

## Title 8

### HEALTH AND SAFETY

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#### **8.04 - Emergency Telephone Service**

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##### **8.04.010 Intergovernmental agreement.**

The Mayor is authorized to sign the intergovernmental agreement creating the Grand County Emergency Telephone Service Authority in order to establish and maintain an emergency telephone service system in Grand County. (Ord. 322 §1, 1989)

##### **8.04.020 Service charge.**

There is imposed, pursuant to Section 29-11-101, et seq., Colorado Revised Statutes, as amended, upon all telephone access facilities within the Town an emergency telephone charge in an amount not to exceed two percent of the tariff rates as approved by the Public Utilities Commission or fifty cents, whichever is less. Upon recommendation of the Grand County Emergency Telephone Service Authority, the Board may, by resolution, raise or lower the emergency telephone charge, but in no event, shall such charge exceed the amount of two percent of the tariff as approved by the Public Utilities Commission. (Ord. 322 §2, 1989)

##### **8.04.030 Collection.**

Telephone service suppliers providing telephone service in the Town are authorized to collect the emergency telephone charge imposed by the ordinance codified in this chapter in accordance with Section 29-11-101 et seq., Colorado Revised Statutes, as amended. (Ord. 322 §3, 1989)

##### **8.04.040 Effective date.**

The ordinance codified in this chapter shall not be effective until the intergovernmental agreement creating the Grand County Emergency Telephone Service Authority and concerning the implementation of an emergency telephone service system is signed by representatives of all parties to the agreement. (Ord. 322 §4, 1989)

## 8.06 - Local Disaster Regulations

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### **8.06.010 Definitions.**

The following terms, phrases and words shall have the following meanings when used in this Chapter. Additionally, all definitions set forth in C.R.S. § 24-33.5-703 shall apply to this Chapter.

"Continuity of Operations Plan" ("COOP") means the development and maintenance of a plan to relocate operations without the loss of basic government functions.

"Disaster" means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural cause or cause of human origin, including but not limited to fire, flood, earthquake, wind, storm, wave action, hazardous substance incident, oil spill or other water contamination requiring emergency action to avert danger or damage, volcanic activity, epidemic, air pollution, light, drought, infestation, explosion, civil disturbance, hostile military or paramilitary action, or a condition of riot, insurrection, or invasion existing in the state, Grand County, or the Town.

"Emergency Management" means the marshaling of all resources to meet all disasters or potential disasters under coordinated management. The phases of emergency management are mitigation, preparedness, response and recovery.

"Mitigation" means any activities that actually eliminate or reduce the probability of occurrence of a disaster.

"Preparedness" means the development of plans, the stockpiling and inventory of critical resources, the organization and training of response personnel, and the exercise of plans.

"Recovery" means those actions, both short-term and long-term, that result in the planned redevelopment of the Town after a disaster, consistent with disaster experience and with measures available for hazard reduction.

### **8.06.020 Local disaster declaration.**

A. The Mayor of the Town of Kremmling may issue a written declaration of a local disaster, which declaration shall continue in effect as set forth in the declaration for a period of time not to exceed seventy-two (72) hours. A local disaster declaration shall activate the response and recovery aspects of any and all applicable local and interjurisdictional disaster emergency plans and authorize the furnishing of aid and assistance under such plans.

- B. The Mayor's local disaster declaration may be continued beyond the initial period by the consent of a majority of the Board of Trustees.
- C. Any order declaring, continuing or terminating a local disaster shall be given prompt and general publicity and shall be filed promptly with the Town Clerk and the state Office of Emergency Management.

**8.06.030 Authority of the Mayor.**

During the period of a declared local disaster, in addition to all other authority provided by law, the Mayor is authorized to take the actions set forth in this Section. Any orders issued or actions taken by the Mayor shall be in writing, shall set forth the Mayor's findings or justification for the order or action, and shall include a reference to the individual subsections of this Section authorizing such order or action.

- A. Allocate emergency funds when costs of the disaster exceed, or are reasonably expected to exceed, authorized emergency response budgets. The Town's emergency reserve maintained pursuant to Article X, Section 20(5) of the Colorado Constitution may be utilized to defray costs of the Town's response to the disaster, and any such funds shall be replenished by no later than the conclusion of the following fiscal year.
- B. Enter into reciprocal aid, mutual aid and joint powers agreements or other compacts or plans with other entities as appropriate for the protection of life and property. Such agreements may include the furnishing or exchange of supplies, equipment, facilities, personnel and/or services, and any other topics relevant to planning and responding to the disaster. The term of such agreements shall not extend beyond the period of the disaster declaration without ratification by the Town Board.
- C. Issue an order establishing a curfew during such hours of the days or nights and affecting such categories of persons as may be designated, such curfew to remain in effect as stated in the order but not extending beyond the period of the disaster declaration.
- D. Issue an order to direct or compel the evacuation of all or a part of the population from any stricken or threatened areas within the Town, if the Mayor deems such action is necessary for the preservation of life or property, and to prescribe routes, modes of transportation and destinations in connection with an evacuation.
- E. Issue an order controlling, restricting, allocating or regulating the use, sale, production or distribution of food, water, clothing and other commodities, materials, goods, services and resources.
- F. Issue an order requiring the closing of businesses the Mayor deems nonessential.
- G. Issue an order suspending the sale, distribution, dispensing, or transportation of alcoholic beverages, firearms, explosives and/or combustible products and requiring the closing of those businesses or parts thereof insofar as the sale, distribution, dispensing or transportation of these items is concerned.
- H. Issue an order prohibiting the sale or distribution within the Town of any products the Mayor determines could be employed in a manner that would constitute a danger to

public health or safety.

- I. Issue an order closing any streets, alleys, sidewalks, public parks, public ways or other public places.
- J. Issue an order closing the access to any buildings, streets, alleys, sidewalks, or other public or private places.
- K. Issue an order imposing traffic restrictions to control ingress and egress, including prohibiting all traffic except for vehicles operated by individuals the Mayor deems essential to assist in the emergency operations, and prohibiting any person to stop, stand, park or abandon any vehicle in a right-of-way that obstructs emergency operations or snow removal operations, and any such vehicle may be removed by the Town.
- L. Subject to any applicable requirements for compensation, commandeer or use any private property in the Mayor finds such action necessary to address the disaster.
- M. Appropriate and expend funds, execute contracts, authorize the obtaining and acquisition of property, equipment, services, supplies and materials without complying with procurement regulations or procedures.
- N. Transfer the direction, personnel or functions of Town departments and agencies for the purposes of performing or facilitating disaster services.
- O. Utilize all available Town resources as may reasonably be necessary to address the disaster, whether in preparation for, response to or recovery from the disaster.
- P. Suspend or modify the provisions of any Town resolution or ordinance if strict compliance thereof would in any way prevent, hinder or delay necessary action in addressing the disaster.
- Q. Accept on behalf of the Town services, gifts, grants and loans, equipment, supplies and materials, whether from private, nonprofit or governmental sources.
- R. Require emergency services of any Town officer or employee. If Town personnel are inadequate to address the disaster, the Mayor may utilize such additional personnel as are available, including citizen volunteers. All duly-authorized persons rendering services to or on behalf of the Town during the disaster shall be entitled to all privileges and immunities provided by state law.
- S. Hire or contract for construction, snow removal, engineering, architectural, building, electrical, plumbing and other professional or construction services essential to continue the activities of the Town without the advertising of bids or compliance with procurement requirements.
- T. Apply for local, state or federal assistance on behalf of the Town.
- U. Terminate or suspend any process, operation, machine, or device or event that may negatively impact the health, safety and welfare of the persons or property within the

Town.

