

**ORDINANCE NO. 665**

**AN ORDINANCE AMENDING THE TOWN OF HAYDEN MUNICIPAL CODE, TITLE 8 HEALTH AND SAFETY; AND TITLE 9.22 POSSESSION AND USE OF MARIJUANA, MARIJUANA CONCENTRATE AND TOBACCO PRODUCTS BY MINORS; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH AND PROVIDING PENALTIES FOR VIOLATION THEREOF**

**RECITALS**

1. The Town of Hayden has previously adopted and amended regulations and codes regarding trees, the addressing of properties, open burning, nuisances, explosives, fireworks, garbage and refuse, weeds and brush, alarm systems, inoperable vehicles, possession and use of tobacco products by minors, marijuana establishments and the medical marijuana industry.
2. The Town Council believes that the Town Codes currently addressing trees, the addressing of properties, open burning, nuisances, explosives, fireworks, garbage and refuse, weeds and brush, alarm systems, inoperable vehicles, possession and use of tobacco products by minors, marijuana establishments and the medical marijuana industry need to be updated and restated.
3. The Town Council states that Town Code revisions herein and this adopting Ordinance are in the best interest of the citizens of Hayden, Colorado.
4. Article 3, Section 3-1 of the Hayden Home Rule Charter requires that action must be taken by ordinance when repealing a prior ordinance and when establishing any rule or regulation for the violation of which a penalty is imposed.
5. These changes have been reviewed and discussed during public meetings and hearings.

**NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, THAT:**

**SECTION 1. REPEAL**

Title 8 Health and Safety of the Hayden Town Code is repealed in its entirety.

**SECTION 2. ADOPTION**

1. Title 8 Health and Safety is adopted as stated herein below.

**Chapters:**

- 8.02 TREES**
- 8.04 ADDRESSING PROPERTIES**
- 8.06 BURNING**
- 8.08 NUISANCES**

- 8.10 FIREWORKS**
- 8.12 GARBAGE AND REFUSE**
- 8.14 WEEDS AND BRUSH**
- 8.16 ALARM SYSTEMS**

## **Chapter 8.02**

### **TREES**

#### **Sections:**

- 8.02.010 Town Manager Powers.**
- 8.02.020 Trimming, Spraying, Removal, Planting and Protecting of Trees and Other Vegetation.**
- 8.02.030 Removal of Dead or Dangerous Trees.**
- 8.02.040 Owner Responsibility for Care of Trees.**
- 8.02.050 Permit Required to Plant or Remove Trees, etc.**
- 8.02.060 Violation–Penalty.**

#### **8.02.010 Town Manager Powers.**

The Town Manager shall have the power to promulgate, amend and repeal rules, regulations, and specifications for the trimming, spraying, removal, planting, pruning, and protection of trees, shrubs, vines, hedges, and other plants within the limits of any street, alley, sidewalk or other public place in the Town and shall be charged with the enforcement of this Chapter.

#### **8.02.020 Trimming, Spraying, Removal, Planting and Protecting of Trees and Other Vegetation.**

The Town Manager shall have the power to have all trees, shrubs, hedges, vines and other plants within the limits of any public street, alley, sidewalk or other public place trimmed, sprayed, removed, planted, and protected; or to require the owner of any property, abutting on any street, alley, sidewalk or other public place, after written notice to such owner and at the expense of such owner, to trim any tree, shrub, vine, hedge or other plant, which may project beyond the property line of such owner, onto or over public property, at a height of less than three (3) meters, or which may obstruct the light from any street lamp, signs, the movement of pedestrians or the vision of drivers of vehicles at intersections, or which may interfere with power lines.

#### **8.02.030 Removal of Dead or Dangerous Trees.**

It shall be the duty of the owner or occupant of any property to remove any dead trees or dead overhanging boughs dangerous to life, limb or property located on the premises of such owner or upon public property abutting the premises of such owner, upon receipt of written notice of the Town Manager so to do and within such reasonable time as specified in said notice.

#### **8.02.040 Owner Responsibility for Care of Trees.**

The Town Manager is authorized to require any owner or agent of any premises to plant, trim, spray, remove or otherwise care for trees upon that portion of any public sidewalk or street upon which such premises abut. It shall be the duty of such owner, agent or occupant of such premises

to comply with such requirements within a reasonable time after receiving written notice so to do from the Town Manager, such time to be stated in said notice. In the event the owner, agent or occupant of any premises fails or neglects to comply with notice provided herein or notices provided for in Sections 8.02.020 , 8.02.030 and 8.02.040 of this Chapter, the Town Manager is authorized to take the action required by said notice at the expense of the owner, agent or occupant of the property, which expenses shall be collected in an appropriate action at law to recover or collect any amounts, including but not limited to late fees, legal fees, interest and administrative costs, owing under this Chapter Such costs shall be assessed and filed as a lien against such owner's property and shall be a first and prior lien upon the property.

**8.02.050 Permit Required to Plant or Remove Trees, etc.**

It is unlawful to cut, trim, spray, remove or plant any tree, vine, shrub, hedge or other plant within the limits of any street, alley, sidewalk or other public place within the Town without first having obtained a permit from the Town Manager. No charge shall be made for any such permit. No permit shall be refused by the Town Manager, except for good and substantial reasons, such as the potential hazard to pedestrian safety in the use of the public sidewalks.

**8.02.060 Violation–Penalty.**

Any person, firm or corporation violating or failing to comply with any of the provisions of this Chapter shall result in a penalty as provided in Chapter 1.08 of this code.

**Chapter 8.04**

**ADDRESSING PROPERTIES**

**Sections:**

- 8.04.010 Definitions.**
- 8.04.020 Assignment of Addresses.**
- 8.04.030 Requirements.**
- 8.04.040 Posting Unauthorized Numbers.**
- 8.04.050 Removing or Damaging Addresses.**
- 8.04.060 Violation–Penalty.**

**8.04.010 Definitions.**

A. "Building" shall mean the principal residence, business or industrial structure on any lot within the Town of Hayden having a water or sewer tap.

