

ORDINANCE NO. 4.13

AN ORDINANCE TO REGULATE
REFUSE, ABANDONED VEHICLES AND WEEDS
IN THE TOWN OF LARKSPUR, COLORADO
(This Ordinance hereby repeals and supercedes
Ordinance No. 4.07, passed on April 3, 1985)

WHEREAS, the Town Council hereby declares that the prevention of the accumulation and proliferation of refuse, abandoned vehicles and weeds within the Town of Larkspur will serve a useful public purpose and will promote the health, safety, prosperity, security and general welfare of the inhabitants of the Town of Larkspur, and;

WHEREAS, the Town Council further declares that the procedures contained in this Ordinance are necessary for the coordinated and orderly regulation and prevention of the accumulation and proliferation of refuse, abandoned vehicles and weeds within the Town of Larkspur.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Larkspur, Colorado, as follows:

ARTICLE I - Refuse

1.01 Refuse Defined. For the purpose of this ordinance, the word "refuse" shall mean and include but not be limited to 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.

1.02 Accumulation of Refuse. Any accumulation of refuse on any premises, improved or unimproved, or upon any public street, alley or other public place is hereby declared to be a nuisance and is prohibited.

The owner, owners, tenants, lessees or occupants of any lot within the corporate limits of the Town upon which such storage is made, and also the owner, owners, lessees of such personalty involved in such storage (all of whom are hereinafter referred to collectively as "owners"), shall jointly and severally abate such nuisance by the prompt removal and proper disposal of such personalty.

1.03 Abatement by Town. Whenever the Town Council shall direct, the Town Clerk shall immediately thereafter notify any owner of property, his agent or any person having charge of such property, in writing, that an order has been made by the Town Council requiring the removal of any accumulated refuse from such property or premises within thirty (30) days after service of notice. If such property owner, agent or person having charge of such property shall not remove such refuse in accordance with the requirement of such order, the Town Council may order that such refuse be removed by an agent of the Town Council and assess the cost thereof against the property or the premises. The amount so assessed shall be a lien upon such property until the same is paid; provided, that in case of failure to pay such assessment within ten (10) days after the same shall be made, the Town Clerk shall cause a notice of such assessment to be given to the owner of such property by publishing in a newspaper in the county for two successive weeks, which publication shall contain a notice to such property owner of the amount assessed against his property, and shall designate a time and place when the Town Council will hear any objections as to the adjustment and corrections of the amount assessed. If such assessment is not paid within ten (10) days after hearing upon such objections, and unless the same are sustained, the Town Clerk shall certify such assessment to the county treasurer to be placed by him on the tax list for the current year, to be collected in the same manner as other taxes are collected, with twelve percent penalty to defray the cost of collection, and provided by the laws of the state.

1.04 Accumulation and Deposit of Garbage, etc., Prohibited.

No person shall deposit or place any garbage, rubbish, waste material or ashes in such a manner that the same is or tends to become a nuisance or in such a manner endangers or tends to endanger the public health. No person having the occupancy, control or management of any premises shall cause or permit any garbage, waste material, rubbish or ashes to be accumulated thereon in such a manner that the same is or tends to become a nuisance or in such a manner as endangers or tends to endanger the public health. No person shall in any manner throw, place, scatter, deposit, or bury any garbage, rubbish, waste materials or ashes in or upon any public street, alley or other public place or upon his own premises or the premises of another.

1.05 Refuse Not to be Thrown in Street, Vacant Lot, etc.

No hay, straw, shavings, excelsior, paper or other combustible material, sod, lawn mowings, leaves, weeds, ashes, glass, bottles, broken glass, nails, tacks, wire, cans, rocks, stones or rubbish of any kind or nature whatsoever or any other refuse or material shall be thrown or swept into any street, sidewalk, gutter, sewer, intake, alley, vacant lot or other property.

1.06 Responsibility of Owners, Lessees, etc., For Refuse, etc., on Premises. It shall be the duty of every person, whether owner, lessee or renter of any vacant lot, building or premises, including any place of business, hotel, restaurant, dwelling house, apartment, tenement or any other establishment, at all times to maintain the premises in a clean and orderly condition, permitting no deposit or accumulation of refuse or materials other than those ordinarily attendant upon the use for which such premises are legally intended. Any such accumulation shall constitute a nuisance, and shall be nonconforming in the use of such premises.

