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ORDINANCE #85

AN ORDINANCE REGULATING ACTIVITIES OR CONDUCT CONSTITUTING A NUISANCE IN THE TOWN; PROMOTING PUBLIC PEACE, SAFETY AND HEALTH; PROTECTING PUBLIC AND PRIVATE PROPERTY; AND PRESCRIBING PENALTIES FOR VIOLATION OF ITS PROVISIONS.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HILLROSE COLORADO:

Section 1. Definitions. As used in this Ordinance, the following terms shall have the meanings indicated.

1. Hazard to health or safety includes any activity so recognized by the United States, the State of Colorado or the ordinances of the Town of Hillrose. Such hazards shall also include activities likely to cause foul or offensive odors, promote the growth or propagation of disease-carrying insects, pollute the air or ground waters of adjacent property, create loud or offensive sounds or cause drainage and runoff to occur in other than historical patterns.
2. In operable vehicle means any automobile, truck or self-propelled vehicle incapable of moving under its own power.
3. Nuisance means any substance, act, occupation, condition or use of property declared a nuisance by this Ordinance or declared a nuisance by the State or by any court or agency thereof, or known as a nuisance at common law, or which is of such nature and duration as to:
 - a) Substantially annoy, injure or damage 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) Unlawfully, and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway or other public way.
4. Offensive or unwholesome business or establishment means any business or establishment involving the provision of goods or services to others in exchange for something of value, which business or establishment may create, foster or maintain any hazard to health or safety.

Section 2. Authority of Town to declare nuisances. Any act, condition, substance, occupation or use of property which substantially meets the criteria of a nuisance as defined in Section 1 above may be so declared by the Town Board or the Board appointed Code Enforcement Officer and nothing in Section 3 below shall be construed to limit the power of the Town to make such declaration.

Section 3. Nuisances declared.

- a) **Unwholesome business.** Offensive or unwholesome businesses or establishments are prohibited. From and after the effective date of this Ordinance, it shall be unlawful for any person to allow or suffer upon his or her premises or any premises which he or she is entitled to possess any offensive or unwholesome business or establishment with the Town, or within one (1) mile beyond the outer limits of the Town as such outer limits are now, or may be hereafter, constituted.
- b) **Vacant buildings.** It is declared a nuisance for the owner of any vacant building to fail to replace any broken window or fail to secure any other means of entry into such a building within seventy-two (72) hours after notice is given by the Town.
- c) **Breach of Peace.** No person in the Town of Hillrose, Colorado shall disturb, tend to disturb or aid in disturbing the peace of another person by unreasonably loud or unusual noises; or by disorderly or boisterous conduct; or by playing of music or making other sounds or noises so as to disturb the peace and quiet of the neighborhood; or by the use of abusive, profane, obscene, vulgar or indecent language; or by threatening,

quarreling, challenging to fight or fighting; or by lewd or indecent acts or any other acts contrary to the public morals.

- d) **Animals.** No person shall own, keep, or have in his possession or harbor any domesticated animals which, by frequent or habitual howling, barking, meowing, squawking or otherwise, shall cause annoyance or disturbance to persons in the neighborhood, provided, the provision of this ordinance shall not apply to hospitals conducted for the treatment of small animals which are approved by the health department or to premises occupied or owned by the town pound. Any person who violates any of the foregoing provisions shall be guilty of a misdemeanor.
- e) **Disorderly property.** The keeping of any dwelling or other residential property in violation of any provision of this Ordinance is considered a nuisance. A disorderly house shall also include keeping any such property in a condition or manner which generates law and code enforcement calls disproportionate to other properties in the neighborhood or which negatively affects neighboring properties and/or residents, whether by continuous or excessive noise or by maintenance of the property in an unsightly or unwholesome manner, noxious or offensive to others or injurious to public health. For purposes of enforcement of this Subsection, the person responsible for the maintenance of a disorderly house may be the owner of the property, lessee, sub lessee, tenant, occupant or renter, jointly or severally.
- f) **Removal of inoperable vehicle.** Any inoperable vehicle parked on any residential lot or parcel of property in the Town is a nuisance. For purposes of this section, inoperable vehicle shall mean any vehicle (including but not limited to motor vehicles, trailers, snowmobiles and ATV's) which is incapable of moving or operating on its own power or as originally manufactured, or is missing, in the judgment of authorized Town officials, any significant component part. However, not more than one (1) unlicensed vehicle owned by the owner or occupant of the property may be stored, for repair or restoration purposes only and not for sale, in the rear yard of the property.

Section 3. Penalty. Any person who shall be convicted of a violation of this Ordinance shall be punished by a fine of not less than fifty (\$50.00) dollars and not more than ~~one thousand (\$1,000.00)~~ ^{three hundred (\$300.00)} dollars. Any person convicted in Municipal Court of any violation of this Ordinance shall immediately correct the violation. Each day upon which any violation shall continue shall constitute a separate offense. In addition to, or as an alternate to Municipal Court prosecution, the Town may, upon five (5) days' prior written notice to the owner, abate the nuisance or cause it to be abated. The Town may charge the cost of such abatement to the owner, to be recovered in the same manner as water or sewer utility charges.

Section 4. Effective Date. This Ordinance shall not take effect and be in force before thirty (30) days after publication and shall apply to offenses committed on or after said date.

INTRODUCED, read, adopted, and ordered published by title only this 4th day of November, 2002.

Donald J. Dewey
Mayor

ATTEST:

Lynn Ann Solembroli
Clerk)
(SEAL)



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Donald I. Dewey, Mayor

Attest:

Lynn Ann Golemboski, Town Clerk

(Seal)