B. "Address" shall mean that series of numbers, as defined below, used to identify the location of a building on the streets of the Town of Hayden, as such address and building are shown on the records of the Hayden Town Clerk.

C. "Numbers" (numerals) shall be defined as Arabic numerals (e.g. 1, 2, 3), which shall be not less than two and one-fourth (2¼) inches high, and of a contrasting color to the background to which they are attached.

D. "Owner" shall be defined as the owner of the lot and its agent, tenant, manager, lessee or the person having control of the lot or building.

**8.04.020 Assignment of Addresses.**

All addresses shall be assigned by the Hayden Town Clerk and shall be reflected on records maintained by the Hayden Town Clerk.

**8.04.030 Requirements.**

A. Each Owner of a lot in the Town of Hayden shall cause to be displayed an address indicating the address of the building in a manner so that the numerals are visible from the adjacent street.

B. If there is more than one (1) building located on a lot, the Hayden Town Clerk shall assign an address together with a letter of the English alphabet to indicate the separate building(s) and the Owner shall attach such addresses.

C. Any buildings located in areas of the Town of Hayden having rural mail delivery shall display its address on the mail receptacle.

**8.04.040 Posting Unauthorized Numbers.**

No address or street number shall be placed upon any house or building within the Town of Hayden unless such number has been furnished by the Hayden Town Clerk.

**8.04.050 Removing or Damaging Addresses.**

It is unlawful for any person to tear down, take off or in any way mutilate or injure any address, or part thereof, placed upon any building within the Town of Hayden in accordance with the provisions of this Article.

**8.04.060 Violation–Penalty.**

Any person, firm or corporation that violates any of the provisions of this Section shall be punished in accordance with Chapter 1.08 of the Municipal Code. Each day's violation thereof shall constitute a separate offense.

**Chapter 8.06**

**BURNING**

**Sections:**

**8.06.010 Open Burning – Within Town Boundaries.**

**8.06.020 Open Burning – Outside Town Boundaries.**

**8.06.030 Containers.**

**8.06.040 Violation – Penalty.**

**8.06.010 Open Burning – Within Town Boundaries.**

Open burning in a safe manner of paper, limbs, leaves and weeds accumulated from private households from a non-commercial use shall be allowed within the boundaries of the Town after obtaining such permits as may be required.

**8.06.020 Open Burning – Outside Town Boundaries.**

Open burning in a safe manner of paper, limbs, leaves and weeds accumulated from private households from a non-commercial use shall be allowed within two (2) miles of the boundaries of the Town after obtaining such permits as may be required.

**8.06.030 Containers.**

All paper burned pursuant to this Chapter must be burned in a safe container. Any container used for burning must be covered with a wire mesh screen.

**8.06.040 Violation – Penalty.**

Any person, firm or corporation that violates any of the provisions of this Chapter shall be punished in accordance with Chapter 1.08 of the Municipal Code. Each day's violation thereof shall constitute a separate offense.

**Chapter 8.08**

**NUISANCES**

**Sections:**

- 8.08.010 Definitions.**
- 8.08.020 Complaint of Nuisance.**
- 8.08.030 Right of Entry Generally.**
- 8.08.040 Right of Entry in an Emergency.**
- 8.08.050 Summary Abatement; Notice to Abate; Action to Abate a Nuisance.**
- 8.08.060 Assessment and Collection of Costs of Abatement.**
- 8.08.070 Acts Constitute Violation of Chapter.**
- 8.08.080 Specific Nuisances Declared.**
- 8.08.090 Violation – Penalty**

**8.08.010 Definitions.**

When used in this Chapter, the following words shall be interpreted as follows, unless the context indicates otherwise:

A. "Administrative officer" means the Town Manager or his or her designee, the Chief of Police or his or her designee or a Building Official.

B. "Agent" means and includes any person acting on behalf of or in place of an owner.

C. "Building" means any dwelling, office building, store, warehouse or structure of any kind, whether or not the building is permanently affixed to the ground upon which it is located, and any trailer, semi-trailer, mobile home or any other vehicle designed or used for occupancy by persons for any purpose.

D. "Inoperable" means a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the functions or purpose for which it was originally constructed.

E. "Junk" means any material or object, used or new, which is not presently usable, including but not limited to scrap metals and their alloys, bones, rags, cloth, rubber pieces, rope, tinfoil, bottles, tools, fixtures, utensils, lumber, boxes, crates, pipes or pipe fittings, automobile or airplane tires, vehicle parts, machinery and appliances. Objects or materials shall be considered junk if they are so worn, deteriorated or obsolete as to make them unusable in their existing condition; if they are not capable of being used in their present location on the property; or if they cannot legally be used due to the absence of legal prerequisites to use.

F. "Junk vehicle" means any vehicle not capable of traveling under its own powers, not bearing current registration plates and insurance, or which, for thirty (30) days or more, is inoperable or has not been in a condition to be legally operated on the streets; provided, however, that such definition shall not include vehicles which are capable of travel under their own power but which do not bear current registration plates when such vehicles are located upon vehicle sale lots which hold current auto dealer's licenses or when such vehicles are being repaired at garages, body shops or other vehicle repair businesses which hold current state sales tax licenses.

G. "Litter" means any and every rubbish, waste material, refuse, garbage, trash, debris, excrement, urine, dead bird(s), dead fish, fishing line, bait, chemical compound, petroleum product or compound, automobile part or accessory, tire, wheel, junk, paper, cardboard, can, lid, bottle, cap, carton, wrapper, box, wooden object, plastic object, clothing, cloth, metal object, rubber object, leather object, hide, feather, grass clippings, leaves, cut weeds, tree branches, bush clippings, bricks, cinderblock, building material, wood, port-o-potties, paint, concrete, sand, dirt, mud, gravel, stone, glass, asphalt, ashes, cigarette, cigar, food or food product, solvent, dye, beverage, liquid except clean water, offal composed of animal matter or vegetable matter or both or any noxious or offensive matter whatever.

