

SECTION 6

Nuisance Regulation

Town of Rockvale Public Nuisances Regulation

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Chapter 1

Medical Marijuana for Medicinal Purposes

1-1 Medical Marijuana Licenses and Operations Prohibited. It is unlawful for any person to operate, cause to be operated or permit to be operated a medical marijuana center, optional premises cultivation operation, or medical marijuana-infused products manufacturer's facility in the Town of Rockvale, and the Town shall not issue licenses to permit any such activities.

1-2 Regulation for growing marijuana in a residential structure. Medical marijuana may not be grown, cultivated, or processed in or around any residential structure within the Town except in compliance with the following regulations:

A. The growing, cultivation, or processing of medical marijuana within a residential structure shall be done in full compliance with all applicable provisions of Amendment 20, the Colorado Medical Marijuana Code, the Medical Marijuana Program, and other applicable law.

B. Medical marijuana may be grown, cultivated, or processed only within a patient's or his or her primary caregiver's primary residence. Medical marijuana may not be grown, cultivated, or processed in the yard, curtilage, or other area outside of the patient's or his or her primary caregiver's primary residence.

C. Medical marijuana may be grown, cultivated, or processed within a primary residence only by a primary caregiver for his or her patients or a patient for himself or herself. A primary caregiver may not lawfully grow, cultivate, or process medical marijuana for a patient who does not reside at the primary residence where the growing, cultivating, or processing occurs.

D. Not more than six medical marijuana plants may be grown, cultivated, or processed within a primary residence; provided, however, that up to twelve medical marijuana plants may be grown, cultivated, or processed within a primary residence if more than one patient or primary caregiver resides within the primary residence.

E. The growing, cultivation, and processing of medical marijuana plants shall be limited to the following areas within a patient's or primary caregiver's primary residence:

1. Within a detached single-family residential unit, medical marijuana may be grown, cultivated, or processed only within a secure, defined, contiguous 150 square foot area;

2. Within any residential structure other than a detached single-family residential unit, medical marijuana may be grown, cultivated, or processed only within a secure, defined, contiguous 100 square feet area; and

3. Medical marijuana shall not be grown, cultivated, or processed within the common area of any real property that is devoted to a residential use.

F. If a patient or primary caregiver is authorized by law to grow, cultivate, and process quantities of medical marijuana requiring more than the square footage or number of plant limitations set forth above, such patient or primary caregiver must act in full compliance with all applicable laws, and:

1. Such patient or caregiver may grow, cultivate, and process medical marijuana plants in excess of the square footage limitation and plant number limitations set forth above only in those locations where a medical marijuana center may be licensed under Chapter 14 of Title 1 of this Code; and

2. Such patient or caregiver must ensure that such premises are secure, and that no children, visitors, passersby, thieves or anyone else not licensed to possess medical marijuana may access the premises.

3. Such growing is subject to the requirements of subsections G and H of this section.

G. The growing, cultivation, and processing of medical marijuana shall not be perceptible from the exterior of the primary residence, including, but not limited to:

1. Common visual observation;

2. Light pollution, glare, or brightness that disturbs the repose of another;

3. Undue vehicular or foot traffic, including unusually heavy parking in front of the primary residence; and

4. Noise from an exhaust fan in excess of the maximum permissible noise level described in Section 5-8-5 of this Code.

H. The smell or odor of marijuana growing within the primary residence shall not be capable of being detected by a person with a normal sense of smell from any adjoining lot, parcel or tract of land not owned by the owner of the primary residence, or from any adjoining public right of way.

I. The space within the primary residence where medical marijuana is grown, cultivated, or processed shall meet all applicable requirements of the Town's building codes.

J. If a patient or primary caregiver grows cultivates, or processes medical marijuana within a primary residence that he or she does not own, the primary caregiver or patient shall obtain the written consent of the property owner before commencing to grow, cultivate or process medical marijuana on the property.

K. No chemical shall be used by a patient or primary caregiver to enhance or extract tetrahydrocannabinol (THC) from medical marijuana that is grown in a primary residence.

L. It is unlawful and a misdemeanor offense for a person to violate any provision of this section. A person shall be guilty of a separate offense for each and every day during any portion of which any violation of the requirements of this section is committed, continued, or permitted by such person.

