said amount is not paid within thirty (30) days after mailing the notice, it shall become an assessment on and a lien against the property of said owner, describing the same, and will be certified as an assessment against such property, together with the ten-percent assessment for costs of collection, and the above-mentioned assessment will be collected in the same manner as a real estate tax upon the property.

(Prior code 3-2-5C)

**Sec. 7-1-130. Costs assessed.**

- (a) If the Town Clerk does not receive payment within the period of thirty (30) days following the mailing of such notice, the Town Clerk shall inform the Board of Trustees of such fact, and the Board of Trustees shall thereupon enact an ordinance assessing the whole cost of such work, including a charge of five percent (5%) of said whole cost for inspection and other incidental costs in connection therewith upon the lots and tracts of land upon which the nuisance was abated, and together with a charge of ten percent (10%) of said whole costs for costs of collection.
- (b) Following the passage of such ordinance, the Town Clerk shall notify the County Treasurer, who shall collect the assessment, including the ten-percent charge for costs of collection, in the same manner as other taxes collected.
- (c) Each such assessment shall be a lien against each lot or tract of land until paid and shall have priority over other liens except general taxes and prior special assessments.
  - (1) 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 Chapter in the Municipal Court, shall not preclude or prevent the taking of other action hereunder to abate or enjoin any nuisance found to exist.

- (2) 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 Chapter shall serve as and constitute a concurrent remedy over and above any charge or conviction of any municipal offense or any other provision of law. Any application of this Chapter 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 3-2-5D)

**Sec. 7-1-140. Violations and penalties.**

Any person convicted of a violation of any provision of this Chapter shall be punished in accordance with Section 1-4-20 of this Code. In any prosecution for a violation of this Code in which notice has been given in compliance with the notice procedure of this Chapter, every day on which the violation continues after the giving of notice shall be deemed a separate offense.

***ARTICLE II Water Quality Control Regulations***

**Sec. 7-2-10. Silt fencing required.**

All topsoil or earthen materials (such as earth, rock, topsoil and mulch) storage sites shall be surrounded by silt fencing until the storage site is depleted or removed. Any storage site intended to remain for a period of three (3) months or greater shall be seeded as soon as it can be prepared and completed as soon as possible to ensure rapid plant growth.

**Sec. 7-2-20. Discharge of concrete wash water.**

Before any concrete wash water is discharged upon any site within the Town, a concrete containment plan must first be submitted providing for acceptance, storage and removal of the concrete contaminants. Such sites shall be included within the construction plan and specifically designed as to location and area. Any such site shall not be located closer than fifty (50) feet from any waterway, stream, ditch (wet or dry), storm sewer, wetland area, water well, lake or pond. Each concrete truck driver and pumper shall be informed of this location; and all the requirements of the State for a concrete washout storage structure shall be met for containment and disposal, as defined within Section 107.25, Water Quality Control, Colorado Department of Transportation 2005 Standard Specifications for Road and Bridge Construction. Any application for a washout storage structure shall include an approval of its design by a certified Colorado Erosion Control Supervisor. Solvents, flocculants and acids shall not be added to any wash water.

**Sec. 7-2-30. Spill prevention and containment measures.**

Spill prevention and containment measures shall be undertaken upon all construction sites within the Town. Vehicle cleaning, washing or other than daily maintenance shall be performed at off-site areas not in the Town. Lubrication in the form of changing oils and filters or greasing and lubrication may be performed on site, but the use of drums or other impervious materials shall be used for contaminants (such as filters, grease cartridges and used oil containers). A specific location within any construction site shall be designated and maintained for such daily activities, which areas shall be kept clean of any spilled contaminants. Frequent checks for oil leaks on equipment shall be performed, and the use of drip pans, plastic pools or other impervious containers shall be used under any equipment while parked and until repairs to leaks can be made. If there are leaks, absorbent materials shall be used to clean the areas, and contaminants shall be contained in impervious containers and removed from the site. A plan for removal of contaminated soils shall be presented to the Town Building Official included within the construction permit application.

**Sec. 7-2-40. Storage of pollutants.**

The storage of chemicals, oils, greases, fertilizers or other pollutants within fifty (50) feet of any waterway, wetland, water well, lake or any drainage ditch (wet or dry) that could carry such pollutants into a stream, wetland, lake or other waterway is a violation of this Article.

**Sec. 7-2-50. Discharge of pollutants.**

The discharge of chemicals, oils, greases, fertilizers or other pollutants from any residential site or motor vehicle within the Town is a violation of this Article. Immediate remedial actions shall be taken so as to prevent any materials from entering into any stream, wetland, lake, pond, storm sewer, ditch (wet or dry), water well or other waterway. The Town Building Official has the full authority to inspect and ensure that immediate corrective measures are taken by the occupant or owner of any such site or motor vehicle within the Town if, in his or her opinion, such conditions are occurring.

**Sec. 7-2-60. Protection of wetlands.**

The use of areas that are or can be designated as wetlands for travel or for the storage of equipment, materials or any other supplies is a violation of this Article. Such wetland areas shall be kept in a totally undisturbed condition, free from any construction activity. The prohibition of this Section shall not apply only when an approved permit has been issued by the United States Army Corps of Engineers (CE) over such areas. If an approved permit has been issued to a property owner, a copy shall be given to both the Planning and Zoning Commission and the Building Official at least thirty (30) days prior to the start of any construction or disturbance in that wetland area. Even in that case, the Town Building Official and the Planning and Zoning Commission shall have the right to review such CE permit and may impose additional conditions upon such permit to ensure that all waterways, streams, lakes, ponds and wetlands within the Town are properly protected.

