

Town of Arriba, Colorado

Ordinance No. 143

Whereas, The Town of Arriba (the "Town") is a municipal corporation and body politic organized under the laws of the State of Colorado and possessing the maximum powers, authority, and privileges to which it is entitled under Colorado law;

Whereas, Section 31-15-103, C.R.S., authorizes the Board of Trustees of the Town of Arriba, (the "Board") to make and publish ordinance which are necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of the Town and the inhabitants thereof;

Now Therefore, be it ordained by the Board of Trustees of Arriba, Lincoln County, Colorado, that:

the growth and or the accumulation of: weeds or brush or rubbish or junk vehicles or abandoned vehicles or abandoned machinery or abandoned appliances or used lumber or any unhealthful growths and substances, upon the lots and tracts of lands within the Town of Arriba Colorado, to be a nuisances, endangering public health, welfare and safety; providing for and compelling the removal of such weeds, brush, rubbish, junk vehicles, abandoned vehicles, abandoned machinery, abandoned appliances, used lumber or any unhealthful growth by the owners of all such lots and tracts of land; Providing that the Town of Arriba, Colorado, after due notice to the landowner to destroy and remove any weeds, brush, rubbish, junk vehicles, abandoned vehicles, abandoned machinery, abandoned appliances, used lumber or any unhealthful growth, upon failure or refusal of the landowner so to do, may proceed to assess fines thereof to the land upon which such weeds, brush, rubbish, junk vehicles, abandoned vehicles, abandoned machinery, abandoned appliances, used lumber or any unhealthful growth, providing for a lien against the land, lots or tracts of land on which any such weeds, brush, rubbish, junk vehicles, abandoned vehicles, abandoned machinery, abandoned appliances, used lumber or any unhealthful growth is located; And providing penalties and fines for violation of this ordinance.

Definitions:

- (a) "Vehicle" means any device by which any person or property may be propelled, moved, or drawn upon a street, except a device which is designed to be exclusively moved by human power or used exclusively upon stationary rails or tracks. The term vehicle shall include, but is not limited to, an automobile, truck, van, sports utility vehicle, motorcycle, trailer, watercraft, boat, canoe, jet skis or aircraft.
- (b) "Machinery" is synonymous with and means the same as 'machine' as defined by the current edition of Webster's New Collegiate Dictionary.
- (c) "Trailer" means any vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle.

- (d) "Parts" means any mechanical, structural, and body or decorative part of any vehicle, machinery or trailer.
- (e) "Junk vehicle" means any vehicle, machinery, trailer, or parts thereof, located within the corporate limits of the Town of Arriba, which, as to a vehicle or trailer, does not properly display license plates or stickers indicating current registration and/or, as to any vehicle, machinery, trailer, or parts thereof, which has any one or more of the following characteristics.
- 1) Lacks an engine, wheel, tire, properly installed battery or other structural parts which renders the vehicle inoperable for use as designed by the manufacturer; provided, that if there is more than one vehicle on the real property, there shall be the necessary number of engines, wheels, tires, batteries and other structural parts for each respective vehicle;
 - 2) Has become or the potential to become the breeding ground or habitat of rats, mice, snakes, mosquitoes or other vermin, rodents or insects, or is otherwise used for the storage, harbor, caging or dwelling for an animal of any kind;
 - 3) Has heavy growth of weeds or other noxious vegetation over eighteen (18) inches in height under or immediately next to it;
 - 4) Has become a point of collector for stagnant water;
 - 5) Has junk, garbage, refuse, gasoline or fuel other than in its fuel tank, paper, cardboard, wood or other combustible materials, solid waste or other hazardous material present in it or which is primarily used for storage of any materials;
 - 6) Has become a source of danger for children through entrapment in areas of confinement that cannot be opened from inside, through a danger of the vehicle falling or turning over, or through possible injury from exposed surfaces of metal, glass or other rigid materials;
 - 7) Has become a potential source of contamination of the soil from petroleum products or other toxic liquids being discharged or leaking from the vehicle;
 - 8) Has become illegal to operate on the public streets because it is missing one or more parts required by law;
 - 9) Is an abandoned vehicle; or
 - 10) Because of its defective, deteriorated or obsolete condition in any other way constitutes a nuisance or a threat to the public's health or safety.

- (f) "Abandoned vehicle" means any of the following. For the purposes of this subsection, the word 'vehicle' includes a vehicle, machinery, trailer or parts thereof:

(1) A vehicle that has been unlawfully parked on private real property or has been placed on private property without the consent of the real property owner or person in control of the property for more than twenty-four hours;

- (g) "Responsible parties" means (1) the private real property owner, as indicated in the records of the county auditor, upon which the junk vehicle is located, if applicable and (2) if ascertainable, the last known registered owner of the junk vehicle as indicated in the official records of the state of Colorado Department of Transportation or a sister state division of transportation or motor vehicles.

