

**500 - PUBLIC HEALTH**

**510 - General Administration**

HISTORY: 1958 Municipal Code

**510.1.** The Town Board of Trustees has full power to take all measures necessary to promote the health and cleanliness, to abate all nuisances of every description on public and private property; to prevent the introduction of spreading within the town of Limon malignant, contagious, and infectious diseases, and to promulgate such rules and regulations as may be necessary to perform its functions.

**510.1.1.** The Town Board of Trustees, in addition to enforcing the above-mentioned regulations, has the authority to enforce such rules of the Colorado Department of Public Health and Environment (CDPHE) as are applicable to particular situations.

**510.2. Interference with Health Officials.** It shall be unlawful for any person or persons to molest, hinder, interfere with or in any manner prevent any individual designated by the Town Board of Trustees or any official of the Town of Limon from performing any duty imposed upon him by any rule of the State of Colorado, or Board of Trustees of the Town of Limon.



**511 - Licensing and Governance of Institutions**

(Deleted in its entirety on October 1, 2015, by Ordinance No. 584)



**512 - Care of Children for Hire**

(Deleted in its entirety on October 6, 1994, by Ordinance No. 380)



**513 - Uniform Building Code**

(HISTORY: Added by Ordinance No. 344, June 6, 1990; repealed and replaced by Ordinance No. 367, February 4, 1993; amended on August 1, 1966, by Ordinance No. 403; amended on January 2, 1997, by Ordinance No. 411; amended May 3, 2001, by Ordinance No. 463; amended January 3, 2008, by Ordinance No. 521; amended on October 1, 2015, by Ordinance No. 584.)

**513.1. Adoption of the International Building Code, 2006 Edition.**

**513.1.1.** Pursuant to Colorado Revised Statutes 31-16-201, *et. seq.*, as amended, there is hereby adopted as the Building Code of the Town of Limon, including Appendix G – Flood-Resistant Construction and Appendix J – Grading, published by the International Code Conference, 4051 West Flossmoor Road, Country Club Hills, IL, 60478-5771 to have the same force and effect as if set forth herein in every particular.

**513.1.2.** The purpose of this code is to establish minimum standards to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency response and providing for the issuance of permits and collection of fees by the Town of Limon.

**513.1.3.** For the purpose of clarity within this code all buildings in excess of 120 square feet shall be anchored as required by the manufacturer or as specified by the Building Department in cases the manufacturer or constructor does not provide such standard.

**513.2. Adoption of the International Residential Code, 2006 Edition.**

**513.2.1.** Pursuant to Colorado Revised Statutes 31-16-201, *et. seq.*, as amended, there is hereby adopted as the Residential Building Code of the Town of Limon, including Appendix H – Patio Covers, published by the International Code Conference, 4051 West Flossmoor Road, Country Club Hills, IL, 60478-5771 to have the same force and effect as if set forth herein in every particular.

**513.2.2.** The purpose of this code is to provide minimum standards to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability,

sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and providing for the issuance of permits and collection of fees by the Town of Limon.

### **513.3. Adoption of the International Mechanical Code, 2006 Edition.**

**513.3.1.** Pursuant to Colorado Revised Statutes 31-16-201, *et. seq.*, as amended, there is hereby adopted as the Mechanical Code of the Town of Limon, by reference thereto, the Uniform Mechanical Code, 2006 Edition, published by the International Code Conference, 4051 West Flossmoor Road, Country Club Hills, IL, 60478-5771, to have the same force and effect as if set forth herein in every particular.

**513.3.2.** The purpose of this code is to provide minimum standards to safeguard the life or limb, health, property and public welfare of the residents of Limon by regulating and controlling the design, construction, quality of materials, installation, location, operation and maintenance, or use of mechanical systems in Limon.

### **513.4 Adoption of the International Plumbing Code, 2006 Edition.**

**513.4.1** Pursuant to Colorado Revised Statutes 31-16-201, *et. seq.*, as amended, there is hereby adopted as the Plumbing Code of the Town of Limon, by reference thereto, the International Plumbing Code, 2006 Edition, published by the International Code Conference, 4051 West Flossmoor Road, Country Club Hills, IL, 60478-5771, to have the same force and effect as if set forth herein in every particular.

**513.4.2** The purpose of this code is to provide minimum standards to safeguard life or limb, health property and public welfare of the residents of Limon by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of plumbing systems in Limon.

### **513.5. Adoption of the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition.**

(Deleted on November 7, 2014, by Ordinance No. 565; now in Section 514 of this code).

### **513.6. Adoption of the International Fire Code, 2006 Edition.**

**513.6.1.** Pursuant to Colorado Revised Statutes 31-16-201, *et. seq.*, as amended, there is hereby adopted as the Fire Code of the Town of Limon, by reference thereto, the International Fire Code, 2006 Edition, published by the International Code Conference, 4051 West Flossmoor Road, Country Club Hills, IL, 60478-5771, to have the same force and effect as if set forth herein in every particular.

**513.6.2.** The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing the reasonable level of safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to firefighters and emergency responders during emergency operations in Limon.

### **513.7. Adoption of the International Fuel Gas Code, 2006 Edition.**

**513.7.1.** Pursuant to Colorado Revised Statutes 31-16-201, *et. seq.*, as amended, there is hereby adopted as the Fuel Code of the Town of Limon, by reference thereto, the International Fuel Gas Code, 2006 Edition, published by the International Code Conference, 4051 West Flossmoor Road, Country Club Hills, IL, 60478-5771, to have the same force and effect as if set forth herein in every particular.

**513.7.2.** The purpose of this code is to provide minimum standards to safeguard the life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of fuel gas systems in Limon.

### **513.8. Adoption of the International Energy Conservation Code, 2006 Edition.**

**513.8.1.** Pursuant to Colorado Revised Statutes 31-16-201, *et. seq.*, as amended, there is hereby adopted as the Energy Conservation Code of the Town of Limon, by reference thereto, the International Energy Conservation Code, 2006 Edition, published by the International Code Conference, 4051 West Flossmoor Road, Country Club Hills, IL, 60478-5771, to have the same force and effect as if set forth herein in every particular.

**513.8.2.** The purpose of this code is to regulate the design and construction of buildings for the efficient use of energy and is intended to provide flexibility to permit the use of innovative approaches and techniques to achieve the efficient use of energy. This code is not intended to abridge safety, health or environmental requirements contained in other applicable codes or ordinances.

**513.9. Adoption of the National Electrical Code, 2005 Edition.**

**513.9.1.** Pursuant to Colorado Revised Statutes 31-16-201, *et. seq.*, as amended, there is hereby adopted as the Electrical Code of the Town of Limon, by reference thereto, the National Electrical Code, 2005 Edition, published by the National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts, 02269, to have the same force and effect as if set forth herein in every particular.

**513.9.2.** The purpose of this code is for the practical safeguarding of persons and property from hazards arising from the use of electricity. This code contains provisions that are considered necessary for safety. Compliance therewith and proper maintenance results in an installation that is essentially free from hazard, but not necessarily efficient, convenient, or adequate for good service or future expansion of electrical use in Limon.

**513.10. Code Copies.** At least one (1) copy of each code adopted herein by reference, all certified to be true copies by the Mayor and the Clerk of the Town of Limon, have been filed in the office of the clerk at least 15 days preceding the hearing hereon and shall be kept there for public inspection while this code is in force. Said copies may be inspected by interested persons between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The codes, as finally adopted, shall be available for review to the public through the office of the Town Clerk and available online. After the adoption of this ordinance and the codes herein stated by reference, the copy of said codes shall be kept in the office of the Building Department.

**513.11. Penalties and/or Amendments.**

**513.11.1.** The following section as contained in the International Building Code, 2006 Edition, is hereby amended and herewith set forth in full and adopted, as follows:

**513.11.1.1. Section 108.5 Related Fees.**

When Section 106 requires submittal documents, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 65 percent of the building permit fee as shown in Table 1A for minor residential construction or when outside consultants are used for large residential or any commercial construction the plan review fee shall be the actual cost of review, with an estimate of the actual review cost paid in advance.

**513.11.1.2 Table 1A – Building Permit Fees.**

TOTAL VALUATION	Fee
\$1.00 to \$500.00	\$24.00
\$501.00 to \$2,000.00	\$24.00 for the first \$500.00 plus \$3.00 for each additional
\$2,001.00 to \$40,000.00	\$69.00 for the first \$2,000.00 plus \$11.00 for each additional \$1,000.00 or fraction
\$40,001.00 to \$100,000.00	\$487.00 for the first \$40,000.00 plus \$9.00 for each additional \$1,000.00 or fraction
\$100,001.00 to \$500,000.00	\$1,027 for the first \$100,000.00 plus \$7 for each additional \$1,000.00 or fraction
\$500,001 to \$1,000,000.00	\$3,827 for the first \$500,000.00 plus \$5 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00

\$1,000,001 to \$5,000,000	\$6,327 for the first \$1,000,000.00 plus \$3 for each additional \$1,000.00 or fraction thereof, to and including \$5,000,000.00
\$5,000,001 and over	\$18,327 for the first \$5,000,000.00; plus \$1 for each additional \$1,000.00 or fraction thereof

**Other Inspections and Fees**

1. Inspections outside normal business hours . . . \$47.00 per hour (minimum charge-one half hour)
2. Reinspection fees . . . . . \$47.00 per hour\*
3. Inspections for which no fee was specifically Indicated . . . . . \$47.00 per hour\* (minimum charge – one-half hour)
4. Additional plan review required by changes, additions or revisions to plans . . . . . \$30.00 per hour\* (Minimum charge – one-half hour)
5. For use of outside consultants for plan checking and inspections, or both . . . . . Actual Costs

\* Or the total hourly cost of the jurisdiction, whatever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

**513.11.2.** The following section as contained in the International Building Code, 2006 Edition, is hereby amended and herewith set forth in full and adopted, as follows:

**513.11.2.1. Section 113.4 Violation Penalties.**

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, of a permit or certificate issued under the provisions of this code shall be subject to penalties as described by law and upon conviction of any such violation, such person shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00).

**513.11.3.** The following section as contained in the International Residential Code, 2006 Edition, is hereby amended and herewith set forth in full and adopted, as follows:

**513.11.3.1. Section R113.4 Violation**

**Penalties.** Any person who violates a provision of this

code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, of a permit or certificate issued under the provisions of this code shall be subject to penalties as described by law and upon conviction of any such violation, such person shall be punishable by a minimum fine of One Hundred Fifty Dollars (\$150.00) and a maximum of Five Hundred Dollars (\$500.00).

**513.11.4.** The following section as contained in the International Mechanical Code, 2006 Edition, is hereby amended and herewith set forth in full and adopted, as follows:

**513.11.4.1. Section 108.4 Violation**

**Penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who shall erect, construct, alter or repair mechanical work in violation of the approved construction documents or directive of the building official, of a permit or certificate issued under the provisions of this code shall be subject to penalties as described by law and upon conviction of any such violation, such person shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00).

**513.11.5.** The following sections as contained in the International Plumbing Code, 2006 Edition, are hereby amended and herewith set forth in full and adopted, as follows:

**513.11.5.1. Section 103.2 Administrative**

**Authority.** This Code is intended to be suitable for mandatory application by governmental bodies that exercise legal jurisdiction over plumbing installations and for use by insurance inspectors. The Authority having jurisdiction for the enforcement of this Code shall be the Colorado State Plumbing Board pursuant to C.R.S. 12-58-104. The authority having jurisdiction for enforcement of the code will have the responsibility for making interpretations of the rules, for deciding on the approval of equipment and materials, and for granting special permission contemplated in a number of the rules.

**513.11.5.2.** The authority having jurisdiction may waive specific requirements in this Code or permit alternate methods where it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety.

**513.11.5.3.** This Code may require new products, constructions, or materials that may not yet be available at the time the Code is adopted. In such

event, the authority having jurisdiction may permit the use of the products, constructions, or materials that comply with the most recent previous edition of this *Code* adopted by the jurisdiction.

**513.11.5.4. Section 108.4 Violation Penalties.**

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who shall erect, construct, alter or repair mechanical work in violation of the approved construction documents or directive of the building official, of a permit or certificate issued under the provisions of this code shall be subject to penalties as described by law and upon conviction of any such violation, such person shall be punishable by a minimum fine of One Hundred Fifty Dollars (\$150.00) and a maximum of Five Hundred Dollars (\$500.00).

**513.11.7.** The following sections as contained in the International Fire Code, 2006 Edition, are hereby added and herewith set forth in full and adopted, as follows:

**513.11.7.1. Section 104.1.1 Fire Suppression Systems.** The Colorado Division of Fire Safety, pursuant to C.R.S. 24-33.5-1202 through 24-33.5-1209, is authorized to administer and enforce this code in reference to requirements for installation, inspection, and maintenance of fire suppression systems.

**513.11.8.** The following sections as contained in the International Fire Code, 2006 Edition, are hereby amended and herewith set forth in full and adopted, as follows:

**513.11.8.1. Section 109.3 Violation Penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, of a permit or certificate issued under the provisions of this code shall be subject to penalties as described by law and upon conviction of any such violation, such person shall be punishable by a minimum fine of One Hundred Fifty Dollars (\$150.00) and a maximum of Five Hundred Dollars (\$500.00).

**513.11.9.** The following sections as contained in the International Fuel Gas Code, 2006 Edition, are hereby amended and herewith set forth in full and adopted, as follows:

**513.11.9.1. Section 108.4 Violation Penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements

thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, of a permit or certificate issued under the provisions of this code shall be subject to penalties as described by law and upon conviction of any such violation, such person shall be punishable by a minimum fine of One Hundred Fifty Dollars (\$150.00) and a maximum of Five Hundred Dollars (\$500.00).

**513.11.10.** The following section as contained in the National Electrical Code, 2005 Edition, is hereby amended and herewith set forth in full and adopted, as follows:

**513.11.10.1. Section 90.4. Enforcement.**

This *Code* is intended to be suitable for mandatory application by governmental bodies that exercise legal jurisdiction over electrical installations and for use by insurance inspectors. The Authority having jurisdiction for the enforcement of this *Code* shall be the Colorado State Electrical Board pursuant to C.R.S. 12-23-100.2. The authority having jurisdiction for enforcement of the code will have the responsibility for making interpretations of the rules, for deciding on the approval of equipment and materials, and for granting special permission contemplated in a number of the rules.

**513.11.10.2.** The authority having jurisdiction may waive specific requirements in this *Code* or permit alternate methods where it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety.

**513.11.10.3.** This *Code* may require new products, constructions, or materials that may not yet be available at the time the *Code* is adopted. In such event, the authority having jurisdiction may permit the use of the products, constructions, or materials that comply with the most recent previous edition of this *Code* adopted by the jurisdiction.

**513.11.11.** The following sections as contained in the International Energy Conservation Code, 2006 Edition, are hereby amended and herewith set forth in full and adopted, as follows:

**513.11.11.1. Section 108.4 Violation Penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, of a permit or certificate issued under the provisions of this code shall be subject to penalties as

described by law and upon conviction of any such violation, such person shall be punishable by a minimum fine of One Hundred Fifty Dollars (\$150.00) and a maximum of Five Hundred Dollars (\$500.00).

### **513.12. Wind Powered Electricity–Generating Equipment.**

**513.12.1. Definitions.** The following definitions shall apply in the interpretation and enforcement of this code:

**513.12.1.1. Town Manager:** the Town Manager of the Town of Limon, Colorado, or the manager's designee.  
(Amended on May 6, 2010 by Ordinance No. 538)

**513.12.1.2. Wind Powered Electricity Generating Equipment (as used in this code):** any portion of the equipment used for generating electricity by means of and through the use of wind.

**513.12.1.3. Mast:** that portion of an outside wind-powered electricity-generating system to which the system is attached, and the supporter extension required to elevate the system to a height deemed necessary for adequate operation.

**513.12.1.4. Height:** the overall vertical length of the system above the ground, or, if such system be located on a building, then, above that part of the level of such building upon which the system rests.

**513.12.1.5. Person:** any person, firm, partnership, association, corporation, company or organization of any kind.

**513.12.2. Permit Required.** It shall be unlawful for any person to install, either as owner or as agent, servant or employee of the owner, or as an independent contractor for the owner, or otherwise, any wind-powered electricity-generating system, any additions to, or substitutions for, said system unless and until an inspection permit shall have first been obtained from the Town Manager or the manager's designee.

### **513.12.3. Fees.**

**513.12.3.1.** An inspection fee of \$25.00 shall be paid for each permit issued under Section **513.12.2.**

**513.12.3.2.** A re-inspection fee of Twelve Dollars and Fifty Cents (\$12.50) shall be paid for each trip when extra inspections are necessary due

to any one of the following reasons: (1) wrong address; (2) condemned work resulting from faulty construction; (3) repairs or corrections not made when inspection is called; (4) work not ready for inspection when called.

**513.12.4. Application Data.** Application for permits shall be made upon a blank form provided by the Town Manager and shall contain or have attached thereto the following information:

**513.12.4.1.** Name, address and telephone number of the owner.

**513.12.4.2.** The legal description of the premises on which the installation is to be made.

**513.12.4.3.** Whether it is a new installation, repair or maintenance work.

**513.12.4.4.** A blueprint or ink drawing of the plans and specifications and method of installation and attachment to the building or in the ground.

**513.12.4.5.** Name of the person making the installation.

**513.12.4.6.** Such other information as the Town Manager shall require to show full compliance with this and all other laws, codes and ordinances of the Town.

### **513.12.5. Town Manager - Duties, Rights and Powers.**

**513.12.5.1.** It shall be the duty of the Town Manager or the manager's designee to inspect all wind-powered electricity-generating systems to ascertain if the work has been done in a workmanlike manner and to investigate all complaints from the general public pertaining to said system installations.

**513.12.5.2.** The Town Manager or the manager's designee is hereby empowered to inspect or re-inspect any wiring, equipment or apparatus conducting or using electric current generated by any wind-powered electricity-generating system in Limon, and if conductors, equipment or apparatus are found to be unsafe to life or property, or are not in conformity with the provisions of this code, the Town Manager shall notify the person owning or operating the hazardous wiring or equipment to correct the condition within a forty-eight hour period or within the time the Town Manager specifies. Failure to correct violations within the specified time shall constitute a violation of this code.

**513.12.6. Unlawful to Interfere with Town Manager.** It shall be unlawful for any person to hinder or interfere with the Town Manager or the manager's designee in the discharge of their duties under the provisions of this code.

**513.12.7. Notice for Inspection.** The person to whom a permit has been granted for the installation of a wind-powered electricity-generating system shall immediately notify the Town Manager when the work covered by the permit has been completed and is ready for final inspection. Upon such notice, the Town Manager or manager's designee shall promptly inspect and approve the installation if the work complies in all respects with the provisions of this ordinance and the permit, and shall disapprove said installation if it fails to comply, stating in writing the reasons for disapproval and specify a time within which said defects must be corrected. A re-inspection shall be made after notice to the Town Manager that the defects have been corrected.