H. "Owner" means and includes:

1. Any owner or holder of any legal or equitable estate in real property, including a dominant or servient estate, except a future or reversionary interest and except the interest of a public trustee, lien holder, mortgagee or beneficiary of a deed of trust.

2. The owner of record, as reflected by the records of the office of the County Assessor.

I. "Person" means and includes any individual, partnership, corporation, association, agent, servant or employee of any individual, partnership, corporation, association or other type of organization.

J. "Public" or "private property" includes, but is not limited to, the real property, building or structure thereon of any person, state, county, town, public or private corporation of the United States; the right-of-way of any street, road, railroad or highway; any body of water, irrigation ditch or watercourse, including frozen areas thereof and the shores and beaches thereof; any park, playground, building or recreation area; and any school grounds, school building or property used for school purposes.

K. "Statute" means a statute of the State of Colorado.

L. "Vehicle" means any trailer (including contents of the trailer), boat or machine, whether or not self-propelled, and any nonaquatic, self-propelled vehicle which, as originally built, contained an engine, regardless of whether it contains an engine at any other time, including, without limitation, automobiles, airplanes, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, wagons, dune buggies and other off-the-road vehicles.

#### **8.08.020 Complaint of Nuisance.**

A person may make a complaint of the existence of a nuisance to a Police Officer, Community Service Officer, a Building Official, a Code Enforcement Official, the Town Manager or his or her designee. Such complaint shall be in writing on a form supplied by the Town of Hayden and is to include whenever possible the nature of the nuisance, the location, including the address, the name of the owner, occupant or manager of the property, the duration of the nuisance and the name and address of the complainant.

#### **8.08.030 Right of Entry Generally.**

Whenever necessary to make an inspection to enforce any of the provisions of this Chapter, or whenever an administrative officer has reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a nuisance hereunder, such inspector may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed on him or her; provided, however, that, if such building or premises is occupied, such inspector shall first present proper credentials and request entry; and, if such building or premises is unoccupied, he or she shall first make a reasonable effort to locate the owner or occupant or other person or persons having charge or control of the building or premises and, upon locating the owner, occupant or other person or persons, shall present proper credentials and request entry. If entry is refused, the authorized inspector shall give the owner or occupant, or if the owner or occupant cannot be located after a reasonable effort, he or she shall leave at the building or premises, a written notice of intention to inspect not sooner than twenty-four (24) hours after the time specified in the notice. After complying with all notice requirements and prior to entry into an occupied premises, the inspector shall first obtain an order from the court finding sufficient probable cause of a violation of the nuisance law and issuing an inspection warrant authorizing entry into the occupied premises. The requirements of this Section shall not apply to public places, including privately owned vacant land, as defined in Section 8.08.010 which may be inspected by an administrative officer at any time without notice.

#### **8.08.040 Right of Entry in an Emergency.**

A. Whenever an administrative officer has reason to believe that a nuisance exists and that such nuisance constitutes an emergency presenting imminent danger of serious injury to persons or property, the administrative officer, his or her authorized representative or a police officer may immediately enter into any building or upon any premises within the jurisdiction of the Town for purposes of inspection and/or abatement.

B. In the emergency situation, such person or his or her authorized representative may use such reasonable force as may be necessary to gain entry into the building or upon the premises.

C. For purposes of this Section, an emergency situation includes any situation where there is imminent danger of loss of or injury or damage to life, limb or property. It is unlawful for any owner or occupant of the building or premises to deny entry to any administrative officer or to resist reasonable force used by the authorized official acting pursuant to this Section.

**8.08.050 Summary Abatement; Notice to Abate; Action to Abate a Nuisance.**

A. Whenever a nuisance exists which constitutes an emergency presenting imminent danger of serious injury to persons or property, an administrative officer may summarily abate the nuisance or order it abated by removal, destruction or mitigation without notice or judicial action.

B. Unless a specific provision of this Code states otherwise, when a nuisance does not require summary abatement, an administrative officer, his or her authorized representative or a police officer shall prepare and serve a notice to abate on the owner, manager, occupant or possessor of any property on which a nuisance exists, or to the person conducting or maintaining the business, occupation, operation or activity which constitutes the nuisance. Such personal service, or such written notice mailed by certified mail to the last known address of the record owner of the property, or to the manager, lessee, occupant, person responsible for conducting or maintaining the nuisance, or the agent of such owner, lessee or occupant, shall be deemed adequate notice. Such notice shall:

1. State that the nuisance is a Class A violation of the Hayden Municipal Code, punishable by a fine and, if the nuisance is not abated within ten (10) days or other appropriate time period as determined by the administrative officer and specified in the notice, an action may be brought in the Municipal Court for said violation and/or to abate the nuisance, and that if the responsible party fails to abate the nuisance and the nuisance is abated by the Town, the costs of abatement, plus twenty percent (20%) of such cost for inspection and other administrative costs, shall be assessed against the owner, manager, occupant or possessor of the property on which the nuisance is found and shall become a lien upon the property on which the abatement was performed.

2. Be served, either in person, by certified mail or by means of posting on the premises upon which the nuisance exists. If notice is served by posting, a copy of the notice shall also be mailed by certified mail, return receipt requested, to the owner of record of the property at his or her last known address or the address shown on the records of the Routt County Assessor.