1-3 Inspection; Inspection Warrant:

A. Subject to the requirements and limitations of this section, the Fremont County Sheriff's Department shall have the right to enter upon any residential structure within the Town where medical marijuana is being grown, cultivated, or processed during reasonable hours for the purpose of conducting a physical inspection of the premises to determine if the premises comply with the requirements of this Chapter. However, no agent or employee of the Town shall enter upon any property to conduct such an inspection without either the permission of the landowner or occupant, or without an inspection warrant issued pursuant to this section.

B. If verbal permission to inspect the residential structure from the affected landowner or occupant is not obtained, or if the residential structure is locked and the Fremont County Sheriff's Department has been unable to obtain permission of the landowners or occupant, the Fremont County Sheriff's Department may request that an inspection warrant be issued by the municipal court judge pursuant to Rule 241 of the Colorado Municipal Court Rules of Procedure.

C. In case of an emergency involving imminent danger to public health, safety, or welfare, the Fremont County Sheriff's Department may enter any residential structure within the Town to conduct an emergency inspection for the growing, cultivation, or processing of medical marijuana without a warrant and without complying with the requirements of this section.

D. The Town Council declares that this Chapter is an ordinance involving a serious threat to the public safety or order within the meaning of Rule 241(a)(1) of the Colorado Municipal Court Rules of Procedure.

E. The municipal court judge may issue an inspection warrant authorizing the inspection of a residential structure for the growing, cultivation, or processing of medical marijuana in accordance with Rule 241(b) of the Colorado Municipal Court Rules of Procedure. Any inspection warrant issued pursuant to this section shall fully comply with the applicable provisions of Rule 241 of the Colorado Municipal Court Rules of Procedure.

F. The municipal judge may impose such conditions on an inspection warrant as may be necessary in the judge's opinion to protect the private property rights of the

landowner of the property to be inspected, or to otherwise make the warrant comply with applicable law.

G. It shall be unlawful and a misdemeanor offense for any landowner or occupant to deny the Police Chief or other authorized person access to the property owned or occupied by such landowner or occupant if the Fremont County Sheriff's Department or other authorized person presents an inspection warrant issued pursuant to this Section.

- 1-4 Applicability of nuisance ordinance:** The cultivation of medical marijuana within a residential structure in the Town in any manner that is not in compliance with the requirements of this code is declared to be a public nuisance, and may be abated in the manner deemed necessary.
- 1-5 Condition precedent to challenge:** It is a condition precedent to any legal challenge to any portion of this chapter, or the application of any portion of this chapter to any specific property, that the person initiating such challenge shall have first given the Town written notice of intent to bring such challenge not less than ninety days before filing any legal proceeding. Such notice shall be sent to the Town Council of the Town of Breckenridge by certified mail, return receipt requested, at P.O. Box 91, Rockvale, Colorado 81244, and shall set forth:
- (i) the name and address of the claimant and the claimant's attorney, if any; and a concise statement of the factual and legal basis for the claimant's challenge to this chapter or the application of this chapter to the claimant's property. To the extent that the Provisions of this section conflict with the notification requirements of section 24- 10-109, C.R.S., or any other applicable law, the provisions of such statute or other applicable law shall control.
 - (ii) Town Code. Except as specifically amended hereby, the Town of Rockvale Nuisance Code, and the various secondary Codes adopted by reference therein, continue in full force and
- 1-6 Penalties for Violation.** The penalty for violation of this portion of the Public Nuisance Regulation for the Town of Rockvale will be set at a minimum of two thousand (\$2,000.00) dollars for each offense.

Chapter 2

Junk, Junk Vehicles, Junk Dealers and Peddlers

1. Definitions:

- A. **Junk:** Junk means all scrap metal, discarded automobiles, auto parts, machines, apparatuses, contrivances, parts thereof, which are no longer in use or objects of sale or trade for purposes for which they were not originally fabricated, assembled, manufactured or sold i.e. computers, televisions, appliances etc.
- B. **Junk:** also includes tires, piles of unused building materials, dilapidated buildings, fabrics, rubber, glass and paper.
- C. **Junk Vehicles:** A junked vehicle is a motor vehicle which because of legal or mechanical condition or defect cannot be operated on a public street or highway.
- D. **Scrap Metal:** Means and includes all scrap metal, metal, and discarded automobiles, machines, apparatuses, and contrivances, and parts thereof, which are made of metal and no longer in use.