**513.12.8. Bond Required.**

**513.12.8.1.** Every person engaged in the business of making wind-powered electricity-generating system installations, repairs and doing maintenance work on same shall annually file with the Town Manager a good and sufficient bond in the sum of Three Hundred Thousand Dollars (\$300,000.00), executed by a bonding or surety company authorized to do business in the State of Colorado and approved by the Town Attorney. Said bond shall be conditioned upon the faithful observance of all laws, codes and ordinances of the Town of Limon and shall indemnify, save and keep harmless the Town from any and all damages, judgments, costs or expenses which the said Town may incur or suffer by reason of the granting of a permit to install, repair or maintain said system or any services thereto. Said bond shall run to the Town of Limon, Colorado, for the use and benefit of any person who may suffer injuries or property damage by reason of the permit granted hereunder. The maintenance of said bond in full force and effect shall be a prerequisite to the issuance of any permit required under the provisions of this ordinance. A liability insurance policy issued by an insurance company authorized to do business in the State of Colorado which conforms to the above requirements may be permitted in lieu of a bond.

**513.12.8.2.** This provision shall not apply to personal installations, repairs or maintenance of said system by an owner or occupant, provided, however, that said owner or occupant gives sufficient proof to the Town Manager of their qualification and capability

and is qualified to perform the work in conformity with the provisions of this code, and provided, further, that said owner or occupant files with the application for a permit an affidavit stating that the installation, repair or maintenance will be on the owner's own premises only, and that all necessary work will be done personally and without the assistance of any other person.

**513.12.9. Technical Requirements.** All wind-powered electricity-generating system installations from and after the effective date of this code shall be made in accordance with the following rules and regulations:

**513.12.9.1.** Masts and associated equipment shall be of noncombustible and corrosive-resistant material.

**513.12.9.2.** Every mast and system installed on a roof shall be mounted on its own platform or plate covering two or more rafters of the roof and shall be securely anchored with guy wires.

**513.12.9.3.** Masts and systems shall not be fastened directly to the roof or supported by combustible members or materials.

**513.12.9.4.** All outdoor equipment shall be of an approved type, and shall not exceed the maximum height of ten (10) feet above a roof support or thirty (30) feet above a ground support.

**513.12.9.5.** Every mast and associated system must be adequately grounded for protection against a direct strike of lightning, with an adequate ground wire.

**513.12.9.6.** In no case shall a system be installed nearer to the street or sidewalk than the height of the associated wind system plus ten (10) feet, and no wire, cables or guy wires shall cross or extend over any part of any street, or sidewalk or public right of way.

**513.12.9.7.** Whenever it is necessary to install a mast and associated system near power lines, or where damage would be caused by its falling, a separate safety wire must be attached to the cross-arm of the system, and secured in a direction away from the hazard.

**513.12.9.8.** Anchor points for systems, masts and guy wires must be lead anchor screws or lead expansion shields drilled into solid block, concrete or other noncombustible construction.

**513.12.9.9.** Transmission lines must be kept at least twenty-four (24) inches clear of telephone or electric wires.

**513.12.9.10.** Rawl plugs are approved only for supporting transmission lines.

**513.12.9.11.** Stand-off support insulators must be used at least every ten (10) feet running on the transmission line.

**513.12.9.12.** Lightning arrestors shall be approved as safe by the Underwriter's Laboratories, Inc., and both sides of the line must be adequately protected with proper arrestors or neon lamps to remove static charges accumulated on the line.

**513.12.9.13.** Masts and systems shall be designed and installed to withstand a wind pressure of 25 pounds per square foot and in no case shall guy wires be less than 3/32", 5-strand cable or equivalent, galvanized. Rawl plugs shall not be used for guy wires or for mounting brackets.

**513.12.9.14.** Ground straps for grounding masts and attaching arrestors to water pipe shall be an approved ground fitting.

**513.12.9.15.** The miscellaneous hardware, such as brackets, turnbuckles, thimbles, clips, and similar type equipment subject to rust or corrosion, shall be protected with a zinc or cadmium coating by either galvanizing or shepardizing process after forming. These finishes are selected to guard against corrosion due to stack gases and other deposits and to protect the elements against electrolytic action due to the use of adjoining dissimilar metals.

**513.12.9.16.** Turnbuckles shall be protected against turning by threading the guy wires through the turnbuckle.

**513.12.9.17.** Ground wires shall be the type approved by the National Electric Code of 1999 as adopted by reference by this code of the Town of Limon, Colorado, for grounding masts and lightning arrestors, and shall be installed in a mechanical manner with as few bends as possible, maintaining a clearance of at least two (2) inches from combustible material.

**513.12.9.18.** All other provisions of the National Electric Code of 1999, as adopted by reference by this code, shall apply to the installation, repair and maintenance of any wind-powered

electricity-generating system in the Town of Limon, Colorado.

**513.12.10. Materials to be Approved Type.** No electrical materials, devices or equipment designed for attachment to or installation on any electrical circuit or system in Limon shall be installed or used for use within Limon unless they are in conformity with the approved methods of construction for safety to life and property, and unless the electrical materials, devices or equipment conforms with the standards of the National Electric Code of 1999, current as of the time of installation. Original manufacturer's equipment shall not be altered unless such alterations are specifically recommended by the manufacturer.

**513.12.11. Maker's Name, Etc., Required on Equipment.** The maker's name, trademark, or other identification symbol shall be placed on all electrical devices or equipment that use 115 volts or more which are sold, offered for sale or use or used in Limon, Colorado. These markings and others such as voltage, amperage, wattage, and power-factor or appropriate ratings described in the National Electric Code of 1999, shall be required, and are necessary to determine the character of the material, device or equipment and the use for which it is intended.

**513.12.12. Repairs without Permit.** Notwithstanding anything herein to the contrary, repairs to the system may be made without the necessity of a permit, provided, however, that a prompt report thereof is made to the Town Manager showing the extent thereof. Should an investigation of said repairs by the Town Manager disclose defects, the same shall be pointed out and corrected as required by **Section 513.5.2**.

**513.12.13. Codes Supplemental to this Code.** The National Electric Code of 1999, as the same may be amended, before the adoption of this code, is hereby adopted and approved as a part of this code as a minimum standard. The provisions of this code shall also be deemed as supplemental to the Electrical and Building Codes of the Town of Limon, Colorado, and any other pertinent law or codes of the Town, and all work shall conform to these requirements.

**513.12.14. Authorizing Additional Rules.** In order to take advantage of progress and change in the industry, the Town Manager may consult with members of the industry and other qualified persons and may put into effect any reasonable rules and regulations not in conflict with the provisions of this code.



**513.12.15. Penalties for Violations.** Any person violating any of the provisions of this code shall, upon conviction be subject to a minimum fine of One Hundred Fifty Dollars (\$150.00) and a maximum of Five Hundred Dollars (\$500.00). Each day such violation is committed, or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

(Amended January 2, 1997, by Ordinance No. 411; amended May 3, 2001, by Ordinance No. 463; amended May 3, 2001, by Ordinance No. 463; amended January 3, 2008, by Ordinance No. 521; amended on October, 1, 2015, by Ordinance No. 584).



## 514 - Abatement of Dangerous Buildings

(Added on November 7, 2013, by Ordinance No. 565).

**514.1. Purpose and Scope:** It is the purpose of this Ordinance to provide a just, equitable, and practicable method whereby buildings or structures, which, from any cause, endanger the life, limb, health, morals, property, safety, or welfare of the general public or their occupants, may be required to be repaired, vacated, or demolished. The provisions of this Ordinance shall apply to all dangerous buildings, as herein defined, which are now in existence or which may hereafter become dangerous within Limon.

**514.2. Dangerous Building Defined:** A "dangerous building" is any building or structure deemed to be dangerous under any of the following provisions:

**514.2.1.** Whenever any door, aisle, passageway, stairway, or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

**514.2.2.** Whenever the walking surface of any aisle, passageway, stairway, or other means of exit is so warped, worn, loose, torn, or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

**514.2.3.** Whenever the stress in any materials, member, or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed by the Uniform Building Code defined in Section 513 of the Municipal Code for new building of similar structure, purpose, or location.

**514.2.4.** Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the building code for new buildings of similar structure, purpose, or location.

**514.2.5.** Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

**514.2.6.** Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached, or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Uniform Building Code defined in Section 513 of the Municipal Code for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted in the building code for such buildings.

**514.2.7.** Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

**514.2.8.** Whenever the building or structure, or any portion thereof, because of dilapidation, deterioration, decay, faulty construction; removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; the deterioration, decay, or inadequacy of its foundation; or any other cause, is likely to partially or completely collapse.

**514.2.9.** Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

**514.2.10.** Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

**514.2.11.** Whenever the building or structure, exclusive of the foundation, shows thirty three percent (33%) or more damage or deterioration of its supporting member or members, or fifty percent (50%) damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

**514.2.12.** Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children; a harbor for vagrants, criminals or immoral persons; or as to enable persons to resort thereof for the purpose of committing unlawful or immoral acts.

**514.2.13.** Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Uniform Building Code defined in Section 513 of the Municipal Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.

**514.2.14.** Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member Or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

**514.2.15.** Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by a town, county, or state health officer, or caseworker to be unsanitary, unfit for human habitation or in such a condition that it is likely to cause sickness or disease.

**514.2.16.** Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Limon Area Fire Protection District Chief, or appropriate county or state officials, to be a fire hazard.

**514.2.17.** Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or by state statute.

**514.2.18.** Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in

excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

**514.3. Nuisance Declared; Prohibited:** All buildings or portions thereof which are determined after inspection by the Town's representative to be dangerous as defined in this Ordinance are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures set forth in this Ordinance.

**514.4. Enforcement; Inspection; Determination:**

**514.4.1.** The Town Manager or the manager's designee shall enforce the provisions of this Ordinance. This Town Representative shall have at least the minimum training, or experience education necessary to interpret and enforce the provisions of this Ordinance and may employ, if deemed necessary, engineering or other technical expertise to determine those portions of the dangerous building definition applicable to structural or construction issues.

**514.4.2.** The Town Representative is hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.

**514.4.3.** When it is necessary to make an inspection to enforce the provisions of this chapter, or when the Town Representative has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this chapter which makes the building or premises unsafe, dangerous or hazardous, the building official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Ordinance, provided that if such building or premises is occupied, that credentials be presented to the occupant and entry requested. If such building or premises are unoccupied, the Town Representative shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the Town Representative shall have recourse to the remedies provided by law to secure entry including an inspection order issued by the municipal court judge.

**514.5. Abatement; Proceedings:**

**514.5.1.** When the Town Representative has inspected or caused to be inspected any building and has found and determined that such building is a

dangerous building, the Town Representative shall commence proceedings to cause the repair, vacation or demolition of the building.

**514.5.2.** The Town Representative shall issue a notice and order directed to the record owner of the building and to the occupant of the building, if known.

**514.5.2.1.** The notice and order shall contain the following:

**514.5.2.1.1.** The street address and a legal description sufficient for identification of the premises upon which the building is located.

**514.5.2.1.2.** A statement that the building official has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of this Ordinance.

**514.5.2.1.3.** A statement of the action required to be taken as determined by the building official. Such statement of action may be one of the following:

**514.5.2.1.3.1.** If the building official has determined that the building or structure must be repaired, the order shall require that the owner obtain all necessary permits, if any, and that all repairs commence within such time (not to exceed sixty (60) days from the date of the order) and completed within such time as the building official shall determine is reasonable under all of the circumstances.

**514.5.2.1.3.2.** If the building official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the building official to be reasonable.

**514.5.2.1.3.3.** If the building official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the building official shall determine is reasonable (not to exceed sixty days from the date of the order); that all required permits be secured therefore within sixty days from the date of the order; and that the demolition be completed within such time as the building official shall determine is reasonable.

**514.5.2.1.4.** Statements advising that if any required repair or demolition work is not commenced within the time specified, the building

official will order the building vacated and posted to prevent further occupancy until the work is completed and may proceed to cause the work to be done and charge the costs thereof against the property or its owner.

**514.5.2.1.5.** Statements advising that the order may be enforced by the municipal court for the Town of Limon.

**514.5.3.** Service of the notice and order may be made upon the owner or possessor of the property by either mailing a copy of the notice and order to the owner or possessor by certified mail, delivering a copy of the notice and order to the owner or possessor at his or her address or wherever he or she may be found, and/or by posting such notice and order to the front door or other visible portion of the subject property. Effort shall be made to obtain personal delivery whenever possible.

## **514.6. Abatement Enforcement**

**514.6.1. Refusal to Comply:** Should the owner, or person or persons in control of the dangerous building fail or refuse to comply with the notice and order issued by the Town's representative within the time required by this Ordinance, the Town's Representative, through the Limon Police Department, shall cause a summons and complaint to be served upon the person or persons, in accordance with the Colorado Municipal court rules of procedure, requiring the person or persons to appear in Limon Municipal Court on a date certain to answer the charges against him or her. Nothing in this Ordinance shall be construed to prevent the Town from taking immediate action to abate the dangerous building if in the Town's representative's discretion immediate action is required due to an imminent and immediate hazard, danger, and safety factor existing to the public at large if immediate action is not taken.

**514.6.2. Abatement:** The Town, through its Representative, upon the determination that an owner, person, or persons, in control of a dangerous building, has failed and refused to bring the dangerous building into compliance, and/or upon a finding of the Limon Municipal Court judge that the subject property is in violation of this Ordinance, may take such action as is necessary to abate the dangerous building and to bring the subject property into compliance. The whole cost, thereof, including the Town's reasonable costs (including legal, engineering, and other technical expenses) incurred in enforcing this Ordinance, together with five percent (5%) for inspection and other incidental costs in connection therewith, shall be

assessed upon the lots and tracts of land which have been adjudicated to be a dangerous building. The assessment shall be a lien against each lot or tract of land until paid, the expenses and assessment to be paid within thirty (30) days of assessment. The land owner may request a motion before the municipal court upon the reasonableness of the assessment provided that such request is made within ten (10) days of the assessment.

**514.6.3. Certification to County Treasurer:**

In the event the assessment for the abatement of the dangerous building is not paid within thirty (30) days of the final billing of the Town, or of such deadline as is established by the Limon Municipal Court, whichever the case may be, the Town may certify the sum owed to the Lincoln County Treasurer who shall collect the assessment, together with a ten percent (10%) penalty for cost of collection, in the same manner as other taxes are collected against real property.

**514.7. Violation; Penalty:** It shall be unlawful for any person, firm, or corporation to allow, erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, maintain, or allow any building or structure or cause or permit the same to exist or to be done in violation of the terms of this Ordinance. Those persons or entities in violation of the provisions of this Ordinance shall be subject to a minimum fine of One Hundred Fifty Dollars (\$150.00) and a maximum of Five Hundred Dollars (\$500.00) for each violation of this Ordinance, and for each day that the property is in violation with the provisions of this Ordinance.



## 515 - Manufactured Home Installation Code

(HISTORY: Added August 2, 2002, by Ordinance No. 464; amended on October 1, 2015, by Ordinance No. 584)

**515.1. Scope.** Every manufactured home installed after the effective date of this code that is installed in a temporary or permanent location and is designed and commonly used for occupancy by persons for residential purposes, must display an insignia issued by the Colorado Division of Housing certifying that the unit is installed in compliance with the standards adopted in Section **515.6**.

### 515.2. Definitions.

**515.2.1. Certificate of Occupancy:** both a certificate issued by the Division of Housing for the installation of a manufactured home that is in compliance with the manufactured home installation requirements of the Division and a certificate issued by the Town of Limon that indicates the installation has met the requirements of the Land Development Code of the Town of Limon.

**515.2.2. Certified Inspector:** any employee of the Town of Limon or a person designated by the Town Manager who has been approved by the Division to perform or enforce installation inspections.

**515.2.3. Certified Installer:** an installer of manufactured home who is registered with the Division of Housing, has installed at least five manufactured homes in compliance with the manufacturer's instructions or standards created by the Division of Housing and adopted by the Town of Limon by this code, and is currently approved as a certified installer by the Division.

**515.2.4. Division:** the Colorado Division of Housing.

**515.2.5. Insignia:** a certificate issued by the Division of Housing to indicate compliance with the manufactured home installation regulations established by the State Housing Board.

**515.2.6. Installation:** the placement of a manufactured home on a permanent or temporary foundation system. Such term includes, without limitation, supporting, blocking, leveling, securing or anchoring such home and connecting multiple or expandable sections of such home.

**515.2.7. Installer:** any person who performs the installation of a manufactured home.

**515.2.8. Installer's Certificate:** a notice when posted on the site of an installation that the installer has made application to install a manufactured home and has received authorization to install. The installer's certificate shall be referred to as the installation certificate.

**515.2.9. Manufactured Home:** any pre-constructed building unit or combination of pre-constructed building units, without motive power, where such unit or units are manufactured in a factory or at a location other than the residential site of the completed home, which is designed and

commonly used for the occupancy by persons for residential purposes, in either temporary or permanent locations and which unit or units are not licenses as a vehicle. Manufactured home includes mobile homes, manufactured homes built to HUD standards, and factory-built units built to the building code standards established by the Division.

**515.2.10. Manufacturer:** any person who constructs or assembles a manufactured home in a factory.

**515.2.11. Owner:** the owner of a manufactured home or property.

**515.2.12. Participating Jurisdiction:** the Town of Limon which has agreed to administer and inspect manufactured housing installations within the legal boundaries of its jurisdiction.

**515.2.13. Registered Installer:** an installer who has registered with the Division and is in compliance with the manufactured home installation program requirements.

### **515.3. Installers of Manufactured Homes – Registration and Education.**

**515.3.1.** C.R.S. 24-32-3315 requires any installer in Colorado shall first register with the Division.

**515.3.2.** The installer shall be responsible for the proper and competent performance of all employees working under his or her supervision.

**515.3.3.** Temporary installation for the purpose of a home display which will be relocated to another location prior to use as a residence is exempted from this code.

#### **515.3.4. Installation by Owners.**

**515.3.4.1.** A person who owns the manufactured home or the real property where the home is to be installed, is not required to register as an installer with the Division, but shall comply with all provisions of this ordinance other than registration provisions.

**515.3.4.2.** A person who installs more than one manufactured home in a twelve-month period either owned or on real property owned by such person must register as an installer and shall comply with all registration provisions.

**515.3.5. Registered Installers.** In order to be registered as a manufactured home installer, pursuant to C.R.S. 24-32-3315 (2014), the Division requires:

**515.3.5.1.** The applicant shall be at least eighteen (18) years of age.

**515.3.5.2.** An Application for registration or certification as a manufactured home installer by the Division, whether initial or renewal, shall be submitted on a form provided by the Division and shall be notarized and verified by a declaration signed under penalty of perjury by the applicant. The Division shall make the application and declaration available to the public.

