

Title 8
HEALTH AND SAFETY

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8.04 Offenses Relating to Safety

8.04.010 Purpose

This Chapter shall be construed in such manner as to promote maximum fulfillment of its general purposes, namely, to define offenses, describing adequately the act which constitutes each offense relating to health and safety, to give fair warning to all persons concerning the nature of the conduct prohibited, and to forbid the commission of offenses.

Section 8.04.020 Definitions

For the purposes of this Chapter the following terms, phrases, and their derivations shall have the meaning given herein:

1. "Arrow" means any missile or projectile shot or propelled from a bow.
2. "Bow" means a longbow, re-curved bow, or compound bow on which the string is not drawn mechanically or held mechanically under tension. String releases or mechanical releases, which are hand drawn or hand-held with no other attachment or connection to the bow other than to the bowstring, are lawful devices,
3. "Cross bow" means a bow, which is attached at a right angle to a stock with a mechanical mechanism for holding the bowstring in a cocked position and fired from the shoulder.
4. "Firearm" means any handgun, automatic, revolver, pistol, rifle, shotgun, or other instrument or device capable of or intended to be capable of discharging bullets, cartridges, or other explosive charges.
5. "Pellet gun" means a handgun or rifle of .177 caliber or larger firing pellets or BB's and powered by compressed air gas.
6. "Sling shot" means a hand held device, not drawn or held mechanically, with the arms or attachment points to which an elastic band is attached for propelling small stones or metal projectiles. Wrist-braced attachments and non-elastic projectiles pouches are considered normal components of a slingshot.

8.04.030 Throwing Missiles

No person shall knowingly throw or shoot any stone or other missile at or upon any person, animal, motor vehicle, and public property or at or upon any building, structure, tree or other public or private property not belonging to that person.

8.04.040 Prohibited Use of Weapons

A. A person commits an offense if:

1. He knowingly and unlawfully displays or aims a firearm at another person;
2. Not being a peace officer, he knowingly and unlawfully fires or discharges any firearm or knowingly fires or discharges any crossbow anywhere within the Town, except at a lawfully authorized target range;
3. He knowingly fires and discharges any air gun, gas operated gun, B.B. gun, pellet gun, slingshot, or spring gun anywhere within the Town;
4. He knowingly and unlawfully explodes or sets off any combustible or explosion material;
5. He knowingly sets a loaded gun, trap, or device designed to cause explosion upon being tripped or approached, and leaves it unattended by a competent person immediately present;
6. He has in his possession a firearm while he is under the influence of intoxicating liquor or of a controlled substance, as defined in C.R.S. Section 12-232-303(7), as amended. Possession of a

permit issued under C.R.S. Section 18-2-05(2) (c), as amended, shall not be a defense to a violation of this subsection; or

7. He recklessly or carelessly shoots a bow and arrow.
- B. The chief of police may grant an exception to this Section, in writing, for contests, sporting events, construction and/or maintenance work. Said permission shall limit the time and place of such firing; and shall be subject to being revoked by the chief of police at any time after the same has been granted.
- C. Every person convicted of any violation of this Section shall forfeit such firearm or weapon illegally discharged or displayed to the Town. Any firearm or weapon forfeited pursuant to this Section shall be disposed of by the chief of police pursuant to law.
- D. It shall be an affirmative defense to any provision of this Section that the act was committed by a peace officer in the lawful discharge of his duties.

8.04.050 Storage of explosives prohibited

It shall be unlawful for any person to knowingly store within the Town or within one (1) mile thereof any amount of gunpowder, blasting powder, nitroglycerin, dynamite, or other high explosive in excess of one (1) fifty (50) pound box or in excess of five hundred (500) caps or other devices used for the detonation of such high explosives. This Section shall not be deemed to apply to sporting goods businesses and other businesses licensed to store explosives pursuant to law.

8.04.060 Abandoned containers

It shall be unlawful for any person to knowingly leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, structure or dwelling under his control, in a place accessible to children, any abandoned unattended or discarded icebox, refrigerator, or other container which has a door or lid, snap lock, or other locking device which may not be released from the inside, without first removing said door or lid, snap lock or other locking device.

8.08 Offenses Relating to Health

8.08.010 Purpose

This Chapter shall be construed in such manner as to promote maximum fulfillment of its general purposes, namely, to define offenses, describing adequately the act which constitutes each offense relating to public health, to give fair warning to all persons concerning the nature of the conduct prohibited, and to forbid the commission of offenses.

8.08.020 Definitions

For the purposes of this Chapter the following terms, phrases, and their derivations shall have the meaning given herein:

1. "Action to abate a public nuisance" means any action taken in accordance with the provisions of Chapter 4.08 Public Nuisances relating to Health of Title 4 Public Nuisances to restrain, remove, terminate, prevent, or abate a public nuisance.
2. "Debris" means all other refuse materials not otherwise defined in this section, such as cleaning fluids, acids, caustics, poisons, and similar dangerous substances; discarded lath, plaster, boards, and similar building materials; and brush, dirt, grass, paper, trash, leaves, and similar organic materials.
3. "Deposit" means to throw, drop, pile, place, dump, discharge, store, or leave.
4. "Garbage" means all putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.
5. "Junk" means heavy metal; vehicle parts; unlicensed vehicles; vehicles no longer in operation; pipe; tanks; sheeting; white goods; old, unused, or stripped machinery; and materials of like nature.
6. "Litter" means all rubbish, waste material, refuse, garbage, trash, debris, or other foreign substances, solid or liquid, of every form, size, kind, or description.
7. "Public or private property" includes but is not limited to the right-of-way of any road, street, highway, or alley; sidewalk, gutter, or catch basin within said right-of-way; any park or recreation area; any building or structure; and any residential, commercial, farm or ranch properties.
8. "Refuse" means garbage, rubbish, litter, junk, manure, or debris.
9. "Rubbish" means ashes, cans, bottles, earth, wire, glass, broken kitchenware, household appliances, boxes, papers, mattresses, and other materials of like nature.
10. "Waterway" shall include but is not limited to any gulch, draw, channel, or ditch, either natural or constructed, which carries surface water, and any body of water or watercourse, including banks, margins, shores, or beaches thereof.
11. "Weeds" means a rank growth of plants or vegetation considered undesirable, unattractive, or troublesome, which are of a height of six (6) inches or more.