1.07 Building Materials, etc., To be Removed from Construction Sites. All plaster, broken concrete, bricks, cinder blocks, stones, wood, roofing materials, wire or metal binding,

sacks or loose discarded or unused material of any kind resulting from the wrecking, constructing or reconstruction of any room, basement, wall, fence or sidewalk or building shall be promptly removed or discarded in such a manner as not to be scattered about by the wind or otherwise, and as soon as possible be removed by the person responsible for such work. Such person shall be held liable for any scattering of such refuse upon adjacent property.

1.08 Accumulation and Use of Manure. Other than a light spread of manure which may be applied on lawns or gardens for fertilizing purposes, manure shall not be kept on any property for any purpose, or kept in any place for future use, but shall be either plowed under or removed by the owner, occupant or agent.

1.09 Removal of Refuse from Businesses Required. Discarded automobile parts, stoves, furniture, wool, hides, junk yard refuse and packing house or slaughterhouse refuse shall be removed periodically from such respective establishments by the proprietor so that the premises are clean and orderly at all times. Silt and similar deposits from automobile wash racks shall be removed by the establishment creating such deposit. Any accumulation of refuse that is highly explosive or inflammable, which might endanger life or property shall be removed to such places as approved by the Chief of the Larkspur Fire Protection District; such removal to be handled by the establishment responsible therefor.

ARTICLE 2 - Junked and Abandoned Vehicles

2.01 Definitions. The following definitions shall apply in interpretation and enforcement of this Article:

PERSON. Shall mean any person, firm, partnership, association, corporation, company, or public or private organization of any kind.

VEHICLE. Shall mean a machine propelled or towed by power, other than human power, designed to move or travel along the

highways, roads, streets or ground by use of wheels, treads, runners or slides, or any other means, to transport persons or any kind of property or pull machinery, and shall include, by way of explanation and not limitation, automobiles, airplanes, trucks, trailers, motorcycles, motor scooters, tractors, buggies and wagons.

JUNKED VEHICLE. Shall mean any vehicle which cannot be driven forward and backward under its own power, and does not have current valid license plates.

STREET OR ALLEY. Shall mean the entire width between the boundary lines of every public way for the use of the public for purposes of vehicular or pedestrian travel or traffic, whether regularly maintained or not.

PROPERTY. Shall mean any real property within the Town of Larkspur which is not a street or highway.

2.02 Abandonment of Vehicles. No person shall abandon any vehicle within the Town of Larkspur and no person shall leave any vehicle at any place within the Town of Larkspur for such time and under such circumstances as to cause such vehicle to appear to have been abandoned or otherwise discarded.

2.03 Leaving Wrecked Vehicles on the Street. No person shall leave any wrecked, discarded, junked or partially dismantled vehicle at any place on any street or highway within the Town of Larkspur, except where a valid Hold Order thereof has been issued by an authorized law enforcement officer.

2.04 Junked Vehicles on Private Property. It shall be unlawful for any person who is the owner of, or in possession or control of, any vehicle or any other property, whether as owner, tenant, occupant, lessee or otherwise, to permit or allow any wrecked, partially wrecked, junked or discarded vehicle to remain on private property longer than thirty days; provided, however, that this section shall not apply to a vehicle in an enclosed building or in an area that is surrounded by a six-foot solid wood fence or in an area that is concealed from public view, a

vehicle on the premises or a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise; or a vehicle in an appropriate storage place or depository maintained for impounded vehicles by the Town of Larkspur, or the County of Douglas or the State of Colorado or the United States of America.

2.05 Investigation and Notice of Violation. Any law enforcement officer of the Town of Larkspur is hereby authorized to investigate any vehicle left at any place within the Town which appears to be in violation of this Article, or lost, stolen or unclaimed. If, after an investigation, there is probable cause for belief that a violation of this Article has occurred or exists, the Town Clerk shall send a Notice of said violation, by registered or certified mail, to the owner, purported owner or occupant of the premises on which such vehicle is located, with return receipt requested, advising such person of the violation and ordering its removal within thirty (30) days from the date of the Notice. No Complaint shall be issued for any violation of this Article until after the expiration of thirty (30) days from the date of receipt of said Notice.