- V. Delegate authority to such Town officials as the Mayor determines necessary or expedient.
- W. Require the continuation, termination, disconnection, suspension or limitation of natural gas, electric power, water, sewer or other public utilities.
- X. Exercise such powers and functions in light of the exigencies of the disaster, including the waiving of compliance with any time-consuming procedures and formalities, including notices, as may be prescribed by law pertaining thereto.
- Y. Issue any and all other orders or undertake such other functions and activities as the Mayor finds necessary or desirable to protect the health, safety and welfare of persons and property within the Town or otherwise preserve the public peace or abate, clean up, or mitigate the effects of any disaster.
- Z. Delegate any or all authority set forth in this Section to be performed by the Emergency Management Director appointed by the Town Board pursuant to Section 8.06.050.

**8.06.040 Spending authority of the Town Manager.**

During the period of a declared local disaster, the spending authority of the Town Manager shall be as follows:

- A. During the first twenty-hour (24) hours, the Town Manager may spend \$50,000 on reasonable and necessary expenses related to emergency management, mitigation, and recover.
- B. An additional \$25,000 may be spent every twelve (12) hours, starting at the end of the first twenty-four (24) hours, up to a maximum of \$250,000.

**8.06.050 Emergency Management Director.**

The Board of Trustees may appoint an Emergency Management Director, who shall prepare and maintain a Continuity of Operations Plan to ensure operations continue without the loss of basic government functions and perform such other duties as may be directed by the Town Board.

**8.06.060 Enforcement of orders, rules and regulations.**

- A. The Chief of Police, members of the Kremmling Police Department, and other law enforcement and peace officers as may be authorized by the Mayor, are authorized and directed to enforce the orders, rules and regulations made or issued pursuant to this Chapter.
- B. The Chief of Police shall request appropriate resources as needed to respond to the disaster, and shall support emergency management personnel in obtaining supplies, equipment and services needed for the protection of the life and property of the people of the town.
- C. During the period of a declared local disaster, no person shall:
  - 1. Enter or remain upon the premises of any establishment not open for business to the general public, unless such person is the owner or authorized agent of the owner.

2. Violate any orders duly issued by the Mayor.
  3. Willfully obstruct, hinder or delay any duly authorized Town officer, employee or volunteer in the enforcement or exercise of the provisions of this Chapter, or of the undertaking of any activity pursuant to this Chapter.
- D. All members of the public shall be deemed to have been given notice of the restrictions contained within a declaration or order upon its dissemination to the news media or publication on the Town website or, if neither of those means are available, other means of publicity as determined by the Mayor.

**8.06.070 Succession of authority.**

If the Mayor is unavailable to perform the duties or functions set forth in this Chapter, the powers and duties conferred upon the Mayor shall be performed in descending order, as follows: by the Mayor Pro-Tem; by the member of the Town Board of Trustees most senior in length of service; then by the Board member whose last name begins with a letter that is closest to the beginning of the alphabet. If no member of the Board of Trustees is available, the powers and duties conferred upon the Mayor shall be performed by the Town Manager.

**8.06.080 Location of Town Board meeting and administrative functions.**

- A. Whenever a declared local disaster makes it prudent or impractical to conduct the affairs of the Town at its regular location, the Town Board may meet at any place, inside or outside the Town limits, as designed by the Mayor or may meet by telephone or other communication device. Any such temporary meeting location shall continue until the Town Board is able to return to its regular meeting location. Meetings conducted at such temporary location shall, to the extent practicable, be open to the public and notice of such temporary meeting location shall be posted in a manner and in a location so as to advise members of the public of the temporary location.
- B. Whenever a declared local disaster makes it imprudent or impractical to conduct the affairs of any department of the Town at its regular location, such department may conduct its business at any place, inside or outside the Town limits, as designated by the Town Manager, and may remain at such temporary location until the department is able to return to its regular location.
- C. Whenever a declared local disaster makes it imprudent or impractical for the Board of Trustees or any Town committee, board or authority to meet at a previously scheduled date and time, such meeting shall be deemed postponed until a quorum of the board, committee or authority is able to meet.
- D. Any official at or meeting required to be performed at any regular location of the Board of Trustees or Town department shall be valid when performed at any temporary location established pursuant to this Section.
- E. The provisions of this Section shall apply to all executive, legislative, and judicial branches, powers and functions conferred by law upon the Town and its officers, employees and authorized agents.

**8.06.090 Authority to enter private property.**

During the period of a declared local disaster, a Town employee or authorized agent may enter unto or upon private property if the employee or authorized agent has reasonable grounds to believe there

is a true emergency and an immediate need for assistance for the protection of life or property, and that entering onto the private property will allow the person to take such steps to alleviate or minimize the emergency or disaster or to prevent or minimize danger to lives or property.

**8.06.100 Conflicting ordinances, orders, rules and regulations suspended.**

Any ordinances, resolutions, orders, rules and regulations promulgated during a declared local disaster shall take precedence over existing ordinances, resolutions, rules and regulations if a conflict arises

Any person who violates any provision of this title or the ordinance and resolution adopted herein by reference including any amendments thereto commits an offense. Any person convicted of violation of any section of this title shall be punished as provided in Kremmling Municipal Code Section 1.16.010.

## 8.08 - Fireworks

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### **8.08.010 State statute adopted.**

Except as may be modified by written order of the Mayor or Town Manager pursuant to Chapter 8.22 of this code, the Board of Trustees hereby adopts by reference the state statutes concerning fireworks set forth in C.R.S. § 12-28-101, *et seq.* (the “state fireworks code”), as may be amended from time to time. No person shall use, explode, sell, offer for sale, or possess with the intent to use, explode, sell or offer for sale any fireworks in the Town in a manner that violates any provision of the state fireworks code adopted herein, or in violation of any written order of the Mayor or Town Manager pursuant to Chapter 8.22 of this code.

(Ord. 306 §2, 1988; Prior Code §11-3-14 (part))

### **8.08.020 Marshall shall seize.**

The Town marshal or any constable, sheriff or deputy sheriff of the county shall seize, take and remove, at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored or held in violation of the provisions of this section. (Ord. 306 §3 1988; Prior Code §11-3-14(part))

### **8.08.200 Violation - Penalty.**

Any person who violates any provision of any section of this chapter commits an offense. Any person convicted of violation of any section of this chapter shall be punished as provided in Kremmling Municipal Code Section 1.16.010. (Ord. 535 §9, 2008; Ord. 306 §4, 1988; Prior Code §11-3-14 (part))



## 8.12 - Garbage and Rubbish Collection and Disposal

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### **8.12.010 Definitions.**

For the purpose of this chapter the following terms, phrases, words and their derivations shall have the following meanings:

“Contractor” means the person with whom the Town may contract to collect and dispose of solid waste.

