

SUMMIT COUNTY DEVELOPMENT CODE

CHAPTER 11: Community Appearance, Maintenance and Safety

DEVELOPMENT CODE REVISIONS			
CHAPTER 11			
CASE #	RESO #	SECTION/DESCRIPTION	DATE
04-077	07-44	Comprehensive Amendments to Code	5/22/07
10-143a	12-48	Section 11300: Noxious Weeds	7/24/12

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11000: PURPOSE AND INTENT

It is the intent of this chapter to establish standards and requirements for the maintenance of property in order to preserve the appearance of neighborhoods and developments in Summit County. Continuing maintenance is essential to the protection of property values, to the prevention of hazards to public health and safety and to the preservation of the general well being of the community. The value of property in Summit County is dependent, in part, on the quality of the community's aesthetics since the county's economy is tourist oriented and tourists are attracted to areas having well-designed and well-maintained neighborhoods and developments. It is also important that man-made conditions in the county not detract from the beauty of the natural scenery.

11100: PUBLIC NUISANCES

11101: Types of Public Nuisances

For purposes of this Code, and when consistent with Colorado State Statutes, public nuisances include:

- A. Any building, structure or land open to or used by the general public, the condition of which presents a substantial danger or hazard to public health or safety as determined by the Building Department.
- B. Any dilapidated building, except for a building identified by the County as having historical value, which is unused by the owner or uninhabited because of deterioration or decay, which condition constitutes a fire hazard, or subjects adjoining property to danger of damage by storm, soil erosion or rodent infestation or which becomes a place frequented by trespassers and transients seeking a temporary hideout or shelter.
- C. The noxious weeds referenced in Section 11303 of this Code, at any and all stages, their carriers, and any and all premises and things infested or exposed to infestation therewith in the County, are declared to be a public nuisance and, in addition to the remedies contained in this Chapter, are subject to all of the laws and remedies relating to the prevention and abatement of nuisances, including but not limited to those set forth in C.R.S. § 35-5.5-113.

11102: Abatement Procedure

Whenever the Summit County Planning Department has knowledge of a Class 3 public nuisance as defined in C.R.S. § 16-13-305, the Planning Department shall notify the District Attorney or Summit County Sheriff for an appropriate action to abate such public nuisance as provided for in C.R.S. § 16-13-301 et seq.

11200: RUBBISH REGULATIONS

11201: Authority

The Board of County Commissioners ("BOCC") is authorized by Colorado State Statutes to adopt an ordinance to provide for and compel the removal of rubbish, including trash, junk and garbage from lots and tracts of land within the county, except industrial tracts of ten (10) or more acres and agricultural land in agricultural use [C.R.S. § 30-15-401(1)(a)(I)]. This section is adopted as part of this Code pursuant to this authority.

11202: Accumulation Unlawful

It shall be unlawful for any owner, tenant or occupant of any real property within the unincorporated portion of Summit County to cause or permit any accumulation of rubbish on such property, or the alleys behind or sidewalk areas in front of such property, which is noxious, offensive, unsightly, dangerous, hazardous or otherwise constitutes a public nuisance. This section shall not apply to rubbish related to an industrial use on industrial tracts of ten (10) acres or more or any rubbish related to a farm or ranch.

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11203: Notice of Violation

The Zoning Enforcement Officer shall issue a violation notice to the owner of the property and to any known tenant or occupant thereof whenever the Zoning Enforcement Officer has knowledge of an unlawful accumulation of rubbish, directing such person(s) to remove the rubbish within 15 calendar days from the date of the notice or to appear before the BOCC within such period and show cause why compliance with the notice is not possible. Such notice shall be mailed by certified mail, return receipt requested, to the address of record of the owner and to the last known address of any tenant or occupant other than the owner. Where practical, a copy of the violation notice shall also be posted on the property.

11204: Removal by County; Assessment of Cost

If rubbish is not removed by the owner, tenant or occupant, as required by a violation notice issued pursuant to this section, the BOCC or such other person as may be designated by the BOCC may cause such removal to be accomplished and the whole cost thereof, including an additional five percent (5%) for inspection and other incidental costs, shall be assessed against the property from which the rubbish is removed. Authorization of the Summit County District Court will be sought and obtained pursuant to C.R.S. § 16-13-307 prior to removal of automobiles or other rubbish which is in violation of this ordinance where the market value of such rubbish is estimated by the BOCC or its designee to be in excess of \$1,000.00.

