

363136

SUMMIT COUNTY
CLERK AND RECORDER

DEC 5 1 44 PM '88

COLLEEN RICHMOND

SUMMIT COUNTY, COLORADO
ORDINANCE NO. 7
AS AMENDED

AN ORDINANCE REGARDING THE REMOVAL OF RUBBISH FROM PROPERTY WITHIN THE UNINCORPORATED AREA OF SUMMIT COUNTY, COLORADO

WHEREAS, the Board of County Commissioners of Summit County, Colorado is authorized to provide for and compel the removal of rubbish from lots and tracts of land within the County pursuant to C.R.S. 1973, as amended, 30-15-401 (1)(a)(I); and,

WHEREAS, the Board of County Commissioners finds that the provisions set forth herein are necessary to promote and protect the public health, safety and welfare; and,

WHEREAS, the Board of County Commissioners adopted on February 22, 1988 Ordinance No. 7 regarding the removal of rubbish from property within the unincorporated area of Summit County, Colorado; and,

WHEREAS, the Summit County Planning Department has proposed revisions to Ordinance No. 7 to incorporate the provisions of the ordinance into the Summit County Land Use and Development Code, and to make minor corrections to the language of the ordinance; and,

WHEREAS, the proposed revisions were introduced for first reading, and read by title only at the regular meeting of the Board of County Commissioners on September 26, 1988.

WHEREAS, a public notice of the proposed revisions to the ordinance has been published at least ten days prior to the meeting at which adoption of the ordinance is to be considered, as required by law.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY that:

Section 1. Summit County Ordinance No. 7, an Ordinance Regarding the Removal of Rubbish from Property within the Unincorporated Area of Summit County, Colorado is hereby amended and enacted as Section 11300 of Chapter 11 of the Summit County Land Use and Development Code to read as follows:

11300: Rubbish Regulations

11301: Authority

The Board of County Commissioners is authorized by Colorado State Statutes to adopt an ordinance to provide for and compel the removal of rubbish, including trash, junk, and garbage, from lots and tracts of land within the county, except industrial tracts of ten or more acres and agricultural land in agricultural use [CRS 30-15-401(1)(a)(I)]. This section (11300 et seq.) is adopted as part of this Code pursuant to this authority, and shall be known as Summit County Ordinance #7, as amended.

11302: Definitions

- B. Farm: A parcel of land which is used to produce agricultural products that originate from the land's productivity for the primary purpose of obtaining a monetary profit [CRS 39-1-102(3.5)].
- C. Industrial tract: Any parcel of land, or portion thereof, which meets any of the following criteria:
1. is zoned I-1 Industrial; or
 2. has a valid conditional, temporary, or special use permit approved by Summit County for an industrial use; or
 3. has been used for an industrial use on a continuous basis since June 2, 1969
- D. Industrial use: Any use which meets any of the following criteria:
1. Manufacturing provided all dust, fumes, odor, refuse, matter, smoke, vapor, noise, glare and vibrations are confined to the parcel upon which the use is located; or
 2. Wholesale sales, warehousing including mini-storage warehouses or storage of any commodity with the following exceptions:
 - a. no storage of live animals, commercial explosives or above ground storage of flammable liquids or gases shall be included
 - b. sales, warehousing or storage of junk, including machinery or vehicles not in operating condition is permitted only if contained within a building.
- E. Ranch: A parcel of land which is used for grazing livestock for the primary purpose of obtaining a monetary profit. For purposes of this section (11300 et seq.), "livestock" means domestic animals which are used for food, draft or profit [CRS 39-1-102(13.5)].
- F. Rubbish: Any trash, garbage, refuse, waste, debris, litter or discarded material of any kind including lawn or garden waste, discarded furniture and household articles, abandoned vehicles, vehicle parts, dead animal carcasses, animal waste, construction materials which are stored in a disorderly manner or stored on a site where no construction is taking place, and industrial wastes. The term shall not include weeds, brush or other growing things in place.

11303: Accumulation Unlawful

It shall be unlawful for any owner, tenant or occupant of any real property within the unincorporated portion of Summit County to cause or permit any accumulation of rubbish on such property, or the alleys behind or sidewalk areas in front of such property, which is noxious, offensive, unsightly, dangerous, hazardous, or otherwise constitutes a public nuisance. This section (11300 et seq.) shall not apply to rubbish related to an industrial use on industrial tracts of ten acres or more, or any rubbish related to a farm or ranch.

