

Title 8
Health and Safety *

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Chapter 8.02

Administrative Process

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- 8.02.120 Fees Assessed.**
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8.02.010 General.

A. This Chapter provides for administrative process that may be utilized for violation of certain sections of this Code. The sections of the Code specifically affected are Title 8, Chapters 8.12, Nuisances; 8.24, Garbage and Refuse; 8.28, Weeds and Brush, and 8.30, Alarm Systems.

B. The purpose of this Chapter is to encourage prompt compliance with this Code and prompt payment of any penalties. (Ord. 628 §1, 2010)

8.02.020 Definitions.

For the purposes of this Section, the following terms shall have the meanings assigned to them below.

- A. "Town" means the Town of Hayden, Colorado.
- B. "Code" means the Hayden Municipal Code.
- C. "Manager" means the Town Manager or the Town Manager's designee.
- D. "Enforcement Official" means a person assigned by the Town Manager charged with enforcing the ordinances of the Town.
- E. "Responsible Party" means a person or entity who has violated this Code or, in the case of property violations, the property owner, or an individual or an entity who, acting as an agent for or in any other legal capacity on behalf of the owner, has authority over property subject to an administrative citation under this Chapter.
- F. "Administrative Hearing Officer" or "AHO" means the Hearing Officer with exclusive authority to hear appeals from administrative citations issued under this Chapter.

G. "Municipal Court" means the Municipal Court for the Town of Hayden, Colorado. (Ord. 628 §1, 2010)

8.02.030. Authority.

A. Any responsible party violating provisions of this Code may be issued an administrative citation by an Enforcement Official as provided in this Chapter.

B. Notwithstanding any other provision of the Code, responsible parties cited under the provisions of this Chapter shall have only the appeal rights granted herein.

C. Administrative citations shall be issued only after the responsible party has received a notice of violation and time to comply provided in the citation.

D. Each day a violation exists or continues shall constitute a separate and distinct violation for which a separate citation may be issued. However, once a citation has been issued for a violation of this Code, no additional citation shall be issued for the same violation for ten (10) days or, if the responsible party appeals, until after the appeal has been heard and the responsible party has not complied with an order of the Administrative Hearing Officer (AHO) within ten (10) days of its issuance or such other time as the AHO has specified.

E. A civil fee assessed by means of an administrative citation issued by the Enforcement Official shall be payable directly to the Town or, if not timely paid, may be collected in accordance with the procedures specified in this Chapter.

F. Enforcement actions are intended to be cumulative in nature. The Town may pursue one (1) or more civil, criminal and administrative actions, fees, fines, sentences, penalties, judgments and remedies and may do so simultaneously or in succession. (Ord. 628 §1, 2010)

8.02.040 Procedures.

A. Upon discovering a violation of this Code and after having complied with Subsection 8.02.030.C as appropriate, an Enforcement Official may issue an administrative citation to a responsible party on a form approved by the Town Manager.

B. The Enforcement Official may require that the responsible party provide evidence of identity and residential or work address.

C. The Enforcement Official shall attempt to obtain the signature of the person receiving the administrative citation on the citation. If that person refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the citation and subsequent proceedings.

D. The Enforcement Official shall attempt to issue the administrative citation to the responsible party at the site of any violation. If the responsible party is not located, a copy of the administrative citation shall be left with any adult person residing or working at the site or, if no adult person is found at the site and the violation occurred on private property or on property for which the responsible party has responsibility under an ordinance, then a copy of the administrative citation

shall be posted in a conspicuous place on the property of the responsible party. If unable to locate the responsible party, then, in addition to posting, the administrative citation shall be sent via first-class mail to the responsible party. In the case of violations occurring on private property or on property for which the responsible party has responsibility under an ordinance, the administrative citation shall be sent to the most recent mailing address contained in the Town's records for the property in violation or the property of the responsible party.

E. Notice shall be deemed served on the date of receipt by the responsible party, if personally served or, upon the fourth day after mailing of the administrative citation. (Ord. 628 §1, 2010)

8.02.050 Contents of Notice.

A. The administrative citation shall state the date and location of the violation(s) and the approximate time the violation(s) were observed or reported. Where applicable, the administrative citation shall identify the property in violation by address or legal description.

B. The administrative citation shall refer to the Code sections violated and describe the violations.

C. The administrative citation shall describe the action required to correct the violations.

D. The administrative citation shall require the responsible party to immediately correct the violations and shall explain the consequences of failure to correct said violations.

E. The administrative citation shall state the amount of fees imposed for the violations.

F. The administrative citation shall explain how the penalty shall be paid, the time period by which it shall be paid and the consequences of failure to pay the fees.