“Garbage” means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

“Household Refuse” means garbage or refuse of any kind or character from a private home, private property, or private campsite. The term includes trash as defined in Section 8.24.020(M). A public trash receptacle is not a suitable container, storage place or depository for household refuse.

“Other Rubbish” means solid waste, other than garbage, that because of size or weight is not capable of being stored in the containers described in this chapter.

“Public Trash Receptacle” means any trash receptacle owned by the Town of Kremmling, and provided for the use of the public.

“Residential Dumpster” means a dumpster used by residential trash rate-paying customers. (Ord. 469

§1, 2002)

“Residential Dumpster User Group” means a group of one or more residences who share the use of a dumpster as provided in Section 8.12.130, *et seq.* (Ord. 469 §1, 2002)

“Rubbish” means all solid waste, other than garbage that is capable of being stored in the containers described in this chapter.

“Sanitary condition” means a condition that is not offensive to the senses and not injurious to the health of any person.

“Tote” means a wheeled, covered container of less than one cubic yard capacity approved by the Town or its contractor, designed for automated pickup, handling and dumping into a truck. The term shall not refer to any container referred to as a “dumpster.” (Ord. 498 §2, 2005)

“Town official” means the person to whom the Board of Trustees has delegated the duty and authority to obtain enforcement of the provisions of this chapter. (Prior Code §12-3-1)

#### **8.12.020 Collections.**

The Board of Trustees may enter into an exclusive contract or agreement with any person for the collection of solid waste, or it may, at its discretion, make other provisions for the collection and disposal of solid waste. (Prior Code §12-3-2)

#### **8.12.030 Containers.**

All containers used to store garbage and rubbish shall have a close fitting cover. All containers used to store only rubbish so as to prevent removal or strewing of the rubbish by animals or the wind. All containers, excluding commercial dumpsters and residential dumpsters, shall be wheeled, plastic totes of size, shape, and design capable of being machine loaded by equipment in use by or for the Town. (Ord. 498 §2, 2005; Ord. 469 §2, 2002; Prior Code §12-3-3)

#### **8.12.040 Containers must be used.**

All garbage and rubbish shall be placed in containers as above described. (Prior Code §12-3-4)

#### **8.12.050 Use of own containers only.**

No person shall dispose of solid waste in containers other than his own or that of the owner of the premises on which the person resides. All containers shall be maintained by the owner, and/or occupant, in a sanitary condition. (Prior Code §12-3-5)

#### **8.12.055 Use of public trash receptacles.**

No household refuse shall be placed in any public trash receptacle by any person. (Ord. 472 §1, 2002)

#### **8.12.056 Contamination of recycling materials prohibited.**

- A. Only designated recyclable material may be placed in any recycling container. Only designated recyclable material will be accepted for recycling.
- B. Recyclable material must be placed only in the recycling container designated for the type of material. If no container or location is designated for the type of material, the material is not accepted for recycling.

#### **8.12.060 Commercial containers.**

All commercial containers shall be in conformity with the regulations promulgated by the Board of Trustees and shall be located on a concrete or asphalt pad or other hard surface approved by the Town official, of sufficient dimension for the container, and to facilitate moving the container to the truck for unloading (Ord. 463 §1, 2002; Prior Code §12-3-6)

**8.12.061 Condition of commercial dumpsters.**

Dumpsters shall be maintained in a good mechanical condition, such that the castors are fully functional, the covers fit securely, there are no jagged or sharp edges capable of causing injury to persons whose duty is to handle such dumpsters, and the dumpster shall be water tight so that liquids will not be able to enter the dumpster when the lid is closed, nor escape from the dumpster. (Ord. 463 §1, 2002)

**8.12.065 Dumpster replacement program.**

- A. Each large commercial account shall use an appropriately-sized dumpster. If the dumpster is provided by the Town, the account holder will be charged the monthly rental rate then in effect for the dumpster. (Ord. 463 §1, 2001)
- B. Dumpsters currently in use by large commercial accounts which deteriorate, are damaged, or are otherwise unrepaired or unusable, shall, at the discretion of the Town official, be replaced. If the replacement dumpster is provided by the Town, the account holder will be charged the monthly rental rate then in effect for the dumpster. (Ord. 463 §1, 2001)
- C. A large account holder may supply its own dumpster (“user supplied dumpster”), but such dumpster must be approved by the Town as to the size, materials, design and dimensions of the dumpster. Any user-supplied dumpster must be maintained in good working order by the large account holder, at its own expense and effort. The Town may require that any user supplied dumpster be repaired or replaced. If the large account holder fails to make necessary repairs or replacement of the user supplied dumpster, the Town may replace the dumpster, and the account holder shall enter into a lease with the Town and the Town will supply the dumpster at the then-current monthly rental rate. (Ord. 463 §1, 2001)
- D. Dumpsters furnished by the Town are leased to the large commercial account holder. The Town’s sole responsibility as to the use and condition of such dumpsters is to maintain the dumpsters as against ordinary wear and tear, and to repair any damages caused by the Town. (Ord. 463 §1, 2001)
- E. Dumpsters provided by the Town shall remain the property of the Town. No person shall remove from the premises or willfully damage any such dumpster. (Ord. 463 §1, 2001)
- F. The Town shall set by resolution the rental rate for any containers, dumpsters, or totes the Town may supply. The monthly rental rate for dumpsters and for commercial totes supplied by a Contractor shall be established by the Contractor, subject to approval by the Town, and shall not be changed without such approval by the Town. (Ord. 498 §2, 2005; Ord. 463 §1, 2001 Repealed)
- G. Contractor to discharge duties. At any time trash collection services are provided by a contractor under contract with the Town, dumpsters shall be provided by the Contractor or the customer. The Contractor shall act on behalf of the Town in discharge of the duties, rights and obligations of the Town provided in Sections 8.12.065, paragraphs A., B, C, D, and E, specifically including the Contractor as owner and lessor of dumpsters provided by it. (Ord. 498 §2, 2005; Ord. 463 §1, 2001 Repealed)

**8.12.070 Containers not in compliance.**

- A. All user-owned containers not in compliance with the provisions of this chapter shall be subject to removal and disposition by the Town or contractor upon order of removal and disposition by the Town official. Such order shall be made only after owner has been notified of the deficiency and has been afforded ten working days to correct the deficiency.
- B. When a contractor-owned container is not in compliance with the provisions of this chapter, contractor shall be notified of such deficiency and contractor shall bring the container into compliance within ten working days.
- C. When a Town or contractor-owned container is damaged by any means other than ordinary wear and tear, the customer shall be responsible for the cost of repair or replacement of the container.