11304: Notice of Violation

Whenever the Zoning Enforcement Officer has knowledge of an unlawful accumulation of rubbish, such officer shall to issue a violation notice to the owner of the property and to any known tenant or occupant thereof, directing

11305: Removal by County; Assessment of Cost

If rubbish is not removed by the owner, tenant or occupant as required by a violation notice issued pursuant to this section (11300 et seq.), the Board of County Commissioners or such other person as may be designated by the BOCC, may cause such removal to be accomplished, and the whole cost thereof, including an additional five (5) percent for inspection and other incidental costs, shall be assessed against the property from which the rubbish is removed. Authorization of the Summit County District Court may be sought and obtained pursuant to CRS 16-13-307 prior to removal of automobiles or other rubbish which is in violation of this ordinance where the market value of such rubbish is estimated by the Board of County Commissioners or such other person as may be designated by the BOCC to be in excess of \$1,000.00.

11306: Lien against Property

Any assessment made pursuant to this section (11300 et seq.) shall be a lien against such lot or parcel of land until paid and shall have priority over all other liens except general taxes and prior special assessments. In case such assessment is not paid within ninety (90) days of notice thereof by the County, it may be certified by the County Clerk and Recorder to the County Treasurer. The County Treasurer shall collect the assessment, together with a ten (10) percent penalty for the cost of collection, in the same manner as other taxes are collected. The laws of the State of Colorado for assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes shall apply to the collection of assessments made in accordance with this section (11300 et seq.).

11307: Penalty

Violations of this section (11300 et seq.) shall be punishable by a fine of not more than \$300.00 for each violation, or by imprisonment in the County jail for not more than ninety (90) days, or by both such fine and imprisonment. Each day shall be considered a separate offense and the violation period shall originate on the date of the original notice pursuant to this section (11300 et seq.). Penalties may be incurred for any period the violation occurs regardless of whether or not the violation is later corrected pursuant to this section (11300 et seq.).

11308: Effective Date of Rubbish Ordinance

The County's original rubbish regulations were adopted by the Board of County Commissioners as Ordinance #3 on August 4, 1981. This ordinance was rescinded and superseded by Ordinance #7 adopted by the BOCC on February 22, 1988. The BOCC adopted this section (11300 et seq.) as the County's rubbish regulations by adopting Ordinance #7 as amended on November 28, 1988.

11309: Relationship to Prior Enactments

To the extent the provisions of this section (11300 et seq.) are the same in substance to provisions in earlier versions of the County's rubbish ordinance, they shall be considered as continuances thereof and not new enactments. Where the provisions of this section (11300 et seq.) conflict with earlier adopted versions of the County's rubbish ordinance, the provisions of this section (11300 et seq.) shall supersede and replace such provisions.

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Section 3. Severability. If any part or parts hereof is for any reason held to be invalid, such shall not affect the validity of the remaining of the remaining portions of this Ordinance.

ENACTED this 28th day of November, 1988.

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO


Rich Levenood, Chairman

ATTEST:


Colleen Richmond, Clerk and Recorder

rubbish_ord

ORDINANCE #7

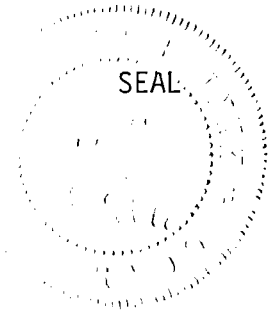
AN ORDINANCE REGARDING THE REMOVAL OF RUBBISH FROM PROPERTY WITHIN
THE UNINCORPORATED AREA OF SUMMIT COUNTY, COLORADO

ATTESTATION:

I hereby certify that the above entitled ordinance, adopted by the Board of County Commissioners of Summit County, Colorado on the 22nd day of February, 1988, was published in full in the Summit County Journal on February 4, 1988 subsequent to first reading by the Board on January 25, 1988. I also certify that Ordinance #7 has been placed in the Book of Ordinances located at my office in the Summit County Courthouse at 208 E. Lincoln, Breckenridge, CO. and may be examined at that location by interested parties.