**Sec. 7-2-70. Discharge of water from construction sites.**

The discharge of water from any construction site directly into any state waterways, including streams, wetlands, lakes, ponds, drainage ditches (wet or dry), water wells or storm sewers, is a violation of this Article. Dewatering of any construction site shall include use of impervious basins or containers for dissipation by infiltration or evaporation, which shall be hauled away from the construction site and disposed of in accordance with applicable laws and regulations or land applied to approved non-wetland areas and allowed to soak into the soil. A written concurrence or permit from the Colorado Department of Public Health and Environment is required for this type of water dissipation. A copy of such permit shall be provided to the Town Building Official at least fourteen (14) days prior to discharge of any such construction site water.

**Sec. 7-2-80. Off-site tracking.**

Off-site tracking of earth, mud, stone, dirt or other contaminants from new and existing home sites is a violation of this Article. If, in the opinion of the Town Building Official, off-site tracking is occurring which could cause sediment runoff into any waterway, wetland, lake, water well, pond or stream, or if it creates an unsafe vehicle traffic situation, the Town Building Official is required to stop all activity on the site until the conditions are corrected and maintained so as to prevent off-site tracking.

**Sec. 7-2-90. Disturbance of area one acre or more.**

Any disturbance of a site consisting of one (1) or more acres is a violation of this Article, unless the owner first acquires a Colorado Department of Public Health and Environment construction permit. A copy of that permit shall be given to the Town Building Official at least thirty (30) days prior to the start of any construction activity on the site. In calculating the area of the disturbance, there shall be included without limitation: roads; any building



excavations; disturbance due to septic or sewage excavations for pits or pipelines; parking areas; storage areas for materials, including earth or rock; all other utility installations; and surface disturbances due to landscaping, tree removals and access roads.

### ***ARTICLE III Reserved***

### ***ARTICLE IV Weeds and Brush***

#### **Sec. 7-4-10. Local Noxious Weed Management Advisory Board.**

The Board of Trustees shall appoint a Local Noxious Weed Management Advisory Board of at least one (1) and up to five (5) members, which members shall be residents of the Town and may also be members of the Town Board of Trustees. Such Local Noxious Weed Management Advisory Board shall have the duties and responsibilities as provided by Section 35-5.5-107, C.R.S., as may be amended from time to time.

(Ord. No. 2020-04, § 1, 2-18-2020)

Editor's note(s)—Ord. No. 2020-04, § 1, adopted February 18, 2020, in effect repealed § 7-4-10 and enacted a new section, as set out herein. The former section pertained to the designation of the undesirable plant management advisory commission and derived from Ord. 06-01 § 1, adopted 2006.

*Editor's Note: Section 35-5.5-101, C.R.S., establishes the requirements for undesirable plant management in the State.*

#### **Sec. 7-4-20. Declaration of nuisance.**

Any weeds or brush found growing in any lot or tract of land in the Town are hereby declared to be a nuisance, and it is unlawful to permit any such weeds or brush to grow or remain in any such place.

#### **Sec. 7-4-30. Duty of property owner to cut.**

It shall be the duty of each and every person owning, occupying or possessing any lots, tracts or parcels of land within the Town to cut to the ground all weeds and brush when said weeds and brush grow to a height of twelve (12) inches or more.

#### **Sec. 7-4-40. Removal from Town.**

All weeds and brush cut in accordance with Section 7-4-30 hereof shall, immediately upon being cut, be removed from the Town or otherwise entirely destroyed by the owner of the lot upon which the weeds and brush have been cut.

### ***ARTICLE V Trees***

#### ***Division 1 General Provisions***

#### **Sec. 7-5-10. Prohibited trees.**

- (a) It is unlawful and deemed a nuisance to sell or import into the Town or plant or cause to be planted within the Town limits any female box-elder tree (*Acer negundo*), female cottonwood trees (*Populus spices*), Siberian elm (*Ulmus pumila*) or other undesirable plants as designated by ordinance upon any property

within the Town, and the planting or setting out of these certain plants is declared to be a menace to public health, safety and welfare and a public nuisance.

- (b) The owner of any property within the Town, upon which any tree listed in Subsection (a) above has been planted after the effective date of the ordinance codified herein, shall cut and remove such tree from his or her property after being given two (2) days' written notice to do so by the Town.
- (c) In case of the failure of any owner of such property to cut and remove such tree as required in Subsection (b) above, the Town shall cut and remove such tree.

(Ord. 06-01 §1, 2006)

**Sec. 7-5-20. Trees and limbs in public right-of-way.**

It shall be the duty of the owner of any property adjacent to the public right-of-way to remove any trees or limbs located in or above the public right-of-way when such trees or limbs constitute a danger to public safety. Such trees and limbs shall constitute a nuisance. For the purposes of this Section, a danger to public safety shall include all trees and limbs which hinder visibility or which may otherwise affect public health, safety and welfare, and trees and limbs which present a structural defect which may cause the tree or limb to fall on a person or on property of value.

**Sec. 7-5-30. Control of trees and shrubs.**

- (a) Trees, shrubs and other vegetation which are dead, broken, diseased or infested by insects so as to endanger the well-being of other trees, shrubs or vegetation or constitute a potential threat or hazard to people or property within the Town are hereby declared a nuisance.
- (b) The Town may give written notice to the owner or occupant of any property abutting Town rights-of-way or other public property to abate any condition deemed unsafe caused by trees and other vegetation overhanging or projecting from such abutting property and onto or over such rights-of-way or other public property with such unsafe condition. The Town may correct any such unsafe condition immediately upon the expiration of the notice period specified in the notice of abatement.

