

**BOARD OF COUNTY COMMISSIONERS OF HINSDALE COUNTY,
COLORADO**

ORDINANCE NO. 3 Series 2013

**AN ORDINANCE PROVIDING FOR THE REGULATION AND REMOVAL OF
JUNK, TRASH, RUBBISH, GARBAGE AND REFUSE FROM LOTS AND
TRACTS OF LAND IN UNINCORPORATED HINSDALE COUNTY, COLORADO**

WHEREAS, within the unincorporated areas of Hinsdale County, Colorado, junk, trash, rubbish, refuse and garbage may not be stored in a manner that is unsightly, obnoxious, dangerous or unsanitary; and

WHEREAS, pursuant to C.R.S. § 30-15-401(1), as amended, the Board of County Commissioners of Hinsdale County, Colorado (“Board”) has the authority to adopt an ordinance to provide for and compel the removal of junk, trash, rubbish, refuse, and garbage from lots and tracts of land and from the alleys behind and from the sidewalk areas in front of such properties within the unincorporated areas of Hinsdale County; and

WHEREAS, the Board has previously adopted a similar trash ordinance, by and through Ordinance No. 1990-1, which shall be replaced by this Ordinance; and

WHEREAS, the adoption of this Ordinance is in the best interests of the health, safety and welfare of Hinsdale County, Colorado.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HINSDALE COUNTY, COLORADO, THAT ORDINANCE NO. 1990-1 SHALL BE DELETED IN ITS ENTIRETY AND RESTATED AS FOLLOWS:

1. **Applicability.** This Ordinance shall apply in the unincorporated areas of Hinsdale County, Colorado.

2. **Definitions.** For purposes of this Ordinance, the following shall mean:

2.1 “Agricultural land” shall mean any land currently in agricultural use as the term agricultural land is defined in C.R.S. § 39-1-102(1.6).

2.2 “Industrial establishment” shall mean any business established and engaged in the processing, fabrication, alteration or manufacture of raw or semi-processed materials, manufactured goods or any component thereof.

2.3 “Industrial tracts” shall mean any tract of land of ten or more acres which is used for and occupied as an “industrial establishment” as defined by Section 2.2 above.

2.4 “Junkyard” shall mean a yard, lot, tract or area containing rubbish, as defined below, and upon which occurs one or more acts of buying, keeping, dismantling, processing, selling or offering for sale any such rubbish, in whole or in parts, for a business

or commercial purpose, whether or not the proceeds from such acts are to be used for private profit or for charity.

2.5 "Person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

2.6 "Rubbish" shall mean and include rubbish, trash, refuse, garbage, old or scrap iron, steel, copper, brass, rags, batteries, paper, aluminum or other metal, old and discarded wire, cable, rope or cordage, old rubber including tires or other rubber debris, junked, dismantled or wrecked automobiles, trucks, trailers or mobile homes, scrap wood and building and construction materials, old and discarded appliances, furniture or fixtures, or any parts, pieces or sections of any of the foregoing.

3. **Storage of Junk Unlawful.** It shall be unlawful for any person to keep or store upon any parcel or tract of land, including but not limited to the alleys and sidewalks adjacent to such parcels or tracts, within the unincorporated areas of Hinsdale County any accumulation of rubbish as defined above.

4. **Exceptions.** The prohibition contained in Section 3 above shall not apply to and this Ordinance shall not otherwise be enforced upon the following:

4.1 Any industrial tract of land of ten or more acres (see, § 30-15-401(1)(a)(I)(A), C.R.S.);

4.2 any agricultural land;

4.3 any junkyard which has received and is in compliance with the terms of a land use change issued under the provisions of the Hinsdale County Zoning & Development Regulations;

4.4 a junkyard which has received and is in compliance with the terms of a permit issued under the provisions of C.R.S. §§ 43-1-501, *et seq.*, as amended;

4.5 rubbish which is wholly stored inside of an enclosed building or structure so as to screen such rubbish from view;

4.6 any antique vehicle or machinery which has been or is in the process of being restored and which is valued principally because of its early date of manufacture, design, or historical interest as a collector's item; and

4.7 any single contiguous area which does not exceed four hundred square feet which is screened from view from public streets that are level and adjacent to the property by a fence, vegetation or buildings.

5. **Enforcement.**

5.1 The Hinsdale County Enforcement Officer or Building Inspector is hereby authorized to examine and investigate any tract or parcel of land on which there is any accumulation of rubbish as defined above, or which otherwise reasonably appears to be in violation of this Ordinance.

5.2 If, after examination and investigation, the Enforcement Officer or Building Inspector determines that a violation of this Ordinance exists, notice shall be sent to the owner and occupant thereof, via hand delivery or certified mail, return receipt requested. Such notice shall advise the addressee of the nature of the violation and shall order removal of the rubbish within ten (10) days if it is located upon public property and within thirty (30) days if it is located upon private property.

5.3 If, after expiration of the period of notice prescribed in Section 5.2 above, the owner or occupant of the offending premises has not removed the rubbish or caused it to be moved or otherwise has taken such steps necessary to comply with the notice, the Enforcement Officer or Building Inspector shall apply to the Hinsdale County District or County Court for an administrative entry and seizure warrant to remove the rubbish pursuant to C.R.S. § 30-15-401(1)(a)(I)(A), as amended. Once the Court issues the entry and seizure warrant, the Enforcement Officer or Building Inspector shall exercise the warrant and remove the rubbish in a prudent and safe manner.

6. **Violations/Penalty.**

6.1 In the event that rubbish must be removed from property pursuant to Section 5.3 above, the reasonable cost thereof, including an additional five percent (5%) for inspection and other incidental costs in connection therewith, shall be assessed upon the lot(s) or tract(s) from which such rubbish was removed. Any assessment levied pursuant to this Section 6 shall be a lien against such lot(s) or tract(s) of land until paid and shall have priority over all other liens except those for general taxes and prior special assessments.

6.2 In the event the assessment contemplated by Section 6.1 above is not paid within sixty (60) days, it may be certified by the clerk 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. Colorado laws 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 under this Ordinance.

INTRODUCED, READ AND ADOPTED ON FIRST READING, this 3rd day of April, 2013, and ordered published in full in the *Lake City Silver World* on the 5th day of April, 2013.

BOARD OF COUNTY COMMISSIONERS OF
HINSDALE COUNTY, COLORADO

By: *CJ Dozier*
Cindy Dozier, Chair

ATTEST:

Linda Paivich Pagle
Clerk

ADOPTED ON SECOND AND FINAL READING, this 24th day of April, 2013.

BOARD OF COUNTY COMMISSIONERS OF
HINSDALE COUNTY, COLORADO

By: C. F. Dozier
Cindy Dozier, Chair

ATTEST:

Linda Paivich Pagle
Clerk