(Ord. 498 §2, 2005; Prior Code §12-3-7)

**8.12.080 Regulations.**

The Board of Trustees shall make reasonable regulations concerning the days of collection, type and location of waste containers, and such other matters pertaining to the collection, conveyance and disposal of solid waste as may be bound necessary (Prior Code §12-3-8)

**8.12.090 Solid waste removal.**

No person, other than Town or contractor shall use any street, alley or public thoroughfare in the Town for the hauling or transporting of any solid waste for compensation. (Prior Code §12-3-9)

**8.12.100 Solid waste categories.**

Solid waste categories shall be defined as follows:

- A. All residences paying residential water rates shall pay residential trash rates.
  - 1. The residential trash rate will be charged for accounts that have a single tote with only once a week pickup. Additional totes may be obtained and will be charged an additional fee.
  - 2. Containers are required.
  - 3. Trash not in containers will be treated as overage and the overage charge will automatically be added to the monthly bill of the account. (Ord. 498 §2, 2005)
- B. All multifamily units (duplexes/apartments) with individual residential water meters may pay residential trash rates for each unit, or may pay commercial rates if a common trash container is used.
- C. All trailer parks with individual residential water taps may pay residential trash rates for each unit, or may pay commercial rates if a common trash container is used. (Ord. 498 §2, 2005)
- D. All trailer parks with a commercial water tap must pay commercial trash rates and must have a common trash container(s). (Ord. 498 §2, 2005)
- E. All other commercial water taps must pay commercial trash rates:

1. Small commercial rate will be charged for accounts that have a maximum of one tote with only once a week pickup. The containers are required, no dumpsters and no bags outside of containers. Any overage, at any time, will automatically disqualify the account for the small commercial rate. Customer must provide an approved hard surface for the tote.
2. Large commercial rate will be charged for all other commercial customers. Customer must provide an approved hard surface for the totes or dumpsters.
3. Commercial property with multiple businesses on location may have multiple trash accounts, by arrangement made at Town hall.
4. All in-home businesses which have permanent nonfamily employees working at the in-home business location shall be required to have a commercial trash rate.
5. Individual commercial properties with multiple commercial water taps will require only one commercial trash account.
6. Commercial properties with living quarters included on the property will require only one commercial trash account. (Ord. 498 §2, 2005)

F. Deleted (Ord. 516, 2007)

G. All churches shall receive the residential rate. Charitable organizations as defined by the Internal Revenue Service and service organization shall upon application be eligible for a special rate. (Ord. 498 §2, 2005)

H. All large commercial accounts will be able to change their status to a small commercial account the first week of January of each year. (Ord. 498 §2, 2005; Ord. 400 §1, 1995; Ord. 373 §1, 1993; Ord. 351 §1, 1991; Prior Code §12-3-11(part))

### **8.12.110 Fees.**

- A. Collections from store and other commercial establishments shall be as frequent as determined by agreement of the Town or contractor and the owner and/or occupant. (Ord. 562 §3, 2010)
- B. Fees shall be collected by the Town and shall be paid at the end of each month of service. All accounts shall be considered delinquent is not paid on or before the due date shown on the bill. All delinquent accounts are subject to stoppage of solid waste collection services without notice, as well as disconnection of water service pursuant to Section 13.04.120 of this Code. The stoppage of service authorized in this section for nonpayment of charges shall be in addition to the right of the Town to proceed for the collection of unpaid taxes and/or of a municipal claim. (Ord. 615§1, 2012; Ord. 562 §4, 2010; Ord. 400 §2, 1995; Ord. 382 §1, 1994; Ord. 332 §1, 1991; Ord. 293 §1, 1987; Prior Code §12-3-11 (part))
- C. The Board of Trustees shall set or alter fees in this chapter by resolution. (Ord. 562 §5, 2010)
- D. If payment of any charge imposed pursuant to this chapter is made by a dishonored check, a bad check fee in the amount established by resolution shall be imposed in addition to such charge, and such charge shall be considered delinquent in the same manner as if no payment had been made. The bad check fee shall be added to the account. (Ord. 580 §1, 2010)

**8.12.115 Late fee.**

The Town is authorized to assess and collect a late fee, as set per resolution by the Board of Trustees, per billing period on the Town trash billing after bills are delinquent for thirty (30) days. (Ord. 615 §2, 2012)

**8.12.120 Users to pay fee.**

Each owner of a commercial or residential in-Town water tap account shall pay the applicable fee for solid waste disposal. (Ord. 393 §1, 2001; Prior Code §12-3-12).

**8.12.130 Residential use of dumpsters.**

Customers paying residential trash rates may choose to own or lease a dumpster, which must be used and maintained in accordance with this Code. (Ord. 469 §4, 2002)

**8.12.131 Residential User.**

A Residential Dumpster User must file notice with the Town identifying the names of the user(s) and their respective address(es), and each such user shall enter into a “Dumpster Lease” for any dumpsters furnished by the Town. (Ord. 469 §4, 2002)

**8.12.132 Residential Dumpster User Group.**

Several residential users may join together and use a dumpster. Not more than three residences may share a two yard dumpster. Not more than four residences may share a three yard dumpster. (Ord. 469 §4, 2002)

**8.12.133 Residential Dumpsters.**

All residential containers shall be in conformity with the regulations promulgated by the Board of Trustees and shall be located on a concrete or asphalt pad or other hard surface approved by the Town official, of sufficient dimension for the container, and to facilitate moving the container to the truck for unloading. The minimum pad size shall be no less than twelve (12) inches wider on each side than the size of the container. (Example: a four foot by six foot container requires a six foot by eight foot pad). Any residential dumpster to be located inside an enclosure shall have a minimum of thirty-six inches clearance between the enclosure and the container. (Example: four foot by six foot container requires an enclosure and pad size of ten foot by twelve foot). (Ord. 469 §4, 2002)

**8.12.134 Billing.**

Each resident using a dumpster will receive a residential trash rate bill at the rate established in Sections 8.12.100 and 8.12.110 above. Any overages will be billed to the residence on which the dumpster is located. The Town will not determine responsibility, bill, or allocate overages among the members of a Residential Dumpster User Group. (Ord. 469 §4, 2002)

**8.12.135 Condition of residential dumpsters.**

Dumpsters shall be maintained in a good mechanical condition, such that the castors are fully functional, the covers fit securely, there are no jagged or sharp edges capable of causing injury to persons whose duty is to handle such dumpsters, and the dumpster shall be water tight so that liquids will not be able to enter the dumpster when the lid is closed, nor escape from the dumpster. (Ord. 469 §4, 2002)

**8.12.136 Dumpster replacement program.**

A. If the dumpster is provided by the Town, the account holder will be charged the monthly rental rate then in effect for the dumpster.