(Ord. 06-01 §1, 2006; Ord. 09-05 §§1, 2, 2009)

*Division 2 Forest Management*

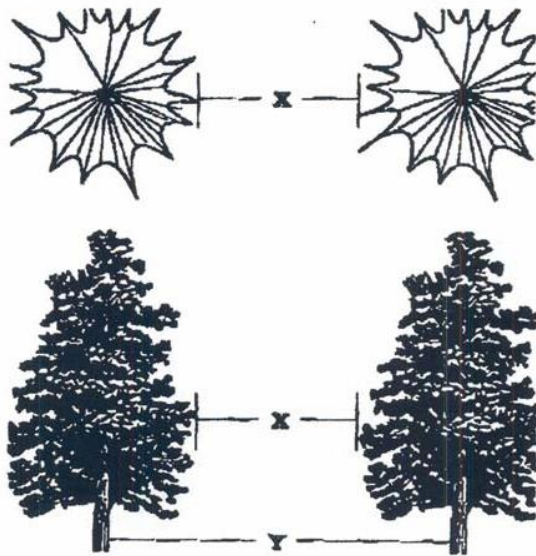
**Sec. 7-5-110. Purpose.**

The purpose of this Division is to preserve the rural mountain character of the Town by minimizing the removal of live trees while protecting the life and property of the residents of the Town by establishing minimum wildfire mitigation standards. The provisions hereof are intended to aid in the prevention and suppression of fires and to lessen the hazards to structures from wildfires as well as the hazards to wildland from structure fires.

**Sec. 7-5-120. Definitions.**

As used in this Article, the following words or phrases shall have the meanings ascribed below:

*Tree crown* means the needle- or leaf-bearing part of a tree. The crown edge is the tree's drip edge.  
(See Figure 7-1 below.)



**Figure 7-1**

Note: X = crown spacing, Y = stem spacing. Do not measure between stems for crown; measure between the edges of tree crowns.

*Zones 1, 2 and 3, defensible space*, means a designated area surrounding a building or buildings, subject to approved fuel modification measures, intended to reduce fire spread potential between the structure and wildland. *Zone 1* is the area extending thirty (30) feet from the outside combustible plane of a structure, including decks, porches and other attached components of the structure. *Zone 2* is a transition area between Zone 1 and Zone 3. The size of Zone 2 depends on the slope of the ground where the structure is built (see Figure 7-2). Zone 2 typically extends seventy-five (75) feet to one hundred twenty-five (125) feet from the structure. Figure 7-3 details the recommended dimensions based on uphill and downhill slope. Trees in Zone 2 should be thinned to appropriate spacing as calculated from the table in Figure 7-4. Tree branches should be pruned to a height of one (1) foot but no more than one-third ( $\frac{1}{3}$ ) the height of the tree. *Zone 3* is the balance of the property area which extends from the edge of the Zone 2 defensible space to the property boundaries. Copies of Figures 7-2 and 7-3 are available in the Town Clerk's office.

**Figure 7-4**

(Prior code 3-9-2; Ord. 08-02 §1, 2008)

### **Sec. 7-5-130. Tree removal prohibited.**

Trees shall not be removed within the Town except as follows:

- (1) Land occupancy. Actual land occupied for buildings, plus a space adjacent to the perimeter thereof, comprised of three (3) zones. Zone 1 is the area extending thirty (30) feet from the outside combustible plane of a structure, including decks, porches and other attached components of the structure. Zone 2 is the area extending from the outside perimeter of Zone 1 for a distance calculated using the scale in Figure 7-3. Zone 3 is the balance of the property area extending from the edge of Zone 2 to the property boundaries. Trees may be thinned to a spacing as calculated from the table in Figure 7-4. Removal of trees from Zone 1, Zone 2 or Zone 3 is permitted only pursuant to the

determination by the Board of Trustees or its designated representative that such removal is consistent with the policy of this Article and the issuance of a permit.

- (2) Residential lots and off-street parking. On residential lots, trees may be removed, pursuant to the determination by the Board of Trustees or its designated representative that such removal is consistent with the policy of this Article and the issuance of a permit, for one (1) entrance driveway. The total width of the area from which trees can be removed for a driveway, including any snow storage area, shall not exceed thirty (30) feet, and an off-street parking area not more than one-third ( $\frac{1}{3}$ ) the size of the total floor area of the principal building on each lot.
- (3) Recreational areas. Trees may be removed to create a recreational area not to exceed ten percent (10%) of the total area of the lot pursuant to the determination by the Board of Trustees or its designated representative that such removal is consistent with the policy of this Article and the issuance of a permit.
- (4) Landscaping. If the owner of a lot provides evidence to the Board of Trustees or its designated representative of the necessity for removal of trees for reasons other than set forth hereinabove, including but not limited to landscaping, thinning and wildfire mitigation, trees may be removed for reasons approved by the Board of Trustees.
- (5) Other removal of trees. Diseased or dead trees, trees damaged by natural causes, trees designated for removal described in a forest management plan and trees which interfere with utility lines may be removed pursuant to the determination by the Board of Trustees or its designated representative that such removal is consistent with the policy of this Article and issuance of a permit.

#### **Sec. 7-5-140. New construction.**

Any building or other structure for which a certificate of occupancy was issued after the effective date of the ordinance codified herein shall conform with the requirements of Paragraph 7-5-130(1) above, including creation of a Zone 1, a Zone 2 and a Zone 3, except as modified by permit issued by the Board of Trustees or its designated representative. Any modifications shall be based upon the topography of the lot, its proximity to wildland, tree density, surrounding conditions and similar considerations.

#### **Sec. 7-5-150. Defensible space regulation.**

All slash and flammable debris shall be removed from Zone 1, except as otherwise allowed by permit issued by the Board of Trustees, except that firewood may be stored as follows: up to ten (10) cubic feet unregulated.