G. The administrative citation shall briefly state the process for appealing the administrative citation.

H. The administrative citation shall contain the signature of the Enforcement Official and the signature of the responsible party if it can be obtained. (Ord. 628 § 1, 2010)

8.02.060 Appeal of Administrative Citation.

A. A person served with an administrative citation may file a notice of appeal within five (5) calendar days from the service of the notice. Compliance with this time limit shall be a jurisdictional prerequisite to any appeal brought under this Chapter, and failure to comply shall bar any such appeal.

B. The notice of appeal shall be made in writing and filed with the Municipal Court.

C. As soon as practicable after receiving the written notice of appeal, the Town Clerk shall assign an AHO who shall schedule a date, time and location for the hearing.

D. Written notice of the date, time and location of the hearing shall be personally served upon or sent by first-class mail to the responsible party at least five (5) calendar days prior to the date of the hearing. (Ord. 628 § 1, 2010)

8.02.070 Administrative Hearing Officers.

A. The Administrative Hearing Officer must be an attorney licensed to practice law in the State of Colorado, with a minimum of three (3) years of experience, and will be paid an hourly wage agreed upon before assignment of the case for hearing. The hearing officer may be the Associate Municipal Judge or any other qualified individual appointed by the Municipal Court.

B. Any person designated to serve as an AHO is subject to disqualification for bias, prejudice, interest or for any other reason for which a judge may be disqualified in a court of law. (Ord. 628 § 1, 2010)

8.02.080 Administrative Appeals.

A. Administrative appeals are intended to be informal in nature. Formal rules of evidence and discovery do not apply. The procedure and format of the administrative hearing shall follow procedures as provided in this Section.

B. The parties to an administrative appeal shall be the responsible party and the Hayden Police Department/Code Enforcement. Parties may be represented by legal counsel. Parties may call and question witnesses.

C. The AHO, at the request of any party to the hearing, may subpoena witnesses, documents and other evidence where the attendance of the witness or the admission of evidence is deemed necessary to decide the issues at the hearing. All costs related to the subpoena, including witness and mileage fees, shall be borne by the party requesting the subpoena. The form of, and the process for, issuing subpoenas shall be the same as in the Municipal Court.

D. The AHO shall have the power to call and question witnesses, to review and consider the relevancy of documentary or other tangible evidence and to rule on evidentiary questions.

E. The Town bears the burden of proof to establish the existence of a violation of this Code. In the case of an abatement hearing, the Town bears the burden of proof to establish the existence of a violation. Once the Town's burden of proof has been met, this shall constitute prima facie evidence. The appellant shall have the burden of proof to show that the administrative citation was issued in error.

F. The standard of proof to be used by the AHO in deciding all issues at an administrative appeal is by a preponderance of the evidence.

G. Each party shall have the opportunity to call and present witnesses, cross-examine witnesses and present evidence in support of its case.

H. Copies, photographs and photocopies may be admitted into evidence or substituted in evidence in place of original documents.

I. Hearings shall be recorded by electronic means, and transcripts of such recordings shall be made at the expense of the party requesting the transcript.

J. Whenever it appears that a petition is not filed within the time permitted by the particular law or ordinance involved, or that the appellant for some other reason lacks jurisdiction, the case may be dismissed on the motion of any party or the AHO.

K. A decision of the AHO shall be known as an administrative enforcement order.

L. The AHO may uphold the administrative citation and all fees or dismiss the administrative citation and all fees or may waive or conditionally reduce the fees assessed by the administrative citation. The AHO may also impose conditions and deadlines to correct the violations and/or require payment of any outstanding fees.

M. In the event that the AHO does not dismiss the administrative citation, the AHO shall assess reasonable administrative costs per the adopted Town fee schedule.

N. The administrative enforcement order shall become final on the date of mailing the order to the responsible party. A copy of the order shall be provided to the Town. (Ord. 628 § 1, 2010)

8.02.090 Failure to Obey Subpoena.

It is unlawful for any person to refuse to obey a subpoena issued by an AHO. Failure to obey a subpoena constitutes contempt and may be criminally prosecuted and have fees imposed in the same manner as violation of a Municipal Court subpoena. (Ord. 628 § 1, 2010)

8.02.100 Failure to Attend Administrative Appeal.

Any responsible party who fails to appear at the hearing is deemed to waive the right to a hearing and the adjudication of the issues related to the hearing, provided that proper notice of the hearing has been provided. (Ord. 628 § 1, 2010)

8.02.110. Failure to Comply With Administrative Enforcement Order.

It is unlawful for a responsible party who has been served with a copy of the final administrative enforcement order to fail to comply with the order resulting from an administrative enforcement hearing. Failure to comply with a final administrative enforcement order may be criminally prosecuted and have fees imposed similar to those for failure to comply with an order of the Municipal Court. (Ord. 628 § 1, 2010)

8.02.120 Fees Assessed.

A. The Town Manager shall establish policies to assist in the assessment of civil fees for administrative citations.

B. If the responsible party fails to correct the violation, subsequent administrative citations may be issued for violations of the same Code section. The fees assessed for each administrative citation issued for violations of the same Code section or sections shall be per the adopted Town fee schedule.