- B. Dumpsters which deteriorate, are damaged, or are otherwise unrepaired or unusable, shall, at the discretion of the Town official, be replaced. If the replacement dumpster is provided by the Town, the account holder will be charged the monthly rental rate then in effect for the dumpster.
- C. A Residential Dumpster User may supply its own dumpster (“user supplied dumpster”), but such dumpster must be approved by the Town as to the size, materials, design and dimensions of the dumpster. Any user-supplied dumpster must be maintained in good working order by the owner, at its own expense and effort. The Town may require that any user supplied dumpster be repaired or replaced. If the dumpster owner fails to make necessary repairs or replacement of the user supplied dumpster, the Town may replace the dumpster, and the account holder shall enter into a lease with the Town and the Town will supply the dumpster at the then-current monthly rental rate.
- D. Dumpsters furnished by the Town are leased to the Residential Dumpster User. The Town’s sole responsibility as to the use and condition of such dumpsters is to maintain the dumpsters as against ordinary wear and tear, and to repair any damages caused by the Town.
- E. Dumpsters provided by the Town shall remain the property of the Town. No person shall remove from the premises or willfully damage any such dumpster.
- F. The Town shall set by resolution the rental rate for any containers, dumpsters, or totes the Town may supply. The monthly rental rate for dumpsters and for commercial totes supplied by a Contractor shall be established by the Contractor, subject to approval by the Town, and shall not be changed without such approval by the Town. (Ord. 498 §2, 2005)
- G. Contractor to Discharge Duties. At any time trash collection services are provided by a contractor under contract with the Town, dumpsters shall be provided by the Contractor or the customer. The Contractor shall act on behalf of the Town in discharge of the duties, rights and obligations of the Town provided in Sections 8.12.136, paragraphs A., B, C, D, and E, specifically including the Contractor as owner and lessor of dumpsters provided by it. (Ord. 498 §2, 2005; Ord. 469 §4, 2002)

**8.12.200 Violations - Penalty.**

Any person who violates any provision of any section of this chapter commits an offense. Any person convicted of a violation of any section of this chapter shall be punished as provided in Kremmling Municipal Code Section 1.16.010. (Ord. 535 §10, 2008; Ord. 472 §1, 2002)

## 8.16 - Hazardous Substances

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### **8.16.010 Authority.**

Pursuant to Section 29-22-102(3)(a), Colorado Revised Statutes, the Police Department, through the officer(s) on duty, is designated the emergency response authority for hazardous substance incidents occurring within the corporate limits of the Town. (Ord. 268 §1, 1984)

### **8.16.020 Action.**

In the event of a hazardous substance incident as defined in Title 29, Article 22 of C.R.S., it shall be the responsibility of the Police Department to undertake such action as required by Title 29, Article 22, C.R.S. (Ord. 268 §2, 1984)



## 8.20 - Nuisances Generally

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### **8.20.010 Defined.**

Anything which is injurious to health or morals or indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property is declared a nuisance and as such shall be abated. (Prior Code §10-1-1)

### **8.20.020 Abatement of nuisances generally.**

The purpose of this chapter is to provide a procedure by which the Town may enforce the various environmental concerns addressed by this Chapter, and to establish a policy authorizing the Town to take corrective enforcement measures should any landowner, tenant, or occupant of any property located within the Town fail voluntarily to comply with any provision of this Chapter. Abatement by the Town of any nuisance as set forth in this Chapter shall be optional at the sole discretion of the Town and shall not prevent the town from availing itself of any other enforcement or criminal action, including the issuance of a summons to appear in Municipal Court. (Ord. 574 §1, 2010; Prior Code §10-1-2)

### **8.20.030 Notice to abate.**

Any state of things prohibited by this chapter shall be deemed a nuisance and any person who, after the effective date of the ordinance codified in this section, shall make or cause such nuisance to exist shall be deemed the author thereof, provided, that any person who shall have possession or control of any private ground or premises, whether he is owner of them or not, in or upon which any nuisance shall exist or may be found, whether such nuisance has been created before or after the effective date of the ordinance codified in the section, shall be deemed guilty of a separate offense, as the author of a nuisance, for every period of forty-eight hours continuance of such nuisance after due notice has

been given to abate it. The written notice of forty-eight hours may be given and served by the Police Chief or other officers as he may designate. (Ord. 574 §2, 2010; Prior Code §10-1-3)

**8.20.040 Abatement by Police Chief.**

In the event that any such nuisance within or upon any private premises or grounds is not abated immediately after the notice provided in this chapter shall be given, the Police Chief may declare the same to be a nuisance and order the nuisance abated, which order shall be executed without delay; and the Police Chief shall have the authority to call for the necessary assistance to abate the nuisance. The Police Chief may abate any nuisance by authorizing a private contractor to enter the property and remove the condition or conditions, with the expense incurred by the Town to be recovered as set forth in this Chapter. (Ord. 574 §3, 2010; Prior Code §10-1-4)

**8.20.050 Abatement without notice.**

In case of any such nuisance in or upon any street, avenue, alley, sidewalk, highway or public grounds in the Town, the Police Chief or other officers as he may designate, may abate the same immediately without such notice given. (Ord. 574 §4, 2010; Prior Code §10-1-5)

**8.20.060 Assistance in abatement.**

Any officer who shall be duly authorized to abate any nuisance specified in this chapter shall have authority to engage the necessary assistance and to incur the necessary expenses thereof. (Prior Code §10-1-6)

**8.20.070 Recovery of expenses.**

- A. The expense incurred by the Town in abating any nuisance, together with ten percent of the cost of the abatement for the inspection and other incidentals, shall be paid to the Town Clerk within thirty days after mailing by the Town Clerk to the owner of such lot, block or parcel of ground, by registered or certified mail, a notice of the assessment of such cost.
- B. Any assessment pursuant to this section shall be a lien against such lot, block or parcel of ground until paid and shall have priority over all other liens except general taxes and prior special assessments.
- C. In case such assessment is not paid within thirty days, it shall be certified by the Clerk to the County Treasurer, who shall collect the assessment, together with a ten 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 pursuant to this section.

(Ord. 359 §1, 1991; Prior Code §10-1-7)

**8.20.080 Authority to enter.**

The Police Chief or other officers as he may designate may enter upon or into any lot, house or other building or premises, with 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 of such action. (Ord. 574 §5, 2010; Prior Code §10-1-8)

**8.20.090 Discharge of nauseous liquids.**

It is unlawful to discharge out of or from, or permit to flow from any house or place, foul or nauseous liquid or substance of any kind whatsoever, into or upon any adjacent ground or lot, or into any street,

alley or public place in the Town. (Prior Code §10-1-9)

**8.20.100 Stale matter.**

It is unlawful to keep, collect or use, or cause to be kept, collected or used in this Town, any stale, putrid or stinking fat or grease or other matter. (Prior Code §10-1-9)

**8.20.110 Sewer inlet.**

It is unlawful to deposit in, or throw into any sewer, sewer inlet or privy vault that shall have a sewer connection, any article whatsoever that might cause such sewer, sewer inlet or privy vault to become nauseous or offensive to others or injurious to public health. (Prior Code §10-1-11)

**8.20.120 Stagnant ponds.**

Any cellar, vault, drain, sewer, pond of water, or other place, upon or within any private premises or grounds in this Town, that shall be nauseous or offensive to others, or injurious to public health through an accumulation or deposition of nauseous, offensive or foul water, or other substances, shall be deemed a nuisance. This applies in all cases for which no other specific provisions are made in this chapter, Code or any other ordinance of the Town. (Prior Code §10-1-12)