#### **Sec. 7-5-160. Defensible space regulation (new construction).**

Any building or other structure for which a certificate of occupancy was issued after the effective date of the ordinance codified herein shall be subject to the following additional regulations:

- (1) Within Zone 1, all trees and shrubs located within thirty (30) feet of a building or other structure shall be removed, except that a tree or shrub may remain within the aforesaid thirty (30) feet of space, provided that the defensible space distance is measured from the tree's drip edge rather than the building plane (so that the tree is considered a part of or an extension of the structure), and provided that the defensible space distance is not limited by a property line.
- (2) Within Zone 2 and Zone 3, trees and shrubs over five (5) feet tall shall have an average crown spacing from tree to tree as calculated using table in Figure 7-4. However, groupings of trees are allowed, provided that all of the crowns in each group of trees are at least ten (10) feet from any structure, and provided that the overall average tree spacing within the defensible space is no less than a distance calculated using the table in Figure 7-4, except that:

- a. Aspen, narrow leaf cottonwoods, willows and other shrubs listed in Colorado State University publication 6.305, "Firewise Plant Materials," may be closer than ten (10) feet from a structure if allowed by permit issued by the Board of Trustees or its designated representative; and
  - b. Closer spacing of any trees may be allowed by permit issued by the Board of Trustees or its designated representative upon determination that a ten-foot average spacing would put the remaining trees at undue risk of wind throw or snow breakage.
- (3) Trees remaining within Zone 2 and Zone 3 shall have their branches pruned to a height of fifteen (15) feet but not more than one-third ( $\frac{1}{3}$ ) of the tree's height, except:
- a. Aspen trees; and
  - b. Isolated spruce and fir trees that are at least ten (10) feet from any structure, measured from the tree's drip edge.

**Sec. 7-5-170. Permits and appeals.**

- (a) Any approval of the Board of Trustees or its designated representative required hereunder shall be limited to a definite term and shall be evidenced by a permit issued by the Town Clerk upon payment of a fee of twenty-five dollars (\$25.00). Application for a tree removal permit shall include:
- (1) A written statement describing the reason for and scope of the request;
  - (2) The location and ownership of the property; and
  - (3) A simple site map indicating the approximate location of the trees to be removed relative to the structures and the property lines.

Trees to be removed must be tagged with orange or red flagging tape. Upon inspection of the property and the tagged trees, a permit may be issued upon a determination by the Board of Trustees that the request is consistent with the policy of this Chapter.

- (b) In the event an application hereunder is denied by the designated representative of the Board of Trustees, an appeal of such denial to the Board of Trustees may be taken by delivery of a notice of appeal to the Town Clerk within ten (10) days of such denial. Any appeal shall be heard by the Board of Trustees de novo.

(Prior code 3-9-7)

**Sec. 7-5-180. Penalties for violation.**

It is unlawful for any person to remove trees or otherwise to maintain any lot within the Town in violation of the provisions of this Chapter. Any person found guilty of a violation shall be sentenced in accordance with the provisions of Section 1-4-20 of this Code. Each tree removed in violation of this Chapter shall be considered a separate offense. The Municipal Judge shall require as restitution that all trees illegally removed be replaced with trees of like size and variety. If the exact size and variety of trees for replacement are not available, the largest trees available with a total basal area which equals or exceeds the total basal area of the trees removed must be planted. All trees planted in replacement of illegally removed trees pursuant hereto must be maintained in good health for five (5) years (Prior code 3-9-8)

## **ARTICLE VI Animal Regulations**

### **Division 1 Animal Control and Licensing**

#### **Sec. 7-6-10. Short title.**

This Article shall be known and cited as the "Animal Control and Licensing Regulations." When citing the provisions of this Article in any summons, subpoena or summons and complaint, it shall be sufficient to make reference to Chapter 7, Article VI, Division 1 of this Municipal Code or "the Animal Control and Licensing Regulations." (Ord. 12-03 §1, 2012)

#### **Sec. 7-6-20. Animal control and licensing regulations adopted by reference.**

The following code, as hereinafter amended, is hereby adopted by reference: The Summit County Animal Control and Licensing Regulations of 2013, as adopted by Resolution No. 2013-57, adopted by the Board of County Commissioners on August 27, 2013, as from time to time amended.

(Ord. 12-03 §1, 2012; Ord. No. 2021-10, § 2, 11-30-2021)

Editor's note(s)—Ord. No. 2021-10, § 2, adopted November 30, 2021, amended § 7-6-20 and in so doing changed the title of said section from standard code adopted by reference to read as set out herein.

#### **Sec. 7-6-30. Amendments.**

Additions, deletions, amendments and changes to the Summit County Animal Control and Licensing Regulations of 2013, as adopted by reference pursuant to Section 7-6-20, are hereby adopted as follows:

- (1) Section 1, "Board of County Commissioners" is changed to "Board of Trustees."
- (2) Section 2, paragraph 2.3, the definition of "Animal Control" is amended to read as follows: "means the personnel and equipment of the Summit County Animal Control and Shelter Division of the Summit County Sheriff's Office assigned primarily to duties related to the enforcement of these Regulations. Regular officers of the Town of Blue River Police Department may perform any of the functions of Animal Control."
- (3) Section 2, paragraph 2.6, the definition of "Physical Control" is amended to read as follows: "means control of an Animal by means of a tether, or a leash, attached to the Animal and held by a responsible person; voice command control and within ten (10) feet of a responsible person; or, confinement within a locked vehicle or locked enclosure sufficient to prevent the Animal from escaping or making contact with other persons or Animals."
- (4) Section 3, the location of "Summit County" is changed to "Town of Blue River."
- (5) Section 4, in the first sentence, "Summit County" is changed to "Town of Blue River."
- (6) Section 5, in the first sentence, "Summit County" is changed to "Town of Blue River."
- (7) Section 6, is amended to read as follows:

*Failure to control a pet animal.* It shall be unlawful and considered a failure to Control a Pet Animal when:

- A Pet Animal is off the Owner's Premises without the presence of a person having Physical Control or Immediate Control as defined in these Regulations.
- A Pet Animal becomes a hazard or causes damage to any person or property;

- A Pet Animal is Tethered upon any public or private property without the permission of the person owning, leasing, or otherwise controlling the property in question;
- Any Pet Animal reaches past the perimeter of the Owner's Premises with its teeth or claws causing Bodily Injury or property damage to another being deemed a "vicious animal;"
- Any Pet Animal reaches past the perimeter of the Owner's Premises without the presence of a person having physical control or within ten (10) feet of a person having voice command shall be deemed "animal at large;"
- A Pet Animal is allowed to defecate on public or private property and the Owner or responsible person does not remove the waste in a timely manner;
- A female Pet Animal, during estrus, is not under Physical Control, confined indoors or confined within a Secure Animal Enclosure;
- Any Pet Animal is kept or left in circumstances which constitute Mistreatment, Abandonment or in any circumstance requiring Protective Custody; or
- Any Pet Animal is otherwise determined to be a Public Nuisance.

(8) Section 10.2, is amended to read as follows:

When an Animal has been designated by an Animal Control Officer as a Dangerous or a Potentially Dangerous Animal, the Owner has the right to request an administrative hearing to show cause as to why the animal should not be considered a Dangerous or Potentially Dangerous Animal. Such request must be made in writing within 30 days after the designation. The burden of proof shall be on the Owner to demonstrate that the behavior of the animal does not support the designation of Dangerous or Potentially Dangerous. The Board of Trustees or its designee shall preside at such hearing. Written requests must be made in writing and submitted by mail or personal delivery to: The Blue River Board of Trustees, Attn: Blue River Town Attorney, P.O. Box 1784, Breckenridge, CO 80424.

(9) Sections 15, 17, 18, 23, 28, and Schedule A are deleted.

(10) Section 29 is amended to read as follows: "All fines and forfeitures for violation of the Animal Control and Licensing Regulations shall be deposited in accordance with procedures as approved by the Town Treasurer, and all moneys collected by the County for licenses or other related costs shall be deposited in accordance with procedures as approved by the County Treasurer upon receipt."

(Ord. 12-03 §1, 2012; Ord. 13-05 §1, 2013; Ord. No. 17-02, § 1, 5-16-2017; Ord. No. 2021-10, § 2, 11-30-2021)

### **Sec. 7-6-40. Violations and penalties.**

Any person convicted of violating any of the provisions of the Animal Control and Licensing Regulations shall be punished by a fine as hereinafter provided; provided that each separate act in violation of the provisions of the Animal Control and Licensing Regulations, or each and every day or portion thereof during which any separate act in violation of this Article is committed, continued or permitted, shall be deemed a separate offense. The following fines shall apply to any such violation and shall be levied either through the penalty assessment procedure of C.M.C.R. Rule 210(b)(4), or by the Municipal Court after conviction, in which case the Municipal Court shall also assess the appropriate court costs:

(1) For all violations not involving a dangerous or potentially dangerous animal:

First offense	\$ 50.00
Second offense within 18 months	100.00

Subsequent offense within 18 months 200.00

(2) For all violations involving potentially dangerous animal violations:

First offense	\$150.00
Second offense within 18 months	300.00
Subsequent offense within 18 months	Mandatory court appearance and mandatory minimum fine of \$500.00

(3) For all violations involving a charge of habitual offender, failing to redeem for an animal, failure to pay fines or fees or threatening of livestock or wildlife:

Any offense	Mandatory court appearance and mandatory minimum fine upon conviction of \$300.00, plus associated costs and restitution
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(4) For all violations and subsequent conviction of failure to confine a dangerous animal:

Any offense	Mandatory court appearance and mandatory minimum fine upon conviction of \$500.00, plus associated costs and restitution
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The above-stated fines are minimum penalties, and all violations are subject to the general fine and imprisonment provisions of Section 1-4-20 of this Code.

### *Division 2 Wildlife Protection*

#### **Sec. 7-6-110. Definitions.**

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

*Wildlife* means any medium-to-large nondomestic mammal indigenous to the Town, including but not limited to black bears, mule deer, elk, raccoons, coyotes, beavers, skunks, badgers, bobcats, mountain lions, porcupines and foxes.



*Wildlife-resistant refuse container* means a fully enclosed metal or plastic container or dumpster with a metal or plastic 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.

**Sec. 7-6-120. Maintenance and operation of wildlife-resistant refuse containers.**

- (a) Wildlife-resistant refuse containers must be kept closed and secure when refuse is not being deposited.
- (b) If a container is damaged, allowing access by bears or other wildlife, repairs must be made within twenty-four (24) hours after written notification by the Chief of Police.

(Prior code 3-8-3; Ord. No. 19-01, §§ 2, 5, 6-18-2019)

**Sec. 7-6-130. Residential refuse disposal.**

- (a) Residents unable to keep their refuse container inside the home, garage, building or shed shall store their refuse in a wildlife-resistant refuse container or a refuse container enclosure approved by the Chief of Police. All containers that receive refuse edible by wildlife must be secured inside the home, garage, building or shed. Finally, any refuse container enclosure shall be attached to an existing structure, which structure must first be reviewed and approved by the Board of Trustees.
- (b) Residents, tenants, renters, lessors or occupiers of property within the Town with curbside pickup shall place their refuse containers at the curb only on the day of pickup. After pickup, the containers must be resecured inside the home, garage, building or shed by 6:00 p.m.

(Prior code 3-8-4; Ord. No. 19-01, §§ 2, 5, 6-18-2019)

**Sec. 7-6-140. Construction site refuse disposal.**

All construction sites must have a designated container that receives refuse edible by wildlife, in addition to a separate container for nonedible items only. The designated container containing edible items 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 other building, and kept inside such structures, except on the days of collection, when such containers may be placed outside for pickup.

