

# Chapter 7 Health, Sanitation and Animals

## ARTICLE I Administration and Abatement of Nuisances

### Sec. 7-1. Definitions,

As used in this Chapter, the following terms shall have the meanings indicated:

1. *Camper* means any temporary shelter with wheels and includes motorhomes, recreational vehicles (RVs), camping trailers and slide-in campers whether on a truck or not.
2. *Littering* means the scattering or dropping of rubbish, trash or other matter (organic or mineral).
3. *Rubbish or Junk* means any type of debris, trash, waste and rejected or accumulated matter, including but not limited to large pieces of wood, large cardboard boxes or parts, large or heavy yard trimmings, discarded fence posts, crates, vehicle tires, scrap metal, bedsprings, water heaters, furniture (other than furniture specifically designed and intended for outdoor use), all other household goods or items and any other accumulation of items or materials not designed for outdoor decoration purposes or uses.
4. *Trash* means any worn-out, broken up, used or worthless matter or material and any refuse, rubbish, topping, twigs and leaves of trees.
5. *Waste Material or Garbage* consists of glass, metal material, furniture, vehicle parts, dead animals, debris or rubbish from construction, demolition or repair of buildings; material resulting from the preparation, consumption, decay of meats, fish, fowl, birds, fruit, or vegetables.

Secs. 7-2--7-20. Reserved.

## ARTICLE II Specific Nuisances

### Sec. 7-21. Conditions constituting nuisances.

Whenever there shall be in or upon any lot or piece of ground within the Town limits any damaged merchandise, litter, trash, rubbish, garbage, dead animals, weeds, brush, trees or an accumulation of any junk of any type, or any conditions established as a nuisance by this Chapter, upon any private or public property, except in areas specifically zoned by Chapter 16 of this Code for said purposes or otherwise designated by the Town for such purposes, the existence of any such material or items shall be unlawful and shall constitute a nuisance.

### Sec. 7-22. Nuisances prohibited.

1. No person being the owner, agent or occupant of or having under his or her control any building, lot or premises or unimproved real estate within the Town limits shall maintain or allow any nuisance to be or remain therein,
2. It is unlawful for any owner, agent or occupant of or having under his or her control any building, lot or premises or unimproved real estate within the Town limits to fail to maintain the property in a neat, tidy, methodical, systematic, clean and orderly condition, permitting no deposit or accumulation of materials other than those ordinarily attendant upon the use for which the premises are legally intended.

### Sec. 7-23. Abandoned containers, wells or cisterns.

It shall be unlawful for any person to leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, structure or dwelling under his or her control, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container which has a door or lid, snap lock or other locking device which may not be released from the inside without first removing said door or lid, snap lock or other locking device.

### Sec. 7-24. Stagnant water.

The permitting of stagnant water on any lot or piece of ground within the Town limits is hereby declared to be a nuisance, and every owner or occupant of a lot or piece of ground within the Town is hereby required to drain or fill up said lot or piece of ground whenever the same is necessary so as to prevent stagnant water or other nuisance accumulating thereon, and it shall be unlawful for any such owner or occupant to permit or maintain any such nuisance.

### Sec. 7-25. Location restriction for campers, trailers and mobile homes.

No person or persons shall occupy a camper anywhere within the limits of the Town. Visitors to Williamsburg residents are exempt from these provisions for a period of 30 days in a consecutive 12 month period unless approved in writing by the Town Board. All persons who

are staying in a camper and their resident hosts must comply with State and County health codes.

### Sec. 7-26. Littering.

No person shall throw, deposit, scatter or leave upon any sidewalk, alley, street or other public place or on any private property any loose paper, rags, rubbish, waste materials, refuse, garbage, trash, debris or other foreign substances, nor shall any person owning or occupying any lot of ground allow or permit any such material which may be liable to be blown or scattered by the wind or otherwise to remain upon such lot or grounds.

### Sec. 7-27. Septic system malfunction.

Septic systems are important to the community health and welfare. The Town Board has determined that septic systems that are not maintained or are not designed properly are a possible source of pollution to ground and surface waters. The Board of Trustees decrees the following:

1. All sewerage that can not be placed into a community wastewater system must be treated by an approved State of Colorado or Fremont County septic system design.
2. Any malfunction of a septic system must be reported within 24 hours to the Town. Information must include what action has been taken to remedy the problem, or what action is planned and the time frame to implement the planned action. Under no circumstances is the septic system malfunction to continue for more than 24 hours, and the use of the system must cease until the problem is corrected.
3. Failure to comply with this ordinance is subject to fines and/penalties determined by the Board of Trustees as set by ordinance.