**8.20.130 Open wells, cisterns.**

It is declared that excavations exceeding five feet in depth, cisterns and wells or an excavation used for storage of water, are public nuisances unless they are adequately covered with a locked lid or other cover weighing at least sixty pounds or are securely fenced with a solid fence to the height of at least five feet, and it is unlawful for any person to permit such nuisance to remain on premises owned or occupied by him. (Prior Code §10-1-13)

**8.20.140 Noisemaking devices.**

The use of bells, whistles, sirens, music horns or any other noisemaking devices for the purpose of attracting children or minors to any vehicle upon the streets, highways, rights-of-way, alleys or public ways of the Town for the purpose of selling, distributing or giving away any product whatsoever to such minors is declared to be a public nuisance and hazard; and is expressly prohibited and is unlawful, expecting such activities carried on as part of duly authorized public parades or processions. (Prior Code §10-1-14)

**8.20.150 Handbills, posters.**

Any handbill, poster, placard or painted or printed mat which shall be stuck, posted or pasted upon any public or private house, store or other building, or upon any fence, power pole, telephone pole or other structure without the permission of the owner, agent or occupant of the house, shall be deemed a nuisance. (Prior Code §10-1-15)

**8.20.160 Storage of flammable liquids.**

It is unlawful to store or cause to be stored or parked any tank vehicle carrying flammable liquids or gases upon any streets, ways or avenues of the Town, or in any other part of the Town for a period of time in excess of twelve hours. (Prior Code §10-1-16)

**8.20.170 Aboveground storage of flammable liquids prohibited.**

It is unlawful to have an exposed tank or other structure for the storage of flammable liquids or gases, with the exception of propane gas, within the limits of the Town. (Prior Code §10-1-17)

**8.20.180 Broken glass, nails on street.**

It is unlawful for any person to throw or deposit or cause to be thrown or deposited on any street,

alley, sidewalk or other public way, any broken glass, broken crockery, nails or any other dangerous substance. (Prior Code §10-1-18)

**8.20.190 Abandoned ice boxes.**

It is unlawful for any person to 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 ice box, refrigerator or other container, which has a door or lid, snap lock or other locking device, which cannot be released from the inside without removing the door or lid, snap lock or other locking device. (Prior Code §10-1-19)

**8.20.200 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 later use, but shall be either plowed under or removed by the owner, occupant or agent. (Prior Code §10-1-32)

**8.20.210 Other provisions.**

The above enumerated provisions of this chapter are in no way deemed to be exclusive and anything declared under Section 8.20.010 shall be abated in accordance with the provisions contained in this chapter. (Prior Code §10.1.33)

**8.20.220 Violation - Penalty.**

Any person who violates any provision of any section of this chapter commits an offense. Any person convicted of violation of any section of this chapter shall be punished as provided in Kremmling Municipal Code Section 1.16.010. (Ord. 535 §11, 2008)

## 8.22 - Open Burning

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### **8.22.010 Definitions.**

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the following meanings:

“Open Burning” means any outdoor fire, including but not limited to slash burning; leaf burning; campfire pits, grates, containers or warming fires exceeding (3) feet in diameter; burning of fence rows, fields ditches, trash, rubbish, wastepaper, rubber, plastics, tires, construction debris, chemicals of any kind, paint, fuels, solvents, furniture, coated wood, manufactured wood, manure, deceased animals or animal parts, and/or other debris or other flammable material; and any other activity that poses a significant risk of starting a fire as may be set forth specifically in a written order issued by the Mayor or Town Manager pursuant to Section 8.22.030 of this Chapter.

### **8.22.020 Open Burning Prohibited; Exceptions.**

- A. Open Burning is prohibited within the Town.
- B. The following are exceptions to the general open burning ban, which, unless modified or prohibited by written order of the Mayor or Town Manager pursuant to Section 8.22.030 of this Chapter, shall be permitted:
  1. Fires contained within buildings or liquid-fueled or gas-fueled grills, self-contained charcoal grills, and campfire pits, grates, or containers not exceeding three (3) feet in diameter.
  2. Special event bonfires may be authorized by written permission from the Town and the Fire District.
  3. Open Burning may be authorized by written permission from the Town and the Fire District, upon a finding by the Town and the Fire District that the burning will not be hazardous to the community.

### **8.22.030 Authority to Enact More Restrictive Prohibitions by Written Order.**

- A. The Mayor or the Town Manager, or their designee, is authorized to issue a written order implementing restrictions on Open Burning that are more stringent than set forth herein. The Mayor or Town Manager shall consider recommendations issued by officials from others affected governmental agencies, including but not limited to the Fire District, prior to issuing any such written order.
- B. The specific terms and conditions of the more stringent restrictions, and their applicability to various types of operations, including commercial operations shall be determined by the Mayor or Town Manager and set forth in the written order.

- C. Any order issued by the Mayor or Town Manager pursuant to this section shall be reviewed by the Board of Trustees at its next regular or special meeting, at which meeting the Board shall by resolution modify, ratify or rescind the order.
- D. Unless otherwise provided in the written order, any order issued pursuant to this Section shall continue in effect until the modified or repealed by resolution of the Board of Trustees.

**8.22.200 Violation-Penalty.**

Any person who violates any provision of any section of this chapter commits an offense. Any person convicted of violating any section of this chapter shall be punished as provided in Kremmling Municipal Code Section 1.16.010.

(Ord. 602 §1, 2011)

## 8.24 - Trash, Junk, Rubbish, Weeds and Brush

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### **8.24.010 Policy.**

In order to prevent and reduce hazards, interference with the orderly flow of traffic, the reduction in value of property, blight within the Town, mischief and unsightliness, to preserve enjoyment of property; and to provide for the public health, safety and welfare, the Town shall prohibit accumulation of rubbish, including trash, junk and garbage from being allowed or permitted to remain upon public or private property within the Town, and to prohibit the excessive growth or accumulation of weeds and brush on any such property, and to require the cleanup of such conditions at the effort and/or expense of the owner of any such property. (Ord. 458 §1, 2001)

### **8.24.020 Definitions.**

The following definitions shall apply in the interpretation and enforcement of this chapter:

“Appropriate Storage Place or Depository” means a storage area enclosed by a fence constructed of view-blocking material, six feet in height, or a structure of view blocking material or a building as defined in and constructed in accordance with the latest adopted building Codes.

“Brush” means woody perennial plants including trees and shrubs, whether cultivated or not.

“Fence Constructed of View-Blocking Material” means a fence constructed of cedar pickets, manufactured vinyl fence materials, or woven wire fence with visibility slats, placed in such manner that the fence has a ratio of at least ninety percent closed space per square foot to ten percent or less open space, six feet in height. In addition to the listed materials, the Town may approve other materials including concrete, block, brick, stone, and materials of similar appearance to the approved materials. Unacceptable materials include glass, tires, tarps, plastic film or sheet commonly sold in rolls, woven or unwoven fiber house wrap, unconventional salvaged material, and unsafe or unsightly materials.

“Garbage” means all waste, animal or vegetable, such as but not limited to waste material and refuse from kitchens, residences, grocery stores, butcher shops, restaurants, cafes, hotels, rooming houses and boarding houses, and all other putrescible or deleterious substances.