**Sec. 7-6-150. 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.

(Prior code 3-8-6)

**Sec. 7-6-160. Interference with Animal Control Officer (Chief of Police).**

No person shall interfere with, molest, hinder or impede the Chief of Police in the discharge of his or her duties as herein prescribed, or to violate any of the provisions of this Chapter.

**Sec. 7-6-170. Enforcement.**

The Chief of Police shall have the power to issue summonses and complaints for violations of this Chapter, as well as to issue warning notices to persons in violation of the provisions of this Chapter.

**Sec. 7-6-180. Compliance required and time period.**

Any refuse container shall be brought into conformity with the wildlife protection provisions of this Chapter within a period not to exceed sixty (60) days from the effective date hereof. Upon application to the Chief of Police and showing a hardship by any owner of a refuse container required to comply with this Chapter, the Chief of Police may grant an extension, for a reasonable period of time, in which to comply with the provisions of this Chapter.

**Sec. 7-6-190. Penalty assessment.**

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

- (1) Maintenance of wildlife-resistant refuse containers (Section 7-6-120 of this Chapter):

First offense within one year \$ 50.00  
Second offense within one year 250.00  
Third offense within one year Summons

- (2) Residential refuse disposal (Section 7-6-130 of this Chapter):

First offense within one year \$ 50.00  
Second offense within one year 250.00  
Third offense within one year Summons

- (3) Construction site refuse disposal (Section 7-6-140 of this Chapter):

First offense within one year \$ 250.00  
Second offense within one year 500.00  
Third offense within one year Summons

- (4) Feeding of wildlife (Section 7-6-150 of this Chapter):

First offense within one year \$ 250.00  
Second offense within one year 500.00

year  
Third offense within one    Summons  
year

(Prior code 3-8-10)

## ***ARTICLE VII Open Burning<sup>1</sup>***

### **Sec. 7-7-10. Purpose.**

In view of the unique natural surroundings which exist in the Town and in view of the unusual fire danger that exists and threatens the destruction of these unique surroundings, the provisions contained in this Article are enacted to generally prohibit open burning and fires within the Town.

### **Sec. 7-7-20. Fires restricted.**

- (a) There shall be no fires started or maintained, either purposely or accidentally, anywhere within the Town, except as specifically permitted herein.
- (b) The following fires are permitted:
  - (1) Fires within any residence or building within a properly constructed indoor fireplace which meets all existing state, county or local safety requirements.
  - (2) Fires in outdoor grills and barbecue pits, fire bowls and chimineas which have been approved by state, county or local fire officials and which are constructed and designed to prevent fires and hot coals from escaping.

(Prior code 3-3-2; Ord. No. 15-11, § 1, 10-20-2015)

### **Sec. 7-7-30. Special permit requirements.**

- (a) Permit required. All fires not specifically permitted by Section 7-7-20 above are prohibited unless a special permit is obtained pursuant to the procedures outlined herein. It is unlawful to start or maintain, either purposely or accidentally, any fire, other than those permitted herein, without having received a special permit for the same.
- (b) Application for permit; approval or disapproval. An application or special fire permit shall be made in writing to the Red, White and Blue Fire Protection District, stating the location and purpose of such fire and a description of all safety and precautionary measures planned. Within ten (10) days from receipt of the application for special permit, the District shall give its written approval or disapproval of such application. A copy shall be on hand at Blue River Town Hall.

(Prior code 3-3-3; Ord. No. 15-09, § 1, 9-22-2015)

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<sup>1</sup> See also Subsection 11-3-40(d) of this Code.

**Sec. 7-7-40. Safety precautions.**

- (a) Any fires created within the Town, whether specifically permitted herein or created pursuant to a written special permit, shall be attended at all times, and adequate precautionary steps shall be taken to ensure that the fire can be immediately extinguished.
- (b) At a minimum, an adequate water supply or a properly functioning fire extinguisher shall be immediately available in such quantities as to assure that a fire can be immediately extinguished.
- (c) It is unlawful to leave a fire unattended, or to fail to take the safety precautions outlined herein, and both the party starting the fire and any person responsible for attending the fire are equally liable for a violation of this Chapter.

(Prior code 3-3-4)

**Sec. 7-7-50. Prohibited acts and conditions.**

- (a) Garbage and trash. There shall be no burning of garbage or trash of any kind within the Town.
- (b) Gasoline or kerosene containers. Other than properly installed propane tanks, all gasoline or kerosene containers or other similar combustibles are prohibited within the Town, except in approved containers.
- (c) Fireworks.
  - (1) Unless otherwise permitted as set forth below, the sale, use and possession of fireworks, including fireworks permitted by Section 12-28-101 et seq., C.R.S., is prohibited within the corporate limits of the Town.
  - (2) The Board of Trustees may allow the use of permitted fireworks within the corporate limits of the Town upon such terms and conditions as the Board of Trustees may determine, including but not limited to:
    - a. Limitations as to time;
    - b. Limitations as to location;
    - c. Provision of evidence of insurance and/or surety in an amount to be determined by the Board of Trustees on a case-by-case basis;
    - d. Payment of a permit fee in an amount to be determined by the Board of Trustees on a case-by-case basis;
    - e. Such other terms and conditions as the Board of Trustees may impose on a case-by-case basis.

(Prior code 3-3-5)

**Sec. 7-7-60. Presumptions.**

- (a) If any grass, brush or forest fire of any kind results from a violation of this Chapter, there shall be a presumption that the fire was unattended and in violation of this Chapter and that the owner of the property where the fire is determined to have originated shall be liable.
- (b) It shall be the obligation of the owner of real property within the Town to provide immediate notice to any tenants or other occupants of that real property of the existence of any emergency declared pursuant to Section 7-7-80 below or declared by any authorized official of the County or the State.