8.08.030 Offenses—Weeds

It shall be unlawful for the owner of any real property within the Town, or any agent in charge of such property, to allow or permit weeds to grow or remain when grown upon such property between the traveled roadway to the rear property line or a depth of one hundred fifty (150) feet whichever is lesser, along any alleys, or in front of such property between said property and the traveled roadway. Undeveloped lots or parcels of land may be exempted from the operation of this Section at the sole discretion of the Town manager based upon such factors as location in an undeveloped area and/or proximity to residences, commercial buildings, or other improvements.

8.08.040 Offenses--Refuse on property

It shall be unlawful for any person owning, occupying, or in control of property, or any other person, to deposit any refuse, or to permit same, or to allow the accumulation of refuse, on any public or private property within the Town except in containers or places clearly provided and designated for the purpose. No household or commercial refuse shall be placed in any street container or other container maintained by the Town, County, or any Special District.

8.08.050 Offenses--Refuse along waterways

It shall be unlawful for any person owning, occupying, or in control of property, or any other person, to permit to be deposited or to deposit any refuse into a waterway for any purpose whatsoever, except that the Town manager may authorize in writing such deposit provided it will not in any way obstruct, be foul, or make unsightly said waterway.

8.08.060 Offenses--Refuse from vehicle

It shall be unlawful for any person to deposit refuse from any vehicle except into containers or places clearly provided and designated for the purpose. The operator of such motor vehicle is presumed to have caused or permitted the refuse to be so deposited there from.

8.08.070 Offenses--Disposal of refuse

It shall be unlawful for any person to fail to dispose in a sanitary manner of refuse, particularly garbage and rubbish, which accumulates or may accumulate upon the property owned or occupied by him. No person shall deposit, store, or keep such refuse where cats, dogs, or other animals may have access thereto, and no such refuse shall be kept or handled in any manner likely to cause a nuisance or injury to any other person or the public.

8.08.080 Offenses--Vehicles and covers

All vehicles of any description conveying refuse within the Town shall be properly covered and secured so as to prevent any such refuse from being blown from or falling from such vehicle. The portion of any vehicle used for collection of refuse shall be solidly constructed so as to prevent the escape of liquids and access by insects or vermin.

8.08.090 Other offenses

Other offenses within the Town relating to the public health shall include any pollution or contamination of any surface waters, of the air, or any water, substance, or material intended for human consumption; any cellar, vault, sewer, drain, place, or property which is damp, unwholesome, nauseous, offensive, or filthy, or which is covered for any portion of the year with stagnant or impure water or which is in such condition so as to produce unwholesome or offensive odors, or which is injurious to the public health; permitting the accumulation of manure in any stable, stall, corral, yard, or any place or building in which animals are kept; keeping or collecting any stale or putrid grease or other offensive matter; having or permitting upon any property any fly or mosquito producing condition; neglecting or refusing to discontinue use of, clean out, disinfect, or fill up all privy vaults, septic tanks, or other wastewater disposal systems; and not constructing or maintaining wastewater facilities in accordance with the provisions of this Code and any regulations enacted thereby.

8.08.100 Enforcement

In addition to prosecution in the municipal court of offenses described in this Chapter, said offenses are declared by the Town to be public nuisances, and the Town manager may take action to abate or cause to be abated any such public nuisances in accordance with the provisions of Chapter 4.08 Public Nuisances Relating to Health of Title 4 Public Nuisances.

8.08.101 Removal by town—costs assessment

- A. If any person fails to comply with sections 8.04.040 or 8.04.030, in addition to the penalty provided therefore, a written notice may be served personally or by certified mail upon the owner or agent in charge of the property, requiring the weeds or rubbish to be removed within three (3) days after receipt of the notice.
- B. If the weeds or rubbish are not removed within the stated time, the town may remove the same and assess the whole cost thereof upon the property and the assessment shall be a lien until paid. If any assessment is not paid within thirty (30) days after it is made, the same shall be certified by the town clerk to the county treasurer for Rio Blanco County and placed upon the tax list for the current year, and thereby collected in the same manner as other taxes are collected, with a ten (10%) percent penalty thereon to defray the costs of collection.
- C. In addition to any other penalty or procedure for collection, any costs incurred by the town to remove weeds or rubbish herein shall be billed by the town to the owner or agent in charge of the property, and such charges shall be billed and collected in the same manner as and together with charges for utilities provided by the town to such owner or agent. In the event that such charges become delinquent, a late charge of two (2%) percent shall be added to the principal amount due of such delinquent charges for each full month that such charges remain unpaid. Any owner or agent who fails to pay such charges shall receive a notice by mail demanding payment within ten (10) calendar days. Should such payment not be made or some contractual payment schedule agreeable to the town manager not be made, utility services to that owner or agent may be discontinued.