C. Payment of the fee shall not excuse the failure to correct the violations, nor shall it bar further enforcement action by the Town.

D. All fees assessed shall be payable to the Town. (Ord. 628 § 1, 2010)

8.02.130 Failure to Pay Fees.

A. The failure of any responsible party to pay the civil fees assessed by an administrative citation within the time specified on the citation or administrative enforcement order, if an administrative hearing was held, may result in the imposition of a late fee per the adopted Town fee schedule.

B. In the event of failure to pay all fees assessed, the Town Manager may refer the matter for collection by whatever means are available to the Town.

C. In the case of property violations, the Town Manager shall certify a statement thereof to the Town Clerk, who shall record a notice with the Clerk and Recorder of a lien against the property in violation.

D. An action or other process provided by law may be maintained by the Town to recover or collect any amounts, including late fees, legal fees, interest and administrative costs, owing under this Chapter. (Ord. 628 § 1, 2010)

Chapter 8.04

Trees

8.04.010 Town Manager Powers.

8.04.020 Trimming, Spraying, Removal, Planting and Protecting of Trees and Other Vegetation.

8.04.030 Removal of Dead or Dangerous Trees.

8.04.040 Owner Responsibility for Care of Trees.

8.04.050 Permit Required to Plant or Remove Trees, etc.

8.04.060 Violation – Penalty.

8.04.010 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. (Ord. 230 § 1, 1977)

8.04.020 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 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 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, the movement of pedestrians or the vision of drivers of vehicles at intersections, or which may interfere with power lines at the expense of such owner. (Ord. 230 § 2, 1977)

8.04.030 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. (Ord. 230 § 3, 1977)

8.04.040 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 8.04.020 and 8.04.030 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 appropriate action at law. (Ord. 230 § 4, 1977)

8.04.050 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. (Ord. 230 § 5, 1977)

8.04.060 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. (Ord. 230 § 7, 1977)

Chapter 8.05

Addressing Properties

- 8.05.010 Definitions.**
- 8.05.020 Assignment of Addresses.**
- 8.05.030 Requirements.**
- 8.05.040 Posting Unauthorized Numbers.**
- 8.05.050 Removing or Damaging Addresses.**
- 8.05.060 Violation – Penalty.**

8.05.010 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. (Ord. 439 (part), (1996))

8.05.020 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. (Ord. 439 (part), (1996))

8.05.030 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. (Ord. 439 (part), (1996))

8.05.040 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. (Ord. 439 (part), (1996))

8.05.050 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. (Ord. 439 (part), (1996))

8.05.060 Violation – Penalty.

No person shall violate any of the provisions of this Chapter. Any person who continues to violate any of the provisions of this Chapter after a minimum of thirty (30) days written notice of such violation and an opportunity to cure such violation within such cure period, shall be punished by a

fine of not less than fifty dollars (\$50.00) and not more than one hundred dollars (\$100.00). A person is guilty of a separate violation for each day that a violation of this Chapter continues and shall be punished accordingly. (Ord. 439 (part), (1996))

Chapter 8.08

Burning

8.08.010 Open Burning – Within Town Boundaries.

8.08.020 Open Burning – Outside Town Boundaries.

8.08.030 Containers.

8.08.010 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. (Ord. 227 § 1, 1977)

8.08.020 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. (Ord. 227 § 2, 1977)

8.08.030 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. (Ord. 227 § 3, 1977)

Chapter 8.12

Nuisances

8.12.010 Definitions.

8.12.020 Nuisance Prohibited; Penalty.

8.12.030 Complaint of Nuisance.

8.12.040 Right of Entry Generally.

8.12.050 Right of Entry in an Emergency.

8.12.060 Summary Abatement; Notice to Abate; Action to Abate a Nuisance.

8.12.070 Assessment and Collection of Costs of Abatement.

8.12.080 Acts Constitute Violation of Chapter.

8.12.090 Specific Nuisances Declared.

8.12.010 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, Chief of Police or his designee or 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. (Ord. 628 § 1, 2010)

8.12.020 Nuisance Prohibited; Penalty.

A. The following are deemed to be nuisances and are prohibited:

1. 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.

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

3. 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.

B. Any violation of the provisions of this Chapter or of any injunction or order issued by the Municipal Court in an action to abate a nuisance is a Class A offense and shall be punished by a fine or jail sentence, or both, as set forth in Section 1.08.010 of this Code. Unless the violation by its nature cannot be corrected, each day's failure to comply with the provisions of this Chapter or with an injunction or order to abate shall constitute a separate violation for which an additional penalty shall be imposed. (Ord. 628 § 1, 2010)

8.12.030 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 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. (Ord. 628 § 1, 2010)

8.12.040 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 8.12.010 which may be inspected by an administrative officer at any time without notice. (Ord. 628 § 1, 2010)

8.12.050 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. (Ord. 628 § 1, 2010)

8.12.060 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.