**515.3.5.3.** At the same time that an application for registration is filed with the Division, the following must be submitted:

**515.3.5.3.1.** Proof in the form of a copy of a valid driver's license or certificate of birth that the applicant is at least eighteen (18) years of age; and

**515.3.5.3.2.** Written evidence of a minimum twelve (12) months of installation experience under direct supervision of a registered or certified installer; or equivalent training experience acceptable to the Division; and

**515.3.5.3.3.** Carry and provide proof of a contractor's liability insurance in an amount set by the Division but not less than one million dollars (\$1,000,000.00). The insurance policy shall contain a provision for the immediate notification of the Division upon cancellation; and

**515.3.5.3.4.** A letter of credit, certificate of deposit issued by a licensed financial institution, or surety bond issued by an authorized insurer in the amount of ten thousand dollars (\$10,000.00) for the performance of installations pursuant to the manufacturer's instructions or standard promulgated by the Division and adopted by reference in Section **515.6**. A provision shall be included for the immediate notification of the Division upon cancellation; and

**515.3.5.3.5.** Written evidence of completion of eight hours of Division-approved installation education; and

**515.3.5.3.6.** Shall pass a Division-approved installation test.

**515.3.5.4.** Persons employed by a registered or certified installer, as well as persons employed by a legal or commercial entity employing a registered or certified installer, when performing installation functions under the direct on-site supervision of such installers are not required to register.

**515.3.5.4.1** The registered installer shall be responsible for supervising all employees and for the proper and competent performance of all employees working under his or her supervision.

**515.3.5.5.** A registration issued by the Division, pursuant to this section, shall be valid for one year from the date of issuance and shall not be transferred nor assigned to another person.

**515.3.5.5.1.** If any of the application information for the registered installer changes after the issuance of a registration, the registered installer shall notify the Division in writing within thirty (30) days from the date of the change.

**515.3.5.5.2.** The Division may suspend, revoke, or deny renewal of a registration if the registered installer fails to notify the Division of any change in the application.

**515.3.5.5.3.** Any registered or certified installer seeking to renew registration with the Division shall, at the time of applying for renewal, provide proof of liability insurance, proof of completion of eight hours of Division-approved installation education within the past twelve months, and letter of credit, certificate of deposit, or surety bond for the registration term in compliance with subsections (2) and (4) of this section.

**515.3.5.6.** The amount of the registration fee shall be no more than two hundred fifty dollars (\$250.00). If any of the application information for the registered installer changes after the issuance of a registration, the registered installer shall notify the Division in writing within thirty days from the date of the change. The Division may suspend, revoke, or deny renewal of a registration if the registered installer fails to notify the Division of any change in the application.

#### **515.4. Certified Installers.**

**515.4.1.** Any registered installer who has performed five (5) installations that have passed inspection by the Division or certified inspectors may apply to the Division for certification. The Division

shall issue certification to qualified registered installers. The Division shall not charge a fee for certification of installers.

**515.4.2.** The Division may certify any installer who provides evidence of five (5) or more installation of manufactured homes performed by such installer.

**515.4.2.1.** Evidence of installation shall include copies of all inspection reports made for each installation made by the Division or a certified installation inspector.

**515.4.2.2.** If in the judgment of the Division, such installer has demonstrated the ability to successfully complete installations of manufactured homes in accordance with the requirements, certification will be granted.

**515.4.2.3.** If the review of the evidence of the installations does not clearly demonstrate the ability to successfully complete installations in accordance with the requirements, the Division may require additional installations to be performed and reviewed prior to granting certification.

**515.4.3.** A certified installer may purchase from the Division, manufactured home installation certification insignias.

**515.4.3.1.** These insignias will be completed by the certified installer upon completion of the installation of the manufactured home and attached to the manufactured home within thirty (30) inches of the electrical service entrance.

**515.4.3.2.** The certified installer shall make required insignia reports to the Division and shall provide copies of such reports to the Town of Limon.

**515.4.4.** Installations by a certified installer do not require an inspection by the Division, a certified inspector or the Town of Limon.

**515.4.4.1.** Any certified installer installing a manufactured home in the Town of Limon shall provide a copy of the certified installer installation authorization to the Town of Limon prior to beginning installation.

**515.4.4.2.** Nothing in this section relieves the certified installer, manufactured housing unit owner or property owner from meeting all requirements of the Land Development Code of the Town of Limon.

**515.5. Certified Installation Inspectors.**

**515.5.1.** The Town of Limon has elected to participate in the Colorado Manufactured Housing Installation Program and therefore will provide all inspection of manufactured housing installations within its jurisdiction, except those provided by a certified installer as described in Section **515.4.**

**515.5.2.** The Town of Limon may, if a certified installer is not presently employed by the Town of Limon, or is not available to complete an installation inspection, request the Division or a certified inspector to complete the installation inspection.

**515.6. Standards.**

**515.6.1.** The Division has adopted standards to be used state-wide for the installation, inspection and enforcement of the installation of manufactured homes.

**515.6.1.1.** Pursuant to C.R.S. 24-32-3106, a local government unit may not adopt less stringent standards for the installation of a manufactured home than those adopted by the Division.

**515.6.2.** Pursuant to the standards adopted by the Division, the following standards shall be adopted by the Town of Limon:

**515.6.2.1.** The primary standard as required for all new homes shall be the Home Manufacturer's written Installation Instructions.

**515.6.2.2.** Alternate standard when the Home Manufacturer's written Installation Instructions are not available shall be adopted as follows:

**515.6.2.2.1.** Adoption of the Permanent Foundations Guide for Manufactured Housing, 1996 Edition.

**515.6.2.2.1.1.** Pursuant to Colorado Revised Statutes 31-16-201, *et. seq.*, as amended, there is hereby adopted as the Manufactured Home Installation Code of the Town of Limon for manufactured home being installed on a permanent foundation when the manufacturer's written installation instructions are not available.

**515.6.2.2.1.2.** The purpose of this code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the installation of manufactured homes on permanent foundations

when the Home Manufacturer's written instructions are not available while meeting the requirements of Colorado Revised Statutes, Title 24, Article 32, Part 31 in the Town of Limon.

**515.6.2.2.2. Adoption of the NCSBCS/ANSI A225.1, 1994/1999 Edition.**

**515.6.2.2.2.1.** Pursuant to Colorado Revised Statutes 31-16-201, *et. seq.*, as amended, there is hereby adopted as the Manufactured Home Installation Code of the Town of Limon for manufactured home being installed on a temporary foundation when the manufacturer's written installation instructions are not available.

**515.6.2.2.2.2.** The purpose of this code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the installation of manufactured homes on temporary foundations when the Home Manufacturer's written instructions are not available while meeting the requirements of Colorado Revised Statutes, Title 24, Article 32, Part 31 in the Town of Limon.

**515.6.2.3.** When alternate standards are used for the installation, inspection and enforcement of the installation of a manufactured home, the applicant for installation authorization shall submit a plan for installation for review by the Town of Limon.

**515.6.2.3.1.** The alternate standard for temporary foundation sets is the NFPA 225, 2013 Edition, as amended. Site-built permanent foundations must be built in accordance with Limon Building Department requirements and must be engineered or built to conform with the alternate standard for permanent foundation sets, which is the September, 1996 Edition or most recent version of the HUD Permanent Foundations Guide for Manufactured Housing.

**515.6.2.3.2.** The Board of Trustees shall have the authority to establish a fee structure for such plan review.

**515.6.2.3.3.** All plans submitted shall meet the requirements establish in the alternative code applicable to the project including requirements for engineering and sealing of plans.

**515.6.2.4.** No manufactured home shall be installed which does not meet the following minimums:

**515.6.2.4.1. Wind Zone: Zone 1****515.6.2.4.2. Thermal Zone 3****515.6.2.4.3. Roof Load thirty (30)**

psi.

**515.7. Inspection Procedures.**

**515.7.1.** The Division shall adopt a standard Installation Authorization to be used statewide including a standard inspection form, and minimum inspection form requirements.

**515.7.2.** Prior to beginning the installation of a manufactured home, the owner, registered or certified installer of a manufactured home or property owner shall make an application for an Installation Authorization from the Town of Limon.

**515.7.2.1.** At the time of application for an Installation Authorization, if the primary standard for the installation shall be used, the Manufacturer's written Installation Instructions shall be submitted to the Town of Limon.

**515.7.2.2.** If the primary standard is not being used, the Town of Limon shall determine the appropriate alternate standard to be used.

**515.7.2.3.** The Board of Trustees of the Town of Limon shall have the authority to adopt a fee schedule for Installation Program Fees including Insignia Fees, Inspection Fees and Re-inspection Fees.

**515.7.3.** Owners, registered installers, certified installers and property owners shall display an Installation Authorization at the site of the manufactured home certifying compliance.

**515.7.3.1.** Each authorization for installation will contain the identity of the installer and owner as well as phone number and contact person and identify the installer as owner, registered or certified.

**515.7.3.2.** The certificate shall also include the name, address and telephone number of the Town of Limon as the agency issuing the Installation Authorization.

**515.7.4.** If the primary standard is being used to install the manufactured home, a copy of the manufacturer's instructions shall be available at the time of installation and inspection.

**515.7.4.1.** The installer is responsible to maintain a copy of the manufacturer's instructions at the installation site.

**515.7.4.2.** Whenever the manufacturer's instructions are not present at the time of inspection, the inspector may reschedule the inspection.

**515.7.4.3.** All costs of the inspection and the following re-inspection will be borne by the installer.

**515.7.5.** The owner, installer, manufacturer, or retailer shall have the right to be present at any inspection.

**515.7.6.** All manufactured homes that are found to be in compliance with installation standards shall have an insignia of installation completed and permanently attached by the inspector making the inspection.

**515.7.6.1.** Installation made by a certified installer may be inspected and certified by the installer. Such installations do not require inspection by the Town of Limon.

**515.7.6.2.** The certified installer shall complete and permanently attach an insignia when the installation is complete and make Insignia Reports to the Town of Limon as required.

**515.7.7.** When a manufactured home installation is not found in compliance with the applicable manufacturer's instructions or the installation standard, the installer shall be notified in writing by the inspector.

**515.7.7.1.** The inspector may at the time of inspection, include in the inspection report instructions for the installer to call for re-inspection at any stage to prevent cover up of any part of the installation requiring re-inspection by the inspector.

**515.7.7.2.** The installer shall pay for any repairs required to bring the installation into compliance including any subsequent inspections required.

**515.7.7.3.** If a vacant manufactured home fails the installation because of conditions that endanger the health and safety of the occupant, the manufactured home shall not be occupied and the manufactured home shall be visibly posted with notification to prevent occupancy.

**515.7.7.4.** If the manufactured home fails the installation inspection because of conditions that



do not endanger the health or safety of the occupant, the manufactured home may be occupied pending the correction of those defects or deficiencies that served as the basis of the failed inspection.

**515.7.8.** Application of the Certification Insignia is evidence that permanent utilities may be installed.

**515.7.9.** Permanent Insignia application is required prior to occupancy of the home.

**515.7.10.** If an installation or subsequent repair of an installation by an installer fails to meet the instructions or standards within the time limit allowed by the inspector, the inspector shall notify the installer that the installation is in default.

**515.7.10.1.** The installer shall be given ten (10) working days after notification of default to bring the installation into compliance.

**515.7.10.2.** The Town of Limon may request that the Division investigate the installation.

**515.7.10.3.** The Division may revoke, suspend, or fail to renew the registration or certification of the installer and cause the forfeiture of the installer's surety bond on behalf of the owner of the manufactured home for failing to comply with the Division's and Town of Limon's standards regarding installation of a manufactured home.

#### **515.8. Investigation of Consumer Complaints.**

**515.8.1.** The Division and/or the Town of Limon may investigate complaints filed by owners, occupants, dealers, manufacturers or other parties relating to the installation of manufactured homes as necessary to enforce and administer these regulations.

**515.8.2.** In addition to the required inspections, the Division may inspect the installation of a manufactured home upon written complaint filed by the owner installer, manufacturer, or dealer of a manufactured home.

**515.8.2.1.** The requesting party shall pay for the inspection prior to the Division's inspection.

**515.8.2.1.** Homeowners are exempt from paying inspection fees.

**515.8.3.** The Town of Limon shall file a written complaint with the Division against any installer who has been notified that the installation is in default.

**515.8.4.** If the installation of a manufactured home by an installer fails the requested complaint inspection, the installer shall reimburse the Division for the cost of the failed inspection.

**515.8.5.** The installer shall also pay for any subsequent repairs necessary to bring the installation into compliance with the manufacturer's instructions or standards.

**515.8.6.** The installer shall also pay for any subsequent inspections required by the Division.

**515.8.7.** Failure of the installer to pay for any inspections or subsequent repairs deemed necessary by the Division shall result in the revocation of registration and/or forfeiture of the installer's performance bond on behalf of the owner of the manufactured home.

#### **515.9. Suspension or Revocation.**

**515.9.1.** The Division may suspend or revoke the registration or certification of an installer if the person fails to:

**515.9.1.1.** File with the Division and keep in force a letter of credit, certificate of deposit, or surety bond as required; or

**515.9.1.2.** File with the Division and keep in force required liability insurance; or

**515.9.1.3.** Pay assessed inspection costs; or

**515.9.1.4.** Make any subsequent repairs that are necessary to bring the installation into compliance with the manufacturer's instructions or the standards promulgated by the Division and described in the code.

**515.9.2.** The Division may temporarily suspend a registration or certification if proof of insurance or surety bond has expired.

**515.9.3.** The Division may revoke the certification of a Certified Installer and replace it, at the Division's discretion, with the status of Registered Installer.

**515.9.3.1.** All unused installation insignias must be returned to the Division immediately and the installer will lose the right to purchase and install insignias.

**515.9.4.** When the Division revokes a registration or certification, the installer may reapply as a

registered or certified installer one year after the date of revocation.

**515.9.5.** Installers whose registration or certification has been revoked or suspended may appeal the Division's decision to the State Housing Board for reinstatement.

**515.10. Revocations, Suspension and Appeal Process.**

**515.10.1.** The Colorado Housing Board may revoke or suspend a certification or registration after notice and hearing pursuant to C.R.S. 24-4-104 and 24-4-105.

**515.10.2.** Judicial review of the certification or registration revocation actions by the Division or the Colorado Housing Board shall be governed by C.R.S. 24-4-106.

**515.11. Installation Certification Insignia.**

**515.11.1.** The Division shall adopt a standard Insignia to be used statewide as a certification of installation certifying that the manufactured home was installed in compliance with the provisions of C.R.S. Title 24, Article 32, Part 31 and regulations promulgated by the Division.

**515.11.2** Insignia's shall remain the property of the state of Colorado and are not subject to refund.

**515.12. Installation Warranty Period.** Registered and certified installers shall warranty the installation of a manufactured home for one year from the date the insignia was affixed to the manufactured home.

**515.11. Penalties and/or Amendments.**

**515.12.1. Penalties:**

**515.12.1.1.** It shall be unlawful for any person, firm or corporation to install, use, occupy or maintain any manufactured home or cause or permit the same to be done in violation of this code.

**515.12.1.2.** Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of the provisions of this code is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a minimum fine of One Hundred Fifty Dollars (\$150.00) and a maximum of Five Hundred Dollars (\$500.00).

**515.12.2.** The following amendments, by addition, deletion, revision and exceptions are made to NFPA 225, 2013 Edition; Definitions:

**515.12.2.1. Architect:** A State of Colorado Licensed Professional Architect.

**515.12.2.2. Carport:** An awning or shade structure for a vehicle(s) that is freestanding entirely open on two or more sides, and not attached to a Manufactured Home.

**515.12.2.3. Engineer:** A State of Colorado Licensed Professional Engineer.

**515.12.2.4. Geologist:** A State of Colorado Licensed Professional Geologist or Engineer.

**515.12.2.5. Manufactured Home:** A structure, transportable in one or more sections that, in its traveling mode, is eight (8) feet or more in width or forty (40) feet or more in length, or when erected on site is more than three hundred twenty (320) or more square feet; that is built on a permanent chassis; that is designed to be used as a dwelling; that may or may not have a permanent foundation; that is connected to the required utilities; and that contains the plumbing, heating, air conditioning, and electrical systems, except that such term shall include any structure that meets the size requirements and for which the manufacturer has voluntarily filed a certification required the Secretary of Housing and Urban Development (HUD); and that complies with the Manufactured Home

**515.13. Encroachments and Setback Distances.**

**515.13.1.** All requirements of the Land Development Code of the Town of Limon regarding encroachments in streets, yards and courts shall be obeyed, and required setbacks from property lines and public roads shall be met.

**515.13.2. Fire Separation Distances.** The distance a home must be sited from other structures depends on its fire resistance rating. No manufactured home may be installed closer than ten (10) feet from another primary structure.

**515.13.3. Bearing Capacity.** Test the bearing capacity of the soil in accordance with 3.2.3 before designing the foundation. If the soil cannot be tested, but its type can be identified, use the foundation bearing pressures shown in table 3-1 as a guide. If the soil cannot be identified, use a bearing capacity of one thousand (1,000) pounds per square foot. Under

unusual conditions, or if the soil appears to be composed of peat or un-compacted fill, or has expansive characteristics, consult a local geologist, engineer, or architect.

**515.13.4. Soil.** Use a pocket penetrometer or other methods acceptable to the Town of Limon. The proper penetrometer reading must be taken after removing all organic material to undisturbed earth, at the foundation bearing level. The installer is responsible for documenting soil types and bearing capacities.

**515.13.5. Gutters and Downspouts.** When gutters and/or downspouts are installed, direct the runoff away from the home. The use of splash blocks and downspout extensions will enhance drainage away from the home.

**515.13.6. Foundation Requirements.** All exterior walls, marriage walls, marriage wall posts, columns, and piers must be supported on an acceptable foundation system that must be of sufficient design to support safely the loads imposed, as determined by the character of the soil.

**515.13.7. Height Above Grade.** Foundation wall shall extend at least six (6) inches above the finished grade adjacent to the foundation at all points.

**515.13.8. Minimum Foundation Wall and Wall Footing Thickness.** If masonry or concrete construction is used, the minimum foundation wall width shall be six (6) inches. The minimum reinforced concrete footing thickness shall be three and one half (3-1/2) inches or one and one half (1-1/2) times the length of the footing projection from the foundation wall, whichever is greater.

**515.13.9. Crawl Space Requirements (Basementless Spaces).**

**515.13.9.1. Height Requirement.** Ground level must be at least eighteen (18) inches below the bottom of wood floor joists and twelve (12) inches below the bottom of the chassis beams (See 515.4.1.3.3.)

**515.13.9.2. Interior vs. Exterior Ground Level.** The interior ground level must be above the outside finish grade with a minimum two percent (2%) slope to the exterior unless:

**515.13.9.2.1.** Adequate gravity drainage to a positive outfall is provided, or

**515.13.9.2.2.** A Professional Engineer or Architect certifies the permeability of the soil and the water table is such that water will not collect in the crawl space, or

**515.13.9.2.3.** A full perimeter foundation drain and sump pit are provided.

**515.13.9.3. Configuration.** Select manufactured pier heights so that the adjustable risers do not extend more than two inches (2") when finally positioned. All piers must rest on footings (see 515.4.2.) that extend below the frost line (see 515.4.2.2. for exemptions to placement) and are placed on either undisturbed soil or compacted fill except for interior heated areas which may bear above frost line on undisturbed soil or compacted fill.