2-1. **Prime Facie Evidence.** It shall be prime facie evidence that a vehicle is mechanically inoperable if its motor, axle, wheels, or similar necessary parts have been removed from the vehicle, rendering the vehicle as junk. It shall be prime facie evidence that a vehicle is legally inoperable if, after ten (10) days of written notice given pursuant to this regulation a vehicle fails to possess and display current license plates.

- A. **Restoration.** A person who proves efforts to restore a motor vehicle to the Rockvale Town Administrator may be granted a variance of removal requirements if approved by the Board of Trustees. (See 2-7 below).

2-2 Junk Dealers and Peddlers:

- A. **License Required:** It shall be unlawful for any person, company, association, or corporation to engage in the business or occupation commonly known as junk dealer, scrap metal recycler or junk buyer, or to store any junk or junk vehicles, as defined herein, within the Town of Rockvale, without having first obtained from The Town Administrator a license to do so.
- B. **License and License Fee:** The license required herein shall be known as a “Scrap Metal Recycler” or “Junk Storage” license and the fee for such license will be five hundred (\$500.00) dollars per year, payable in advance on or before the first (1st) day of February, and such license will be issued for a period of one year. The license will not be transferable except by consent of the Board of Trustees. A Scrap Metal Recycler or Junk Storage license will only authorize the licensee to store junk or scrap metal at a single location. Additional locations will require additional licenses.

- 2-3. **Sale To or From Minors:** It will be unlawful for the holder of a Scrap Metal Recycler or Junk Storage license to purchase any junk from a minor without the written consent of the parent or parents, or legal guardian.
- 2-4. **Fencing Requirements:** Each license holder as a condition precedent to obtaining either of the above described licenses, will erect upon his property a good and sufficient fence, not less than six (6) feet in height and must be capable of concealing from the public view any and all junk, junk vehicles, or scrap metal as defined herein. Said fence will be a chain link fence with fireproof inserts and posts, or its approved equivalent, and is intended to conceal junk, junk vehicles, and scrap metal from the view of the general public, and to protect the general public from any burning, combustible or flammable material which might escape from the property upon which it is stored.
- 2-5. **Health Hazard:** In the event that any material being stored is deemed a health hazard to the residents of the Town of Rockvale shall result in a revocation of fore mentioned licenses. It will be the responsibility of the property owner to clean up said hazard in accordance with this regulation.
- 2-6. **Health Inspection.** In the event the Rockvale Health Inspectors receive a complaint and or in some other way become aware that a health hazard may in fact exist on the property of a Licensee, said inspectors are authorized to inspect the property to ascertain if a health hazard that would be harmful to the citizens of Rockvale does in fact exist.
- 2-7. **Removal and/or Clean -Up Procedure and Expense:** If the owner of any premises upon which Junk, Junk Vehicles Etc., exists, fails to have such junk removed or fenced to the guidelines of this regulation within thirty (30) days. Or if such owner has a health hazard and fails to have it cleaned up within five (5) days they will be found in violation of this regulation. The Town Administrator is authorized to remove and store said junk, or vehicle, or to clean up the health hazard, by contract or otherwise, in such manner as may be in the best interest of the Town of Rockvale. Any expense incurred by the Town of Rockvale in so doing shall be a charge and lien upon the property where the violation occurred and will be collected by special assessment in the same manner as other assessments if it should become necessary to do so.
- 2-8. **Penalty for Violation** Any person, association or company who shall allow the accumulation of junk, junk vehicles, scrap metal, or a health hazard upon property they own or control, in violation of any provision in this regulation, will be guilty of a misdemeanor upon conviction thereof, will be subject to a fine of not less that two hundred (\$200.00) dollars and not more than five hundred (\$500.00) dollars and court costs.
- a. Each sale or purchase to a minor in violation of this regulation is a separate offense and each day during which any party shall not be in compliance with the regulation will be considered a separate offense.
 - b. Each case contested before going to court will be reviewed by the Town of Rockvale Board of Trustees and dealt with on a one to one basis. Extensions

of thirty (30) days may be given at the discretion of the Board of Trustees if a good faith effort has been demonstrated to correct a problem.