“Junk” means any tangible personal property that is unrepaired, unrepairable, abandoned, derelict, or discarded. Junk includes personal property that is unrepaired or unrepairable for use in

intended form, but that may be turned to some use or from which parts are removed.

“Junkyard” means and includes any lot, land, parcel, or part thereof, used for storage, collection, processing, purchase, sale, salvage, or disposal of junk. Junkyard includes but is not limited to, the following: automotive recycling yards, the primary purpose of which is to salvage multiple motor vehicle parts and materials for recycling and reuse; machinery junk yards, the primary purpose of which is a place of storage in which there is displayed to the public view junk machinery or scrap metal; and wrecking yards, the primary purpose of which is a place where there is stored two (2) or more non-operating vehicles or used parts of motor vehicles or old iron, metal, glass, cordage, or other waste or discarded second-hand materials that has been a part, or intended to be a part, of any motor vehicle.

“Lot or Parcel” means a lot, piece, plot or parcel of land or assemblage of contiguous parcels of land, as established by survey, plat, or deed.

“Owner” means any person who is the owner of real property as ascertained from the records of the Grand County Clerk and Recorder's Office and of the Grand County Assessor's Office. The term includes tenants and agents of the owner and occupants of the land.

“Non-operating vehicle” means any vehicle which is stopped or parked, either attended or unattended, due to any mechanical failure or any inoperability because of a collision, a fire or any other such injury, temporarily inoperable under its own power making it incapable of performing the function it was originally designed to perform, or a vehicle not bearing a valid current registration license plate or that would otherwise be unlawful to operate on any street or highway within the Town. (Ord. 577 §2, 2010)

“Rubbish” means any trash, junk and garbage, or material of any kind that has been discarded, rejected, cast aside or thrown away as worthless.

“Street or Alley” means the entire width between the boundary lines of every public way for the use of the public for purposes of vehicular or pedestrian travel, whether maintained or not.

“Suitable Container” means a container for rubbish so designed and used as to prevent scattering of rubbish, including trash, junk and garbage, by wind, water, animals or other foreseeable means.

“Trash” means any junk, litter, refuse, weeds, brush, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, vehicle parts, furniture, oil, carcasses of dead animals, any ashes, waste, industrial waste products, any noxious or offensive matter of any kind; any object likely to create a traffic hazard, or any object which has been discarded or abandoned. (Ord. 577 §4, 2010) (Ord. 655, 2015)

“Unightly” means not pleasant to the sight, interfering with the normal enjoyment of a fine view.

“Vehicle” means a machine designed to be propelled or towed by mechanical power, to move or travel along highways, roads, streets or the 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 automobiles, airplanes, trucks, trailers, motor scooters, motorcycles, snowmobiles, tractors, buggies, boats and wagons. (Ord. 577 §5, 2010)



“Weeds” means any plant not cultivated for agricultural or horticultural purposes, and may include plants commonly called "grass" or "hay" when such grass or hay is not cut or grazed, and exceeds a height of six inches above the ground.

(Ord. 458 §1, 2001)

**8.24.030 Accumulation of rubbish, including trash, junk, non-operating vehicles and garbage prohibited; removal compelled.**

- A. It is unlawful for any owner of any real property within the Town of Kremmling, unless otherwise excepted herein, to accumulate or suffer or permit accumulation of rubbish, including trash, junk, non-operating vehicle(s) or garbage, on any lot or parcel of land, including any part of the yard or any area of ground immediately surrounding the building or structure located on the real property, including porches or landings of such buildings, and on any alleys behind or sidewalk area in front of such property.
- B. The owner of any real property within the Town of Kremmling, unless otherwise excepted herein, may be compelled to remove rubbish, trash, junk, non-operating vehicle(s), and garbage, from any lot or parcel of land within the Town and from the alleys behind and sidewalk areas in front of such property as herein provided.
- C. This section shall not apply to:
  - 1. Any rubbish, trash, or junk stored in a suitable container or in an appropriate storage place or depository that prevents dispersal of the material outside such storage place or depository;
  - 2. Any vehicle or vehicle parts stored in a completely enclosed building or covered by a fitted, cloth car cover manufactured for such purpose; or
  - 3. During the period in which a valid building permit issued by the Town is in effect, debris from a construction or remodeling project that is not subject to dispersal on or from the premises by wind, water or animals, which may be accumulated for the lesser of a period of time of two weeks or to the volume of five yards.

(Ord. 575 §6, 2010; Ord. 458 §1, 2001)

**8.24.033 Junkyards prohibited.**

It is unlawful to operate or maintain, or allow to be operated or maintained, a junkyard within the territorial limits of the Town. No person, persons, firm, association, partnership or corporation shall engage in the business, whether or not for profit, of buying, selling or storing junk within the Town.

**8.24.035 Motor vehicle hobby repair.**

It is unlawful for any person to repair, recondition, rebuild, or work on any motor vehicle as a hobby, unless such hobby is conducted in and totally contained within a residential or commercial garage, and conducted in such a manner so as not to create a safety, health or fire hazard; however, this shall not apply to minor repair and maintenance activities such as, by way of illustration only, the changing of oil, sparkplugs or tires, so long as such minor work does not exceed a reasonable length of time, such as, by illustration, two (2) days.

The sale and/or marketing of more than one (1) each calendar year of any repaired, reconditioned or built motor vehicle and of more than one (1) each calendar year of any motor vehicle repair,

rebuilding or reconditioning for which a person receives any compensation shall be deemed a business and must be licensed and performed in accordance with all applicable Town ordinances.

**8.24.040 Weeds and brush prohibited; removal compelled.**

- A. It is unlawful for any owner of any real property within the Town of Kremmling to permit the growth of weeds or brush as defined herein on any lot or parcel of land and on any alleys behind or sidewalk areas in front of such property.
- B. The owner of any lot or parcel of land within the Town of Kremmling may be compelled to remove weeds and brush from any lot or parcel of land within the Town and from the alleys behind and sidewalk areas in front of such property as herein after provided.

(Ord. 458 §1, 2001)

**8.24.060 Enforcement.**

- A. Any police officer of the Town is authorized, either upon his own instigation or after receipt of a citizen complaint, to investigate any accumulation of rubbish, including trash, junk, non-operating vehicle(s) and garbage, or the growth or accumulation of weeds or brush, on any lot or parcel of land, and on any alleys behind or sidewalk areas in front of such property, at any place within the Town which appears to be in violation of this chapter. (Ord. 577 §8, 2010)
- B. If, after investigation, there is probable cause or belief that a violation of this chapter has occurred or exists, the officer making the investigation shall serve a Notice to Remove by personal delivery or certified mail, return receipt requested, to the owner, the purported owner and if the owner does not occupy the property, to the occupant of the premises on which the violation is located, advising the person of the violation and ordering removal within fifteen days from the date of the notice.
- C. If the action required by the Notice to Remove is not completed in the time established in the Notice to Remove, and no appeal is filed, the Town shall may arrange removal as set forth in this Chapter.
- D. Whenever necessary to make an inspection to enforce this Chapter, or whenever the Town has reasonable cause to believe that a violation of this Chapter exists upon any premises, agents of the Town may enter on the premises at all reasonable times to inspect the premises or to perform any duty imposed by this Chapter. Such authority does not allow entry into any building or structure, or any other place where there is a reasonable expectation of privacy as recognized by law, without consent, a warrant, or under other circumstances allowed by law. If the premises is occupied, the Town shall first make a reasonable effort to locate the owner or occupier and request entry. If entry is refused, the enforcement officer shall have recourse to every remedy available at law, and may apply to a court of competent jurisdiction for an administrative search warrant.
- E. The provisions of this chapter and remedies available are in addition to any other provisions of laws. Determination to enforce this chapter shall not preclude enforcement under any other applicable chapter or Code. (Ord. 577 §9, 2010)