**515.13.9.4. Design Procedures.** Pier height is to be measured from the top of the footing.

**515.13.9.5. Other Materials.** Other materials approved for footings may be used when approved by local authorities if they provide equal load-bearing capacity and resistance to decay. Examples include: one half inch (1/2") maximum crushed stone; three eighths inch (3/8") or three fourths (3/4") graduated gravel; coarse sand, with no grains smaller than one sixteenth inch (1/16"), placed so it provides a soil-bearing capacity of at least three thousand (3,000) pounds per square foot; approved ANS footings.

**515.13.10. Permanent Foundation.** See Permanent Foundations Guide for Manufactured Housing.

**515.13.11. Severe Wind Areas.** Consult the authority having jurisdiction or a Professional Engineer or Architect.

**515.13.12.** (Table 5-1) Normal Home Installations (Single – Or – Multi-section Homes)

**515.13.12.1. Piers-Ground Anchors:** The manufactured home rests on piers of concrete block; formed-in-place concrete; permanent wood; or steel pedestals on permanent wood, crushed stone, approved ABS, or concrete footers. The ground anchors are embedded at an angle in the soil to act as dead-men to resist the horizontal and vertical wind forces. Straps are tied to the frame, with or without over-the-top straps.

**515.13.12.2. Duct-work Cross-overs.** Clamp the flexible air conditioning and/or heating ducts to the sleeves projecting through the bottom covering, seal

the ducts' adjustable collars with several wrappings of duct tape, and suspend/support them above the ground (See Figure 5-1).

**515.13.12.3. Number and Location of Anchors:**

**515.13.12.3.1.** The home must be anchored to the ground in order to resist overturning and lateral movement (sliding) of the home caused by forces imposed by the wind. The Tie-Down Anchoring System described in this section is one acceptable method of anchoring the home to withstand its wind load.

**515.13.12.3.2.** Unless otherwise noted, all Tie-Down and Anchoring Instructions are for homes with roof pitches which do not exceed twenty (20) degrees (4.3 inches in 12 inches).

**515.13.12.3.3.** The Tie-Down Anchoring Devices shall be certified by a Registered Colorado Professional Engineer, Architect or a nationally recognized laboratory. They must be capable of resisting an allowable working load equal to or exceeding 3,150 pounds and shall be capable of withstanding a fifty percent (50%) overload (4,725 pounds total) at an angle of forty-five (45) degrees from the vertical. Ground anchors must be installed as specified by the Anchor Manufacturer.

**515.13.12.3.4.** Anchoring Equipment exposed to weather shall have a resistance to weather deterioration at least equivalent to that provided by a coat of zinc on steel of not less than 0.3 ounces per square foot of surface coated. Slit or cut edges of zinc-coated strapping do not need to be zinc coated.

**515.13.12.3.5.** Straps shall be Type 1, Finish B, Grade 1, steel strapping, 1-1/4 inches wide and 0.035 inches in thickness, certified by a Registered Professional Engineer or Architect, or listed as conforming with ASTM Standard Specification D3953-91, Standard Specification for Strapping, Flat Steel and Seals.

**515.13.12.3.6.** The home must be in its final position with sections fastened together prior to installing Tie-Down Equipment.

**515.13.12.4. Ground Anchors:**

**515.13.12.4.1.** Before Ground Anchor Installation, determine that the anchors will not be close to any underground utility lines.

**515.13.12.4.2.** The Ground Anchor Spacing and Installation Method were developed by the Manufactured Housing Research Alliance.

**515.13.12.4.3.** Ground Anchors shall be installed in accordance with the manufacturer's written instructions. The following is one example: Install the anchors at the locations selected from Table D when the home manufacturer's installation instructions are not available.

**515.13.12.4.4.** Steps for Proper Ground Anchor Installation. These steps must be followed to use Table D:

**515.13.12.4.4.1.** Place the Anchors approximately four (4) inches to the inside of the exterior wall line of the home or a sufficient distance to avoid interference with the skirting (See Diagram).

**515.13.12.4.4.2.** Hold the Anchor at an angle of approximately fifteen (15) degrees off of vertical so that the head of the Anchor is just outside the sidewall (See Diagram).

**515.13.12.4.4.3.** Install the Anchor to a depth of approximately one-third (1/3) the Anchor length.

**515.13.12.4.4.4.** Place a Stabilizer Plate (all lateral loaded Ground Anchor must have Stabilizer Plates) of the size indicated on the chart to the inside of the Anchor Shaft (side of Shaft toward center of house) and two (2) inches from the shaft (See Diagram).

**515.13.12.4.4.5.** Drive the Stabilizer Plate into the ground until the top of the Plate is flush with the surface of the ground.

**515.13.12.4.4.6.** Install the Anchor to its full depth/length.

**515.13.12.4.4.7.** Attach the Anchor Head to the chassis main rail with approved strapping and connection hardware in accordance with the Strap Manufacturer's Instructions.

**515.13.12.4.4.8.** Pretension the Anchor by pulling it up to the Stabilizer Plate. Pull the Anchor approximately one-half (1/2) inch more while it is in contact with the Plate using the Strap and take-up bolt to move the Anchor Head.

**515.13.12.4.4.9.** After all Anchors have been installed and pre-tensioned, recheck all

Anchor Straps to assure that they are tight and that the Anchor Shafts have remained in contact with the Stabilizer Plate.

**515.13.12.5.** Important Notes about the Anchor Spacing Selector

**515.13.12.5.1.** For homes with eight (8) foot sidewalls, reduce the recommended Anchor Spacing by one half (1/2) foot.

**515.13.12.5.2.** Do not use this chart for homes with roof slopes greater than twenty (20) degrees (approximately 4-in-12).

**515.13.12.5.3** Anchors are required within two (2) feet of each end wall.

#### **515.14. Installation of On-site Structures.**

**515.14.1.** Design all building and structures to support all of their own live and dead loads. All buildings and structures must meet the requirements of building codes as described in Chapter 513-Building Codes.

**515.14.2.** Porches. Site constructed porches must be constructed and inspected according to the requirements of Chapter 513-Building Codes.

#### **515.15. Skirting.**

**515.15.1.** Skirting shall be of durable materials suitable for exterior exposures. Skirting must not be attached in a manner that can cause water to be trapped between the siding or trim to which it is attached. All lumber and wood siding to be used within six (6) inches of the ground shall be pressure treated to prevent decay and termite infestations. Other materials may be used in accordance with the manufacturer's listing and written instructions.

**515.15.2.** Except unless otherwise specifically permitted by an engineer or architect, a uniform six (6) mil polyethylene sheet material or other acceptable vapor barrier material shall be installed on the ground surface between the home to further reduce moisture. When installed the integrity of the vapor barrier shall be maintained. When an acceptable ground vapor barrier is installed and one such ventilation opening is within three (3) feet of each corner of the home, the total area of ventilation openings may be reduced to one (1) square foot for every three hundred (300) square feet of the home's floor area.

**515.15.3.** Dryer vents, air conditioning condensation drains must pass through the skirting to the outside.

**515.16. Proper Procedures.** Utility connections should be made only by qualified service personnel. Electrical and Plumbing Permits may be required by the State of Colorado.

**515.17. Testing Procedures.** Even though the drainage system was tested at the factory, it shall be rechecked for leaks after installation at the site. This shall be accomplished by capping the building drain line, filling it with water and holding fifteen (15) minutes. In freezing conditions, add antifreeze to the P-traps.

**515.18. Code Copies.** At least one (1) copy of each code adopted herein by reference, all certified to be true copies by the Mayor and the Clerk of the Town of Limon, have been filed in the office of the clerk at least 15 days preceding the hearing hereon and shall be kept there for public inspection while this code is in force. Said copies may be inspected by interested persons between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The codes as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. After the adoption of this ordinance, and the codes herein stated by reference, the copy of said codes may be kept in the office of the Building Department instead of in the office of the Town Clerk.



## **520 – Nuisances**

HISTORY: Added July 28, 1958 by Ordinance No. 170; amended on January 2, 1994, by Ordinance No. 411; completely rewritten and readopted on October 1, 2015, by Ordinance No. 584.

**520.1. Nuisances Prohibited.** No person being the owner, agent, or occupant, or having under his or her control any building, lot or premises or unimproved real property within the Town limits shall maintain or allow any nuisance to be or remain thereon.

**520.2 Definitions.** As used in this Chapter, the following terms shall have the meanings indicated.

**520.2.1. "Hazard to health or safety"** includes any activity so recognized by the United States, the State of Colorado, or the Codes or Ordinances of the Town of Limon. Such hazards shall also include

activities likely to cause foul or offensive odors, promote the growth or propagation of disease-carrying insects, pollute the air or ground waters of the municipality or adjacent property, create loud or offensive sounds or cause drainage and runoff to occur in other than historical flow rates and patterns.

**520.2.2. “Nuisance”** means any substance, act, occupation, condition or use of property declared a nuisance by this Chapter or declared a nuisance by the State of Colorado or by any court or agency thereof, or known as a nuisance by common law, or which is of such nature and duration as to:

**520.2.2.1.** Substantially annoy, injure, or damage the comfort, health, repose, or safety of the public.

**520.2.2.2.** In any way render the public insecure in life or in the use of property.

**520.2.2.3.** Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, or other public way.

**520.2.3. “Offensive or unwholesome business or establishment”** means any business or establishment involving the provision of goods or services to others in exchange for something of value, which business or establishment may create, foster, or maintain any hazard to health or safety.

**520.2.4. “Rubbish”** shall mean and include any grass clippings, leaves, hay, straw, manure, shavings, excelsior, paper, ashes, refuse, trash, containers, boxes, glass, cans, bottles, garbage, waste and discarded building and construction materials, including but not limited to plaster, broken concrete, bricks, cinder blocks, stones, wood, roofing material, wire or metal binding, sacks of loose discarded or unused material; used and discarded tires, tree branches not intended for approved burning described within this code and any other materials commonly known as rubbish or refuse of any kind or character or by any means known.

**520.2.5. “Weeds”** shall mean plants that are considered undesirable, unattractive, or troublesome, especially one that grows where it is not wanted and often grows or spreads fast or takes the place of or competes with desired and cultivated plants. Control of undesirable plants and noxious weeds are described in Section 525 of this code.

**520.2.6. “Person”** as used in this Chapter means a natural person, corporation, limited liability company, partnership, association, or any other legal or commercial entity.

**520.3. Authority of Town to Declare Nuisances.** Any act, condition, substance, occupation, or use of property which substantially meets the criteria of a hazard to health or safety as defined in Section 550.2.1 of this code is a nuisance as defined in Section 520.2.2 above and may be so declared by the Town Board of Trustees, and nothing in Section 520.4, below shall be construed to limit the power of the Board to make such declaration.

**520.4. Nuisances Declared.** All nuisances are prohibited. Nuisances shall include, but not be limited to, the following which are declared to be nuisances:

**520.4.1. Unwholesome Business.** Offensive or unwholesome businesses or establishments are prohibited. Any business not allowed in any district as set forth in the Limon Land Development Code, or placed in a district where such use is not allowed, is a nuisance.

**520.4.2. Noxious Substances.** The discharge of noxious liquids; the accumulation of stale, putrid or stinking substances; the allowing of water to remain on the surface of property and thereby turn stagnant, noxious, offensive, or a breeding ground for mosquitoes and other insects, are all declared to be nuisances.

**520.4.3. Vacant Buildings.** It is declared a nuisance for the owner of any vacant building to fail to replace any broken or missing window or door or fail to secure any other means of entry into such building within seventy two (72) hours after notice is given to the owner by the Town. Compliance with this portion of the Code shall not relieve the owner of such building from a possible adjudication of “dangerous building” as defined elsewhere in this Code.

**520.4.4. Accumulation of Rubbish.** Any accumulation of rubbish, as defined in this Code is hereby declared to be a nuisance.

**520.4.5. Smoke and Odor from Burning.** Any smoke and odor resulting from the burning of rubbish, trash, or other materials, including but not limited to those materials outlined in this Chapter shall be declared to be a nuisance with the following exceptions:

**520.4.5.1.** Burning of materials for instruction or for the public good and with the approval of the Limon Fire Protection District and the Town of Limon.

**520.4.5.2.** Burning of flares and such devices used for safety purposes.

**520.4.5.3.** Burning of material for the cooking of non-commercial food.

**520.4.5.4.** Burning within fire pits, barbecue grills and similar features for recreational purposes as defined in Section 550.1.11 of this code.

**520.4.6 Weeds.** Any owner, occupant, or manager of real property located within the Town of Limon shall not allow weeds to grow or accumulate on the property and shall cause the weeds to be cut close to the ground. Weeds, not cut close to the ground, are hereby declared to be a nuisance.

**520.4.7. Danger to Public Health and Property.** Any activity or thing, done or made, permitted or allowed, or continued on any property, public or private by any person, firm, corporation, their agents, servants or employees, hazardous to the health or safety, or to the damage or injury of any of the inhabitants of Limon, and not hereinbefore specified, shall be deemed a nuisance.

#### **520.5. Code Enforcement Officer.**

**520.5.1.** A Code Enforcement Officer shall be employed by the Town to address any complaints received from Town residents of an alleged nuisance and to address obvious investigation and inspection requirements. The Chief of Police shall also be consulted if the complaint concerns possible criminal conduct and / or if needed to maintain peace during the complaint, inspection, or abatement process. The Code Enforcement Officer, upon notification of an apparent nuisance problem, shall first make informal contact with the owner and occupant of the alleged offending property, either by letter or personal contact, informing the owner / occupant of the complaint and the action needed to remedy the problem. If the informal contact with the owner / occupant does not remedy the problem, the Code Enforcement Officer shall serve upon the owner and occupant a formal Notice of Violation and Order for action to be taken. The Notice shall refer to the applicable portions of the Town Code, the action to be taken by the owner / occupant / and the possible penalties and abatement procedures available to the Town, including having the matter set before the Limon Municipal Court. As indicated above, any notice given shall include the

requirements of Colorado Revised Statutes 31-15-401(1)(c) and 31-15-402 in those instances when the alleged offending property is occupied by someone other than the owner.

**520.5.2. Emergency Action Required.** Nothing in Section 520.5.1, above, shall prevent the Town, through its designated officers and agents, from taking immediate abatement action, including the use of force, when an emergency situation exists which in the reasoned opinion of the Town officers warrant immediate action. Such action may be taken in instances which include, but are not limited to, blockage of public roads and rights of way, danger to the Town water supply, dangerous chemical exposure and similar concerns. Further, abatement remedies do not necessarily have to be brought through the Limon Municipal Court but may be exercised at the discretion of the Code Enforcement Officer after consultation with the Police Chief.

#### **520.6. Abatement Procedures.**

**520.6.1. Abatement by Town.** If any owner, tenant, or agent in charge of real property shall allow a nuisance to exist on any lot, block, or parcel after being notified to abate the nuisance through the written notice as submitted by the Code Enforcement Officer, by a date certain, then the Town Manager or the manager's designee may direct that the nuisance be abated or caused to be abated by the Town, and charge the cost thereof to the owner, tenant, or agent in charge, together with five percent (5%) additional fee of the total cost, for inspection and other incidental costs. The total cost shall include the Town's legal fees spent in the prosecution of the matter, if any. Further, the Town may file a lien against each lot or tract of land, which created the nuisance, until paid and such lien shall have priority over all other liens except general taxes and prior special assessments or may use any other method available to the Town for collection at said time. Should the owner, tenant, or agent in charge of the real property not pay the total costs of abatement within thirty (30) days of assessment, the costs may be certified by the Town Clerk to the Lincoln County Treasurer who shall collect the assessment, together with a ten percent (10%) penalty for cost of collection, in the same manner as other taxes are collected.

**520.6.2. Abatement through Limon Municipal Court.** The Code Enforcement Officer may, with the assistance of the Town Attorney, choose to seek the adjudication and abatement of a nuisance through the Limon Municipal Court. In such case, the abatement procedures set forth in Section 520.6.1, above, shall

remain fully enforceable though monitored by the Limon Municipal Court Judge.



## 521 - Junk, Junked Vehicles, and Junkyards.

History: Added on July 7, 1994 by Ordinance 378; amended on August 4, 1994 by Ordinance 379; amended February 2, 1995 by Ordinance No. 385; amended May 2, 1996 by Ordinance No. 397; amended June 6, 1996 by Ordinance No. 398; amended by Ordinance No. 409, December 5, 1996; amended January 2, 1997 by Ordinance No. 411.

**521.1. Definitions.** For the purpose of this code the following definitions of terms shall apply:

**521.1.1. Automobile Graveyard:** any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, junked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

**521.1.2. Junk:** old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, appliances, or parts thereof, iron, steel, and other old scrap ferrous or non-ferrous material.

**521.1.3. Junked Vehicle:** any vehicle formerly used for transportation on public streets and highways which does not have a current license and registration and/or has been practically inoperative, either by operation of law or as a matter of fact, for a period of sixty days or longer. "Practically inoperative" shall mean the vehicle is incapable of being safely driven upon the streets and highways.

**521.1.4. Junkyard:** any establishment or place of business maintained, operated, or used for storing, keeping, buying, or selling junk or for the maintenance or operation of an automobile graveyard.

### 521.1.5. Motor Vehicle Collector:

**521.1.5.1.** The owner of one or more vehicles of historic or special interest who collects, purchases, acquires, trades, or disposes of these vehicles or parts thereof for his own use in order to preserve, restore, and maintain a vehicle for hobby purposes or use; or

**521.1.5.2.** A bona fide member of a national automobile club or association whose charter

**520.6.3. Abatement Process Applicable to Weeds.** Due to the fast growth of weeds and the need for timely abatement, the following abatement process shall be applicable to owners of real property allowing a weed nuisance to exist on the property. If any owner, tenant, or agent in charge shall fail to cut the weeds, within five (5) days after being notified to do so by the Code Enforcement Officer, or Town Manager (or manager's designee), by registered or certified mail, hand delivery, or by posting notice on the property in a prominent place (if the owner or occupant cannot be located), the Town Manager may direct that the weeds be cut by an employee of the Town or a private contractor performing the work on behalf of the Town and charge the cost thereof to such owner, tenant, or agent, together with a five percent (5%) additional charge for inspection and other incidental expense. The total cost shall be conveyed, by registered or certified mail, to the owner or occupant with a demand that the sum be paid within thirty (30) days of the date of the letter. Should the owner fail or refuse to pay the assessment within the thirty days, the Clerk shall cause such assessment to become a lien against the lot, block, or parcel of land, which lien shall have priority over all liens, except general taxes and prior, special assessment. The same may be certified at any time, after such failure to so pay the assessment, by the Town Clerk to the Lincoln County Treasurer to be placed upon the tax list for the current year and to be collected in the same manner as other taxes are collected, with ten percent (10%) penalty to defray the cost of collection. All other remedies that may be available to the Town shall remain as an option of collection.