### Sec. 7-28. Off-Road Motorized Vehicle Registration.

Operation of non-street legal recreational motorized machines, including but not limited to motorcycles, all-terrain vehicles, off-highway vehicles, snowmobiles, go-carts and scooters, powered by internal combustion engines or electric motors, that are not licensed for street use (hereinafter collectively referred to as "OHV") is permitted on the streets of the Town of Williamsburg ("Town") under the following conditions in compliance with CRS §33-14.5-110:

**VIOLATIONS:** It shall be considered a violation of this code as well as State Statute to violate any of the following safety requirements:

1. No OHV shall be operated at any time on any public roadway within the Town unless the operator of the OHV is at least 16 years of age and has in his or her possession a valid motor vehicle driver's license or operator's license. Any passenger under the age of 16 must wear a State approved helmet.
2. No OHV shall be operated at any time on any public roadway within the Town unless the operator of the OHV is insured for Public Liability to the minimum level required by the State of Colorado for the operation of automobiles.

3. No OHV shall be operated at any time on any public roadway within the Town unless the vehicle is properly registered and numbered with the Colorado Division of Parks and Wildlife ("the Division") in accordance with the provisions of CRS §33-14.5-102 and the validation decal issued by the Division shall be affixed to the OHV in the manner prescribed by the Division.
4. No OHV shall be operated at any time on any public roadway within the Town while towing a sled, toboggan or other similar device intended to be used for recreational purposes. A utility trailer may be towed if it is attached to the OHV by a rigid bar and is equipped with a red reflector attached to the rear of said trailer. Transporting passengers or occupants in a trailer towed by an OHV is prohibited.
5. No OHV shall be operated at any time on any public roadway within the Town unless it is equipped with the following:
  - a. At least one lighted head lamp and one lighted tail lamp, each having the minimum candlepower prescribed by regulation of the Division.
  - b. Brakes and a muffler and spark arrester which conform to the standards prescribed by regulation of the Division.
6. No OHV shall be operated at any time on any public roadway within the Town between the hours of 8:00 p.m. and 7:00 a.m.
7. No OHV shall be operated at any time on any public roadway within the Town for plowing snow or for modifying the grade or drainage of said public roadway.
8. No OHV shall be operated at any time on any public roadway within the Town with more occupants or passengers than intended by the manufacturer's design.
9. If an OHV is equipped by the manufacturer of said vehicle with a safety belt system, every driver and every passenger of a vehicle so equipped shall wear a fastened safety belt at all times while the vehicle is being operated on any public roadway within the Town.
10. The operator of an OHV on the public roadways of the Town shall also comply with all traffic laws and ordinances regulating the operation of motor vehicles on said roadways within the boundaries of the Town.
11. This Code shall be enforced by law enforcement officers and peace officers duly sworn and authorized to enforce laws and ordinances in Fremont County and the Town of Williamsburg, as well as by any person or persons designated by the Board of Trustees as Town Code Enforcement Officer(s).

PENALTIES: Any person who violates paragraphs 1 through 9 above shall be guilty of a Class 2 Petty Offense, and the penalty assessment procedure set forth in CRS §16-2-201 shall apply. The penalty assessment notice shall be a summons and complaint containing identification of the alleged offender, specifying the offense and applicable fine, a requirement that the alleged offender pay the fine or appear to answer the charge in the municipal court and/or Fremont County court at a specified date and time. A duplicate copy shall be sent to the Clerk of the County Court.

A person who is charged with and convicted of violating a traffic ordinance as set forth in paragraph 10, above shall be assessed fines in accordance with the fine schedule set forth in CRS §42-4-1701, 42-4-1703, and 42-4-1708 through 42-4-1718.

#### Sec. 7-29. Cemeteries.

Burial of human remains is prohibited within the Town of Williamsburg.

Secs. 7-30--7-40. Reserved.

## ARTICLE III Weeds and Brush

### Sec. 7-41. Definitions.

For the purpose of this Article, the following words and phrases shall have the following meanings, unless the context indicates otherwise:

1. *Brush* means any unsightly, useless, troublesome or injurious volunteer growth of bushes or shrubbery, which shall include all cuttings from said bushes and shrubbery.
2. *Weed* means any unsightly, useless, troublesome or injurious herbaceous plant.

### Sec. 7-42. Declaration of nuisance.

Any weeds or brush found growing in any lot or tract of land in the Town is hereby declared to be a nuisance and fire hazard, and it shall be unlawful to permit any such weeds or brush to grow or remain in any such place except as provided for in other provisions of this article.

### Sec. 7-43. Duty of property owner to cut.

It shall be the duty of each and every person, corporation or association owning, occupying or possessing any lots, tracts or parcels of land within the Town to cut to the ground and remove all weeds and brush within a minimum of 25 feet from any structure. Large undisturbed acreage that is in a natural state, without structures, is generally considered exempt if it can be considered habitat for wildlife.