C. When a nuisance has not been voluntarily abated within the time specified in the notice to abate, the Town may:

1. Bring a criminal action for enforcement of the ordinance in Municipal Court;
2. Bring an action in the Municipal Court to have the nuisance declared as such by the Court and for an order enjoining the nuisance or authorizing its restraint, removal, termination or abatement by the owner, manager, occupant, agent or possessor of the property or by an administrative officer of the Town, his or her authorized representative, a Police Officer, Code Enforcement Official, Building Official or any person under contract with the Town to perform such services; or

3. Bring an action to declare and abate a public nuisance in the name of the people of the Town by the filing of a summons and complaint. A summons shall be issued and served as in civil cases,

D. The remedies specified in this Section shall be in addition to all other remedies provided by law.

**8.08.060 Assessment and Collection of Costs of Abatement.**

A. If the Town has abated the nuisance, the owner, manager, occupant or possessor of the property shall pay the costs of inspection and other administrative expenses. Such costs shall be assessed and filed as a lien against any property on which the abatement was performed and shall be a first and prior lien upon the property.

B. A statement of the costs of the abatement plus twenty percent (20%) of such costs for administrative expenses shall be mailed to or personally served upon the owner of the property. The owner may request a hearing before the Town Manager to contest the cost of abatement. Such request must be made in writing within fifteen (15) days of the date the statement was mailed or served. The owner shall be given at least forty-eight (48) hours' notice of the hearing before the Town Manager. The decision of the Town Manager shall be final. If the statement remains unpaid, a lien shall be filed with the County Clerk and Recorder and the amount shall be certified by the Town Clerk Director to the County Treasurer for collection at tax sale.

**8.08.070 Acts Constitute Violation of Chapter.**

Any person who makes or causes any nuisance to exist shall be deemed responsible and liable for the nuisance. Moreover, any person who has possession or control of any private ground or premises, whether he or she is the owner of the property or not, where any nuisance exists or is found, shall be deemed responsible and liable for the nuisance, notwithstanding the fact that he conveys interests in the property to another after such notice or order was issued and delivered.

It shall not be a defense to the determination that a nuisance exists or to an action to abate a nuisance that the property is boarded up or otherwise enclosed, or that the nuisance is not visible by the general public, unless such enclosure or lack of visibility is a defense specified in this Chapter.

**8.08.080 Specific Nuisances Declared.**

A. The following are specifically declared to be nuisances and are prohibited:

1. Abandoned containers, open wells, cisterns or excavations.

a. Abandoning or discarding, in any public or private place accessible to children, any chest, closet, piece of furniture, refrigerator, icebox, motor vehicle or other article having a compartment of a capacity of one and one-half (1½) cubic feet or more and having a door or lid which, when closed, cannot be opened easily from the inside, or who, being the owner, lessee, agent or manager of such place, knowingly permits such abandoned or discarded article to remain in such condition or public or private place.

b. Wells, cisterns, gasoline storage tanks, excavations containing water and excavations exceeding five (5) feet in depth on private property, unless the same are

adequately covered with a locked lid or other covering weighing at least sixty (60) pounds or are securely fenced with a solid fence to a height of at least six (6) feet. Any abandoned or unused well or cistern.

2. Attachments to utility poles.

a. It is unlawful for any person, firm or corporation to attach, affix, place, install or maintain or permit or suffer to be attached, affixed, placed, installed or maintained, any telegraph, radio, wireless telephone or wireless telegraph apparatus, or any metal, wood or other substance to, on or upon any telegraph, telephone, electric light, electric railway or power wires or poles or attachments belonging to another person, firm or corporation without the consent of such person, firm or corporation given in writing.

b. Any person, firm or corporation that violates any of the provisions of this Section shall pay, upon conviction, a fine in accordance with Section 1.06.010. Each day's violation thereof shall constitute a separate offense.

3. Fire hazards. Combustible materials on public or private property within the Town which are not stored in conformance with the Uniform Fire Code; dried shrubs, trees, refuse or waste on public or private property which, by reason of its size, location, manner of growth or condition, constitutes a fire hazard to a building, improvement, crop or other property.

4. Hazardous or unsanitary property. Any building or real property, whether open to the public or not, which presents a hazard of fire or accident or a hazard to health because of structural defects, decay, deterioration, litter, garbage, rodent infestation, broken glass, stagnant or polluted water, dry rot, termite infestation, accumulated manure or animal waste, dead animals, raw sewage seepage, hazardous or chemical waste.

5. Junk or litter. Any articles or materials classified as junk or litter, according to the definition set forth in Section 8.08.010, on any vacant land or parcel, or adjacent to or in close proximity to any schoolhouse, church, public park, residence, business or in a zoning district prohibiting outdoor storage or processing of junk unless such junk is screened from public view by an approved solid fence not less than five (5) feet in height or, if the topography requires such an enclosure, in a building with four (4) solid walls and a roof.

6. Junk and Inoperable vehicles. Any junk or inoperable vehicle as defined in Section 8.08.010, or parts thereof, on public or private property, unless screened from public view by an approved solid fence not less than five (5) feet in height or, if the topography requires such an enclosure, in a building with four (4) solid walls and a roof; or unless such vehicle is stored in a lawful storage, junk or auto wrecking yard in a zone permitting such storage, junk or auto wrecking yard. Nothing in Section 8.08.040 shall be deemed or construed to prevent the Town from acquiring, operating and maintaining a facility for the storage of motor vehicles, vehicles, boats, machinery or equipment. (The intent of this section is that no junk or inoperable vehicles are visible or an eyesore)

7. Unlawful activities. Any public or private place or premises which has become the location for frequent or repeated criminal activity, including but not limited to professional gambling, unlawful use of drugs, unlawful manufacturing, sale or distribution of drugs, furnishing or selling intoxicating liquor or fermented malt beverages to underage persons,

solicitation for prostitution, theft, trafficking in stolen property or assaults and disturbances of the peace.

8. Any unlawful pollution or contamination of any land, surface or subsurface water in the Town or of any water substance or material intended for human consumption.

9. Any activity, operation or condition which, after being ordered abated, corrected or discontinued by a lawful order of a department or officer of the Town or the County, continues to be conducted or continues to exist in violation of statute or ordinance or in violation of any ordinance, rule or regulation of the Town, County or the State.

