

**CITY OF LEADVILLE, COLORADO**  
**Ordinance No. 4**  
**Series of 2020**

**AN ORDINANCE AMENDING TITLE 8 OF THE LEADVILLE MUNICIPAL  
CODE CONCERNING NUISANCES, WEEDS, JUNK AND GARBAGE**

**WHEREAS**, the City Council of the City of Leadville ("City Council") possesses the authority pursuant to C.R.S. § 31-15-401 and its general police powers to pass and enforce regulations which may be necessary or expedient for the promotion of the health, safety and welfare of the citizens of Leadville; and

**WHEREAS**, the City Council desires to update its nuisances, weeds, junk and garbage regulations and related definitions, codified at Chapter 8.08 and 8.04 of the Leadville Municipal Code in order to eliminate conflict between and update certain Code provisions; and

**WHEREAS**, the City Council finds that adoption of this Ordinance furthers the public health, safety and welfare and desires to approve the Ordinance for incorporation into the Municipal Code; and

**WHEREAS**, the City Council finds that this Ordinance is necessary for the immediate preservation of the public peace, health and safety because the City requires updated regulations in place as early as possible in the 2020 summer season and prior to the onset of fall and winter seasons.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CITY OF LEADVILLE, COLORADO, AS FOLLOWS:

**Section 1.** Section 8.08.050 of Title 8 of the Leadville Municipal Code, titled "Definitions," is hereby amended as follows, with additions shown in bold and underlined text and deletions shown in strikethrough text and with all defined terms listed in alphabetical order:

8.08.050 - Definitions

"Nuisance" includes, but is not limited to:

4. Any of the following unsanitary, ~~fly producing~~ **insect- or rodent-producing**, disease-causing conditions **or conditions which attract insects, birds, rodents or other animals**:
  - a. Any accumulation of manure on premises where animals are kept, unless the premises are kept clean and the manure is kept in a box or vault which is screened from ~~flies~~ **insects, birds, rodents or other animals** and emptied at least once each week;
  - b. Privies, vaults, cesspools, pits or like places which are not securely screened to protect them from ~~flies~~ **insects, birds, rodents or other animals**;
  - c. Garbage in any quantity which is not covered or screened to protect it from ~~flies~~ **insects, birds, rodents or other animals**; or

- d. Trash, litter, rags or anything whatsoever in which flies insects, birds, rodents or other animals may breed or multiply.
5. Any of the following conditions:
- e. Stale Matter. It shall be unlawful and deemed a nuisance to keep, collect, or use or cause to be kept, collected, or used, or permit to be kept or used, any stale, putrid, or stinking fat or grease or other matter, with the exception of properly maintained composting materials.
  - f. Grease or Used Cooking Oil. It shall be unlawful and deemed a nuisance to store more than 5 gallons of used cooking oil or grease in plastic buckets, jugs or similar containers within public view unless in a sealed grease and oil recycle bin which is kept clean of unsightly exterior accumulations of oil or grease on or around it.
  - g. Dangerous Conditions. Whenever the pursuit of any trade, business or manufacture or the maintenance of any substance or condition of things shall, upon investigation, be considered by the City dangerous to the health of any of the inhabitants of the City, the same shall be considered a nuisance and shall be abated per the direction of the City.
8. Any of the following locations:
- b. Open Wells, Cisterns, Mine Shafts, Pits, Tunnels or Excavations. Excavations, mine shafts, pits, tunnels, and cisterns and wells, or an excavation used for storage of water, on any property or premises within the limits of the city shall be deemed a nuisance whenever the location, condition, or construction of the same shows it is a danger to life and limbs, unless the excavation, mine shaft, pit, tunnel, cistern or well is adequately covered or fenced with suitable protective construction such that they are secured against entry or accidental falls by animals or unauthorized persons. ~~with a locked lid, or other covering weighing at least sixty (60) pounds or are securely fenced to a height of at least five feet, and it~~ It shall be unlawful for any responsible party to permit such nuisance to remain on any property or premises.
  - c. ~~Stale Matter. It shall be unlawful and deemed a nuisance to keep, collect, or use or cause to be kept, collected, or used, or permit to be kept or used, any stale, putrid, or stinking fat or grease or other matter. .~~
15. Any of the following unlawful activities:
- a. Storing upon property, placing upon property, or allowing to remain on property any trash or garbage, as described, for a period in excess of ~~seven days~~ twenty-four (24) hours unless contained in a ~~rodent proof~~ container that is not accessible by insects, birds, rodents or other animals if on the ground. If in a truck or trailer it must be securely and completely covered to make the trash or garbage not visible to the public or accessible by insects, birds, rodents or other animals.
  - c. Placing or permitting to remain anywhere in the city any garbage or other material subject