3. In no event shall the notice required by this Section be required prior to the issuance of a summons and complaint.

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, and any employee of the Town who is over the age of eighteen (18) may serve the summons and complaint upon the owner, agent, occupant or the person who allowed the nuisance to be caused or to continue.

D. The remedies specified in this Section shall be in addition to all other remedies provided by law. (Ord. 628 § 1, 2010)

8.12.070 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 Clerk 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 Clerk. The decision of the Town Clerk 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 Finance Director to the County Treasurer for collection at tax sale. (Ord. 628 § 1, 2010)

8.12.080 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. (Ord. 628 § 1, 2010)

8.12.090 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 minimum fine of one hundred dollars (\$100.00), and in accordance with Section 1.08.010, 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 or hazardous waste.

5. Junk or litter. Any articles or materials classified as junk or litter, according to the definition set forth in Section 8.12.010, 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 six (6) feet in height or, if the topography requires such an enclosure, in a building with four (4) solid walls and a roof.

6. Junk vehicles. Any junk vehicle as defined in Section 8.12.010, or parts thereof, on public or private property, unless screened from public view by an approved solid fence not less than six (6) 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 8.12.040 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.

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 sale or distribution of drugs, furnishing or selling intoxicating liquor or fermented malt beverages to underaged 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. (Ord. 628 § 1, 2010)

Chapter 8.16

Explosives[†]

8.16.010 Keeping – Regulations.

8.16.020 Explosives to Be Secured in Receptacle When Carried Through Town.

8.16.030 Explosives Falsely Labeled.

8.16.040 Magazines to Be Kept Specified Distance From Town.

8.16.050 Permit Required to Keep Inflammable Liquids.

8.16.060 Permit Regulation for Mercantile Establishments.

8.16.070 Storage of Inflammables in Garages.

8.16.080 Storage of Lubricating and Nonvolatile Oils.

8.16.090 Storage of Gasoline and Kerosene in Dry Cleaning Establishments.

8.16.100 Storage of Gasoline and Kerosene Above Ground.

8.16.110 Inflammables not to be Exposed to Blaze, Fire or Open Light.

8.16.010 Keeping – Regulations.

No person shall keep at any one (1) time gunpowder, blasting giant powder, dynamite, gun cotton, nitroglycerine or any other explosive of similar character, at his place of business or elsewhere in this Town, in a greater quantity than twenty-five (25) pounds; and the same when exceeding one (1) pound in quantity shall be kept in closed receptacles with closed covers thereon, and at a safe distance from fires, lamps, etc., and in a situation from which the same could be easily removed in case of fire, and at night placed near the front entrance. (Ord. 40 § 1, 1915)

8.16.020 Explosives to Be Secured in Receptacle When Carried Through Town.

No person shall carry any such powder or other explosive on any vehicle in any part of the Town unless the same is secured in kegs or other receptacles sufficiently closed to prevent the grains thereof from falling out. (Ord. 40 § 2, 1915)

8.16.030 Explosives Falsely Labeled.

Any person who knowingly brings within the corporate limits of the Town any quantity of such powder or explosive concealed in any way and marked and purporting to be other than such powder or explosive so carried is in violation of the provisions of this Chapter. (Ord. 40 § 3, 1915)

[†] For statutory provisions on municipal regulation of explosives and other combustible materials, see CRS 197. § 31-15-601(1)(j) (1975 Supp.).

8.16.040 Magazines to Be Kept Specified Distance from Town.

Every magazine for keeping such powder or explosives other than one hereinbefore specified shall be kept at least one-fourth (1/4) mile from the limits of the Town. (Ord. 40 § 4, 1915)

8.16.050 Permit Required to Keep Inflammable Liquids.

It is unlawful for any person to keep within the limits of the Town gasoline, kerosene, petroleum or any of its products of greater inflammability than kerosene oil of the U.S. Government Standard, in excess of five (5) gallons, except by securing a permit to do so upon written application therefor from the Town Council or official designated by them, and complying with the following rules:

A. Paying a fee of one dollar (\$1.00) for each such permit.

B. Storing all gasoline or kerosene or other inflammables in excess of five (5) gallons in metal tanks with approved pumps buried at least three (3) feet underground. (Ord. 58 § 1, 1925)

8.16.060 Permit Regulation for Mercantile Establishments.

Mercantile establishments may store not to exceed ten (10) gallons of inflammables without such permit required by Section 8.16.050 above. (Ord. 58 § 2, 1925)