10. Trees, shrubs and other vegetation which are dead, broken, diseased or infested by insects so as to endanger the well-being of other trees, shrubs or vegetation or constitute a potential threat or hazard to people or property within the Town.

11. Any nuisance defined or declared as such by federal or state statute or county resolution.

12. Any building, land, substance or personal property:

a. The use or condition of which presents a substantial danger or hazard to the physical health or safety of the public; or

b. Used repeatedly for any purpose which is in violation of the provisions of any ordinance, law, statute, rule or regulation.

13. The conduct or maintenance of any business, occupation, operation or activity in violation of the provisions of any ordinance, law, statute, rule or regulation.

14. Any business, occupation, operation, activity or any building, land, substance or personal property, the use or condition of which has been identified as a nuisance in this Code, the Colorado Revised Statutes or the common law.

#### **8.08.090 Violation – Penalty**

Any person, firm or corporation that violates any of the provisions of this Chapter shall be punished in accordance with Chapter 1.08 of the Municipal Code. Each day's violation thereof shall constitute a separate offense

**Chapter 8.10**  
**FIREWORKS\***

**Sections:**

- 8.10.010**     **Definitions.**
- 8.10.020**     **Unlawful to Sell or Use.**
- 8.10.030**     **Permits for Display.**
- 8.10.040**     **Bond Required.**
- 8.10.050**     **Construction of Chapter.**
- 8.10.060**     **Seizure of Fireworks.**
- 8.10.070**     **Violation – Penalty.**

**8.10.010**   **Definitions.**

A. "Fireworks" means and includes any article, device or substance prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration or detonation, including without limitation the following articles and devices commonly known and used as fireworks: toy cannons or toy canes in which explosives are used, blank cartridges, the type of balloon which requires fire underneath to propel the same, except hot air balloons used for transportation, firecrackers, torpedoes, skyrockets, roman candles and daygo bombs. "Fireworks" does not include toy pistols, toy guns, sparklers or torches which do not contain explosive charges or other devices which contain paper caps manufactured in accordance with United States Interstate Commerce Commission regulations for packing and shipment of toy paper caps, manufactured as provided in this Chapter.

B. "Governing body" means the Town Council of the Town.

C. "Person" includes an individual, partnership, co-partnership, firm, company, association or corporation.

**8.10.020**   **Unlawful to Sell or Use.**

Except as provided in Sections 8.10.030 and 8.10.040 of this Chapter, it is unlawful for any person to offer for sale or to sell or to use or explode any fireworks within the corporate limits of the Town.

**8.10.030**   **Permits for Display.**

The Town Council of the Town may grant permits for supervised public displays of fireworks within the corporate limits of the Town. Application for such a permit shall be made in writing to the Town Council at least fifteen (15) days in advance of the date of display. Every such display shall be handled by a competent operator and shall be of such character and so located, discharged and fired as not to be hazardous to property or endanger any person. Before a permit is granted, the operator and the location and handling of the display shall be approved, after investigation, by the Town Council in accordance with such rules and regulations as shall be adopted by the Town Council for the granting of such permits. No permit shall be transferable or

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\* For statutory provisions authorizing municipalities to regulate and restrain the use of fireworks, see CRS § 31-15-601(1)(j) (1975 Supp.)

assignable. No permit shall be required for any public display of fireworks at any county fair duly organized under the laws of the state.

**8.10.040 Bond Required.**

The Town Council shall require each permittee to give a satisfactory bond or liability insurance in amounts to be determined by the Town Council), which shall insure the payment of all damages which may be caused either to persons or property by reason of the licensed display and arising from any acts of the permittee, his agents, employees or subcontractors.

**8.10.050 Construction of Chapter.**

This Chapter shall not be construed to prohibit the following, if permitted by the statutes of the State of Colorado:

A. Any person offering for sale, exposing for sale, selling or having in his possession with intent to offer for sale or sell, fireworks to any municipality, fair association, amusement park or other organization or group holding a permit issued as provided in this Chapter, or to the governing body of the Colorado State Fair or of any county or district fair organized under the laws of the state;

B. Any person using or exploding fireworks in accordance with the provisions of any permit issued as provided in this Chapter or as a part of a supervised public display at the Colorado State Fair or of any county or district fair organized under the laws of the state;

C. Any person offering for sale, exposing for sale, selling or having in his possession with intent to offer for sale any fireworks which are to be and are shipped directly out of the state;

D. Any person offering for sale, exposing for sale, selling or having in his possession with intent to offer for sale, or sell, or using or exploding, any article, device or substance for a purpose other than display, exhibition, noise, amusement or entertainment;

E. Any person offering for sale, exposing for sale, selling or having in his possession with intent to offer for sale, or sell, or using or exploding, blank cartridges for a show or theater, or for signal or ceremonial purposes, in organized athletics or sports; or

F. Any person offering for sale, exposing for sale, selling or having in his possession with intent to offer for sale, or sell, or use of sparklers or torches.

**8.10.060 Seizure of Fireworks.**

The Chief of Police, police officer, or designee, shall seize, take and remove, at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored or held in violation of the provisions of this Chapter.

**8.10.070 Violation – Penalty.**

Any person, firm or corporation that violates any of the provisions of this Section shall be punished in accordance with Chapter 1.08 of the Municipal Code. Each day's violation thereof shall constitute a separate offense.

**Chapter 8.12**  
**GARBAGE AND REFUSE**

**Sections:**

- 8.12.010 Definitions.**
- 8.12.020 Maintenance; Unlawful Accumulations.**
- 8.12.030 Scattering Garbage on Streets.**
- 8.12.040 Removal of Building Materials.**
- 8.12.050 Spilling and Littering Unlawful.**
- 8.12.060 Depositing Garbage or Refuse in or Around Others' Receptacles.**
- 8.12.070 Refuse Escaping From Vehicles.**
- 8.12.080 Violation – Penalty.**

**8.12.010 Definitions.**

For the purposes of this Chapter, the following words and phrases shall have the meanings ascribed to them in this Section.