- c. The Town of Rockvale has the option to have junk, junk vehicles, or scrap metal as defined in this regulation removed from any property within the corporate limits of the Town of Rockvale at the property owner's expense.
- d. The town of Rockvale also has the responsibility to ensure the removal of any deemed health hazard at the owner's expense.

Chapter 3

GARBAGE AND REFUSE

- 3-1 **Garbage and Refuse defined:** For the purpose of this regulation, the words “garbage and Refuse” means any grass clippings, leaves, hay, straw, manure, shavings, excelsior, rubber, fabrics, paper, ashes, garbage, rubbish, containers, boxes, glass, cans, bottles, waste and discarded building and construction materials (including but not limited to, plaster, broken concrete blocks, pipes, bricks, cinder blocks, cement blocks, stones, wood, roofing material, wire, and metal and plastic bindings, sacks, or loose discarded or unused material), used tires, 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; the words garbage and refuse also mean and include all garbage, refuse and rubbish of any kind of character or by any means known.
- 3-2. **Accumulation of Trash prohibited:** Any accumulation of garbage or refuse on any premises, improved or unimproved in the Town of Rockvale is prohibited.
- 3-3. **Unlawful placement of trash (Dumping), littering:** No person shall deposit or place any garbage or rubbish in a manner that tends to become a nuisance or in such a manner to endanger or tends to endanger the public health. No person having occupancy control or management of any premises shall cause or permit any garbage or rubbish to be accumulated thereon. No person shall in any manner throw, place, scatter, deposit, litter, or bury any trash in or upon any public street, alley or other public place or upon his own premises or the premises of another.
- 3-4. **Building materials to be removed from construction sites:** All plaster, broken concrete, bricks, cinder blocks, pipes, cement blocks, stones, wood, roofing material, wire, or metal and plastic bindings, sacks or loose discarded or unused material of any kind resulting from the wrecking, construction or reconstructing of any room, basement, wall fence, garage, sidewalk, deck, porch or building or the manufacture of any product will 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 be removed by the person responsible for such work. Such person will be held liable for any scattering of such refuse upon adjacent property.
- 3-5 **Duties of Residents:** It will be the responsibility of every person, whether owner, lessee or renter of any vacant lot, building or premises, including any place of business, or any other establishment, at all times to maintain the premises in a clean and orderly condition, no deposit or accumulation of garbage or rubbish or materials other than those ordinarily attendant upon the use for which such premises are legally intended. Any such accumulation will constitute a nuisance and be nonconforming in the use of the premises.
- 3-6 **Order to remove garbage or refuse – Abatement:** Whenever there is an accumulation of garbage or refuse, the Town Administrator shall notify any owner of the property, his/her agent or person having charge of the property, in writing, requiring the removal of

any accumulated trash from such property or premises within seven (7) days after service of the notice.

- a. If such property owner, agent or person having charge of the property does not remove such trash as required by this regulation, The Town Administrator will order that such trash be removed and assess the cost thereof against the property or premises and a summons and complaint charging a violation of this regulation shall be issued against such owner, agent or person having charge of the property.
- b. The amount of such assessment shall be a lien upon the property upon which the accumulation was located, until paid in full. If such assessment is not timely paid, the Town may certify such delinquent assessment to the Fremont County Treasurer upon real property in accordance with provisions of Section 3 1-20-105 and 31-20-106, C.R.S.

3-7 Penalty for violation: Any person, association or corporation who shall allow the accumulation of trash upon property which they own or control, in violation of this regulation, will be guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine of not less than two hundred (\$200.00) dollars and not more than five hundred (\$500.00) dollars and court costs.

- A. Each day during which any party shall not be in compliance with this regulation will be considered a separate offense.
- B. Each case contested before going to court will be reviewed by the Town of Rockvale Board of Trustees and dealt with on a one time basis.
- C. Extensions of thirty (30) days) may be given at the discretion of the Board of Trustees. The Town of Rockvale has the option to have garbage and rubbish as defined in this regulation removed from any property within the corporate limits of the Town of Rockvale at the property owner's expense. The town of Rockvale has the responsibility to ensure the removal of any deemed health hazard at the owner's expense.