### Secs. 7-44 Burn Permit.

All persons burning outside of homes must provide notice to the Florence Fire Protection District, and must comply with such rules, regulations, and guidelines in effect from the fire district, state of Colorado, Fremont County, and Town.

### 7-45-7-60. Reserved.

## ARTICLE IV Trees

Sec. 7-61. Permit required for planting, pruning or removing trees in public places.

It shall be unlawful for any person to plant, prune, remove, destroy or cause to be planted, pruned, removed or destroyed, any tree, shrub or hedge in, over or upon the public right-of-way of any street, alley, sidewalk or other public place within the Town.

Sec. 7-62. Application required for planting, pruning or removing trees in public places.

Any person desiring to plant, prune, remove, or destroy any tree, shrub or hedge in, over or upon the public right-of-way of any street, alley, sidewalk or other public place within the Town shall first make written application with the Parks Representative of the Board of Trustees. Such application shall set forth the name and address of the applicant, the name and address of the person doing the work, the kind or species of tree or shrub to be planted and the location of the planting, together with such other information as the Parks Representative may in his/her discretion require. The Parks Representative may attach such conditions as may be deemed advisable with regard to the performance of the work authorized by the permit.

No fee shall be required for permits issued pursuant to this Section.

Sec. 7-63. Duty of the Town to trim and maintain trees in public places.

It shall be the duty of the Town to trim, prune, remove or destroy any trees, shrubs or hedges in, over or upon the public right-of-way of any street, alley, sidewalk or other public place within the Town.

Secs. 7-64--7-80. Reserved.

## ARTICLE V Animals, Fowl and Bees

### Sec. 7-81. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

1. *Animal or animals* means any domesticated pets as well as any creatures defined in the remainder of this section.
2. *Bees* means honey-producing insects of the genus *Apis*, including all life stages.
3. *Domestic fowl* means chickens, ducks, geese, turkeys, pigeons and other domestic fowl. Canaries, parakeets and similar birds kept solely as pets are excluded from this term
4. *Livestock* means cattle, horses, donkeys, mules, sheep, goats, and any other animals such as llamas, alpacas, yaks, ostriches, and emus may be considered, or other hard hoofed animals.

### Sec. 7-82. Keeping of animals, domestic fowl and bees are controlled.

Except as otherwise specifically authorized in this Code, it shall be unlawful for any person to keep, harbor, maintain or allow to run or fly at will any animals, dogs, cats, or other species of animals that are not native to the area within the Town

### Sec. 7-83. Exceptions.

This Article shall not be applicable to the display of domestic fowl, animals or livestock by entrants in any show or fair, or to the temporary maintenance by a licensed veterinarian of animals or fowl during the time necessary for treatment, as long as the health and welfare of said animals is not in danger.

### Sec. 7-84. Responsibilities.

1. Residents keeping livestock in the Town of Williamsburg may do so with a tract of land adequate for care of the animal(s) and surrounding(s). Such areas shall be controlled by the owner of such livestock through ownership or by lease or similar agreement.
2. Competent fencing of the lot where livestock is kept must be constructed and maintained at all times.
3. All manure, bedding, spillage, and leftovers from feedings shall be removed and disposed of to prevent fly and rodent propagation or odor. Weekly cleanings and daily insect control are highly recommended.
4. All refuse and manure will not be kept on-site for later use and shall be disposed of, plowed or removed by owner or agent; any odor shall be corrected by request or by order of a Town Official.
5. Domestic fowl shall be kept in a fenced area and shall not be in a crowded condition. Feed and water shall be covered with water changed to prevent bacteria, mosquito and other insects from breeding in the area.
6. No animals or fowl shall be slaughtered for sale within the Town.



7. All hived bees shall not be closer than 55 feet from other property lines. All bees shall be in hives that are workable and that frames can be removed and examined for health and must conform to any County or State requirements.

#### Sec. 7-85. Cruelty prohibited. [CRS §18-9-201 through 209]

It shall be unlawful for any person to commit cruelty to an animal. It shall be cruelty to an animal to knowingly or with criminal negligence overdrive, overload, overwork, torture, torment, deprive of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate, needlessly kill, poison, carry or confine in or upon any vehicle in a cruel or reckless manner, or otherwise mistreat, neglect or abandon any animal. The Board, at its discretion, may choose to report a resident found to be in violation of this section to law enforcement for prosecution under state animal care laws applicable to their violation.

Secs. 7-86--7-100. Reserved.

