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Harriet R. Anderson, Recorder Park County

AN ORDINANCE

ORDINANCE NO. 6

County of Park
State of Colorado

AN ORDINANCE PROHIBITING THE ACCUMULATION OF RUBBISH IN THE COUNTY OF PARK, STATE OF COLORADO.

WHEREAS, pursuant to Section 30-15-401, C.R.S., as amended, the Board of County Commissioners of Park County, Colorado (hereinafter the "Board"), has the general enabling power to adopt ordinances for the control or licensing of those matters of purely local concern, and to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease; and

WHEREAS, Section 30-15-401, C.R.S., specifically authorizes the adoption of ordinances and regulations to compel the removal of rubbish within the unincorporated areas of Park County; and

WHEREAS, it has come to the attention of the Board that residents of Park County have experienced problems with the accumulation of rubbish upon adjacent properties; and

WHEREAS, it is the opinion of the Board that in order to preserve the public health, safety and welfare of the citizens of Park County, the Board should take the following action:

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Park County, Colorado:

Section 1 - Purpose.

The purpose of this Ordinance is to protect the public health, safety and welfare of the citizens and residents of Park County, Colorado, by eliminating and controlling, to the extent possible, the accumulation of rubbish within the County, which if not eliminated or controlled, can result in negative visual impact, incompatibility with existing land uses, hazardous or toxic substances being deposited in unapproved sites, attraction of disease infested rodents and disease carrying insects; air, noise and water pollution, and other health and fire related hazards.

Section 2 - Authority.

This Ordinance is authorized pursuant to, inter alia, part 1 of Article 11 of title 30, part 4 of Article 15 of title 30, and part 1 of Article 20 of title 29, C.R.S., as amended.

Section 3 - Applicability.

3.1 This Ordinance shall apply throughout the unincorporated area of Park County, including public and state lands.

3.2 This Ordinance shall apply within the corporate limits of any incorporated town or city within Park County which elects by appropriate ordinance or resolution to have the provisions of this Ordinance apply therein, and upon which an intergovernmental agreement between Park County and such incorporated town or city has been entered into relating thereto.

Section 4 - Definitions.

Agricultural Land: Means agricultural land currently in agricultural use that has, for at least two (2) years prior to any alleged violation of this Ordinance, been used for the primary purpose of obtaining any monetary profit by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the products of, livestock, poultry, fur bearing animals, or honeybees, or for dairying and the sale of dairy products, or for any other agricultural or horticultural use or animal husbandry or any combination thereof, or is in the process of being restored through conservation practices, including resting, deferred grazing, and fallowing, and has been classified or eligible for classification as agricultural land consistent with Section 39-1-102(1.6), C.R.S., as amended, and consistent with this definition during the preceding ten (10) years and is presently so used.

Board: The Board of County Commissioners of Park County, Colorado.

County: The unincorporated areas of Park County, including public and state lands, and the corporate limits of any incorporated town or city within Park County which elects by appropriate ordinance or resolution to have the provisions of this Ordinance apply therein and upon which an intergovernmental agreement between Park County and such incorporated town or city has been entered into relating thereto.

Industrial Tract: Means a lot, parcel or tract of

land currently zoned for industrial uses or otherwise authorized by variance or nonconforming use status to operate activities ordinarily restricted to industrial zone districts, or, if unzoned, classified by the Park County Assessor's Office, in whole or in part, as industrial.

Mining Equipment: Shall include materials and equipment commonly used in current mining operations within Park County; provided, however, that any such materials or equipment which have become so deteriorated or obsolete as to make them unusable, or if such materials or equipment are likely to create a danger of injury to any person or a hazard or have been discarded or abandoned, then such materials or equipment shall not be considered mining equipment, and shall be considered as rubbish.

Owner: Shall include the owner of record, whether person, partnership, firm, corporation, or other association of persons, any authorized agent or representative of the owner of record, and any occupant of the premises.

Rubbish: Shall include any trash, junk, garbage, litter, refuse, debris, used tires (except as otherwise regulated pursuant to the Solid Wastes Disposal Sites and Facilities Act, part 1 of Article 20 of title 30, C.R.S., and any rules and regulations promulgated thereunder), lawn or garden waste, newspapers, magazines, scrap glass, used bottles, scrap metal, rags, used appliances, used machinery, used pipe or conduit, plastic or paper containers or other packaging or construction materials, motor vehicle parts, abandoned, inoperable or junk vehicles, furniture, oil, carcasses of dead animals, any other used manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition, any noxious or offensive matter of any kind, any object likely to create a danger of injury to any person or a hazard, or any other object which has been discarded or abandoned.

Section 5 - Exemptions.

a. This Ordinance shall not apply to industrial tracts of ten (10) or more acres nor to agricultural land, as such terms are defined in this Ordinance.

b. This Ordinance shall not apply to "mining equipment" stored upon or used upon affected land subject to the Colorado Mine Land Reclamation Act as the term "affected land" is defined in Section 34-32-103(1), C.R.S., as amended, or on lands subject to the Colorado Supra Coal Mining Reclamation Act," pursuant to Article 33 of Title 34, C.R.S., as amended.