Chapter 4

WEED CONTROL

4-1. Definitions:

- A. **Land:** Means any lot or parcel of land within the Town of Rockvale and includes the area from the center of the alley, if any, behind the lot or parcel of land, or in the absence of an alley, the rear line of such lot or parcel of land, to and including the curb and gutter, if any, in the street in front of or on the side of such lot or parcel of land. In the absence of a curb or gutter, then to the center of the street. Rights of way for road or ditches shall be deemed to constitute land and the adjacent property owner is responsible for the removal of the weeds on said right of way.
- B. **Owner:** Includes the owner of record, whether a person, firm or corporation, any agent or representative of the record of owner and any occupant of said property even if renting.
- C. **Weed:** Means any unsightly or noxious plant or vegetation in excess of eight inches in height. The word weed shall not include flower gardens, plots of shrubbery, vegetable garden and grain plots.

4-2. **Duty to cut weeds:** It shall be the duty of every owner, and every person in possession of land within the Town of Rockvale to cut or destroy all weeds growing thereon, except where natural terrain would make it unreasonable to cut such weeds, however where such weeds constitute a fire or health hazard as determined by the Fire Chief or The Rockvale Health Officials or other duly designated representative of the Town of Rockvale, it is the duty of every owner and party in possession of land within Rockvale to cut and destroy such weeds, regardless of the difficulty of doing so.

4-3. **Notice to Cut Weeds:** Subsequent to the determination by a duly designated representative of the Town of Rockvale that a health hazard, fire hazard, safety or traffic hazard, or public nuisance exists as a result of the existence of weeds, the town will give notice to the owner and the party in possession (if the party in possession is different than the owner) of the land where such condition exists, by having the town Code Enforcement Official deliver said notice to the party in possession of the land. Notice will be mailed to the owner or owners of record of the land. A person upon whom after notice has been served to cut, trim, or remove weeds from property and for seven (7) days after receipt of such notice shall neglect or fail to comply with the provisions of the notice will be deemed to have violated the provisions on this regulation. Subsequent to the above stated seven (7) day period, each and every period of five (5) succeeding days of non-compliance thereafter shall constitute a separate and additional violation of the regulation. If the owners or tenants can not or refuse to be served in person, the

notice may be posted in some conspicuous place on the premises where the violation occurs.

4-4 Cutting by the Town- Cost: Upon failure of the owner or the party in possession of land within the corporate limits of the Town of Rockvale to comply with the foregoing provisions of this regulation, the Board of Trustees and /or the Town Administrator may order the cutting, trimming or removal of weeds on any land by a designated employee of the Town of Rockvale, and the assessment of the cost thereof, together with 15% for overhead costs, 15% penalty and 9% per annum interest, which costs, penalty and interest may be recovered in a personal action against such owner or possessor, or both, and such sums will constitute a special assessment lien against the land affected by such actions, to be perfected, collected and foreclosed in accordance with Colorado State law.

4-5 Notice of assessment of Lien: Subsequent to the assessment by the Board of Trustees as provided for in 4-4 above, notice of such assessment will be sent to the owner and the party in possession if the property in possession is different than the owner of the affected property, certified mail and receipt requested. Such notice will contain a statement of the costs to be assessed together with notice that if payment is not received or objection made within thirty (30) days of receipt of notice, the Board of Trustees of the Town of Rockvale may place a special assessment lien on the property in the amount assessed against the land, which lien will have priority over all other liens except general tax liens and prior special assessments.