to decay, other than leaves, or grass **or properly maintained compost, unless such garbage or other material is placed** ~~except in a covered metal or plastic container that makes the contents inaccessible by insects, birds, rodents or other animals or in a sealed plastic bag, awaiting pickup and disposal,~~ **except material not attractive to insects, birds, rodents or other animals.**

~~k. Depositing snow, ice, mud, or other obstructions within or on any public right-of-way in violation of Section 12.08.050 of this code.~~

16. Allowing or permitting **noxious** weeds as defined by the Colorado Department of Agriculture to grow or to remain when grown upon the property or on or along any alleys behind or sidewalk areas in front of the same, and/or failing to cut and remove weeds.

**Section 2.** Section 8.04.020 of Title 8 of the Leadville Municipal Code, titled “Duty to provide garbage cans,” is hereby amended as follows, with additions shown in bold and underlined text and deletions shown in strikethrough text:

8.04.020 - Duty to provide garbage cans.

It shall be the duty of all house holders, housekeepers, hotel keepers, restaurant keepers, and all other persons producing or having garbage, to provide and keep watertight garbage cans of galvanized metal or other nonabsorbent material in which all garbage shall be kept. All garbage shall be placed and kept in such cans until it is hauled away, unless disposed of in a garbage disposal unit properly connected to water and sewer lines. **The requirements of this section shall not apply to garbage awaiting pickup and disposal for a time period of twenty-four (24) hours or less that is placed in a container that makes the contents inaccessible by insects, birds, rodents or other animals.**

**Section 3. Remaining provisions.** Except as specifically amended hereby, all other provisions of the Leadville Municipal Code shall continue in full force and effect.

**Section 4. Codification Amendments.** The codifier of Leadville’s Municipal Code is hereby authorized to make such numerical, technical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Leadville Municipal Code.

**Section 5. Severability.** Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

**Section 6. Repeal.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code provision heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to the taking effect of this Ordinance.

**Section 7. Emergency.** This Ordinance is necessary for the immediate preservation of the public peace, health and safety because the use of trash bags for garbage, which are torn open by birds or rodents, is a health hazard to the community, summer weed control should be limited to noxious weeds, and snow deposited on roads and highways is a hazard to traffic. If this Ordinance does not pass as an emergency ordinance with the required three-fourths affirmative vote of all members of City Council, but is nonetheless approved by majority vote, it shall be deemed effective as a regular ordinance with the emergency clause deemed severed from the other provisions of the Ordinance.


**Section 8. Effective Date.** This Ordinance shall be effective immediately upon adoption, if approved as an emergency measure. If this Ordinance is approved as a non-emergency ordinance, it shall be effective thirty (30) days following final publication.

**INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED** in full on first reading this 16<sup>th</sup> day of June, 2020 by a vote of 7 in favor and 0 against.

CITY OF LEADVILLE, COLORADO:

  
\_\_\_\_\_  
Greg Labbe, Mayor

ATTEST:

  
\_\_\_\_\_  
Kimberly Jackson, Deputy City Clerk


PUBLISHED in full in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, on this 25<sup>th</sup> day of June, 2020.

**PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED**, with any amendments, this 1<sup>st</sup> day of September, 2020 by a vote of 6 in favor and 0 against.

CITY OF LEADVILLE, COLORADO:

  
\_\_\_\_\_  
Greg Labbe, Mayor

ATTEST:

  
\_\_\_\_\_  
Kimberly Jackson, Deputy City Clerk

PUBLISHED in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, following final reading on this 10<sup>th</sup> day of September, 2020.