8.16.070 Storage of Inflammables in Garages.

Gasoline and kerosene may be stored in garages in the tanks of automobiles or other motor propelled vehicles and nowhere else, except that not to exceed two (2) quarts of gasoline or kerosene may be kept in a safety metal can for cleaning purposes. No emptying or opening of gasoline or kerosene reservoirs may be done within any garage except by daylight or electric light and no blaze or fire shall be allowed in the room when such reservoir is open. (Ord. 58 § 3, 1925)

8.16.080 Storage of Lubricating and Nonvolatile Oils.

Lubricating and nonvolatile oils shall be stored and kept only in approved metal tanks, and no such oils shall be handled or removed from the tanks unless the floor on which the tanks are placed is of incombustible material or is protected by metal sheeting which fully and completely prevents any of the oil coming in contact with any wood or combustible material. (Ord. 58 § 4, 1925)

8.16.090 Storage of Gasoline and Kerosene in Dry Cleaning Establishments.

Gasoline and kerosene are permitted in dry cleaning establishments only in entirely enclosed vessels in isolated, well ventilated rooms within fifty (50) feet of the front entrance unless the room in which the dry cleaning is done is of fire resistant construction, including walls, floors and ceiling. (Ord. 58 § 5, 1925)

8.16.100 Storage of Gasoline and Kerosene Above Ground.

Gasoline and kerosene may be stored above ground in an amount not to exceed sixty (60) gallons; provided it is contained in approved metal tanks and located under lock in approved metal buildings and not within thirty (30) feet of any other buildings. (Ord. 58 § 6, 1925)

8.16.110 Inflammables not to Be Exposed to Blaze, Fire or Open Light.

No gasoline, kerosene or other inflammables shall be weighed, measured, drawn or in any way or manner handled in any room or in any way exposed to blaze, fire or open light. (Ord. 58 § 7, 1925)

Chapter 8.20

Fireworks[‡]

8.20.010 Definitions.

8.20.020 Unlawful to Sell or Use.

8.20.030 Permits for Display.

8.20.040 Bond Required.

8.20.050 Construction of Chapter.

8.20.060 Seizure of Fireworks.

8.20.070 Violation – Penalty.

8.20.010 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, 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 Board of Trustees of the Town.

C. "Person" includes an individual, partnership, copartnership, firm, company, association or corporation. (Ord. 117 § 1, 1958)

8.20.020 Unlawful to Sell or Use.

Except as provided in Sections 8.20.030 and 8.20.040 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. (Ord. 117 § 2, 1958)

8.20.030 Permits for Display.

The Board of Trustees 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 Board of Trustees at least fifteen (15) days in advance of the date of display. Every such display shall

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

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 Board of Trustees in accordance with such rules and regulations as shall be adopted by the Board of Trustees for the granting of such permits. No permit shall be transferable or assignable. No permit shall be required for any public display of fireworks at any county fair duly organized under the laws of the state. (Ord. 117 § 3, 1958)

8.20.040 Bond Required.

The Board of Trustees of the Town shall require each permittee to give a satisfactory bond in a sum of not less than five hundred dollars (\$500.00), conditioned for 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. The aggregate liability of the surety on any such bond for all damages, in no event, shall exceed the sum of the bond. (Ord. 117 § 4, 1958)

8.20.050 Construction of Chapter.

This Chapter shall not be construed to prohibit:

A. Any person from 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 from 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 from 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 from 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 from 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 from offering for sale, exposing for sale, selling or having in his possession with intent to offer for sale, or sell, or using or firing toy pistols, toy guns, sparklers or torches which do not contain explosive charges or other devices in which paper caps manufactured in accordance with United States Interstate Commerce Commission regulations for packing and shipping of toy paper caps are used and manufactured as provided in this Chapter. (Ord. 117 § 5, 1958)

8.20.060 Seizure of Fireworks.

The town marshal or any constable, sheriff or deputy sheriff of the County of Routt, State of Colorado, 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. (Ord. 117 § 6, 1958)

8.20.070 Violation – Penalty.

Any violation of any of the provisions of this Chapter shall be punished in accordance with the provisions of Chapter 1.08 of this code. (Ord. 268 § 1, 1979; Ord. 117 § 7, 1958)

Chapter 8.24

Garbage and Refuse

8.24.010 Definitions.

8.24.020 Maintenance; Unlawful Accumulations.

8.24.030 Scattering Garbage on Streets.

8.24.040 Removal of Building Materials.

8.24.050 Spilling and Littering Unlawful.

8.24.060 Depositing Garbage or Refuse in or Around Others' Receptacles.

8.24.070 Refuse Escaping From Vehicles.

8.24.010 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. (Ord. 628 § 1, 2010)

8.24.020 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. (Ord. 628 § 1, 2010)

8.24.030 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. (Ord. 628 § 1, 2010)

8.24.040 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. (Ord. 628 § 1, 2010)

8.24.050 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. (Ord. 628 § 1, 2010)

8.24.060 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. (Ord. 628 § 1, 2010)

8.24.070 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. (Ord. 628 § 1, 2010)

Chapter 8.28

Weeds and Brush

8.28.010 Definitions; Weeds and Brush.

8.28.020 Nuisance.

8.28.030 Removal Required.

8.28.040 Failure to Comply.

8.28.010 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" means having buildings or other site improvements in place on a parcel of real property.