**520.7. Penalties for Violation.** In the event, the adjudication and abatement of a nuisance is conducted through the Limon Municipal Court, the penalty for a violation of this Code shall be assessed by the Municipal Court Judge. Any person, firm, or corporation violating any of the provisions of this Code shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of the provisions of this Code are committed, continued, or permitted. Such offense or offenses may be punishable by minimum fine of One Hundred Fifty Dollars (\$150.00) and a maximum of Five Hundred Dollars (\$500.00) per offense.



recognizes in membership a sincere demonstration of interest in the history of automotive engineering, in the preservation of antique vintage, or special interest motor vehicles, in a sharing of knowledge and experience with other automotive enthusiasts, in the promotion of good fellowship among such members or collectors.

**521.1.5.3.** A collector item must meet requirements set forth in C.R.S. 42-15-101, et. seq..

## **521.2. Nuisances Enumerated.**

**521.2.1. Junked Vehicles.** Junk and Junked Vehicles are deemed to be a nuisance.

**521.2.1.1. Junk, Junked Vehicles and Equipment on Private Property or Public Rights of Way.** No owner of any lot, block, or parcel of ground within Limon, nor any tenant or agent in charge thereof, shall allow or permit any junk or junked, discarded or partially wrecked vehicle, equipment or parts thereof, to remain on such lot, block or parcel of ground, or on or along any public right of way or sidewalk adjoining the same.

**521.2.1.1.1.** Any junk present on any lot, block, parcel of ground, or adjoining sidewalk or public right of way within Limon for more than seven (7) days shall be deemed a nuisance.

**521.2.1.1.2.** Any junked, discarded or partially wrecked vehicle, equipment or parts thereof present on any lot, block parcel of ground, adjoining sidewalk or right of way within Limon for more than twenty (20) days shall be deemed a nuisance.

**521.2.1.2. Junkyards and Motor Vehicle Graveyards.:** Junkyards and motor vehicle graveyards are allowed only in appropriately zoned districts as defined by the Land Development Code of the Town of Limon. Any junkyard or motor vehicle graveyard not thus allowed is deemed to be a nuisance.

### **521.2.1.3. Exceptions.**

#### **521.2.1.3.1.**

(Deleted on August 4, 1994, by Ordinance No. 379)

**521.2.1.3.2.** A motor vehicle collector may store motor vehicles, as described in C.R.S. 42-15-101, or parts thereof, on his private property provided such vehicles and parts cars and the outdoor storage areas are maintained in such manner that they do not

constitute a health hazard, a safety hazard, or a fire hazard and are effectively screened from ordinary public view by means of a solid fence, trees, shrubbery, or other appropriate means. Such storage areas shall be kept free of weeds, trash, and other objectionable items.

#### **521.2.1.3.3.**

(Deleted on October 1, 2015, by Ordinance No. 584).

#### **521.2.1.3.4.**

(Deleted on October 1, 2015, by Ordinance No. 584).

**521.2.1.3.5.** Fencing materials, as allowed in Sections 521.2.1.3. must meet all requirements of the Land Development Code and Building Code and the design be approved by the Town Manager and the Code Enforcement Officer in order to assure that materials and screening ability are:

**521.2.1.3.5.1.** Effective during all calendar months of the year; and

**521.2.1.3.5.2.** Visually and aesthetically compatible with the location, surrounding structures and properties.

**521.3. Abatement Procedures.** The Town shall remedy or abate any nuisance within Section 521 of this code in the following manner:

**521.3.1. Abatement by Town.** If any owner, tenant, or agent in charge of real property shall allow junk, junk vehicles or a junkyard to exist on any lot, block, or parcel after being notified to abate the nuisance through the written notice as submitted by the Code Enforcement Officer, by a date certain, then the Town Manager or the manager's designee may direct that the nuisance be abated or caused to be abated by the Town, and charge the cost thereof to the owner, tenant, or agent in charge, together with five percent (5%) additional fee of the total cost, for inspection and other incidental costs. The total cost shall include the Town's legal fees spent in the prosecution of the matter, if any. Further, the Town may file a lien against each lot or tract of land, which created the nuisance, until paid and such lien shall have priority over all other liens except general taxes and prior special assessments or may use any other method available to the Town for collection at said time. Should the owner, tenant, or agent in charge of the real property not pay the total costs of abatement within thirty (30) days of assessment, the costs may be certified by the Town Clerk to the Lincoln County

Treasurer who shall collect the assessment, together with a ten percent (10%) penalty for cost of collection, in the same manner as other taxes are collected. All other remedies that may be available to the Town shall remain as an option for collection.

**521.3.2. Abatement through Limon Municipal Court.** The Code Enforcement Officer may, with the assistance of the Town Attorney, choose to seek the adjudication and abatement of said nuisance through the Limon Municipal Court. In such case, the abatement procedures set forth in Section 521.3.1, above, shall remain fully enforceable, though monitored by the Limon Municipal Court Judge.

**521.3.3. Collection of Costs of Abatement by Town.**

**521.3.3.1.** In the event the nuisance on any lot, block or parcel of ground, or along the sidewalk or public right of way adjoining the same, is abated by order of the Town Manager and Town Chief of Police, the whole cost of abatement, together with five percent (5%) for inspection and other incidentals, shall be paid within thirty (30) days after mailing by the Town Clerk to the occupant or owner of such lot, block or parcel of ground, by registered or certified mail, notice of the assessment of such cost.

**521.3.3.2.** Failure to pay such assessment within such period of thirty days shall cause such assessment to become a lien against such lot, block or parcel of land and shall have priority over all liens, except general taxes and prior special assessments, and the same may be certified at any time, after such failure to so pay the same, within thirty days, by the Town Clerk to the County Treasurer to be placed upon the tax list for the current year and to be collected in the same manner as other taxes are collected, with ten percent penalty to defray the cost of collection.

**521.4. Penalties for Violation.** Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of the provisions of this code is committed, continued, or permitted. Such offense or offenses may be punishable by a minimum fine of One Hundred Fifty Dollars (\$150.00) and a maximum of Five Hundred Dollars (\$500.00) per offense.

(Amended January 2, 1997 by Ordinance No. 411; amended on October 1, 2015, by Ordinance No. 584)



## 522 - Sewage

(Deleted in its entirety by Ordinance No. 380 on October 6, 1994)



## 523 - Garbage

(Deleted in its entirety by Ordinance No. 380 on October 6, 1994)



## 524 - Arboriculture

**HISTORY:** Added by Ordinance No. 357, December 12, 1991; amended June 6, 1996 by Ordinance No. 398; amended January 2, 1997, by Ordinance No. 411; amended on October 1, 2015, by Ordinance No. 584.

**524.1. Purpose.** The purpose of this code is to promote the health of the community forest and thereby the health, safety, and aesthetics of Limon and its residents or visitors by promoting good arboriculture practices.

### 524.2. Definitions.

**524.2.1. Street trees:** Street trees are herein defined as trees, shrubs, and all other woody vegetation on land located within Town easements and rights of way.

**524.2.2. Park trees:** Park trees are herein defined as trees, shrubs, and all other woody vegetation in public parks, cemeteries, and all other property owned by the Town.

**524.2.3. Hazard trees:** Hazard trees are herein defined as trees, shrubs, and all other woody vegetation on public or private property that pose a threat to public safety by their condition or location.

**524.2.4. Firewood:** Firewood is herein defined as trees, shrubs, and all other woody articles stored

with the intent to be used in the future as a source of fuel for any fire burning operation.

**524.2.5. Flowline:** The path drainage water should run, according to survey, next to the roadway; normally known as the gutter, where curb and gutter exists.

#### **524.3. Establishment of a Town Tree Board.**

**524.3.1.** The Limon Tree Board will consist of five (5) members, who reside in the Limon area and are appointed by the Town Board of Trustees. Members will serve without compensation.

**524.3.2.** The Limon Tree Board will elect officers annually and will operate according to standard meeting procedures. Members will be appointed for three year terms and can be reappointed.

#### **524.4. Responsibilities of the Tree Board.**

**524.4.1.** The Limon Tree Board will have the responsibility of educating the community about the advantages of growing trees and maintaining them properly. It will provide the community with information on viable species for the area, how to plant them, and how to maintain them. The Tree Board will also prepare and update a community forestry program and organize annual tree planting and Arbor Day projects.

**524.4.2.** The Limon Tree Board, when requested by the Town Board of Trustees, will consider, investigate, report, and make recommendations upon any special matter coming within the scope of its responsibility.

**524.5. Appointment and Duties of the Town Arborist.** The Town Manager shall be considered the Town Arborist and have the authority to appropriately deal with problems concerning trees within Limon, and to recommend and/or require necessary maintenance or removal of hazard trees as outlined herein.

**524.6. Tree Trimmers Registration.** (Deleted on November 7, 1996, by Ordinance No. 406)

#### **524.7. Public Tree Care.**

**524.7.1.** The Town of Limon shall have the right to plant, spray, prune, maintain, and remove trees and shrubs within the easements and rights of way of all streets, alleys, and public grounds, as deemed necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public

grounds, if not properly done by the property owner. Since property owners are allowed to use the right of way beyond the streets and sidewalks adjacent to their property any tree removal or maintenance that is necessary shall be performed by the property owner. In circumstances necessary maintenance or removal is not done by the property owner or occupant the maintenance or removal can be performed by the Town of Limon or its contractors and the cost of said activity shall be assessed to the property owner or occupant.

**524.7.1.1.** In case such assessment is not paid within a reasonable time, it may be certified by the Town Clerk to the county treasurer who shall collect the assessment, together with a ten percent (10%) penalty for cost of collection, in the same manner as other taxes are collected. The laws 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 such assessments.

**524.7.1.2. Exception.** Street trees along Main Street from D Avenue to F Avenue and along E Avenue from Main Street to Civic Center Drive shall be maintained by the Town of Limon as part of the downtown development streetscape project and as is in the best interest of the Town.

**524.7.2.** The Town Arborist may remove or cause to be removed, any park tree or street tree, or part thereof which is in unsafe condition, or which by reason of its nature is injurious to sewers, utility lines, or other public improvements, or is infected with any dangerous fungus, insect or disease. The Town Arborist may also remove or cause to be removed any tree or part thereof, which is protruding over any street, alley or roadway allowing less than a minimum of fourteen (14) feet clearance above the grade of the roadway.

#### **524.8. Dead or Diseased Tree Removal on Private Property.**

**524.8.1.** The Town shall have the right to cause the removal of any dead or diseased trees on private property within the Town limits, when such trees constitute a hazard to personal safety or property, or harbors insects or disease which constitutes a potential threat to other trees within Limon. The Tree Board will notify the owners of such trees in writing.

**524.8.2.** Removal of such trees shall be done by the owners, at their own expense, within forty five (45) days after the date of notification. In the event of

failure of the owners to comply with such provisions, the Town shall have the authority to remove, or cause to be removed, such trees and charge the cost of removal to the owner's utility bill. In the case of an absentee owner that does not receive the utility bill, or said bill is unpaid, the cost of removal shall be charged on the owner's property tax notice or any other method of collection available to the Town.

**528.8.3.** Appeal of this action by the Town must be done by following the process outlined in Section **524.15.**

**524.9. Firewood Removal.** The Town shall have the right to remove or have removed any firewood that is stored in a detrimental manner or condition with the bark still on (in the case of elm wood), or so that weeds cannot be kept mowed, and rodents or pests cannot be controlled or its location constitutes a fire hazard. Appeal of this action by the Town must be done by following the process outlined in Section **524.15.**

**524.10. Tree Spraying.**

(Deleted on October 1, 2015, by Ordinance No. 584).

**524.11. Removal of Stumps.** If a street tree or park tree is removed, the remaining stump shall be removed below the surface of the ground and the resulting hole shall be backfilled to the existing grade of the surrounding ground with the appropriate material unless the remaining stump is cut in an artistic fashion for decorative purposes.

**524.12. New Tree Plantings and other Visual Obstructions.**

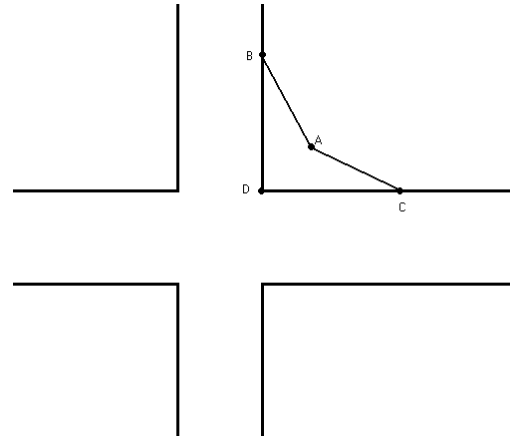
**524.12.1.** In order to insure proper visual capability at all intersections within the town of Limon, it shall be unlawful to plant any tree on any intersectional corner within Limon, within the area described by the boundary lines between points A, B, C, and D as shown in Section 524.12.2, unless:

**524.12.1.1.** Shrubs within such area shall be maintained at a height of thirty (30) inches or less within these same parameters.

**524.12.1.2.** Single stemmed trees within such area shall have the lowest protruding branch and all foliage trimmed to a height of 7 feet above the surrounding surface.

**524.12.2. Tree Plantings and Other Obstructions Sketch:**

A to B =  
60 feet  
A to C =  
60 feet  
Point A is the property corner  
Points B, C & D are on the flow line



**524.12.3.** Shrubs planted next to any driveway within Limon within a distance of fifteen (15) feet of any roadway shall be limited to the same 30 inch maximum height to avoid any visual obstruction.

**524.12.4.** No cotton bearing cottonwood, silver leaf maple or boxelder tree shall be planted within Limon.

**524.12.5.** No tree may be planted so as to obstruct any solar panels or satellite dishes in place on adjacent properties prior to the planting. Care should also be taken to avoid future property damage to adjacent properties resulting from trees being planted too close to existing structures or property lines.

**524.13. Damage to Street Trees or Park Trees.** Any damage to a street tree or park tree resulting from any act, whether malicious, intentional, or negligent, by any firm or individual shall be unlawful. The responsible party will be liable for all damage occurring to said tree to the extent of replacement cost and labor, or any other necessary remedy.

**524.14. Interference with the Tree Board.** It shall be unlawful for any person to interfere with the Tree Board, or any of its agents, while engaging in the inspection, planting, spraying, maintaining, or

removing of any street trees, park trees, or trees on private property in accordance with this code.

**524.15. Review by the Town Board.** The Town Board of Trustees shall have the right to review the conduct, acts, and decisions of the Limon Tree Board or the Town Arborist. Any person may appeal any ruling or order the Tree Board or Town Arborist issues, to the Town Board of Trustees, who will hear the matter as an agenda item at the next regularly scheduled meeting of the Board of Trustees and render final decisions thereon. This review must be requested in writing within fifteen (15) days after said party receives notice of the needed maintenance or removal.

**524.16. Penalties for Violations.** Any person who violates the provisions of this code shall, upon conviction, be punishable by a minimum fine of One Hundred Fifty Dollars (\$150.00) and a maximum of Five Hundred Dollars (\$500.00). Each day that such violation shall continue shall constitute a separate and distinct offense.



## 525 – Control of Undesirable Plants

HISTORY: Added by Ordinance No. 358, February 13, 1992; amended in entirety on July 11, 2002, by Ordinance No. 476.

**525.1. Definitions.** As used in this article, unless the context otherwise requires.

**525.1.1. Alien plant:** a plant species that is not indigenous to the state of Colorado.

**525.1.2. Integrated management:** the planning and implementation of a coordinated program utilizing a variety of methods for managing noxious weeds, the purpose of which is to achieve desirable plant communities. Such methods may include but are not limited to education, preventive measures, good stewardship, and the following techniques:

**525.1.3. Biological management:** the use of an organism to disrupt the growth of noxious weeds.

**525.1.4. Chemical management:** the use of herbicides or plant growth regulators to disrupt the growth of noxious weeds.

**525.1.5. Cultural management:** methodologies or management practices that favor the growth of desirable plants over noxious weeds, including maintaining an optimum fertility and plant moisture status in an area, planting at optimum density and spatial arrangement in an area, and planting species most suited to an area.

**525.1.6. Mechanical management:** methodologies or management practices that physically disrupt plant growth, including tilling, mowing, burning, flooding, mulching, hand-pulling, hoeing, and grazing.

**525.1.7. Landowner:** any owner of record of state, municipal, or private land and includes an owner of any easement, right-of-way, or estate in the land.

**525.1.8. Local advisory board:** those individuals appointed by the Board of Trustees to advise on matters of noxious weed management.

**525.1.9. Local noxious weed:** any plant of local concern that has been declared a noxious weed by the Board of Trustees.

**525.1.10. Management:** any activity that prevents a plant from establishing, reproducing, or dispersing itself.

**525.1.11. Management plan:** the noxious weed management plan developed by the local advisory board using integrated management.

**525.1.12. Native plant:** a plant species that is indigenous to the state of Colorado.

**525.1.13. Noxious weed:** an alien plant or parts of an alien plant that have been designated by rule as being noxious or has been declared a noxious weed by a local advisory board, and meets one or more of the following criteria:

**525.1.13.1.** Aggressively invades or is detrimental to economic crops or native plant communities;

**525.1.13.2.** Is poisonous to livestock;

**525.1.13.3.** Is a carrier of detrimental insects, diseases, or parasites;

**525.1.13.4.** The direct or indirect effect of the presence of this plant is detrimental to the

environmentally sound management of natural, landscaped or agricultural ecosystems.

**525.1.14. Noxious weed management:** the planning and implementation of an integrated program to manage noxious weed species.

**525.1.15. Person or occupant:** an individual, partnership, corporation, association, or federal, state, or local government or agency thereof owning, occupying, or controlling any land, easement, or right-of-way, including any city, county, state, or federally owned and controlled highway, drainage or irrigation ditch, spoil bank, borrow pit, gas and oil pipeline, high voltage electrical transmission line, or right-of-way for a canal or lateral.

**525.1.16. Plant growth regulator:** a substance used for controlling or modifying plant growth processes without appreciable phytotoxic effect at the dosage applied.

**525.1.17. State noxious weed:** any noxious weed identified by the commissioner of Agriculture of the state of Colorado by rule after surveying the local advisory boards and prioritizing the top ten weeds. Said survey should be conducted every three years.

**525.1.18. Weed:** any undesirable plant.

**525.2 Duty to Manage Noxious.** It is the duty of all persons to use integrated methods to manage noxious weeds if the same are likely to be materially damaging to the land of neighboring landowners.

### **525.3. Noxious Weed Management.**

**525.3.1.** The Board of Trustees shall adopt a noxious weed management plan for all lands within the corporate limits of the Town.

**525.3.2.** The Board of Trustees shall appoint a Noxious Weed Advisory Board with the power and duty to:

**525.3.2.1.** Develop a recommended management plan for the integrated management of designated noxious weeds and recommended management criteria for noxious weeds within Limon.