11205: Lien Against Property

Any assessment made pursuant to this section shall be a lien against such lot or parcel of land until paid and shall have priority over all other liens except general taxes and prior special assessments. In case such assessment is not paid within 90 calendar days of notice thereof by the County, it may be certified by the County Clerk and Recorder to the County Treasurer. The County Treasurer shall collect the assessment, together with a ten percent (10%) penalty for the cost of collection, in the same manner as other taxes are collected. The laws of the State 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 assessments made in accordance with this section.

11206: Penalty

Violations of this section shall be punishable by a fine of not more than \$300.00 for each violation or by imprisonment in the County jail for not more than 90 calendar days or by both such fine and imprisonment. Each day shall be considered a separate offense and the violation period shall originate on the date of the original notice pursuant to this section. Penalties may be incurred for any period the violation occurs regardless of whether or not the violation is later corrected pursuant to this section.

11300: NOXIOUS WEEDS

11301: Authority

The Colorado Noxious Weed Act, C.R.S. § 35-5.5-101, *et seq.*, states that certain noxious weeds pose a threat to the continued economic and environmental value of the land in the State and that they must be managed by all landowners in the State. The Act states that local governments (cities and counties) are directed to take the necessary steps to manage the noxious weeds in their respective jurisdictions. As a result, the County established the Summit County Weed Advisory Board and adopted the Summit County Weed Management Plan. The Weed Management Plan, as amended from time to time, is hereby incorporated by reference.

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11302: Authorized Agent

Pursuant to C.R.S. § 35-5.5-105 (2), the Director of Community Development and his or her designee(s) are hereby designated “authorized agents” (referenced herein as the “Weed Control Department” or “Department”) to enforce the Weed Management Plan in the unincorporated areas of the County as provided for in the Code and any and all other applicable law.

11303: Designation of Noxious Weeds

- A. The rules pertaining to the administration and enforcement of the Noxious Weed Act identify three (3) classes of weeds, known as List A, List B, and List C Noxious Weed Species. The species designated in any of these categories may change; therefore the specific species are not enumerated within the Code, but are updated in the Weed Management Plan at least every three years, and are also posted on the Colorado Department of Agriculture website. In addition, the lists of weeds currently controlled by Summit County, and other additional information, are available upon request from Summit County Weed Control Department and are posted on the Summit County Website.
- B. Summit County may choose to declare as noxious additional species of weeds not so designated by the State. Any such declaration will be made pursuant to the requirements of C.R.S. § 35-5.5-108 (3) and any other applicable authority, and all noxious weeds, whether declared by the County or designated by the State shall be subject to the provisions of this section 11300.

11304: Implementation of Weed Management Plan

- A. The goal of Summit County’s Weed Management Plan is eradication of all of the designated noxious weeds within the unincorporated County. Eradication is defined per state statute as “reducing the reproductive success of a noxious weed species or specified noxious weed population in largely unfested regions to zero and permanently eliminating the species or population within a specified period of time. Once all specified weed populations are eliminated or prevented from reproducing, intensive efforts continue until the existing seed bank is exhausted.”
- B. Methods of achieving eradication may include, but are not limited to, the following:
 - 1. Elimination of the flowering parts of the plant at specified times and /or intervals;
 - 2. Suppression of noxious weed populations through the use of chemical and/or naturally occurring weed control applications;
 - 3. Long-term intensive care and management of specified areas;
 - 4. Mechanical management practices that physically disrupt plant growth, such as tilling , mowing, burning, flooding, mulching, hand-pulling, hoeing, and grazing;
 - 5. Cultural management practices that favor the growth of desirable plants over noxious weeds;
 - 6. Any techniques identified, chosen, or agreed upon as part of an integrated management plan applicable to a particular property or population of noxious weed.

11305: Duties of Landowners

- A. Owners or residents of real property located in unincorporated Summit County may be approached by Weed Control Department staff requesting permission to enter the property to inspect for, or confirm the presence of, noxious weeds.
- B. Per the Noxious Weed Act, it is unlawful for landowners to knowingly allow a noxious weed or weeds to grow in violation of the Act or any rule promulgated thereunder. Landowners are encourage to work with the Weed Department when contacted regarding a noxious weed issue.

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11306: Enforcement

In enforcing the state statutory scheme and the Weed Management Plan, as amended from time to time, the Weed Department shall have available all remedies provided by law, including but not limited to those remedies set forth in C.R.S. § 35-5.5-108.5 (4), and C.R.S. § 35-5.5-109.