(Ord. 458 §1, 2001)

#### **8.24.070 Notice to Remove - Requirements.**

- A. Upon determination by the Town that rubbish, including trash, junk and garbage, or weeds and brush must be removed, a "Notice to Remove" shall be issued.
- B. A "Notice to Remove" shall specify:
1. The location of the real property;
  2. The action to be taken:
    - a. That rubbish, including trash, junk, non-operating vehicle(s) and/or garbage must be removed from the lot or parcel and/or adjoining alleys and sidewalks; and/or (Ord. 577 §10, 2010)
    - b. That weeds and brush shall be removed from the lot or parcel and alley behind and sidewalks in front of such parcel;
  3. A date certain, not less than fifteen (15) days from date of mailing of the notice, to complete the removal required by the notice; (Ord. 577 §11, 2010)
  4. The notice shall be served by mailing, certified mail, return receipt requested, to the last known address of the owner, and if different, also to the occupant of the property;
  5. A Notice to Remove shall include the following notice: "This notice may be appealed to the Municipal Court of the Town of Kremmling by filing a written notice of appeal with the Town Clerk pursuant to Section 8.24.080 of the Kremmling Municipal Code. The notice must be received by the Town Clerk's Office by the last date for removal. A notice of appeal must contain your name and mailing address, telephone number, date of the notice, the property identified in the notice, and the reasons that you believe the property is not in violation of the Municipal Code. A hearing will be held within forty-five (45) days at a regularly scheduled court date. Your presence at the hearing is required. At your own effort, cost and expense, you may present witnesses and evidence regarding the alleged violation. You may have an attorney present." (Ord. 577 §12, 2010)
  6. A Notice to Remove shall include the following warning: "If you fail to comply with this notice, the Town of Kremmling may take the action requested herein. Costs of the removal, plus an administrative fee of five percent shall be assessed and shall be a lien against the property until paid. If the amount assessed is not paid within thirty (30) days of the assessment date, the amount due plus a ten percent penalty for costs of collection shall be certified to the County Treasurer for collection as any other tax may be collected by the Treasurer."

(Ord. 458 §1, 2001)

#### **8.24.080 Appeals.**

- A. Notice and Filing. A person who received a Notice to Remove may appeal such Notice to Remove by submitting a written appeal to the Town Clerk. The notice of appeal must contain the name, mailing address, and telephone number of the person filing the appeal, and set forth the date of the notice, the property identified in the notice, and briefly describe the reasons appellant believes the property is not in violation of the Municipal Code. The appeal must be delivered to

the Town Clerk no later than the last day for compliance set out in the Notice to Remove. Upon receiving an appeal, the Town Clerk shall set the matter for hearing at a regularly scheduled Municipal Court date within forty-five (45) days of the filing of the appeal. The appellant shall be notified in writing of the day, time and place of the hearing. The notice of the hearing shall be delivered by regular mail to the mailing address provided in the Notice of Appeal.

- B. Hearing. The hearing shall be specific as to the condition of weeds, brush, accumulated junk, non-operating vehicle(s) and/or rubbish, and evidence shall be heard by the Municipal Court as to these matters only. Statements and evidence, if offered, shall be taken from all parties in interest, which evidence must be relevant to the existence of and/or the removal or elimination of the weeds, brush, non-operating vehicle(s) and/or the accumulation of junk and/or rubbish. The Municipal Court shall make findings of fact from the evidence presented at the hearing as to whether the conditions complained of exist and should be eliminated. If the Court determines by a preponderance of evidence that weeds, or brush or an accumulation of junk, non-operating vehicle(s) and/or rubbish exists in violation of this Chapter and should be cut or removed, the Court may issue an order based on its findings, directing that such condition be removed or eliminated, and setting a date certain for compliance not less than five days after the hearing. The order shall be a final decision and may only be appealed to the district court, pursuant to Colorado rule of civil procedure 106(a)(4).
- C. Failure of a party in interest to timely file an appeal or failure, without cause, to appear at the hearing constitutes a bar and a waiver of any right to contest the Town's right to eliminate or remove the weeds, brush, junk, non-operating vehicles and/or rubbish from the property and charge the resulting costs against the person and/or the property.

(Ord. 577 §13, 2010; Ord. 458 §1, 2001)

**8.24.090 Town may remove.**

Upon expiration of the time period set forth in a Notice to Remove or by the date established in an order upon appeal thereof, and upon the failure of the real property owner to remove or cause to be removed rubbish, including trash, junk, non-operating vehicle(s) and garbage, and/or weeds and brush, as required in the notice, the Town may undertake to remove the same as required by the notice or order. The Town may effect such removal through its own agents, employees, equipment and facilities, or by contracting with others for such removal. (Ord. 577 §14, 2010; Ord. 458 §1, 2001)

**8.24.100 Assessment of costs, lien and collection.**

- A. If the Town removes or causes to be removed rubbish, including trash, junk and garbage, and/or removes or causes to be removed weeds and brush as may be required in the Notice, the Town shall assess its costs, including cost of causing compliance with the notice and landfill or other disposal fees, along with an amount equal to five percent (5%) of the cost of causing compliance for inspection and other incidental costs.
- B. All costs assessed shall immediately be a lien against the property, prior to all other liens except general taxes and prior assessments.
- C. The owner shall be billed for the costs determined above.
- D. If costs assessed pursuant to this action are not paid within thirty (30) days of the date billed by the Town, the Town Clerk shall certify the amount due to the County Treasurer, who shall collect

the assessment, together with a ten percent (10%) penalty for the cost of collection, in the same manner as other taxes are collected. The laws of this state 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 such assessments.

(Ord. 458 §1, 2001)

**8.24.200 Violation - Penalty.**

Any person who violates Section 8.24.030 Accumulation of rubbish, including trash, junk and garbage prohibited; removal compelled or Section 8.24.040 Weeds and brush prohibited; removal compelled, or fails to comply with a notice issued under Section 8.24.070 Notice to remove - requirements, either as issued and not appealed, or any order resulting from an appeal, under Section 8.24.080 Appeals, commits an offense, and upon conviction thereof, shall be punished as provided in Kremmling Municipal Code Section 1.16.010. The penalty provided may be imposed regardless of the Town's election to pursue any other remedy available to it, including clean-up and collection of costs thereof.

(Ord. 662 § 4, 2016; Ord. 535 §12, 2008; Ord. 458 §1, 2001)