**525.3.2.1.1.** The management plan shall be reviewed at regular intervals but not less often than once every three years by the local advisory board.

**525.3.2.1.2.** The management plan and any amendments made thereto shall be transmitted to the Board of Trustees for approval, modification, or rejection.

**525.3.2.2.** Declare noxious weeds and any state noxious weeds designated by rule to be subject to integrated management.

**525.3.2.3.** Recommend to the Board of Trustees that identified landowners be required to submit an individual integrated management plan to manage noxious weeds on their property.

**525.3.2.4.** The Board of Trustees, at its sole option, shall appoint a commission of landowners, to act as the Noxious Weed Advisory Board for the Town of Limon.

**525.3.2.4.1.** The Noxious Weed Advisory Board shall consist of five (5) members.

**525.3.2.4.2.** The members of the Noxious Weed Advisory Board shall be residents of Limon.

**525.3.2.4.3.** Each Noxious Weed Advisory Board shall annually elect a chairman and secretary.

**525.3.2.4.4.** A majority of the members of the board shall constitute a quorum for the conduct of business.

**525.3.3.** The Board of Trustees, through its delegates, agents, and employees, shall have the right to enter upon any premises, lands, or places, whether public or private, during reasonable business hours for the purpose of inspecting for the existence of noxious weed infestations, when at least one of the following circumstances has occurred:

**525.3.3.1.** The landowner or occupant has requested an inspection;

**525.3.3.2.** A neighboring landowner or occupant has reported a suspected noxious weed infestation and requested an inspection; or

**525.3.3.3.** An authorized agent of the Town has made a visual observation from a public right-of-way or area and has reason to believe that a noxious weed infestation exists.

**525.3.3.4.** No entry upon any premises, lands, or places shall be permitted until the landowner

or occupant has been notified by certified mail, personal delivery or legal posting (posting on premises after unsuccessful attempt of certified mail delivery) that such inspection is pending. Where possible, inspections shall be scheduled and conducted with the concurrence of the landowner or occupant.

**525.3.3.5.** If after receiving notice that an inspection is pending the landowner or occupant denies access to the inspector of the Town, the inspector may seek an inspection warrant issued by the Limon Municipal Court.

**525.3.3.5.1.** The court shall issue an inspection warrant upon presentation by the Town, through its agent or employee, of an affidavit stating: The information which gives the inspector reasonable cause to believe that any provision of this article is being or has been violated; that the occupant or landowner has denied access to the inspector; and a general description of the location of the affected land.

**525.3.3.5.2.** No landowner or occupant shall deny access to such land when presented with an inspection warrant.

**525.3.3.6.** The Board of Trustees shall have the authority, acting directly or indirectly through its agent or staff, to notify the landowner or occupant of such lands, advising the landowner or occupant of the presence of noxious weeds.

**525.3.3.6.1.** Said notice shall name the noxious weeds, advise the landowner or occupant to manage the noxious weeds, and specify the best available control methods of integrated management.

**525.3.3.6.2.** Where possible, the Town shall consult with the affected landowner or occupant in the development of a plan for the management of noxious weeds on the premises or lands.

**525.3.3.7.** Within a reasonable time after receipt of notification, which at no time shall exceed ten days, the landowner or occupant shall either:

**525.3.3.7.1.** Comply with the terms of the notification;

**525.3.3.7.2.** Acknowledge the terms of the notification and submit an acceptable plan and schedule for the completion of the plan for compliance; or

**525.3.3.7.3.** Request an arbitration panel to determine the final management plan.

**525.3.3.7.3.1.** The arbitration panel selected by the Board of Trustees shall be comprised of a weed management specialist or weed scientist, a landowner of similar land in Lincoln County, and a third panel member chosen by agreement of the first two panel members.

**525.3.3.7.3.2.** The landowner or occupant shall be entitled to challenge any one member of the panel, and the local governing body shall name a new panel member from the same category.

**525.3.3.7.3.3.** The decision of the arbitration panel shall be final.

**525.3.3.8.** In the event the landowner or occupant fails to comply with the notice to manage the identified noxious weeds or implement the plan developed by the arbitration panel, the Town has the authority to:

**525.3.3.8.1.** Provide for and compel the management of such noxious weeds at such time, upon such notice, and in such manner as the Town shall prescribe; and

**525.3.3.8.2.** Assess the whole cost thereof, including up to twenty percent for inspection and other incidental costs in connection therewith, upon the lot or tract of land where the noxious weeds are located; except no tax lien against land it administers as part of a public right-of-way shall be levied.

**525.3.3.8.3.** Such assessment shall be a lien against each lot or tract of land until paid and shall have priority over all other liens except general taxes and prior special assessments.

**525.3.3.8.4.** Such assessment may be certified to the county treasurer of the county in which the property is located and collected and paid over in the same manner as provided for the collection of taxes or any other method of collection available to the Town.

**525.3.3.8.5.** Any funds collected pursuant to this section shall be deposited in the General Fund.

**525.3.3.9.** No local governing body shall provide for or compel the management of noxious weeds on private property pursuant to this subsection **525.3.3.8.** without first applying the same or greater management measures to any land or rights-of-way

owned or administered by the Town that are adjacent to the private property.

**525.3.3.10.** The Town may not assess the cost of providing for or compelling the management of noxious weeds on private property until the level of management called for in the notice or the management plan developed by the arbitration panel has been successfully achieved.

**525.3.3.11.** The Town, through its delegates, agents, and employees, shall have the right to enter upon any premises, lands, or places, whether public or private, during reasonable business hours for the purpose of ensuring compliance with the requirements of this article concerning noxious weed management and any other local requirements.

**525.3.3.12.** No agent, employee, or delegate of the Town shall have a civil cause of action against a landowner or occupant for personal injury or property damage incurred while on public or private land for purposes consistent with this code except when such damages were willfully or deliberately caused by the landowner.

**525.3.4.** The Board of Trustees may declare additional noxious weeds, not on the state list of plant that are designated as noxious weeds after a public hearing with thirty days prior notice to the public.

**525.4 Penalty for Violation.** Any person who violates the provisions of this ordinance shall, upon conviction, be punishable by a minimum fine of One Hundred Fifty Dollars (\$150.00) and a maximum of Five Hundred Dollars (\$500.00). Each day that such violation shall continue shall constitute a separate and distinct offense.



## 530 - Health Regulations Pertaining to Animals

### 531 - Pertaining to Dogs

(Amended on June 6, 1996 by Ordinance No. 398, and on June 6, 2002, by Ordinance No. 473; amended September 6, 2007, in its entirety by Ordinance No. 520; amended on July 10, 2014, by Ordinance No. 576; amended on February 5, 2015, by Ordinance No. 580.)

**531.1. Definitions.** For the purpose of this code, certain terms and words are herewith defined as follows:

**531.1.1. Dog, Owners:** any person over eighteen years of age, emancipated minor under the age of eighteen without direct adult supervision, parent guardian, or custodian of any child under the age of eighteen, firm, corporation, or organization, owning, possessing, harboring, keeping, having financial or property interest in, or having control or custody of a dog, aggressive dog, or dangerous dog

**531.1.2. Dog:** Any animal of canine species regardless of sex.

**531.1.3. Dog, Aggressive:** any dog that barks, growls, charges at, jumps upon, or has demonstrated tendencies, without provocation, in a menacing manner, that would lead a reasonable person to believe that the dog may inflict bodily injury upon or cause the death of any person or domestic animal, or has engaged in or been trained for fighting as described and prohibited in Colorado Revised Statute 18-9-204. For purposes of this definition, "domestic animal" shall mean any other dog, cat, or livestock that may be permitted to be within the Town boundaries.

**531.1.4. Dog, Dangerous:** any dog that has inflicted bodily injury or serious bodily injury upon or has caused the death of a person or domestic animal.

**531.1.5. Dog Bite:** any bruising of the skin or break in the skin caused by any contact with the tooth or mouth of a dog.

**531.1.6. Dog, Harboring:** the act of keeping or caring for a dog or providing premises to which a dog returns for food, shelter, or care, or the act of providing refuge to a dog in order to evade the impoundment of the dog by lawful authority.

**531.1.7. Dog, Male:** Any dog of masculine gender, not castrated.

**531.1.8. Dog, Neutered:** Any male dog which has been castrated by a licensed veterinarian and accompanied by a certificate asserting said operation has been performed.

**531.1.9. Dog, Female:** Any dog of the female gender on which no alternative surgery of the genital organs has been performed.



**531.1.10. Dog, Spayed Female:** Any female dog on which an ovariectomy or ovarhysterectomy has been performed by a licensed veterinarian and accompanied by a certificate asserting said operation has been performed.

**531.1.11. Dog, Stray:** Any unlicensed or licensed dog found unattached or loose anywhere within the town limits.

**531.1.12. Bodily Injury:** any physical injury that results in bruising, muscle tears, or skin laceration.

**531.1.13. Rabies:** A communicable disease of both wild and domestic animals transmittable to humans, as defined by the "Public Health Department." "Specific infectious disease of certain animals, especially dogs and wolves, contracted by man by direct inoculation as by bite of infected animal and due to a filtrable virus" - as defined in Dorland's Medical Dictionary.

**531.1.14. Serious Bodily Injury:** bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or second or third degree burns requiring professional medical treatment, or any physical injury that requires corrective or cosmetic surgery.

**531.1.15. Vaccinations or Vaccination for Rabies:** Inoculation of a dog with standard rabies vaccine.

**531.2. Regulation of Dogs within the Town Limits.** The Board of Trustees has found, determined and declared that those actions of dogs, as set forth below in Section 531.2, Subsections 531.2.1, 531.2.2, 531.2.3, 531.2.4, 531.2.5, 531.2.6, 531.2.7, 531.2.8, 531.2.9, and 531.2.10, are detrimental to the public health, safety, and welfare of the inhabitants of the Town of Limon. Acknowledging the strict liability standard as to the provisions of Chapter 531, as set forth in Section 531.25, any owner, possessor, or keeper of any dog which violates the provisions of Section 531.2, and the subsections thereafter, shall be subject to fines and penalties set forth in Chapter 531.27 as well as any other remedy allowed by Chapter 531.

**531.2.1.** Run at large in the Town of Limon unless said dog is under reasonable control of the owner. For the purpose of this code, a dog shall be deemed under such reasonable control when said

dog is accompanied by its owner, or, some member of the owner's family or with some employee or agent of the owner, with the dog attached to a leash. For the purposes of this code, a dog shall be deemed not under reasonable control when, (1) said dog inflicts damage or injury (by biting, jumping upon, pollution of vegetation, or by any other means whatsoever) to the person or property of anyone other than the owner, except in the defense of the owner, his family or property; (2) in the case of any unspayed female dog not securely confined in the owner's yard, pen or other enclosure.

**531.2.2.** Go upon school premises without the permission of the person in charge thereof.

**531.2.3.** Bark, whine, howl or make other noise in a manner which, under non-mitigating circumstances, could be considered by reasonable persons of ordinary sensibilities, as excessive, or continuous.

**531.2.4.** Attract other animals and cause them to congregate or remain on or about any premises because of being a female in heat and because of the nature of its confinement or lack of the same.

**531.2.5.** Damage public property or private property not owned by the dog owner.

**531.2.6.** Be abandoned.

**531.2.7.** Be tied or otherwise physically fastened to any object on public property when the owner has departed from the immediate vicinity of the location where the animal has been physically fastened; or be tied or otherwise physically fastened on private property so as to create an immediate danger to the physical well-being of the animal or any person.

**531.2.8.** Be on premises open to the public where food or beverages are prepared, stored or sold; however, this paragraph does not apply to seeing-eye dogs, dogs trained as ears for the deaf or other defined service dogs and in such premises for such purposes at the time.

**531.2.9.** Be found unleashed in a public park, provided, however, this subsection does not apply to seeing-eye dogs, government owned animals or animals participating in shows or exhibits authorized by the Board of Trustees.

**531.2.10.** Defecate upon public property or private property not owned by the owner, and such

excreta is not immediately removed by the owner at that time.

### **531.3. Ownership of Dangerous Dogs Prohibited.**

**531.3.1.** A dog owner, as defined herein, is deemed to have ownership of a dangerous dog if such person or entity owns, possesses, harbors, keeps, has a financial or property interest in, or has custody or control over a dangerous dog.

**531.3.2.** Upon conviction of owning a dangerous dog, and upon consideration of all relevant factors, including the known past history of the dangerous dog, the Municipal Court Judge, in addition to considering all other penalties available under Section **531**, shall have the following additional options:

**531.3.2.1.** To order the convicted owner to make restitution to any person who suffers injury whether such injury be to the person, property, or domestic animal of the injured person. Restitution shall be equal to the greater of the fair market value or the replacement cost of the domestic animal on the date the animal was injured or destroyed plus any reasonable and necessary medical expenses incurred in the treating of the person or the animal and any actual costs incurred in replacing the injured or destroyed animal or other personal property.

**531.3.2.2.** To order the owner of a dangerous dog who has been convicted of a violation of this section to confine such dangerous dog in a building or enclosure designed to be escape proof and, whenever such dog is outside of such building or enclosure, keep the dog under such owner's control by use of a leash or a muzzle as the Court may direct.

**531.3.2.3.** To order in the event of bodily or serious bodily injury or death to a person or domestic animal, or in the event of a second or subsequent violation of this section, the dangerous dog to be immediately confiscated and placed in a public animal shelter and, upon exhaustion of any right an owner has to appeal a conviction based on a violation of this section, to require the dangerous dog to be destroyed by lethal injection administered by a licensed veterinarian. The owner, in such event, shall be responsible for the costs incurred by the Town in the confiscation, impoundment, and veterinary treatment of the dangerous dog, as well as any other costs associated with the enforcement of this Code and the Court's orders.

**531.3.2.4.** To order, within ten days of the conviction, to obtain and present to the Limon Chief

of Police written proof that the owner has procured a homeowner's or renter's liability insurance policy, or a rider to an existing policy, in the minimum amount of One Hundred Thousand Dollars (\$100,000.00) to specifically cover any future damage or injury that may be caused by the subject dangerous dog during the period of court ordered supervision, such supervision to be no less than one (1) year from the date of conviction. During the period of supervision, the owner shall provide written proof on a quarterly basis of the necessary coverage.

**531.3.2.5.** To order the immediate removal of the dangerous dog from the Town of Limon.

**531.3.3.** It shall be an affirmative defense to the charge of owning a dangerous dog if the dangerous dog, while confined to the dangerous dog owner's property, injures a domestic animal which was at large as defined by section **531.2.1**, or injures a person who is on the dangerous dog owner's property for the purpose of attempting or committing a criminal offense against the dangerous dog's owner or the dangerous dog owner's property, or if the injured person while on the dangerous dog owner's property tormented, provoked, abused, or inflicted injury upon the dog in such an extreme manner as to result in the dog attack.

**531.4. Ownership of Aggressive Dogs Prohibited.** Ownership of an aggressive dog, as defined herein, is prohibited except under the conditions set forth below:

**531.4.1.** A dog owner or one who harbors a dog, as defined herein, is guilty of ownership of an aggressive dog if he or she owns or harbors a dog which engages in any of the following conduct within the Town of Limon:

**531.4.1.1.** The dog approaches any person or persons, without provocation, in a menacing and threatening manner, whether or not an attack by the dog upon the person or persons actually occurred.

**531.4.1.2.** The dog, in an attacking, menacing, or threatening manner encroaches over, through or under a fence onto public property or the private property of another; or

**531.4.1.3.** The dog inflicts a dog bite, or a puncture wound, abrasion, or other wound caused by the aggressive dog's teeth upon a person or a domestic animal in which the injury does not meet the definition of bodily injury or serious bodily injury.

**531.4.2.** Upon conviction of owning an aggressive dog, and upon consideration of all relevant factors, including the known past history of the aggressive dog, the Municipal Court Judge, in addition to considering all other penalties available under section **531**, shall have the following additional options:

**531.4.2.1.** To order, when the dog is leashed, the owner may not use an extension style leash or leash the dog to any permanent inanimate object. Rather the dog shall be in a secure fenced area or be on a short leash under the constant supervision and surveillance of the owner.

**531.4.2.2.** The owner shall successfully complete a court approved animal obedience training, behavior modification, pet management class, and / or any other treatment program that the Court may deem to be appropriate. The owner shall bear the entire cost of all programs, classes, or trainings.

**531.4.2.3.** The owner shall, at the owner's expense, have the animal spayed or neutered and shall provide written proof from a licensed veterinarian to the Limon Police Department that the sterilization has been performed.

**531.4.2.4.** To order, within ten days of the conviction, to obtain and present to the Limon Chief of Police written proof that the owner has procured a homeowner's or renter's liability insurance policy, or a rider to an existing policy, in the minimum amount of One Hundred Thousand Dollars (\$100,000.00) to specifically cover any future damage or injury that may be caused by the subject aggressive dog during the period of court ordered supervision, such supervision to be no less than one (1) year from the date of conviction. During the period of supervision, the owner shall provide written proof on a quarterly basis of the necessary coverage.

**531.4.2.5.** To order removal of the aggressive dog from the Town of Limon.

**531.4.3.** It shall be an affirmative defense to the charge of Ownership of an Aggressive Dog, if the aggressive dog while confined to the aggressive dog owner's property, is aggressive to a person or domestic animal that is on the aggressive dog owner's property for the purpose of committing a criminal offense against the aggressive dog's owner, the aggressive dog owner's property, or if the aggressive dog, while on the aggressive dog owner's property is tormented, provoked, abused or inflicted injury upon,

in such a manner as to result in the dog being made aggressive.

**531.5. Annual Vaccination and Licensing of Dogs Required.** It shall be the duty of every person who owns or harbors any dog or dogs in the Town of Limon, Colorado, to have such dog or dogs inoculated by a regularly licensed veterinarian of the State of Colorado and to obtain a certificate from said veterinarian, setting out the fact of such vaccination and also to obtain from the Police Department of the Town of Limon, Colorado, a license for each dog. The owner, possessor or keeper of any dog within the Town of Limon shall secure a license for such dog from the Police Department on or before the first day of March each year or within 30 days after dog reaches the age of four (4) months. Dogs purchased, obtained or otherwise acquired subsequent to the first day of March in any calendar year shall be licensed within 30 days after such acquisition, or within 30 days after the dog reaches the age of four (4) months. New residents of the town shall have 30 days after becoming residents to secure a license hereunder. The license, which may be in the form of a receipt, shall state the name of the owner, the date of issuance and date of inoculation, and a description of the dog.

**531.6. Persons Authorized to Inoculate and Issue Licenses.** Inoculation of dogs under this code may be performed by any licensed veterinarian of the State of Colorado and licenses for dogs shall be issued by the Police Department of the Town of Limon, Colorado. The owner or harbinger of every dog so inoculated shall pay the veterinarian inoculating same his fee therefor and shall pay an annual license fee to the Town of Limon as follows:

**531.6.1.** Each neutered male or each spayed female \$ 5.00

**531.6.2.** Each unneutered male or each unsprayed female \$10.00

**531.6.3.** Any license obtained outside the time limitations herein set forth shall bear a penalty of \$10.00, which penalty shall be in addition to the license fee and paid to the Police Department at the time of license purchase.