2.06 Abatement by Town. Whenever the Town Council shall direct, the Town Clerk shall immediately thereafter notify any owner of property, his agent or any person having charge of such property, in writing, that an order has been made by the Town Council requiring the removal of any wrecked, junked, partially dismantled or discarded vehicles from such property or premises within thirty (30) days after service of notice. If such property owner, agent or person having charge of such property shall not remove such vehicles in accordance with the requirement of such order, Town Council may order that such vehicles be removed by an agent of the Town Council and assess the cost thereof against the property or the premises. The amount so assessed shall be a lien upon such property until the same is paid; provided, that in case of failure to pay such assessment

within ten (10) days after the same shall be made, the Town Clerk shall cause a notice of such assessment to be given to the owner of such property by publishing in a newspaper in the county for two (2) weeks, which publication shall contain a notice to such property owner of the amount assessed against his property, and shall designate a time and place when the Town Council will hear any objections as to the adjustment and corrections of the amount assessed. If such assessment is not paid within ten (10) days after the hearing upon such objections, and unless the objections are sustained, the Town Clerk shall certify such assessment to the county treasurer to be placed by him on the tax list for the current year, to be collected in the same manner as other taxes are collected with twelve percent penalty to defray the cost of collection as provided by the laws of the State of Colorado.

ARTICLE 3 - Weeds

3.01 Growth and Accumulation on Premises and Adjoining Sidewalks Prohibited. The term "weeds" as used in this Article shall mean weeds or other rank or noxious vegetation and shall specifically include: bindweed, leafy spruce, canada thistle, russian knapweed, perennial sowthistle, puncture vine, silverleaf povertyweed, mouse-ear, povertyweed, fanweed, purple-flowered groundcherry, russian thistle, fireweed, sandbar, hairy stockweed, buffalo burs, common ragweed, cocklebur, or other plant or offending vegetation which is regarded as a common nuisance. This list is not intended to be inclusive, but rather intended to be indicative of those types of plant which are considered noxious and a detriment to the public health and safety.

No owner of any lot, block or parcel of ground within the Town, nor any tenant or agent in charge thereof, shall allow or permit weeds to grow, or remain when grown, on such lot, block or parcel of ground, or on or along any sidewalk adjoining the same, or in the alley behind the same, but such weeds shall be cut within four (4) inches of the ground and kept so cut.

3.02 Abatement by Town. Whenever the Town Council shall direct, the Town Clerk shall immediately thereafter notify any owner of property, his agent or any persons having charge of such property, in writing, that an order has been made by the Town Council requiring the cutting of weeds on such property or premises within ten (10) days after service of notice. If such property owner, agent or person having charge of such property shall not cut same in accordance with the requirement of such order, the Town Council may order that such weeds be cut by an agent of the Town Council and assess the cost thereof against the property or the premises. The amount so assessed shall become a lien upon such property or the premises. The amount so assessed shall be a lien upon such property until the same is paid; provided, that in case of failure to pay such assessment within ten (10) days after the same shall be made, the Town Clerk shall cause a notice of such assessment to be given to the owner of such property by publishing in a newspaper in the county for two (2) successive weeks, which publication shall contain a notice to such property owner of the amount assessed against his property, and shall designate a time and place when the Town Council will hear objections as to the adjustment and corrections of the amount assessed. If such assessment is not paid within ten (10) days after the hearing upon such objections, and unless the same are sustained, the Town Clerk shall certify such assessment to the county treasurer to be placed by him on the tax list for the current year, to be collected in the same manner as other taxes are collected, with twelve percent penalty to defray the cost of collection, and provided by the laws of the State of Colorado.

ARTICLE 4 - Enforcement

In addition to any other sanction or penalties imposed by this Ordinance, any person, firm, partnership or corporation who shall violate any of the provisions of this Ordinance shall, upon conviction, be fined a sum not to exceed three hundred dollars (\$300.00) for each offense. Each and every day that a violation

of this Ordinance exists shall be deemed to be a separate offense.

Introduced as an ordinance at a regular meeting of the Town Council of the Town of Larkspur, Colorado, on the 6th day of May, 1987, and passed by a vote of 7 for and 0 against, and ordered published.

Ann Duablood
Mayor

ATTEST:

Carrie Duablood
Town Clerk

Publication Date: June 8, 1987

I hereby certify that the within Ordinance No. 4.13 was published on the 8th day of June, 1987, in the Douglas County News-Press, the newspaper of general circulation published in the County of Douglas, State of Colorado; and I further certify that the within Ordinance No. 4.13 was posted on the bulletin board at the Town Hall of the Town of Larkspur from May 12, 1987 to June 15, 1987.

Carrie Duablood
Town Clerk