Colleen Richmond

Colleen Richmond, Clerk & Recorder



SUMMIT COUNTY, COLORADO
AMENDMENT TO ORDINANCE NO. 7
AS AMENDED

AN AMENDMENT TO ORDINANCE NO. 7, AS AMENDED, WHICH IS AN ORDINANCE REGARDING THE REMOVAL OF RUBBISH FROM PROPERTY WITHIN THE UNINCORPORATED AREA OF SUMMIT COUNTY, COLORADO

WHEREAS, the Board of County Commissioners of Summit County, Colorado is authorized to provide for and compel the removal of rubbish from lots and tracts of land within the County pursuant to C.R.S. 30-15-401 (1) (a) (I); and,

WHEREAS, the Board of County Commissioners finds that the provisions set forth herein are necessary to promote and protect the public health, safety and welfare; and,

WHEREAS, the Board of County Commissioners adopted on November 28, 1988 Ordinance No. 7, As Amended, regarding the removal of rubbish from property within the unincorporated area of Summit County, Colorado; and,

WHEREAS, C.R.S. 30-15-401 (1) (a) (I) (A) was amended to require that all ordinances passed by the Board of County Commissioners for the removal of rubbish pursuant to the above mentioned statute, shall include provisions for applying for and exercising an administrative entry and seizure warrant issued by a county or district court having jurisdiction over the property from which rubbish shall be removed.

WHEREAS, the proposed revisions were introduced for first reading, and read by title only at the special meeting of the Board of County Commissioners on June 1, 1992.

WHEREAS, a public notice of the proposed revisions to the ordinance has been published at least ten days prior to the meeting at which adoption of the ordinance is to be considered, as required by law.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY that:

1. Summit County Ordinance No. 7, As Amended, "An Ordinance Regarding the Removal of Rubbish from Property within the Unincorporated Area of Summit County, Colorado" is hereby amended to add to following paragraph:

11310: The County by and through its Community Development Department and/or its County Attorney shall have the authority to apply for and exercise an administrative entry and seizure warrant issued by a

county or district court having jurisdiction over the property from which rubbish shall be removed.

2. Section 11304: Notice of Violation shall be amended to read:

Whenever the Zoning Enforcement Officer has knowledge of an unlawful accumulation of rubbish, such officer shall issue a violation notice to the owner of the property and to any known tenant or occupant thereof, directing such person to remove the rubbish within fifteen (15) days from the date of the notice.

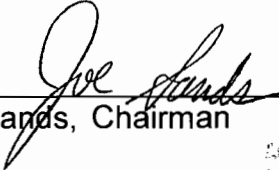
3. Repeal of Prior Enactments. All ordinances or resolutions or parts thereof in conflict or inconsistent herewith are hereby repealed. There are no other amendments to Ordinance No. 7, As Amended, and such ordinance shall remain in full force and effect.

4. Severability. If any part or parts hereof is for any reason held to be invalid, such shall not affect the validity of the remaining of the remaining portions of this Amendment.

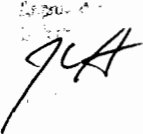
5. The Board finds, determines, and declares that this amendment is necessary for the immediate preservation of the public health, safety, and welfare due to the immediate need to exercise the powers conferred by C.R.S. 30-15-401, as amended.

ENACTED THIS 14th DAY OF JUNE 1993.

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO



Joe Sands, Chairman



ATTEST:



Doris Brill, Clerk and Recorder



SUMMIT COUNTY

SUMMIT COUNTY, COLORADO
AMENDMENT TO ORDINANCE NO. 7
AS AMENDED

AN AMENDMENT TO ORDINANCE NO. 7, AS AMENDED, WHICH IS AN
ORDINANCE REGARDING THE REMOVAL OF RUBBISH FROM PROPERTY
WITHIN THE UNINCORPORATED AREA OF SUMMIT COUNTY, COLORADO

ATTESTATION

I hereby certify that the above entitled ordinance, adopted by the Board of County Commissioners of Summit County, Colorado on the 14th day of June, 1993 was published in full in the Breckenridge Journal on May 27, 1993 and the Summit County Sentinel on May 28, 1993, subsequent to first reading by the Board on June 1, 1993. Subsequent to the second reading the ordinance was published in full in the Breckenridge Journal on June 17, 1993 and the Summit Sentinel on June 18, 1993. I also certify the Ordinance #7, as amended, has been placed in the Book of Ordinances located at my office in the Summit County Courthouse at 208 East Lincoln Avenue, Breckenridge, Colorado and may be examined at that location by interested parties.

Dated this 18th day of June, 1993


Doris L. Brill, Clerk and Recorder