**531.7. Duty of Persons Performing Vaccination and Licensing.** Every veterinarian performing vaccination shall furnish the owner of any dog vaccinated, a certificate of such vaccination, which shall be presented to the Police Department who upon payment of the Town license fee, shall issue the license provided for in Section 531.6. retaining a

record thereof in his office. No license shall be issued for any dog without the production of certificate of vaccination and payment of license fee.

**531.8. Information on Licenses and Tags.** The Police Department shall issue a license to the owner or harbinger of each dog, the receipt for which shall contain the following information: (a) the name and address of the owner, or harbinger of any inoculated and licensed dog; (b) the date of inoculation and date of license; (c) the year and series number of the dog tag; (d) the breed, age, color and sex of the inoculated dog. The tags shall be made of durable material suitable to be attached to the collar or harness of the inoculated dog. Such tag shall state the year for which it is issued and the series number of the license and tag. Such tags shall also be prepared and distributed by the Police Department.

**531.9. Tag to be Attached to Dog and License Retained by Owner.**

**531.9.1.** Every owner or harbinger of a dog shall attach the tag evidencing the licensing and inoculation with anti-rabies vaccine to the collar or harness of the inoculated and licensed dog and such collar or harness shall be worn by said dog at all times.

**531.9.2.** The license shall be retained by the owner or harbinger of the inoculated and licensed dog for inspection by any member of the Police Department, at any time.

**531.10. Registration.** Period of validity for license and tag. Such inoculation and licensing shall be valid for each calendar year in which same is had and for January and February of the following year.

**531.11. Quarantine of Dogs.**

**531.11.1.** A dog which is known to have bitten or injured any person so as to cause an abrasion of the skin or a dog which in the opinion of a member of the Police Department or of any licensed veterinarian of the State of Colorado, appears to be afflicted with rabies, shall be closely confined by its owner in accordance with the directions of a member of the Police Department, for a period of not less than fourteen (14) days.

**531.11.2.** If the owner of such dog or dogs referred to in this section, cannot be determined or located, then a member of the Police Department shall otherwise confine said dog or dogs for a period of not less than fourteen days. If the owner of said dog is not determined, located or the dog claimed from

confinement within said fourteen days, then the Chief of Police may order said dog destroyed. Provided, however, that all costs incurred for the confinement of a dog under this section shall be paid for by the owner or owners of said dog. If, however, after fourteen days confinement, the said dog is not claimed or the owner determined or located, then the cost of confinement shall be borne by the Town of Limon. If said dog is determined, by a veterinarian, to be suffering from rabies it shall be destroyed forthwith.

**531.11.3.** It shall be unlawful for any person knowing or suspecting a dog has rabies to allow such dog to be taken off his premises or beyond the limits of the Town without the written permission of the pound master. Every owner or other person, upon ascertaining a dog is rabid shall immediately notify the pound master or a policeman who shall either remove the dog to the pound or summarily destroy it.

**531.12. Imported Dogs.**

**531.12.1.** All dogs which are brought into the Town of Limon, shall be in compliance with the laws and rules of regulations of the State of Colorado regarding the handling of the animals, and shall have been vaccinated not less than thirty days, nor more than twelve months prior to importation. The metal tag denoting vaccination shall be firmly affixed to the collar or harness of the dog, and shall be evidence of compliance with this section.

**531.12.2.** If said imported dog remains in the Town of Limon more than thirty days, said dog shall be licensed in accordance with the provisions of this code. A certificate of vaccination issued by the licensed veterinarian to the owner or harbinger of a dog within the current year by any municipality, county or state, shall be exchanged for a current inoculation and license tag of the Town of Limon and a transfer fee of \$1.00 imposed thereon for a male or spayed female and \$3.00 for an unspayed female.

**531.13. Unlawful Possession of Licenses.** Only those persons who own or harbor a dog duly vaccinated and licensed in accordance with the provisions of this code shall be permitted to possess the licenses and tags provided for herein. No person may affix a tag evidencing vaccination and licensing, to the collar or harness of any dog, except the tag issued for that dog at the time of licensing.

**531.14. Impoundment Generally.** It shall be the duty of every Police Officer or other dog enforcement officers to impound any dog which is not wearing a dog tag as herein provided and any dog which they

reasonably feel to be in violation of any of the provisions of this code, whether such dog is wearing a dog tag or not. It shall be lawful for any Police Officer or other dog enforcement officer to go upon private property for the purpose of catching any dog to be impounded.

**531.15. Establishment and Operation of Pound.**

The Town shall have the right to establish a dog pound for the Town, to be operated by Town personnel, or at their election, they may, subject to the approval of the Board of Trustees, contract with a public or private person or organization for the operation of a dog pound for and on behalf of the Town.

**531.16. Proceedings in Municipal Court Against Owner or Keeper of Impounded Dog.**

If a dog is impounded, it shall be the duty of a Police Officer or other dog enforcement officer immediately to institute proceedings in the Municipal Court on behalf of the Town against the owner, possessor or keeper of such dog if known, charging the owner, possessor or keeper with a violation of the appropriate section of this code. Nothing herein contained shall be construed as preventing the Police Officer from instituting a proceeding in the Municipal Court for violation of this code where there is no impoundment.

**531.17. Notice to Owner or Keeper of Dog.** Not later than two (2) days after impoundment, the Police Officer shall cause to be posted in a conspicuous place at the Town Hall for three (3) consecutive days a notice of impoundment. The notice posted shall describe the dog, set forth the date of impoundment and set forth the location from which the dog was taken up. In the case of impoundment of a dog wearing the tag described in Section 531.7. The Police Officer shall also use other reasonable means in a diligent effort to notify the owner, possessor or keeper of said dog.

**531.18. Procedure for Release of Impounded Dog and/or Destruction of Dog.**

If a complaint has been filed in the Municipal Court of the Town against the owner, possessor or keeper of any impounded dog for a violation of this ordinance, then such dog shall not be released from impoundment except when requirements of this ordinance and guideline established by the Colorado Department of Agriculture are met. In addition to any penalties which may be provided for in this ordinance for violation hereof, the Police Department shall require such owner, possessor or keeper to pay the fees herein provided for in Section 20 hereof.

(Amended on July 10, 2014 by Ordinance No. 576)

**531.19. Disposal of Dog Whose Owner or Keeper cannot be Located.**

**531.19.1.** If a complaint has not been filed in Municipal Court because the owner, possessor or keeper of an impounded dog is not known or cannot be located and such dog has not been claimed within five (5) days for an untagged dog and ten (10) days for a tagged dog from the date of impoundment, not counting the first day of impoundment, the dog may be disposed of in any humane manner prescribed by the Police Department or by persons so authorized to do so by the Mayor; provided, however, that in the case of a dog wearing a tag as described in Section 7 hereof when impounded, it may be disposed of only after ten (10) days of impoundment, not counting the first day of impoundment, and upon the Police Officer's certification of the diligent effort to notify the owner, possessor or keeper of the dog of its impoundment, and that same has been unsuccessful.

**531.19.2.** Should a suitable location be found for adoption of the animal that option will be taken at the discretion of the Limon Police Department. If adoption of the animal is the method of release selected, except as provided in § 35-80-106.4(3)(a),(b),(c) and (d), it shall be unlawful to sell, transfer, or adopt any dog or cat that is not already spayed or neutered prior to leaving the facility unless the prospective owner has paid a deposit of \$50.00 to the adopting shelter and signed a written agreement with the shelter to have the animal spayed or neutered.

**531.19.2.1.** The deposit may be reclaimed upon presentation of written correspondence from a licensed veterinarian that the animal has been spayed or neutered within 90 days of adoption, sale or transfer. The facility may extend the 90 day requirement upon presentation of written correspondence from a licensed veterinarian stating that the life or health of the adopted pet may be jeopardized by sterilization. If the deposit is not reclaimed after 90 days, it becomes the property of the adopting agency and will be deposited annually upon license renewal with the Pet Overpopulation Fund or a local dedicated spay and neuter fund.

**531.19.2.2.** The written agreement to have the animals spayed or neutered will include: age, sex, species, breed, and general description of the animal; date of adoption and date by which the animal must be sterilized; adopting party's name, address, and phone

number, and signature; and facility name, address, and phone number.

(Amended on July 10, 2014 by Ordinance No. 576)

**531.20. Redemption Fees.** Any owner, possessor or keeper of a dog desiring to redeem such dog from the pound shall pay the Town the sum of \$15.00 as an impoundment fee together with the sum of \$10.00 for each day of impoundment for cost of care and any and all license or rabies inoculation fees provided for in this code.

**531.21. Interference with Police Department or Dog Enforcement Officer in Performing Duties.** It shall be unlawful for any person to interfere with, molest, hinder or obstruct the Police Department or other dog enforcement officer in the discharge of their official duties under this code.

**531.22. Muzzling and Confinement.**

**531.22.1.** Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia, the Mayor, if he deems it necessary, shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on his premises unless such dog shall have a muzzle of sufficient strength to prevent it from biting any person. Any unmuzzled dog running at large during the time of the proclamation shall be seized and impounded, unless noticeably infected with rabies and displaying vicious propensities, shall be killed by the pound master without notice to the Owner. Dogs impounded during the first two days of such proclamation shall, if claimed within five days, be released to the owner, unless infected with rabies, upon payment of impounding charges provided for in Section **531.20**. If unclaimed after that period, such dog may be summarily destroyed.

**531.22.2.** Vicious dogs and any dogs required to be confined under the provisions of this code shall be kept upon the premises of the owner of such place as to be least dangerous to persons lawfully upon said premises.

**531.23. Vaccination.** It shall be unlawful for the owner of any dog to keep, maintain, or allow such dog to run at large unless it shall have been vaccinated by a licensed veterinary surgeon with anti-rabies vaccine, within one year preceding the date on which such dog is kept, maintained or allowed to run at large.

**531.24. Female Dogs in Heat.** Any unspayed female dog, while in heat, shall be securely confined during such period in the owner's yard, pen or other

enclosure, which shall be so construed or situated as to prevent other dogs from gaining access thereto.

**531.25. Notice or Knowledge of Violating Not Necessary for Prosecution of Owner or Keeper.**

For the purpose of prosecution for violation of this code, it shall not be necessary in order to obtain a conviction to prove notice or knowledge on the part of the owner, possessor or keeper of the dog in question that such dog was violating any of the provisions of this code at the time and place charged, it being the purpose and intent of this code to impose strict liability upon the owner, possessor or keeper of any dog for the action, conduct and condition of such dog.

**531.26. Unlawful to Poison Dog.** It shall be unlawful for any person to poison any dog or to distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any dog within the Town of Limon.

**531.27. Penalty for Violation.** Any person violating any of the provisions of section 531.2 of this code shall upon conviction, be punished by a minimum first offense fine of \$25.00 per animal, a second violation of section 531.2 in a six month period the minimum fine of forty dollars (\$40.00), and a third violation of section 531.2 in a six month period will result in a summons to appear at the next available court date.

**531.27.1.** Any person violating any of the provisions of section 531.3 of this code (Ownership of a Dangerous Dog) shall be summoned to appear at the next available court date.

**531.27.2.** Any person violating any of the provisions of section 531.4 of this code (Ownership of an Aggressive Dog) shall upon conviction, be punished by a minimum fine of seventy five dollars (\$75.00).

**531.27.3.** Additionally, any person violating any provision of this code shall upon conviction, be punished by a fine of not more than Five Hundred Dollars (\$500.00) for each offense.

**531.28. Enforcement.** The provisions of this code shall be enforced by the Police Department of the Town of Limon or by a pound master appointed by the Town Manager.

(Amended on June 6, 1996 by Ordinance No. 398 and on June 6, 2002 by Ordinance No. 473, Amended in its entirety on September 6, 2007 by Ordinance No. 520; Amended on July 10, 2014 by Ordinance No. 576; Amended on February 5, 2015, by Ordinance No. 580.)



## 532 - Pertaining to Livestock

HISTORY: Added November 5, 1981, by Ordinance No. 279; cured and validated October 6, 1983, by Ordinance No. 300; repealed on June 2, 1994, by Ordinance No. 376; added on September 6, 2012, by Ordinance No 557. Also see the Land Development Code.

### 532.1 Definitions

**532.1.1. Livestock.** Any cattle, horses, mules, sheep, goats, hogs, pigs, swine or other hard hoofed animals.

**532.1.2. Fowl.** Excluding any domesticated birds such as parakeets and parrots, but including, but not limited to chickens, ducks, geese, turkeys, pheasant and pigeons.

**532.1.3. Person.** Any entity, including, but not limited to person, firm, partnership, corporation or association.

### 532.2 Livestock and Fowl Prohibited

**532.2.1.** It shall be unlawful for any person to keep, harbor, maintain or herd, within the corporate limits of the Town of Limon, any Livestock or Fowl, as defined herein, except as allowed by use in the Land Development Code of the Town of Limon.

**532.3. Enforcement.** It shall be the duty of the Town Police Department to enforce the provisions of this Section as to any person that would keep, harbor, maintain or herd Livestock or Fowl in violation of any provision of this Section.

**532.4. Violations – Penalty.** Upon the conviction of any person or persons charged with a violation of this Ordinance or any provisions thereof, such person or persons shall be guilty of a petty offense and shall be subject to a fine as imposed by Sub-section 520.22 – Penalties for Violation under Section 520 – Nuisances.



## 540 - Health Regulations Pertaining to Business

### 541 - Trailer Ordinance

HISTORY: 1958 Municipal Code; Substantially amended March 3, 1966, by Ordinance No. 192; repealed on June 2, 1994, by Ordinance No. 376. See Land Development Code.



## 550 - Regulations for Refuse and Recycling

HISTORY: Added January 7, 1972, by Ordinance No. 216; amended on August 7, 1975, by Ordinance No. 235; amended on January 7, 1982, by Ordinance No. 282; amended August 5, 1993, by Ordinance No. 370; amended June 6, 1996, by Ordinance No. 398; amended on December 2, 1999, by Ordinance No. 435; amended on September 7, 2000, by Ordinance No. 456; amended on December 3, 2009, by Ordinance No. 535; amended on July 7, 2011, by Ordinance No. 548; and amended on October 1, 2015, by Ordinance No. 584.

### 550.1. General Regulations.

**550.1.1. Definitions.** For the purpose of section 550 the word "refuse" shall mean and include any grass clippings, leaves, hay, straw, manure, shavings, excelsior, paper, ashes, rubbish, containers, boxes, glass, cans, bottles, garbage, waste and discarded building and construction materials, including but not limited to plaster, broken concrete, bricks, cinder blocks, stones, wood, roofing material, wire or metal binding, sacks or loose discarded or unused material; all rubbish of any kind of nature whatsoever; and any other materials commonly known as rubbish or refuse of any kind or character or by any means known.

**550.1.2. Accumulation of Refuse; Prohibited and Declared Nuisance.** Any accumulation of refuse on any premises, improved or unimproved, in the town is prohibited and is hereby declared to be a nuisance.

**550.1.3. Abatement.** Whenever such a condition exists the Town Manager or the manager's designee shall immediately thereafter notify any owner of property, his agent or any person having charge of such property, in writing, that an order has been made requiring the removal of any accumulated refuse from such property or premises within twenty (20) days after service of notice. If such property owner, agent or

person having charge of such property shall not remove such refuse in accordance with the requirement of such order the Town Manager may cause the refuse to be removed and assess the cost thereof against the property or premises. The amount so assessed shall be a lien upon such property until the same is paid; provided, that in case such assessment is not paid within thirty (30) days, it may be certified by the clerk to the county treasurer who shall collect the assessment, together with a ten percent penalty for cost of collection, in the same manner as other taxes are collected. The laws 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 such assessments.

**550.1.4. Accumulation and Deposit of Garbage, Etc. Prohibited.** No person shall deposit or place any garbage, rubbish, waste material or ashes in such a manner that the same is or likely to become a nuisance or in such a manner endangers or likely to endanger the public health. No person having the occupancy, control or management of any premises shall cause or permit any garbage, waste material, rubbish or ashes to be accumulated thereon in such a manner that the same is or likely to become a nuisance or in such a manner as endangers or tends to endanger the public health. No person shall in any manner throw, place, scatter, deposit, or bury any garbage, rubbish, waste materials or ashes upon his own premises or the premises of another.

**550.1.5. Refuse not to be Thrown in Vacant Lot, Private Property, Etc.** No hay, straw, shavings, paper or other combustible material, sod, lawn trimmings, leaves, weeds, ashes, glass, bottles, nails, tacks, wire, cans, rocks, stones or rubbish of any kind or nature whatsoever or any other refuse or material shall be thrown or swept into any sewer, intake, , vacant lot, or other property.

**550.1.6. Responsibility of Owners, Lessees, Etc. for Refuse on Premises.** It shall be the duty of every person, whether owner, lessee or renter of any vacant lot, building or premises, including any place of business or residence or any other establishment, at all times to maintain the premises in a clean and orderly condition, permitting no deposit or accumulation of refuse or materials other than those ordinarily expected for which such premises are legally intended. Any such accumulation shall constitute a nuisance, and shall be nonconforming in the use of such premises.

**550.1.7. Building Materials to be Removed from Construction Sites.** All plaster, broken concrete, bricks, cinder blocks, stones, wood, roofing material, wire or metal binding, sacks or loose discarded or unused material of any kind resulting from the wrecking, constructing or reconstructing of any room, basement, wall, fence or sidewalk or building shall be promptly removed or discarded in such a manner as not to be scattered about by the wind or otherwise, and as soon as possible by the person responsible for such work. Such person shall be held liable for any scattering of such refuse upon adjacent property, regardless of whether it is privately or publicly owned.

**550.1.8. Removal of Refuse from Business Required.** All refuse as defined in Section 550.1.1 of this code shall be removed periodically from such respective establishments by the occupant / owner so that the premises are clean and orderly at all times. Any accumulation of refuse that is highly explosive or inflammable which might endanger life or property shall be removed to such places as approved by the Chief of Police or the chief's designee; such removal to be handled by the entities responsible therefor according to established protocol.

**550.1.9. Accumulation and Use of Manure.**

Deleted on October 1, 2015, by Ordinance No. 584.

**550.1.10. Burning of Garbage and Waste Material.** No person shall set on fire or burn any garbage, rubbish or waste material or any hay, grass clippings or other combustible materials unless done as a prescribed and controlled burn approved by the Town of Limon and the Limon Area Fire Protection District.

**550.1.11. Burning of Wood in a Fire pit.** The burning of wood, charcoal and similar flammable material for recreational purposes within a pit, vault, barbecue grill or feature designed for such purpose is allowed within Limon. Precaution must be taken to avoid damage to other property and can only be done during times suitable weather conditions exist. When a burn-ban has been issued outdoor burning shall be regulated according to the restrictions placed on said burning by the Limon Area Fire Protection District or by Lincoln County.