A. "Debris" means:

1. Discarded automobile parts or tires, household furnishings or equipment;
2. Silt or refuse from automobile wash racks and floor drains;
3. Manure other than a light application on lawns or gardens for fertilizing purposes;
4. Any refuse resulting from the wrecking, construction or reconstruction of any building, fence, sidewalk or structure of any kind or character;
5. Large or bulky boxes, barrels, tanks or containers;
6. Any discarded refuse of a highly explosive or inflammable nature; or
7. Any waste materials of any unusual or excessive amount.

B. "Dwelling" means a building designed to be used as the living place for one (1) or more persons or families.

C. "Garbage" means any and all kitchen refuse, rejected or waste food, meat, fish, fowl, offal, carrion or other similar refuse, accumulation of fruit, vegetable or animal matter that attends the preparation, use, cooking of, dealing in or storage of meats, fish, fowl, fruits, vegetables or other substances which may decompose, or become foul, offensive, unsanitary or dangerous to health.

D. "Rubbish" means any refuse, excepting garbage, normally accumulated for disposal on and about a dwelling or place of business, such as cans, jars, bottles, containers, papers, glass,

ashes, boxes, shavings, excelsior, clothing, dishes, lawn or shrubbery clippings or trash of any kind or character not otherwise classified as garbage or debris in this Section.

E. "Sanitary landfill site" means any site where debris is being dumped.

#### **8.12.020 Maintenance; Unlawful Accumulations.**

It shall be the duty of every owner or occupant of any premises to keep and maintain the same at all times, including the sidewalk and parking in front and the alley in back thereof, including any easement or other right-of-way, between the property line and the curb or middle of the alley in a clean and orderly condition, permitting no deposit or accumulation of garbage, rubbish, litter, weeds or debris other than as authorized in this Chapter. Any unauthorized deposit or accumulation constitutes a nuisance. The owner or proprietor of each business establishment shall be responsible for keeping the sidewalk in front of such establishment free of any accumulation of dirt, papers or rubbish, which shall be taken up and deposited in a proper receptacle with other refuse from such establishment.

#### **8.12.030 Scattering Garbage on Streets.**

It is unlawful for any person to scatter, deposit, throw or sweep any garbage, rubbish or debris on or into any street, gutter, sewer intake, alley, vacant property or public right-of-way.

#### **8.12.040 Removal of Building Materials.**

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, 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 be removed by the person responsible for such work. Such person shall be held liable for any scattering of such refuse upon adjacent property.

#### **8.12.050 Spilling and Littering Unlawful.**

It is unlawful for any person to spill or deposit any rubbish, garbage or debris on any street, alley or any other public or private property, or for rubbish, garbage or debris to be spilled, blown or littered by him or her upon any street, alley or any other private or public property.

#### **8.12.060 Depositing Garbage or Refuse in or Around Others' Receptacles.**

It is unlawful for any person to knowingly deposit garbage, refuse or rubbish in or around the Dumpster, container or receptacle of another without permission of the owner, occupant, lessor or tenant of the residence. The minimum fine imposed for violation of this Section shall be one hundred dollars (\$100.00) for a first offense and double for a second or subsequent offense in accordance with Section 1.08.010.

#### **8.12.070 Refuse Escaping From Vehicles.**

No vehicle shall be driven or moved on any Town street, alley or other public thoroughfare unless such vehicle is constructed or loaded or the load thereof secured to prevent any of its load from dropping, shifting, leaking or otherwise escaping therefrom; except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

**8.12.080 Violation – Penalty.**

Any person, firm or corporation that violates any of the provisions of this Section shall be punished in accordance with Chapter 1.08 of the Municipal Code. Each day's violation thereof shall constitute a separate offense.

**Chapter 8.14**

**WEEDS AND BRUSH**

**Sections:**

- 8.14.010 Definitions; Weeds and Brush.**
- 8.14.020 Nuisance.**
- 8.14.030 Removal Required.**
- 8.14.040 Failure to Comply.**
- 8.14.050 Violation – Penalty**

**8.14.010 Definitions; Weeds and Brush.**

As used in this Chapter, brush, trees, shrubs and weeds shall have the following meanings:

A. "Brush" is a volunteer growth of bushes or shrubbery over the average height of twelve (12) inches; or any combination of dead brush, tree trimmings and weeds; or poison oak or other injurious, poisonous, unsightly bushes or shrubbery.

B. "Developed" shall mean any parcel of ground subdivided in accordance with the subdivision regulations of the Town or subject to the Zoning Regulations of the Town, on which any improvement has been permitted or which is used for parking or storage.

C. "Noxious weeds" means plants that are determined by the State, the County or the Town as a noxious weed or an alien plant, including but not limited to leafy spurge, Russian knapweed, spotted knapweed, diffuse knapweed, Canada thistle, musk thistle, field bindweed, volunteer rye, hounds tongue and jointed goatgrass.

D. "Trees and shrubs" include all trees, shrubs, bushes and all other woody vegetation.

E. "Weeds" are herbaceous plants or vegetation over the average height of six (6) inches; or any combination of dead weeds or vegetation; or poison ivy, ragweed or other injurious, poisonous or unsightly plants.

**8.14.020 Nuisance.**

A. It is unlawful and shall be deemed a nuisance, for the owner or occupant to allow such owner's or occupant's property to become overgrown with weeds or grass of any kind or nature. The owner or occupant shall keep the property substantially free of weeds. Weeds shall be controlled by removal or use of herbicides. It is unlawful and deemed a nuisance for the owner or occupant of any developed lot or parcel located on premises within the corporate limits of the Town to allow turf grass to grow to a height of twelve (12) inches or greater.