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 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. (Ord. 628 § 1, 2010)

8.28.020 Nuisance.

A. Growing weeds and brush or dead weeds, grass, brush located on premises within the corporate limits of the Town are declared to be nuisances and are subject to abatement as provided in this Title.

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, 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. (Ord. 628 § 1, 2010)

8.28.030 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 8.28.020, 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. (Ord. 628 § 1, 2010)

8.28.040 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 an administrative citation per Section 8.02, the Town Manager or his or her authorized representative may abate the nuisance as set forth in Section 8.12.070, may cite such person into Municipal Court as set forth in Section 8.12.060, or may do both. (Ord. 628 § 1, 2010)

Chapter 8.30

Alarm Systems

8.30.010 General Provisions and Definitions.

8.30.020 Fee; False Alarms.

8.30.030 Violation; Fee.

8.30.010 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. (Ord. 628 § 1, 2010)

8.30.020 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. (Ord. 628 § 1, 2010)

8.30.030 Violation; Fee.

Any person, firm or corporation which violates any provisions of this Chapter shall be subject to the fees per the adopted Town fee schedule. (Ord. 628 § 1, 2010)

Chapter 8.32

Inoperable Vehicles

8.32.010 Findings.

8.32.020 Definitions.

8.32.030 Enclosure Requirement – Exceptions.

8.32.040 Conditions of Determining Vehicles as Inoperable.

8.32.050 Notice to Owner of Chapter Violation.

8.32.060 Violation – Penalty.

8.32.010 Findings.

The Town Board finds that junked, wrecked, dismantled, inoperable, discarded or abandoned vehicles in and upon real property within the Town is a matter affecting the health, safety and general welfare of the citizens of Hayden, Colorado, for the following reasons:

A. Such vehicles serve as a breeding ground for flies, mosquitoes, rats and other insects and rodents;

B. They are a danger to persons, particularly children, because of broken glass, sharp metal protrusions, insecure mounting on blocks, jacks, or supports and because they are a ready source of fire and explosion;

C. They encourage pilfering and theft, and constitute a blighting influence upon the area in which they are located, thereby causing a loss in property values to surrounding property;

D. They constitute a fire hazard in that they block access for fire equipment to adjacent buildings and structures. (Ord. 233 § 3(a), 1978)

8.32.020 Definitions.

For the purposes of this Chapter, the following definitions shall apply:

A. "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.

B. "Vehicle" means any automobile, truck, tractor or motorcycle which as originally built contained an engine, regardless of whether it presently contains an engine. (Ord. 233 § 3(b), 1978)

8.32.030 Enclosure Requirement – Exceptions.

A. Except as provided in Subsections B and C of this Section, it is unlawful for any person, partnership, corporation or their agent, either as owner, lessee, tenant or occupant of any lot or land within the Town, to park, store or deposit or permit to be parked, stored or deposited thereon, an inoperable vehicle unless it is enclosed in a garage or other building.

B. The provisions of Subsection A above shall not apply to any person, partnership or corporation or their agent with one (1) vehicle inoperable for a period of thirty (30) consecutive days.

C. The provisions of Subsection A of this Section shall not apply to any person, firm or corporation or their agent who is conducting a business enterprise in compliance with existing zoning regulations or who places such vehicles behind screening of sufficient size, strength and density to screen vehicles from the view of the public using the streets and sidewalks and to prohibit ready access to such vehicles by children; provided, however, that nothing in this Section shall authorize the maintenance of a public nuisance. (Ord. 233 § 3(c), (d), (e), 1978)

8.32.040 Conditions of Determining Vehicles as Inoperable.

Existence of any of the following conditions shall raise the presumption that a vehicle is inoperable:

A. Absence of an effective registration plate or safety inspection sticker upon such vehicle;

B. Placement of the vehicle or parts thereof upon jacks, blocks, chains or other supports;

C. Absence of one (1) or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets and highways. (Ord. 233 § 3(f), 1978)

8.32.050 Notice to Owner of Chapter Violation.

Whenever an informal complaint is made to the Police Chief or to any other appropriate Town Official or member of the Town Board regarding an alleged violation of this Chapter, or whenever any police officer or sanitation officer of the Town observes an apparent violation of this Chapter, a police officer or sanitation officer shall, within seven (7) days thereafter, cause a written notice to be served upon the person in possession or the owner of the real property upon which such inoperable vehicle is located. Such notice shall inform such person of the violation and direct that he take action within seven (7) days after receipt of such notice to comply with this Chapter or that prosecution will be commenced for violation thereof. If compliance is not made as directed, prosecution proceedings against the responsible person or persons shall be commenced. (Ord. 233 § 3(g), 1978)