4-6 Recovery at Law:

- A. In a case of failure to pay the assessment or any portion thereof, or any penalty or interest there on, when due, the town may recover at law from the owner of the land from which weeds were cut or destroyed the amount of such assessment, with penalties and interest, and reasonable attorney fees, in any court of record in Fremont County or in the county wherein the owner resides or has his principal place of business or residence.
- B. The statement of cost made by the Board of Trustees or Town Administrator as provided in this regulation shall be prime facie proof of the amount due.
- C. Writs of attachments may be issued to any sheriff, and in any such proceeding no bond will be required of the Town, nor shall any sheriff require of the Town an indemnifying bond for executing any writ of attachment or writ of execution upon any judgment entered in such proceedings. The Town may prosecute appeals of writs or effort is such cases without the necessity of providing thereafter.
- D. It shall be the duty of the Town attorney for the Town of Rockvale, when requested by the Town Administrator after approval of the Board of Trustees, to commence action for the recovery of costs due

and /or for foreclosure of the special assessment lien under this regulation and this remedy shall be in addition to all other existing remedies or remedies provided in this section.

- 4-7. **Penalty for Violation:** any person, firm, association, or corporation, agent or representative of an owner convicted of a violation of this chapter of this regulation shall be subject to a fine not exceeding three hundred (\$300.00) dollars or imprisonment for a period of not exceeding ninety (90) days. Or both such fine and such imprisonment, in addition to any other penalties provided for by law.

Chapter 5

Open Fires and Burning Restrictions and Fire Permits.

- 5-1. Restricting Open Fires:** The Town of Rockvale, Colorado will follow procedures in accordance with section 30-10-512 and 30-10-513, C.R.S. which states the Fremont County Sheriff is authorized, to act as fire warden of the county in case of prairie or forest fires, and to assume charge or assist other government entities in controlling or extinguishing forest or prairie fires.
- A. When the County Sheriff has declared a ban on open fires in Fremont County that ban will include the corporate limits of the Town of Rockvale.
 - B. The town of Rockvale reserves the right to continue a ban on open fires after the Sheriff has lifted a county ban if conditions warrant a continuation of the ban in the Town of Rockvale.
- 5-2. Definition of Open Fire or Open Burning:** Open fire or open burning means any outdoor fire, including, but not limited to burn barrels, camp fires, warming fires, charcoal grill fires except as provided below, the lighting of fused explosives and fireworks of any kind or brand, burning of fence lines or rows, farm lands, fields, trash and debris.
- 5-3 Barbeque Grills:** It shall be lawful to use barbeque grills, as long as they are liquid fueled or gas fueled and not left unattended
- 5-4 Unlawful Acts:** It shall be unlawful for any person to build, maintain, attend or use an open fire or conduct an open burning (weed, fence line, field) in the limits of the town of Rockvale without a Fire Permit. It is unlawful to burn trash within the limits of the Town of Rockvale at any time. The Florence Fire District will be notified by the individual tending the burn that they are going to burn weeds, trash, fence line, farm land or field. Such burning will only be done during daylight hours. The Fire District will be notified that a one day burning permit has in fact been obtained. The individual tending the burn shall call the Town of Rockvale Town Hall at 784-4125 to notify the town when the burn has been extinguished.
- 5-5 Burning Permit:** Any person who wants to burn weeds, refuse, farm land and/or fields or have any type of open fire must first obtain a permit from the Town Administrator. Permits will be for a one time burning during daylight hours for the date the permit will be in effect. Burning permits will cost ten (\$10.00) dollars per day.
- 5-6 Penalties for Violation:** Any person who violates the provision for a burning permit will upon conviction be fined not less than fifty (\$50.00) dollars and not more than one hundred (\$100.00) dollars for each offense and each day during which the violation continues will constitute a separate offense.

- A. Any person who violates county provisions of this regulation commits a class two petty offense under section 30-15-402(1), C.R.S. and upon conviction thereof, shall be punished by a fine of not more than one thousand (\$1,000.00) dollars for each separate violation, plus surcharge of ten (\$10.00) under section 30-15-402(2) C.R.S..

- B. Additional Remedies: The remedies provided in this regulation shall be cumulative and addition to any other federal, state or local remedy, criminal or civil, which may be available. Nothing contained herein will be construed to preclude prosecution under section 18-13-109, C.R.S., or any other applicable statute, ordinance, rule, regulation or order.

Chapter 6

Vandalism

6-1. Definitions:

- A. **Graffiti:** Means a scribbling, scratch, an inscription, slogan, drawing etc. Crudely scratched or scribbled on a wall or any public or private surface.
- B. **Minor:** A person under eighteen years of age, 19-1-103 (18) C.R.S.
- C. **Vandal:** A person of any age, who destroys, spoils or defaces any property private or public.
- D. **Vandalism:** The actions or attitudes of the vandals or vandal; malicious or deliberate destruction and/ or defacing of public or private property.