**B. Exceptions.**

1. A natural growth of sagebrush, chokecherry or other brush or plants common to this area that are on undeveloped or unsubdivided land shall not be considered a nuisance unless, in the opinion of the Town Manager or his or her authorized representative, a fire danger exists to a structure or structures from such natural growth. If such a fire danger exists, the owner, lessee, occupant or an agent of such owner, lessee or occupant shall cut a fire break at least fifty (50) feet wide between the brush or plants and any structures.

2. Flowers or vegetable gardens, cultivated or tended shrubbery or agricultural crops, including but not limited to hay or grass grown for feed, fodder or forage shall not be considered a nuisance.

3. The Town Council may, after written request from the owner or occupant and by resolution, exempt certain areas in the Town, whether publicly or privately owned, from the prohibitions contained in this Section if the Town Council determines that such areas are: natural open space, natural park, conservation areas, erosion control areas, agricultural zoned property or irrigation or drainage ditch rights-of-way.

**8.14.030 Removal Required.**

A. It shall be unlawful for any person who is an owner, lessee, occupant or an agent of such owner, lessee or occupant, having control over any occupied or unoccupied lot or any parcel of land in the Town not exempted under Section 8.14.020, to permit or maintain on any such lot or parcel of land or on or along the sidewalk, street or alley adjacent to the same, including any easement or other right-of-way, between the property line and the curb or middle of the alley, any growth of weeds, grass, brush and any trees, bushes or other vegetation that interfere with vehicle movement in the alley or street; or any vegetation which conceals junk. It shall also be unlawful for any such person or persons to cause, suffer or allow an accumulation of noxious weeds, poison ivy, ragweed or other poisonous or narcotic plants or plants detrimental to health, to grow on any such lot or land in such manner that seeds, pollen or emanations therefrom may be carried through the air into any public place. The foregoing enumeration is not intended to be all-inclusive but rather is intended to be indicative of those types of plants which are considered a nuisance.

B. It shall be the duty of such owner, lessee, occupant or agent of such owner, lessee or occupant to cut and remove or cause to be cut and removed, sprayed and destroyed by any other lawful means all such weeds, grass, noxious weeds or other vegetation as often as may be necessary, and it shall be unlawful for any such person to neglect such duty.

**8.14.040 Failure to Comply.**

If the person upon whom said notice is served fails, neglects or refuses to correct the violation within ten (10) days (or other date established by the authorized representative) of the date said notice was served or received, the Town Manager or his or her authorized representative may abate the nuisance as set forth in Section 8.08.070, may cite such person into Municipal Court as set forth in Section 8.08.060, or may do both.

**8.14.050 Violation – Penalty.**

Any person, firm or corporation that violates any of the provisions of this Section shall be punished in accordance with Chapter 1.08 of the Municipal Code. Each day's violation thereof shall constitute a separate offense.

**Chapter 8.16**  
**ALARM SYSTEMS**

**Sections:**

- 8.16.010 General Provisions and Definitions.**
- 8.16.020 Fee; False Alarms.**
- 8.16.030 Violation - Penalty.**

**8.16.010 General Provisions and Definitions.**

A. "Alarms distinguishable" means alarms received at the designated dispatch center must be distinguishable by type, and no alarm shall be for multi-purpose usage.

1. Robbery-in-progress or robbery-just-occurred;
2. Burglary-in-progress or intrusion;
3. Trouble (fight or other disturbance); or
4. Fire/smoke.

B. "Alarm owner" means any person, firm or corporation which leases an alarm system to any other person, firm or corporation. "Alarm owner" also includes the subscriber.

C. "Burglary-in-progress or intrusion alarm" means any alarm, as is defined in this Section, which is designed to indicate a burglary is in progress or intrusion into the premises. "Intrusion" shall mean any entry into the premises which is unauthorized during which time a business or firm is closed to the public or an intrusion into a residence by an unauthorized person.

D. "Dialing alarms" means those alarms which automatically dial the telephone number of the police or fire department and shall be subject to all the provisions of this Chapter.

E. "False alarm" means any signal emanating from an alarm, as defined in this Section, to which the police or fire department respond to investigate, and shall be unlawful if the alarm results from:

1. False activation, including activating an alarm for a purpose for which the alarm was not designed;
2. Alarm malfunction, except mechanical or electrical failure over which the subscriber or owner had no control to prevent;

3. Activation of an alarm by the subscriber, owner or agent due to negligence or oversensitive settings; or

4. Activation of the alarm system for testing purposes when the police or fire department had not been given prior notice or did not approve the testing.

F. "Fire/smoke alarm" means any alarm, as defined in this Section, which is designed to indicate the presence of fire or smoke.

G. "General alarm" means any device which, when activated by any means, produces and/or transmits a signal, visual or audible, to indicate intrusion, trouble, fire, smoke or other activity for which the alarm was designed and/or used which notifies any person, or causes any person to summon the police or fire department to respond to the premises, from which the alarm emanates, to investigate.

H. "Misuse of alarm" means any use of an alarm system, by a subscriber or alarm owner, for a purpose for which the alarm system was not designed, for which a permit was not granted, and is unlawful.

I. "Robbery-in-progress" or "robbery-just-occurred" alarm means any alarm, as defined in this Section, which is designed to indicate that a robbery is in progress or that a robbery just occurred.

J. "Subscriber" means any person, firm or corporation which installs, subscribes to or uses any alarm or alarm system in or about its residence, business or other premises.

K. "Trouble alarm" means any alarm, as defined in this Section, which is designed to indicate a fight or a threat to life or limb.

L. "Vehicle alarm" means an alarm installed in a motor vehicle and shall not be subject to the provisions of this Chapter.

M. "Year" means a calendar year (365 days), beginning January 1 of each year.

#### **8.16.020 Fee; False Alarms.**

A. The subscriber shall pay to the Town a fee for false alarms per the adopted Town fee schedule. It shall be prima facie evidence of a false alarm if the police or fire department responds and discovers that the alarm was false based on its investigation.