Exemptions:

- (a) A vehicle of part thereof which is completely enclosed within a structure or within a fence and where the vehicle is not visible from the street or other public or private property;
- (b) Machinery used for decorative purposes or lawn ornaments.
The Town of Arriba Board of Trustees will review upon complaints filed.
- (c) Up to 2 (two) junk vehicles.

Be it ordained by the Board of Trustees of the Town of Arriba, Colorado; Section 1. Nuisances

1.1 The growth and or accumulation of; weeds, brush, trash, rubbish, abandoned vehicles, abandoned machinery, abandoned appliances; used lumber or any unhealthful growths and substances upon any lots or tracts of land within the Town of Arriba, Colorado is hereby found and declared to be a public nuisance and a threat and a danger to the health, welfare, and safety of the inhabitants of the Town of Arriba, Colorado.

1.2 Any lots or tract of land which has been fenced on its perimeter so as to hide from public view the nuisances declared in Sec. 1.2 shall not be in violation of this Ordinance. Fence shall not stand more than 6 feet tall, fence shall be of adequate height to hide the majority of nuisances from the view of the adjacent properties and from the streets and alley ways.

Section 2. Abatement by Landowner

2.1 From and after the date hereof the respective owners of all lots and tracts of land in said Town of Arriba, Colorado or any part thereof or addition thereto, shall be and are hereby required to abate any

such public nuisance defined in Section 1 hereof and thereafter to prevent the occurrence of any such nuisance as defined in said Section 1.

Section 3. Abatement by Town. Cost assessed to property owners. Notice.

3.1 In the event that any one or more nuisances described in Sec. 1.2 of this Ordinance are found upon any lot or tracts of land within the said Town of Arriba, Colorado, the Board of Trustees of said town shall give to the owner of such lot or tract through the Clerk of said town, a written notice which shall refer to the provisions of this Ordinance, shall designate the violations thereof, and specify the nuisance to be removed or specific area to be fenced and shall state that all such work shall be completed within 30 days from the date of the notice unless otherwise stipulated by said Board of Trustees.

3.2 Proper service of any notice provided for in this section shall be by personal service upon the owner of record if he shall be found within the town limits. If he is not found within the town limits, such service may be made upon said owner by certified mail, provided that if such notice is by certified mail, the designated period within which said owner or person in charge is required to comply with the order of the Board of Trustees shall begin as of the date the owner received such notice. The return receipt for such notice shall be the exclusive and conclusive proof of the due notice hereunder.

3.3 In the event of failure or refusal of any landowner to comply with notice described in Sec. 3.2 of this ordinance, the Board shall order the owner prosecuted as a violator of the provisions of this Ordinance.

Section 4. PENALTIES Any person, firm, or corporation violating any of the provisions of this ordinance shall, upon conviction in the Municipal Court for the Town of Arriba, Colorado be assessed according to the following schedule of fines:

4.1 The first offense, a fine of not less than one hundred (100) dollars nor more than three hundred (300) dollars.

4.2 The second offense within any consecutive 365 day period, a fine of not less than two hundred (200) dollars nor more than four hundred (400) dollars.

4.3 The third offense within any consecutive 365 day period, a fine of not less than three hundred (300) dollars nor more than five hundred (500) dollars.

4.4 For each subsequent offenses over and above the third offense within any consecutive 365 day period, the minimum fine will be increased in increments of one hundred (100) dollars.

4.5 The minimum fines prescribed herein for violations of any of the provisions of this ordinance shall be mandatory and no court shall grant a suspension thereof in whole or in part.

4.6 All fines shall constitute a lien upon any lot or tract of land in the event said fines shall not be paid when due, the Board of Trustees may certify the fines to the County Treasurer of Lincoln County, Colorado to be placed upon the tax list to be collected in the manner as other taxes are collected with penalty added thereto to defray the cost of collection.

Section 5. Conflicting Provisions Repealed

5.1 All acts, orders, resolutions, ordinances or parts thereof, of the Town of Arriba, Colorado that are inconsistent or in conflict with any of the provisions of this ordinance are hereby repealed.

Section 6. Unconstitutionality Clause.

6.1 If any section or any part of portion of this ordinance is held invalid by any Court or competent jurisdiction, the remainder of said ordinance, and the application of its provisions, shall not be affected thereby.

It is the opinion of the Board of Trustees of the Town of Arriba, Colorado that this ordinance is necessary for the immediate protection and preservation of the public health, safety, and welfare and is enacted for that purpose and shall be in full force and effect after final passage and publication.

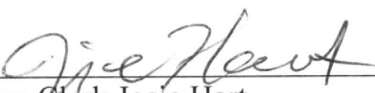
Introduced, read in full, adopted and ordered posted by the Board of Trustees of the Town of Arriba, Colorado this 12th day of February, 2018.



Mayor Alex Flores



Attest:



Town Clerk Josie Hart