

TOWN OF MARBLE

ORDINANCE NO. 1
Series 1980

AN ORDINANCE DECLARING AS A PUBLIC NUISANCE THE ACCUMULATION OF JUNK WITHIN THE TOWN OF MARBLE, COLORADO.

BE, IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MARBLE:

Section 1. Short title. This ordinance shall be know and may be cited as "Junk Ordinance, 1980".

Section 2. Definition. "Junk" means trash, and debris, and rubbish, and any used or secondhand materials of any kind, including, without limitation, cloth, rags, clothing, furniture, refrigerators or freezers, used and inoperable motor vehicles, or any part or parts thereof or therefrom, machines, apparatuses and contrivances, and parts thereof, which no longer are in use, and any used building materials, boards or other lumber, cement blocks, bricks or brickbats, and any other secondhand building material, and any discarded machinery, tractors, trucks or automobiles, and any other article or thing commonly known and classified as junk, which shall have been kept continuously for thirty days or more in such a manner as to be visible from any public way, whether situated upon public or private property.

Section 3. Nuisance declared. The keeping of junk hereby is declared to be dangerous to public safety, and an unreasonable interference with the right of others to use and enjoy their separate properties adjacent to or in the immediate neighborhood, and a factor which unjustifiably causes or contributes materially to a dimunition in value of adjacent and neighboring properties; and, as such, junk is a public nuisance.

Section 4. Keeping of junk forbidden; duty to abate. The keeping of junk within the territorial limits of the Town of Marble hereby expressly is forbidden. The owner, tenant, lessee and/or occupant of any property within the corporate limits of this Town, upon which junk is kept, and also the owner, lessee or bailee of junk, jointly and severally, are and shall be liable for abating any such nuisance as aforesaid, by means of prompt removal of said junk into a building or buildings which are completely enclosed, or to a location without said corporate limits.

Section 5. Penalty for failure to abate nuisance. If any person responsible hereunder for removal of junk shall have allowed said nuisance to exist, or shall have failed to abate such nuisance, they, and each of them, shall be guilty of a violation of this ordinance, and, upon conviction thereof, shall be punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment. Every person violating this ordinance shall be deemed guilty of a separate offense for each calendar day during which the violation continues, and may be punished therefor as provided in this section.

Section 6. Compulsory abatement by Town. The Town marshal shall demand by written notice to the owner or lessee or bailee of junk, such notice to be served personally, or by

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certified mail with postage prepaid and properly addressed to the last known address of said owner or lessee or bailee, that such junk be enclosed or removed in accordance herewith within 30 days. For purposes of this section, the tenant, lessee, or occupant of the premises, or the bailee of such junk shall be deemed the agent of the owner of the premises or of the junk. Upon the refusal, neglect or other failure of such person to comply with such demand, the Town marshal hereby is authorized and empowered to remove the same and cause it to be disposed of or stored, depending upon whether such junk shall have any monetary value and to assess the entire cost thereof, including five (5) per cent for inspection and other incidental costs in connection therewith, upon the lots and tract of land from which the junk shall have been removed. The assessment shall constitute a lien against each such lot or tract until paid, and shall have priority over all other liens except general taxes and prior special assessments. In the event such assessment shall not have been paid within 60 days, it may be certified by the clerk to the Treasurer in and for the County of Gunnison, who shall collect said assessment, together with a ten (10) per cent penalty for cost of collection, in the same manner as other taxes are collected.

Section 7. Effective date. This ordinance shall become effective 1 June 1980.

INTRODUCED AND READ for the first time on the 8th day of February, 1980, and ordered published in the Roaring Fork Valley Journal.


David H. Beamis, Mayor

Attested by


Lois Ann McCollum, Town Clerk

SEAL