8.32.060 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. (Ord. 233 § 4(part), 1978)

Chapter 8.34

Possession and Use of Tobacco Products by Minors

8.34.010 Intent.

8.34.020 Definitions.

8.34.030 Unlawful Possession or Use of Tobacco Products by Minors.

8.34.040 Unlawful Possession or Use of Tobacco Products by Minors – Penalty.

8.34.010 Intent.

It is the intent of this Chapter to protect the public health, safety, and welfare by prohibiting the possession and use of tobacco products by minors. (Ord. 492 (part), 2000)

8.34.020 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, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco. (Ord. 492 (part), 2000)

8.34.030 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, 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)

8.34.040 Unlawful Possession or Use of Tobacco Products by Minors – Penalty.

Any person violating or failing to comply with any of the provisions of this Chapter shall result in a penalty as provided in Chapter 1.08. (Ord. 492 (part), 2000)

Chapter 8.35

Prohibition of Marijuana Establishments

8.35.010 Findings and Legislative Intent.

8.35.020 Authority.

8.35.030 Definitions.

8.35.040 Marijuana Establishments, Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities or Retail Marijuana Stores Prohibited.

8.35.050 Possession of Marijuana.

8.35.060 Penalty.

8.35.010 Findings and Legislative Intent.

The Board of Trustees makes the following legislative findings:

A. The Board of Trustees finds and determines that the Personal Use and Regulation of Marijuana is defined in Article XVIII, Section 16 of the Constitution of the State of Colorado.

B. The Board of Trustees finds and determines that the Constitution specifically authorized, in part, that the governing body of a municipality may regulate retail sales of marijuana by prohibition or restriction on the time, place, manner and number of retail marijuana operations in their jurisdiction.

C. The Board of Trustees finds and determines that Article XVIII, Section 16 of the Constitution further specifically authorized a municipality, in part, to prohibit the operation of marijuana establishments, marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities or retail marijuana stores based on local government zoning, health, safety and public welfare laws.

D. The Board of Trustees finds and determines, after careful consideration of the provisions of Article XVIII, Section 16 of the Constitution of the State of Colorado, that the potential impacts associated with the retail sale, distribution, cultivation and dispensing of marijuana through marijuana establishments, marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores, and that land uses for such purposes have an adverse effect on the health, safety and welfare of the Town and the inhabitants thereof.

E. The Board of Trustees therefore finds and determines that as a matter of the Town's local land use and zoning authority, and consistent with authorization provided by Article XVIII, Section 16 of the Constitution, that no suitable location exists within the corporate limits of the Town for the cultivation, manufacture and sale of marijuana by the operation of or through marijuana establishments, marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities or retail marijuana stores. (Ord. 659 §1, 2013)

8.35.020 Authority.

The Board of Trustees hereby finds, determines and declares that it has the power and authority to adopt this Chapter pursuant to:

- A. Use and Regulation of marijuana, by Article XVIII, Section 16 of the Constitution;
- B. The Local Government Land Use Control Enabling Act, Title 29, Colorado Revised Statutes;
- C. Title 31, Colorado Revised Statutes;
- D. Section 31-15-103, C.R.S.; and
- E. Section 31-15-401, C.R.S. (Ord. 659 §1, 2013)

8.35.030 Definitions.

Unless otherwise specified or the context otherwise requires, any terms used herein shall have the same meanings as provided in Article XVIII, Section 16 of the Colorado Constitution. These definitions include, but are not limited to, the following:

A. "Marijuana" means all parts of the plant of the genus *Cannabis* whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin, including marijuana concentrate. "Marijuana" does not include industrial hemp, nor does it include fiber produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other product.

B. "Marijuana accessories" means any equipment, products or materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing or containing marijuana, or for ingesting, inhaling or otherwise introducing marijuana into the human body.

C. "Marijuana cultivation facility" means an entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities and to other marijuana cultivation facilities, but not to consumers.

D. "Marijuana establishment" means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility or a retail marijuana store.

E. "Marijuana product manufacturing facility" means an entity licensed to purchase marijuana; manufacture, prepare and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

F. "Marijuana products" means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments and tinctures.

G. "Marijuana testing facility" means an entity licensed to analyze and certify the safety and potency of marijuana.

H. "Medical marijuana center" means a person or entity licensed to operate a business as described in the Colorado Medical Marijuana Code that sells medical marijuana and medical marijuana-infused products to registered patients or primary caregivers as defined in Article XVIII, § 14 of the Colorado Constitution, but is not a primary caregiver, and which a municipality is authorized to prohibit as a matter of law.