(Prior code 3-3-6; Ord. 12-06 §1, 2012)

**Sec. 7-7-70. Remedies.**

- (a) In addition to all other penalties provided herein, the Board of Trustees may require any individual who is believed to be violating this Chapter to immediately extinguish a fire and if the person so directed to extinguish a fire fails to do so, a representative of the Board of Trustees may do so immediately without further notice and by any available means.
- (b) In addition to all other penalties and remedies provided herein, the Board of Trustees may, upon inspection, declare and issue a notice that a fireplace, barbecue pit or outdoor grill is unsafe and may not be used for fires of any kind until the same has been made safe and approved by the Board of Trustees.

(Prior code 3-3-7)

**Sec. 7-7-80. Emergencies.**

The Board of Trustees or its authorized representative is hereby empowered to declare at any time that an emergency exists because of unusual weather or natural conditions which make burning of any kind a hazard. For reference, an emergency may be deemed to exist when there is a forest service manning class of four (4) or greater. The above reference is deemed to be a guideline for determining the existence of an emergency, but shall not be exclusive, and an emergency may be declared whether or not such a rating exists, so long as the Town or its representative has determined that unusual and extremely hazardous fire conditions exist. When such an emergency exists and is declared, no fires of any kind, except indoor fires, shall be permitted until the emergency condition is declared to be over.

**Sec. 7-7-90. Penalties.**

- (a) It is unlawful for any person to violate any of the provisions of this Chapter, and any person violating the provisions of the Chapter shall be guilty of a misdemeanor and, upon conviction, such person shall be punished by provided in this Section.
- (b) Additionally, any person found guilty of a violation of this Chapter under circumstances where the Town was required to extinguish the fire, the person found guilty of a violation of this Chapter shall be required to reimburse the Town and/or the appropriate fire district for all costs related to extinguishing such fire.
  - (1) For all violations involving violations of this section as it pertains to open burning:
    - First offense: \$500.00
    - Second offense within 30 days: \$1,000.00
    - Subsequent offense within 30 days: \$2,500.00

(Prior code 3-3-9; Ord. No. 18-02, § 1, 7-12-2018)

***ARTICLE VIII Exclusive Solid Waste Disposal Site***

**Sec. 7-8-10. Purpose.**

- (a) To promote the state and local solid waste management goals referenced as well as applicable solid waste laws, rules, regulations and policies;
- (b) Encourage more recycling of certain solid waste materials;
- (c) Protect the health, safety and welfare of the public by providing for the long term viability of the Summit County Resource Allocation Park (SCRAP);

- (d) Maintain and enhance the quality of the environment, conserve natural resources and prevent pollution by providing a comprehensive and effective program to regulate solid waste in Summit County; and
- (e) Protect the health, safety, welfare and well-being of the citizens and property owners within Blue River.

(Ord. No. 17-01, § 1, 4-11-2017)

### **Sec. 7-8-20. Authority**

- (a) Section 31-15-103, C.R.S. (concerning municipal police powers).
- (b) Section 31-15-401(1)(a), C.R.S. (concerning the power to pass and enforce all necessary police ordinances).
- (c) Section 31-15-401(1)(b), C.R.S. (concerning the promotion of health or suppression of disease).
- (d) Section 31-15-401(1)(c), C.R.S. (concerning the power to declare what is a nuisance and to abate the same).
- (e) Section 31-15-401(1)(d)(I), C.R.S. (concerning the power to compel removal of rubbish).
- (f) Section 31-15-501(1)(c), C.R.S. (concerning municipal regulation of business).
- (g) Section 30-20-107, C.R.S. (concerning the power to designate an exclusive waste disposal site and facility for the municipality).

(Ord. No. 17-01, § 1, 4-11-2017)

### **Sec. 7-8-30. Findings**

- (a) The Colorado General Assembly has declared that the proper disposal of solid waste is a matter of mixed statewide and local concern. "Optimal solid waste management...should include...local efforts...focused toward the reduction of the volume...of the waste stream...through source reduction, recycling, composting, and similar waste management strategies." The General Assembly also recognized that "improper disposal of solid wastes poses significant public health risks, environmental hazards, and long-term liability for the citizens of the state," Section 30-20-100.5, C.R.S.
- (b) The Town is empowered by Section 31-15-401(1)(d)(I), C.R.S., "to provide for and compel the removal of...rubbish of all kinds from lots and tracts of land within such municipalities...upon such notice, and in such manner as such municipalities prescribe by ordinance..."
- (c) The Town is empowered by Section 30-20-107, C.R.S. to designate and approve by ordinance a solid waste disposal site and facility as its exclusive solid waste disposal site and facility, and thereafter such site and facility shall be used for the disposal of discarded solid waste generated from within its jurisdiction.
- (d) The Town is authorized by Section 31-15-103, C.R.S., "to make and publish ordinances not inconsistent with the laws of this state, from time to time, for carrying into effect or discharging the powers and duties conferred by this title, which are necessary and proper to provide for the safety preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of such municipality and the inhabitants thereof not inconsistent with the laws of this state."
- (e) The Summit County Resource Allocation Park ("SCRAP") is the only licensed solid waste disposal facility located in Summit County and is operated by the County in conjunction with the County's recycling, composting, and other solid waste management programs and facilities on County-owned property within the Summit County Resource Allocation Park Planned Unit Development.
- (f) The Town has the legal authority to adopt ordinances regulating solid waste disposal, including the performance of solid waste hauling services in the Town.