**550.2. Collection Regulations.**

**550.2.1. Definitions.** For the purpose of this section, the following words and phrases shall have the meanings hereinafter defined:

**550.2.1.1. Garbage:** Kitchen and table refuse and offal, swill and every accumulation of animal, vegetable and other matter that attends the preparation, consumption, decay or dealing in or storage of meats, fish, fowls, birds, fruits or vegetables not including dead animals and offal from slaughter-houses.

**550.2.1.2. Matter:** Broken crockery, bottles, broken bricks, metal cans, cardboard boxes, paper, straw, grass clippings, sawdust, packing materials, shavings, boxes and all noncombustible waste matter, ashes and all other residue of materials burned, and other refuse and waste material other than garbage.

**550.2.1.3. Self-contained Compaction Unit (SCU):** A Town approved, complete and independent refuse collection unit in and of itself; which contains a compactor (attached to an external power source) and a refuse holding container of a predetermined volume for refuse compacted at a specified density and is compatible with the Town's refuse collection equipment.

**550.2.1.4. Roll-off:** An open top rectangular shaped container, ranging in capacity, primarily used for the collection of construction related refuse and other pre-approved materials. The roll-off must be compatible with the Town's hook-lift vehicle.

**550.2.2. Town to Provide Collection Service.** The Town or its employees, agents, or contractors shall furnish garbage, rubbish, waste matter and ashes collection service as provided in this article to all persons, businesses and residences within Limon.

**550.2.3. Contract.** The Board of Trustees may enter into an exclusive contract or agreement with any person for the collection and disposal of recyclables, ashes, trash and garbage, or any portion thereof, throughout the town, or it may at its discretion make provision for the collection and disposal of recyclables, ashes, trash and garbage by others.

**550.2.4. Collection of Garbage and Waste Matter by Other than Town Prohibited; Exceptions.**

**550.2.4.1.** The Town, by and through its duly authorized agents, employees, or contractors shall be the sole agency for the collection and disposal of

garbage and waste matter, and no person except such duly authorized agents, employees, or contractors of the Town shall collect or dispose of any garbage or waste matter, other than his own, within Limon. In specific instances and under certain circumstances the Town Manager may approve of the collection and disposal of recyclables, trash and garbage by others when it is in the best interest of the Town.

**550.2.4.2.** Nothing in this section shall relieve any contractor of the obligation of cleaning up premises after completion of his contract. Nothing in this section shall prevent an individual from hauling his own waste material, provided that it is properly disposed of in conformity with all Town regulations, and that such individual is subject to all other provisions of the section.

**550.2.5. Charges for Town Collection Service.**

(Amended August 7, 1975, by Ordinance No. 235; amended January 7, 1982, by Ordinance No. 282; amended December 3, 2009, by Ordinance No. 535; amended on October 1, 2015, by Ordinance No. 584.)

**550.2.5.1.** The Board may, by resolution, establish charges for collection service under this section, prescribe the time and manner of payment of such charges and adopt measures designed to enforce the payment thereof such as, in their discretion, are necessary or desirable.

**550.2.5.2.** Such resolution, when adopted, shall be of the same force and effect as if incorporated in this section.

**550.2.5.3.** The amount of charges for garbage, rubbish, waste material and ashes collection service shall be assessed on the monthly utility bill. In case such assessment is not paid within a reasonable time specified by ordinance, it may be certified by the Town Clerk to the county treasurer who shall collect the assessment, together with a ten percent (10%) penalty for cost of collection, in the same manner as other taxes are collected. The laws 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 such assessments.

**550.2.5.4. Rates for Collection Service.**

**550.2.5.4.1. Ground Level; Within 20 Feet; in Containers.** The rates for collection and disposal of refuse placed for collection at ground level, not more than twenty (20) feet distant from the side of the street or alley from which collection is

made, and in approved refuse containers shall be as follows:

**550.2.5.4.1.1. Single Dwelling**

**Units.** For single Dwelling Unit \$17.88 per month, which charge shall be added to the monthly utility bill.

**550.2.5.4.1.2. Multiple Unit**

**Dwellings and Mobile Home Parks.** For dwellings of two dwelling units or more or mobile home parks of two mobile home spaces or more, \$9.01 per occupied dwelling unit or mobile home space per month if collection service is provided at one site at said multiple unit dwelling or mobile home park. The owner of a multiple unit dwelling or such mobile home park shall report said occupancy to the Town Clerk on or before the fifteenth (15th) day of each month. Any dwelling unit or mobile home space occupied for ten (10) or more days during a month shall be reported as occupied for that particular month. In the event the owner fails to file said report as herein required, the monthly fee shall be based upon 100% occupancy of the multiple unit dwelling or mobile home park for the month. In the event collection service is provided a multiple unit dwelling or mobile home park at more than one site, the fee shall be the same as that for single dwelling units for each occupied dwelling unit or mobile home space. Said charges shall be added to the monthly water bill. Any mobile home park consisting of only one mobile home space shall be deemed a single dwelling unit for the purposes of this code.

**550.2.5.4.1.3. Commercial - for each business location, other than mobile home parks and multiple unit dwellings.** \$31.13 per month or \$5.47 per each dumpster collected, whichever amount is larger. An additional fee may be imposed by the Town Manager in an amount deemed by the manager to cover the cost of any extra service rendered because of the lack of the use of a dumpster(s) at the location. The Town Manager's decision may be appealed to the Board of Trustees. Upon fifteen (15) days' notice, the fee determined by the Town Manager may be modified as circumstances warrant. Said charges shall be added to the monthly utility bill.

**550.2.5.4.1.3.1. Special**

**Commercial Locations.** Should the Town Manager determine that a commercial location is not suitable for collection in a dumpster the Town Manager may identify the location as a Special Commercial Location and allow collection by polycart. For each Special Commercial Location \$31.13 per month or \$2.44 per

polycart emptied shall be collected, whichever amount is larger.

**550.2.5.4.1.4. Multiple Business**

**Buildings.** For multiple business buildings, \$21.99 per occupied business unit per month if collection service is provided at one site at said multiple business building. The owner of the building shall comply with the reporting requirements provided in section **550.2.5.4.1.3.** Said charge shall be added to the monthly utility bill.

**550.2.5.4.1.5. Self-contained**

**Compaction Unit (SCU).** For locations that use this method of refuse collection there is a minimum monthly fee, which is a rate equivalent to two lifts per month at the established rate, for the locations that are selected to participate with an SCU collection process. This fee is based upon lifting of a SCU, transportation to and from the landfill, the emptying of the SCU and the return of the SCU. All fees and charges established within this section are subject to **Section 550.2.5.4.3.**

**550.2.5.4.1.5.1. Town determination of location to use a SCU.** The Town Manager shall determine which businesses shall be required to use the SCU method of refuse collection. This determination shall be made according to the volume of generated refuse, the number of pickups required per week, and the physical characteristics of the location.

**550.2.5.4.1.5.1.1. Appeal.** The Town Manager's decision may be appealed within 30 days to the Board of Trustees at their next available regularly scheduled meeting. The Board shall reach a decision at this meeting and the date of the meeting shall be considered the notification to such location to incorporate the necessary accouterments for such service.

**550.2.5.4.1.5.1.2. Business request to use SCU.** If a location requests to use the SCU service, they must submit a written and signed statement requesting such desire to the Town Manager. The Town Manager may grant such a request as long as the necessary equipment is available and the Town can reasonably accommodate the change.

**550.2.5.4.1.5.1.3. Notification.** When the determination is reached for a location to use the SCU refuse collection method, such location shall have a minimum of sixty (60) days to initiate plans for the SCU method and implementation shall

not exceed one hundred twenty (120) days after notification.

**550.2.5.4.1.5.2. Scheduled lifting fee.** For a regularly scheduled weekly, bi-weekly, or a mutually agreed upon routine pick up the lifting fee for a SCU with the capacity of 15 cubic yards or less shall be \$16.30. The fee for a larger SCU container will be computed by using the above-established rate for a 15 cubic yard SCU and applying a proportional lift fee for the utilized SCU's capacity.

**550.2.5.4.1.5.3. Non-scheduled lifting fee.** For a special requested pick-up there will be an additional fee of \$61.14.

**550.2.5.4.1.6. Roll-off Service Usage and Rates.** For locations that use this method of refuse collection there is a minimum fee of \$61.14. All fees and charges established within this section are subject to Section **550.2.5.4.3.**

**550.2.5.4.1.6.1. Roll-off standard equipment fee.** There is hereby established a minimum roll-off equipment fee of \$61.14, which provides for the use of any roll-off container that is 15 cubic yards or less for three days. The weekly fee will be \$122.27 with a maximum of \$305.68 per month for a roll-off container. Any other larger roll-off container capacity will be computed on a proportional basis.

**550.2.5.4.1.6.2. Roll-off Lifting fee.** The established lift fee for a roll-off container shall be \$12.23 per yard for the full capacity of the container.

**550.2.5.4.2. Other than Ground Level; More than 20 Feet and not in Containers.** Where the collection of refuse from other than ground level, from more than twenty (20) feet from the side of the street or alley, or not in approved containers, is accepted by the Town Manager, the fee shall be that of section **550.2.5.4.1.** plus a fee set by the Town Manager, subject to appeal to the Board of Trustees, which shall be deemed to cover the cost of the extra service rendered. Said charges shall be added to the monthly utility bill.

**550.2.5.4.3. On an annual basis.** These rates shall be adjusted by the amount of the previous year's Denver-Boulder Consumer Price Index with no further action of the Board of Trustees. The annual adjustment will take place in the January billing beginning in 2016.

**550.2.5.4.4. Exemptions.** The Board of Trustees of the Town of Limon has determined that

exemptions should be made to the charges set forth in Section **550.2.5.4.**

**550.2.5.4.4.1.** The Board of Trustees of the Town of Limon has determined that due to the level of service to the community combined with the relative low volume of trash produced that church buildings within the town of Limon shall be exempt from the charges set forth in Section **550.2.5.4.** This exemption does not, however, apply to other church owned properties including parsonages.

**550.2.5.4.4.2.** The Board of Trustees of the Town of Limon has determined that due to past and present cooperative efforts that the Colorado Department of Transportation shall be exempt from the charges set forth in Section **550.2.5.4.**

**550.2.5.4.4.3.** In circumstances where the occupant/owner is absent from the premises for an extended period, but water and sewer service must remain active, the refuse charge can be waived at the discretion of the Town Manager.

**550.2.6. Disposition and Use of Funds.** All funds collected by the Town for collection service under this section shall be credited to the Sanitation Department of the General Fund, the proceeds of which shall be used to defray expenses, such as the furnishing and maintaining of necessary equipment and payment of persons employed in the service, agents, or contractors.

**550.2.7. Collection of Tree Trimmings and Hedge Cuttings.** Any person desiring to place tree trimmings or hedge cuttings for collection shall cause the same to be cut not more than four (4) feet in length and four (4) inches in diameter. They shall place the same for collection in the same manner and times provided for the collection of garbage.

**550.2.8. Collection of Dead Animals.**

**550.2.8.1.** Dead animals shall not be placed in the waste containers and will not be picked up by the refuse collectors.

**550.2.9. Unauthorized Disturbance, Removal of Garbage, Containers Prohibited.** Except as authorized by the Town of Limon no person shall remove, handle or otherwise disturb any garbage or refuse containers or contents for servicing by the collectors; provided, that this section does not apply to

the owner, occupant, lessee or tenant of the residence or dwelling so placing the containers and contents.

**550.2.10. Promulgation of Rules and Regulations by Board of Trustees.** The Board of Trustees shall by resolution, promulgate rules and regulations relating to the manner of preparing and accumulating garbage, rubbish, waste material and ashes for collection; the type and kind of containers to be used for such accumulation; the manner of use of and care for such containers; and such other rules and regulations as, in their discretion, are necessary or desirable in the interest of maintaining efficiency and sanitary conditions in the garbage, rubbish, waste material and ashes collection system and service within the town; and such resolutions when adopted shall be of the same force and effect as if incorporated in this section, and prior regulations, not inconsistent with this code, are hereby approved and ratified.

**550.2.10.1. Refuse Containers.** Until further action by the Board of Trustees refuse containers shall be provided as follows:

**550.2.10.1.1. Residential Container Requirements.** Refuse containers shall be provided by the owner, tenant, lessee, or occupant of the premises. Said containers shall be maintained in a clean, neat and sanitary condition at all times and shall be made of plastic or similarly weighted and durable material and shall be of such size and weight that it can be lifted safely manually or constructed in such a way as to attach to the mechanical lift on the refuse collection equipment and shall have an attached hinged lid. Any container that does not conform to the provisions of this section, or the following section when applicable, or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof, shall be promptly replaced upon notice. The Town Manager shall have the authority to refuse collection services for failure to comply herewith.

**550.2.10.1.2. Commercial Container Requirements.** Commercial containers shall be compatible with the refuse collection equipment and shall be of a size and maintained in such condition as to be safely handled, placed in a convenient and accessible location, and shall be made of durable material designed to withstand the rugged conditions inherent of the collection process. After December 31, 1983, all commercial containers shall be the dumpster type container, or the equivalent thereof, unless said requirement is waived by the Town Manager because of the amount of refuse collected at a commercial location. In that event and when

appropriate, the commercial container shall be approved by the Town and shall be compatible with the Town's refuse collection equipment or as provided by contract with the Town.

#### **550.2.10.2. Collection Practices.**

##### **550.2.10.2.1. Frequency of Collection.**

Refuse shall be collected at least once each week, unless emergency circumstances prevent said collection. Where necessary to protect the public health, the Town Manager shall have the authority to require that more frequent collections be made or more containers be provided.

##### **550.2.10.2.2. Limitation on Quantity.**

**550.2.10.2.2.1. Residential.** The Town Manager shall collect a reasonable accumulation of refuse of each family during a collection period for the standard charge.

**550.2.10.2.2.2. Commercial.** The Town Manager shall collect a reasonable accumulation during the collection period for the stated charge. The Town Manager shall have the authority to refuse to collect unreasonable amounts or to assess additional fees for such amounts.

**550.2.11. Enforcement of Section.** The Town Manager shall have charge and supervision of the garbage, rubbish, waste material and ashes collection system. The manager is empowered to employ and direct all assistants, laborers, agents, contractors, and employees in the operation of the service. The manager shall enforce the terms of this section and the various rules and regulations promulgated hereunder from time to time and shall be accountable to the Board of Trustees in all matters pertaining to the exercise of those powers and duties.

#### **550.3. Weeds Regulations.**

(Amended and moved to Section 520, Subsections 2.5, 4.6 and 6.3 on October 1, 2015, by Ordinance No. 584.)

#### **550.4. Refuse and Recyclables Collection Sites.**

**550.4.1. Definitions.** For the purpose of each and every provision of this section, the following definitions of terms shall apply:

**550.4.1.1. Refuse Collection Site:** any location designated by the Board of Trustees or the Town Manager where any approved final accumulation, processing or depository of solid wastes and recyclables occurs.

**550.4.1.2. Disposal:** the processing of solid wastes by providing a point of collection or accumulation, recycling, composting, grinding or any other equivalent sanitary method.

**550.4.2. Requirements for Establishing Refuse Collection Sites.** Any refuse collection site to be designated as a Town of Limon collection site shall meet the following requirements:

**550.4.2.1.** The proposed site shall meet and comply with the zoning regulations applicable thereto.

**550.4.2.2.** The site shall have been approved and comply with the rules and regulations adopted by the Town.

**550.4.2.3.** The plans and specifications of said site must be submitted to and approved by the Town Manager.

**550.4.3. Minimum Operating Standards.** Any refuse collection facility which has been approved and designated as a collection site shall at all times during which the same is so designated be operated and maintained according to the following minimum operating and maintenance standards:

**550.4.3.1.** Scattered material shall be frequently collected and disposed of in a satisfactory manner.

**550.4.3.2.** Rubble or bulky items shall be disposed of in such a manner to prevent unsightliness or any unsanitary condition or hazard.

**550.4.3.3.** Dust and other airborne matter shall be controlled in such a manner that the same does not create a nuisance, hazard or danger to persons using or employed at said site, or to adjacent properties.

**550.4.3.4.** Adequate measures shall be applied to control flies, mosquitoes, rats, or other rodents or vermin.

**550.4.4. Town Shall Supervise Refuse and Recyclable Collection Sites.** The Town Manager or the manager's designee shall regularly supervise and inspect the operation and maintenance of all Town of Limon collection sites.

#### **550.4.5. Rates.**

**550.4.5.1.** All rates charged at any Town of Limon refuse or recyclable collection site shall be fixed and approved by Resolution of the Board of Trustees.

**550.4.6. Operators Shall Enter Into an Agreement.** All operators of refuse or recycle collection sites within Limon shall enter into an operation and maintenance agreement with the Board of Trustees which shall be applicable to each specific circumstance and condition as appropriate. The Town shall have the right to suspend or revoke each designation of a Town of Limon refuse collection site as conditions warrant such change.

#### **550.4.7. Application for Operating A Town Refuse or Recycle Collection Site.**

**550.4.7.1.** Any person wishing to operate and maintain a collection site within Limon shall submit a written request therefor to the Board of Trustees which shall contain at least the following:

- Name.
- Address.
- Financial Statement.
- Previous experience in the operation and maintenance of a refuse collection site.
- Description of the site.
- All matters required in this chapter.
- Any other pertinent information as required by the Board of Trustees.

**550.4.7.2.** Upon satisfactory proof having been furnished to the Board of Trustees that all the conditions for the establishment and operation of a refuse or recycle collection site as herein contained have been met, the site proposed for designation as a Town of Limon refuse or recycle collection site may thereafter be designated as such at the sole discretion of the Board of Trustees.

#### **550.4.8. Duration of Designation.**

(Deleted on October 1, 2015, by Ordinance No. 584.)

**550.4.9. Authority to Enter Agreement.** The Town Board of Trustees shall approve all agreements to establish collection sites within Limon.

**550.4.10. Hazardous Waste Disposal.** No person shall bury or otherwise dispose of any

hazardous waste (as defined by state law) upon any property in Limon or owned by the Town of Limon.

(added January 6, 1983, by Ordinance No. 292; amended on October 1, 2015, by Ordinance No. 584)

**550.5. Penalty for Violation.** It is unlawful for any person to violate any of the provisions of this code and any such violation shall be punishable by a minimum fine of One Hundred Fifty Dollars (\$150.00) and a maximum of Five Hundred Dollars (\$500.00). Each day that such violation shall be allowed to continue shall constitute a separate and distinct offense.

(Amended January 6, 1983, by Ordinance No. 292; amended January 2, 1997, by Ordinance No. 411; amended on October 1, 2015, by Ordinance No. 584.)



## **560 – Drilling and Pumping of Crude Oil, Natural Gas, or Other Crude Petroleum Product Prohibited**

HISTORY: Added May 4, 1999, by Ordinance No. 429. Deleted in its entirety on January 2, 2014, by Ordinance No 568 and added to the Limon Land Use Code, Section 512.