# ARTICLE VI Dogs

## Sec, 7-101. Definitions.

For the purpose of this Article, the following words and phrases shall have the following meanings unless the context indicates otherwise:

1. *Current certificate of rabies vaccination* is encouraged for the health and welfare of the Town. For the purposes of licensing dogs under this Article, a current certificate of rabies vaccination shall mean a certificate issued by a licensed veterinarian establishing conferred immunity for a period of not less than twenty-four (24) months.
2. *Dog* means any animal of the canine species regardless of sex.
3. *Dog, neutered* means any dog, whether male or female, which is incapable of reproduction because of surgery which has been performed on the reproductive organs of such dog.
4. *Dog, stray* means any licensed or unlicensed dog found off the premises of its owner and not restrained by leash.
5. *Dwelling unit* means one (1) or more rooms and a single kitchen designed for or occupied as a unit by one (1) family for living and cooking purposes.
6. *Kennel* means any establishment wherein or whereon the business of boarding, training, selling or breeding dogs for sale is carried on, not, however, including veterinary hospitals, veterinary clinics, veterinary offices or pet shops. If the occupants of any dwelling unit harbor more than three (3) dogs over the age of six (6) months, such occupants shall be deemed to be operating a kennel.
7. *Leash* means a thong, cord, rope, chain or similar device which holds a dog in restraint and which is not more than six (6) feet in length.
8. *Mistreat or Mistreatment* means every act or omission which causes or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering.
9. *Neglect* means failure to provide food, water, protection from the elements or other care generally considered to be normal, usual and accepted for an animal's health and well-being, consistent with the animal's breed.
10. *Owner* means every person in possession of or harboring any dog or who shall suffer any dog to remain about his or her premises for a period often (10) days.
11. *Pound* means an establishment for the confinement of dogs seized under the provisions of this Article or otherwise.
12. *Rabies* means a communicable disease of both wild and domestic animals transmittable to humans as defined by the State Department of Health; and a specific infectious disease of certain animals, especially dogs and wolves, contracted by man by direct inoculation, as by bite of an infected animal, and due to a filterable virus as defined in Dorland's Medical Dictionary.
13. *Rabies vaccination* means the inoculation of a dog with a live or killed rabies vaccine by a licensed veterinarian and conferring immunity for a period of not less than thirty-six (36) months.

14. *Run at large* means to be outside of a fence or other enclosure which restrains the dog to particular premises, and not under the control, by leash, of the owner or other authorized person capable of restraining the dog.

#### Sec. 7-102. License tag - voluntary.

For a donation of any amount, residents of Williamsburg may voluntarily register their domestic animals with the Town Clerk. Town shall issue a numbered metallic license tag for each animal so licensed and registered. The animal owner shall provide each such animal with a collar or harness to which the tag shall be securely affixed.

#### Sec. 7-103. Records; duplicate tags; transfer.

The Town shall keep a record of each animal registered and licensed in the Town and the tag number for such animal. If any tag is lost or destroyed, a duplicate tag may be obtained from the Town. In the event ownership or possession of an animal is changed, the animal shall be re-licensed and registered in the new owner's name. Animal license tags shall not be transferable from one (1) domestic animal to another. The ownership shown by the registration records of the Town shall be prima facie evidence of the ownership of any dog in the Town.

#### Sec. 7-104. Running at large.

1. Any person owning, keeping or supervising any domestic animal in the Town shall prevent the animal from being off the premises of the owner, keeper or supervisor and beyond such person's control.
2. It shall be presumed to be a violation of this Section to be at large unless a domestic animal found off the premises of its owner, keeper or supervisor is:
  - a. On a leash held by a person; or
  - b. Within a vehicle or similarly physically confined and without access to passersby.
3. If a court of appropriate jurisdiction finds that the lack of control of the dog was made possible by forces and events outside the common experience of dog owners, keepers or supervisors and could not have been anticipated or prevented, the court may suspend all of the fine for the first offense and up to one-half ( $\frac{1}{2}$ ) the fine for the second and subsequent offenses.

#### Sec. 7-105. Fees and fines schedule.

Fees and fines shall be set by ordinance of the Board of Trustees.

#### Sec. 7-106. Removal of dog waste required.

The owner, keeper or person in control of any domestic animal shall be responsible for the immediate removal of any feces deposited by such domestic animal on any property, public or private, not owned or exclusively occupied by the owner or keeper. The owner or keeper of any domestic animal shall also be responsible for the periodic removal of feces deposited by such

animal on property owned or occupied by such owner or keeper so as to prevent the creation of a public nuisance within the meaning of Section 7-109.

#### Sec. 7-107. Public nuisance prohibited.

It shall be unlawful for any owner or keeper to fail to exercise proper care and control of his or her domestic animal to prevent it from becoming a public nuisance. For the purposes of this Section, a public nuisance includes a domestic animal which is a safety or health hazard, which damages or destroys the property of another, or which creates offensive odors or excessive noises that materially interfere with or disrupt another person in the conduct of lawful activities and/or the peace of the community.

Secs. 7-108 – 7-140. Reserved.