- (g) Persons or companies in the business of hauling discarded solid waste, including recyclable materials, within the Town, through their collection and transportation activities, are able to supply the Town with information necessary for long-term solid waste management planning and therefore should be required to submit annual information about their hauling activities to the Town.
- (h) As required by Section 30-20-107, C.R.S., prior to adopting this Code, the Board of Trustees held a public hearing to review the disposal method to be used at the Summit County Resource Allocation Park (SCRAP). The Trustees find such disposal method to be reasonable and necessary and in the best interest of the public health, safety, and welfare.

(Ord. No. 17-01, § 1, 4-11-2017)

### **Sec. 7-8-40. Definitions.**

For the purpose of this Chapter, the following words, terms, and phrases have the following meanings:

*Recyclable materials.* Solid waste from any residential, commercial, or other source that is collected separately for the purpose of such material being re-processed into new or different products or packaging materials, provided that such material have been designated by the licensing authority as recyclable.

*Recycling.* The process of recovering useful materials from solid waste, including items for reuse.

*Solid waste.* All putrescible and non-putrescible solid wastes discarded from any source including recyclable materials. The term "solid waste" shall exclude liquid wastes, sewage, sewage sludge, septic tank or cesspool pumpings; sand, asphalt, concrete, gravel, rock, dirt or other segregated construction materials to be used or reused in any construction project; timber, wood chips or vegetative matter hauled from the property where it is cut; agricultural wastes, solid or dissolved materials in irrigation return flows; industrial discharges which are point sources subject to licenses under the provisions of the Colorado Water Quality Control Act; materials handled at facilities licensed pursuant to the provisions on radiation control in Article 11 of Title 25, C.R.S.; exploration and production waste as defined in Section 34-60-103(4.5), C.R.S., except as such wastes may be deposited at a commercial solid waste facility; excluded scrap metal that is being recycled; shredded circuit boards that are being recycled; discarded or abandoned vehicles or parts thereof; residential appliances; materials used as fertilizers or for other productive purposes; household hazardous wastes; and hazardous materials as defined in the rules and regulations adopted by the Hazardous Materials Transportation Act of 1987.

*Summit County Resource Allocation Park (SCRAP).* The solid waste disposal site and facility owned and operated by Summit County, Colorado government, located at 639 Landfill Road, Dillon, Colorado 80435. The County's solid waste drop off facility located at 284 Coyne Valley Road in the Town is part of the SCRAP, and the depositing of solid waste at Coyne Valley Road facility shall be treated as depositing such solid waste at the SCRAP.

*Transfer Station.* A facility at which refuse, awaiting transportation to disposal site, is transferred from one (1) type of containerized collection receptacle and placed into another or is processed for compaction. "Refuse" means all forms of solid waste, including garbage, rubbish, trash, recyclable materials, and similar material.

### **Sec. 7-8-50. License required; exemptions:**

- (a) No person shall operate as a solid waste hauler within the Town without a current solid waste hauler license issued by Summit County.
- (b) Each licensee shall offer recycling services to its customers.
- (c) The following are not required to obtain a solid waste hauler license:
  - (1) A demolition, construction, or landscaping contractor who produces and transports solid waste in the course of its performance of a project, where the waste produced is merely incidental to the particular

demolition or construction work being performed by such contractor. However, any such solid waste shall be disposed of at the Summit County Resource Allocation Park (SCRAP).

- (2) A civic, community, benevolent or charitable nonprofit organization that collects, transports, and markets solid waste for resource recovery solely for the purpose of raising funds of a charitable benevolent, or civic activity.
- (3) A property owner or agent thereof who transports solid waste left by a tenant upon such owner's property, so long as such property owner does not collect, transport, or dispose of solid waste for compensation for tenants on a regular or continuing basis. However, any such solid waste shall be disposed of at the Summit County Resource Allocation Park (SCRAP).
- (4) Furniture or appliance vendors and their delivery agents who deliver furniture or appliances sold by such vendor and dispose of the purchaser's used furniture or appliances being replaced by such purchase.
- (5) A person who transports his or her own solid waste, or who transports solid waste for another person without compensation. However, any such solid waste shall be disposed of at the Summit County Resource Allocation Park (SCRAP).
- (6) Haulers engaged solely in the transport of discarded materials that are expressly excluded from the definition of solid waste in Section 7-8-40.
- (7) Any other deliver or transportation of solid waste approved by the Board of Trustees.

(Ord. No. 17-01, § 1, 4-11-2017)

**Sec. 7-8-60. Designated disposal site.**

- (a) The Town designates the Summit County Resource Allocation Park (SCRAP) as the exclusive solid waste disposal site and facility for all solid waste generated within the Town.
- (b) All solid waste generated within the Town shall be disposed of only at the Summit County Resource Allocation Park (SCRAP); provided, however, that upon request the licensing authority may exempt from this requirement, with or without conditions, a solid waste hauler who primarily transports only one (1) category of recyclable material.

(Ord. No. 17-01, § 1, 4-11-2017)

**Sec. 7-8-70. Penalties; injunctive relief.**

It shall be unlawful and a misdemeanor offense for any person to:

- (1) Operate as a solid waste hauler anywhere within the Town without a valid solid waste hauler license, or to continue to do business during a period of suspension of such license or after such license is revoked.
- (2) Dispose of any solid waste generated within the Town at any location other than the designated disposal site as required by Section 7-8-60.
- (3) Any person convicted of having violated an offense described in this Section shall be punished in accordance with the provisions of Section 1-4-20 of this Code.



**Sec. 7-8-80. No town liability.**

The adoption of this Code shall not create any duty to any person. No person shall have any civil liability remedy against the Town, or its officers, employees or agents, for any damage or loss of any kind arising out of or in any way connected with the issuance of any solid waste hauler license pursuant to this Section. Nothing in this Section shall be construed to create any liability or to waive any immunities, limitations on liability, or other provisions of the Colorado Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the Town, or its officers, employees or agents.