I. "Retail marijuana store" means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers. (Ord. 659 §1, 2013)

8.35.040 Marijuana Establishments, Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities or Retail Marijuana Stores Prohibited.

It is unlawful for any person or entity to operate, cause to be operated or permit to be issued to operate a marijuana establishment, marijuana cultivation facility, marijuana product manufacturing facility, marijuana testing facility or retail marijuana store which license could otherwise be obtained within the Town and all such uses and operations are hereby prohibited in any location within the Town or within any area annexed to the Town. (Ord. 659 §1, 2013)

8.35.050 Possession of Marijuana.

Nothing in this Chapter shall be construed to prohibit, regulate or otherwise impair the use or possession of marijuana as allowed by Article XVIII § 16 of the Colorado Constitution. (Ord. 659 §1, 2013)

8.35.060 Penalty.

A violation of the provisions of this Chapter shall be punishable as follows:

A. By a fine of not more than one thousand dollars (\$1,000.00) or imprisonment in the County jail for not more than one (1) year, or by both such fine and imprisonment;

B. Each and every day a violation of the provisions of this Chapter is committed, exists or continues shall be deemed a separate offense;

C. The Town is specifically authorized to seek an injunction, abatement, restitution or any other remedy necessary to prevent, enjoin, abate or remove the violation; and

D. Continuing violations of this Chapter are declared to be a nuisance and the Town is hereby authorized to seek to abate such nuisance under Chapter 8.12 of this Code.

E. Any remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law or in equity. (Ord. 659 §1, 2013)

Chapter 8.36

Medical Marijuana Industry Prohibited

8.36.010 Intent.

8.36.020 Definitions.

8.36.030 Prohibited Land Uses not Affected.

8.36.040 Medical Marijuana Industry Prohibited.

8.36.050 Penalty.

8.36.010 Intent.

It is the intent of this Chapter to protect the public health, safety and welfare of the citizens of the Town by prohibiting medical marijuana centers, medical marijuana-infused products manufacturers and optional premises cultivation operations. (Ord. 632 § 2, 2010)

8.36.020 Definitions.

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

A. "Medical marijuana" means marijuana that is grown and sold for a purpose authorized by Article XVIII, § 14 of the Colorado Constitution.

B. "Medical marijuana center" means a person licensed to operate a business as described in the Colorado Medical Marijuana Code that sells medical marijuana and medical marijuana-infused products to registered patients or primary caregivers as defined in Article XVIII, § 14 of the Colorado Constitution, but is not a primary caregiver, which a municipality is authorized to prohibit as a matter of law.

C. "Medical marijuana industry" means the operation of a medical marijuana center, medical marijuana-infused products manufacturer or optional premises cultivation operation.

D. "Medical marijuana-infused products manufacturer" means a person licensed pursuant to the Colorado Medical Marijuana Code to operate a business manufacturing medical marijuana-infused products, which a municipality is authorized to prohibit as a matter of law.

E. "Optional premises cultivation operation" means a person licensed pursuant to the Colorado Medical Marijuana Code to grow and cultivate marijuana for a purpose authorized by Article XVIII, § 14 of the Colorado Constitution, which a municipality is authorized to prohibit as a matter of law.

F. "Patient" has the meaning set forth in Article XVIII, § 14(1)(c) of the Colorado Constitution.

G. "Primary caregiver" has the meaning set forth in Article XVIII, § 14(1)(f) of the Colorado Constitution. (Ord. 632 § 2, 2010)

8.36.030 Prohibited Land Uses not Affected.

This Chapter is not intended to repeal, modify or negate any provision of Section 16.03.150 of the Hayden Land Use Code regarding prohibited land uses. (Ord. 632 § 2, 2010)

8.36.040 Medical Marijuana Industry Prohibited.

It is unlawful for any person to operate, cause to be operated or permit medical marijuana centers, medical marijuana-infused products manufacturing and optional premises cultivation operation within the Town. (Ord. 632 § 2, 2010)

8.36.050 Penalty.

It is unlawful for any person to violate any of the provisions of this Chapter. Any such violation is hereby designated a criminal offense, and any person found guilty of violating any of the provisions of this Chapter shall, upon conviction, be punished by a fine or imprisonment in accordance with the penalties provided in Chapter 1.08. Each day that a violation of any of the provisions of this Chapter continues to exist shall be deemed a separate and distinct violation. The conduct of any activity or business in violation of this Chapter is hereby declared a public nuisance and may be abated in accordance with Chapter 8.12. (Ord. 632 § 2, 2010)