B. The false alarm fee schedule shall be per the adopted Town fee schedule.

#### **8.16.030 Violation – Penalty.**

Any person, firm or corporation that violates any of the provisions of this Section shall be punished in accordance with Chapter 1.08 of the Municipal Code. Each day's violation thereof shall constitute a separate offense.

**2. Chapter 9.22 Possession and Use of Marijuana, Marijuana Concentrate and Tobacco Products by Minors is adopted as stated herein below.**

**Chapter 9.22**

**POSSESSION AND USE OF MARIJUANA, MARIJUANA CONCENTRATE AND TOBACCO PRODUCTS BY MINORS**

**Sections:**

- 9.22.010 Intent.**
- 9.22.020 Definitions.**
- 9.22.030 Unlawful Possession or Use of Tobacco Products by Minors.**
- 9.22.040 Unlawful Possession or Use of Marijuana or Marijuana Concentrate by Minor**
- 9.22.050 Furnishing cigarettes, Tobacco Products, e-cigarettes or Nicotine to Minors**
- 9.22.060 Unlawful Possession or Use of Tobacco Products or Marijuana or Marijuana Concentrate by Minors—Penalty.**

**9.22.010 Intent.**

It is the intent of this Chapter to protect the public health, safety, and welfare by prohibiting the possession and use of tobacco and marijuana products by minors.

**9.22.020 Definitions.**

As used in this Chapter, the following words or phrases are defined as follows:

A. "Minor" means any person under the age of eighteen (18) years of age.

B. "Tobacco product" means any substance containing tobacco leaf or tobacco product, including, but not limited to, cigarettes, e-cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

C. "Marijuana and Marijuana Concentrate shall be defined in accordance with the definitions set forth in C.R.S. 18-18-102 (18) and (19)

**9.22.030 Unlawful Possession or Use of Tobacco Products by Minors.**

A. It is unlawful for any minor to possess any tobacco product.

B. It is unlawful for any minor to use, either by smoking, ingesting, absorbing or chewing, any tobacco product. "Smoking" means the holding or carrying of a lighted pipe containing tobacco products, electronic cigarette, lighted cigar or lighted cigarette of any kind containing tobacco products and includes the lighting of a pipe, cigar or cigarette of any kind containing tobacco products.

C. It is unlawful for any minor to purchase, obtain, or attempt to purchase or obtain any tobacco product by misrepresentation of age or by any other method.

D. It shall be rebuttably presumed that the substance within a package or container is a tobacco product if the package or container has affixed to it a label which identifies the package or container as containing a tobacco product. (Ord. 492 (part), 2000)

**9.22.040 Unlawful Possession or Use of Marijuana or Marijuana Concentrate by Minors.**

A. It is unlawful for any minor to possess any Marijuana or Marijuana Concentrate.

B. It is unlawful for any minor to use, either by smoking, ingesting, absorbing or chewing, any Marijuana or Marijuana Concentrate product. "Smoking" means the holding or carrying of a lighted pipe containing Marijuana or Marijuana Concentrate products, lighted cigar or lighted cigarette of any kind containing Marijuana or Marijuana Concentrate products and includes the lighting of a pipe, cigar or cigarette of any kind containing Marijuana or Marijuana Concentrate products.

C. It is unlawful for any minor to purchase, obtain, or attempt to purchase or obtain any Marijuana or Marijuana Concentrate product by misrepresentation of age or by any other method.

D. It shall be rebuttably presumed that the substance within a package or container is a Marijuana or Marijuana Concentrate if the package or container has affixed to it a label which identifies the package or container as containing Marijuana or Marijuana Concentrate.

**9.22.050 Furnishing cigarettes, Tobacco Products, e-cigarettes or Nicotine to Minors - Unlawful for a Person over 18 years of age to Provide Tobacco / Marijuana Products to a Juvenile**

A. A person shall not give, sell, distribute, dispense, or offer for sale a cigarette, tobacco product, marijuana or marijuana concentrate or nicotine product to any person who is under eighteen years of age.

B. Before giving, selling, distributing, dispensing, or offering to sell to an individual any cigarette, tobacco product, or nicotine product, a person shall request from the individual and examine a government-issued photographic identification that establishes that the individual is eighteen years of age or older; except that, in face-to-face transactions, this requirement is waived if the individual appears older than thirty years of age.

**9.22.060 Violation-Penalty.**

Any person, firm or corporation that violates any of the provisions of this Section shall be punished in accordance with Chapter 1.08 of the Municipal Code. Each day's violation thereof shall constitute a separate offense.

**Section 3. EFFECTIVE DATE.**

This Ordinance, immediately on final passing and adoption, shall be published by the Town Clerk in accordance with Section 3-3h of the Home Rule Charter and recorded in the Town Book of Ordinances kept for that purpose, authenticated by the signatures of the Mayor and Town Clerk. This Ordinance shall be in force and take effect fifteen (15) days after second publication in accordance with Section 3-3h of the Hayden Home Rule Charter.

**Section 4. PUBLIC HEARING.**

A public hearing on this Ordinance will be held on the 7th day of May 2015, at or about 7:30 p.m. at the Hayden Town Hall, 178 West Jefferson Ave, Hayden, Colorado.

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3-3 (d) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 2<sup>nd</sup> DAY OF APRIL 2015.

James M. Haskins, Mayor

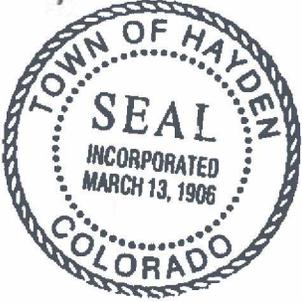


ATTEST

Sharon Johnson, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3-3 (h) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 7<sup>th</sup> DAY OF MAY 2015.

James M. Haskins, Mayor Pro-Tem



ATTEST

Sharon Johnson, Town Clerk