6-2 Documentation:

A. The Board of Trustees of the Town of Rockvale, Colorado does ordain as follows:
Matters pertaining to vandalism, willful destruction or defacing property to include but not limited to graffiti will be dealt with in accordance with state statutes, one copy of which is on file and is open for inspection of the public in the office of the Town Administrator, being marked and designated as:

1. Colorado State Statute Title 1, Article 21, Damages.
2. Colorado State Statute Title 19, Children's Code.

6-3 **Penalty for Violation – Adult:** Any adult found guilty of this regulation will be prosecuted in accordance with C.R.S. 18 “Criminal Code”.

6-4 **Penalty for violation- Minor:** Any minor found guilty of this regulation will be prosecuted in accordance with C.R.S Title 13, Section 21-107.

Chapter 7

Discharge of a Firearm within the Town of Rockvale

- 7-1 Regulate the Discharge of a Firearm:** The Town Board of Trustees desires to regulate the discharge of a firearm by making it unlawful to do so except for certain recognized exceptions where firearms may safely and legally be discharged in shooting galleries or gun clubs as authorized by the Town of Rockvale from time to time.
- 7-2 Discharging a Firearm:**No person will fire or discharge any firearm as defined in C.R.S. 18-1-901, as amended, in the jurisdiction of the corporate limits of the town of Rockvale.
- 7-3 Fire Arms Defined (C.R.S. 18-901):** Firearm: means any handgun, automatic revolver, pistol, rifle shotgun, or other device capable of or intended to be capable of discharging bullets, cartridges or other explosive charges or projectiles. 18-1-901 C.R.S. indicates a BB gun can be a deadly weapon “if a person is hit with a BB in a vulnerable area of the body, such as the eyes, the BB could cause series bodily injury. The Rockvale Town Board of Trustees herby declares that by inference a pellet gun will be considered a Fire arm that could cause serious bodily injury.
- 7-4 Exceptions:**
- A. A duly authorized law enforcement or animal control officer acting in the line of duty.
 - B. At an authorized shooting gallery or gun club within the town of Rockvale under circumstances when such firearm can be discharged in such a manner as not to endanger person’s or property and also in such a manner as to prevent the projectile from any such firearm traversing any grounds or space outside the limits of such shooting gallery or gun club.
- 7-5 Right to Bear Arms:**Nothing in this regulation shall be construed to restrict or otherwise affect any persons constitutional right to bear arms in accordance with Amendment II, of the Constitution of the United States.
- 7-6. Self Defense:** Nothing in this regulation shall be construed to restrict a person’s right to use a firearm in the defense of his/her person, property or family from intruders and or wild animals.
- 7-7. Penalty for violation:**Any person, firm or corporation who violates any provision of this regulation by doing any act prohibited or declared unlawful thereby, shall be guilty of a misdemeanor, and upon conviction shall be punishable by fine of not less than five hundred (500.00) dollars or exceeding one thousand (\$1,000.00) dollars or by imprisonment for not to exceed one (1) year, or by both such fine and imprisonment. Provision of title 18 Colorado Revised Statutes Criminal Code” may take precedence.

Chapter 8

Disturbing the Peace

8-1. Disturbing the Peace:

- A. **Authority:** C.R.S. 31-15-401 grants the governing bodies of municipalities the power to prevent and suppress riots, routs, affrays, noises, disturbances, and disorderly assemblies in any public or private place.
- B. **Unlawful Acts:** The Rockvale Board of Trustees has determined that certain activities should be prohibited to promote the public peace, tranquility and welfare of the community.
1. **Utterance or Gesture:** By making any course and obviously offensive utterance, gesture, or display, when such utterance, gesture or display tends to insight an immediate breach of the peace.
 2. **Noise:** Any unreasonable noise in a public or private residence. Maximum permissible noise levels are: Residential area 7 AM to 7 PM, 55db (A) and from 7 PM to 7 AM 50db (A) measured 15 feet from the source. Shooting ranges are exempted.
 3. **Throwing or Launching a Projectile:** Any person who throws or causes to be thrown by any means or causes any projectile to be directed at another person, car, window, building or an animal will be guilty of a violation of this chapter of the Rockvale Public Nuisances Regulation.
 4. **Use of Device to Launch a Projectile:** Any person who uses a peashooter, bean shooter, dart gun, blow gun, rubber band gun, sling shot or any other device to launch a projectile of any kind in a manner as to endanger any person, animal, vehicle, building, window, child, or property public or private within the corporate limits of the Town of Rockvale is guilty of a violation of this regulation.
 5. **Littering:** Any person who throws paper, food, cans, bottles, food containers and or trash of any kind along a public thoroughfare or a park is guilty of a violation of this regulation.

8-2. Penalty for Violation:

- A. Any person found guilty of violating chapter 8 of this regulation is guilty of a misdemeanor and shall be punished by a fine of not to exceed the sum of three hundred (\$300.00) dollars or imprisonment for up to ninety (90) days or both such fine and imprisonment. The court may assess costs as provided by statute. The municipal judge may waive the fine in lieu of eighty (80) hours of community service work by cleaning up the streets of Rockvale.

Chapter 9

Door to Door Solicitation Prohibited.

- 9-1. **Purpose:** The practice of being in and upon private residences within the corporate limits of the Town of Rockvale by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise, who have not been invited for the purpose of taking orders or sale of goods is hereby declared a nuisance by the Board of Trustees of the Town of Rockvale.
- 9-2 **Penalty for Violation:** Any person found guilty of this section of the various nuisances Regulation will be punished as indicated in Chapter 8 above.

Chapter 10

Health Hazards

- 10-1 **Purpose:**The Rockvale Board of Trustees has determined that certain conditions and circumstances if not corrected may have an adverse impact on the health, welfare and public safety to the citizens of The Town of Rockvale.
- 10-2 **Public Health Officers:** The Board of Trustees of the Town of Rockvale therefore appoints the Town Administrator and the Public Works Superintendent as Public Health Officers of the Town of Rockvale, Colorado. The Board of Trustees do hereby declare that the Town of Rockvale is in itself a Public Health Agency.
- 10-3 **Authority to Inspect:** The Public Health Officers mentioned above are granted the authority to act as public health inspectors who have the authority to make preliminary inspections of property (public and private) when a complaint has been issued or if conditions and circumstances would tend to make any reasonable person conclude that said conditions and circumstances pose a health hazard to the welfare and public safety to the residents of the property and /or citizens of the Town of Rockvale.
- 10-4 **Health Inspection:** If a preliminary inspection reveals that the property or dwelling in question may be a health hazard, be unfit for human habitation, or have conditions that could expose persons to Hantavirus or any other disease, or hazardous toxic materials the Rockvale Health Inspectors have the authority to notify appropriate County and State Health Officials as deemed appropriate.
- 10-5 **Property Constituting a Health Hazard:** When piles of trash, refuse, old vehicles building materials, piles of leaves and weeds, and or tree limbs have accumulated on property they may be a harbinger for rats, mice, pack rats, deer mice, snakes (Poisonous and non-poisonous) and may be a hazard to the public welfare and health of citizens of Rockvale.
- 10-6 **Fire Hazard:** Items mentioned in 10-5 above also have the potential of creating devastating fire hazards; therefore the Rockvale Health Inspectors may inspect such property and issue a citation to the property owner with notice to clean it up.
- 10-7 **Unlawful Act:** It is unlawful for any person, association, or corporation and officers thereof, to willfully fail to remove from private property under his or her control at his or her own expense, within forty eight (48) hours after being ordered to do so by the county or district public health agency, any nuisance, source of filth or cause of sickness within the jurisdiction of control of the agency whether person, association or corporation is the owner, tenant or occupant of the private property.

- 10-8 Individual Sewage Disposal Systems:** When it has been determined that a septic system is in non-compliance by a Health Official it shall be handled pursuant to Article 10 Title 25, CRS and 5 CCR 1003-6.
- 10-9 Penalty for Violation:** Failure to clean up within fifteen (15) days will result in a fine of three hundred (\$300.00) dollars and or one hundred (100) hours of community service work or both.