

**SUMMIT COUNTY DEVELOPMENT CODE**

**CHAPTER 11: Community Appearance, Maintenance and Safety**

<b>DEVELOPMENT CODE REVISIONS</b>			
<b>CHAPTER 11</b>			
<b>CASE #</b>	<b>RESO #</b>	<b>SECTION/DESCRIPTION</b>	<b>DATE</b>
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**11000: PURPOSE AND INTENT**

It is the intent of this chapter to establish standards and requirements for the maintenance of property in order to preserve the appearance of neighborhoods and developments in Summit County. Continuing maintenance is essential to the protection of property values, to the prevention of hazards to public health and safety and to the preservation of the general well being of the community. The value of property in Summit County is dependent, in part, on the quality of the community's aesthetics since the county's economy is tourist oriented and tourists are attracted to areas having well-designed and well-maintained neighborhoods and developments. It is also important that man-made conditions in the county not detract from the beauty of the natural scenery.

**11100: PUBLIC NUISANCES**

**11101: Types of Public Nuisances**

For purposes of this Code, and when consistent with Colorado State Statutes, public nuisances include:

- A. Any building, structure or land open to or used by the general public, the condition of which presents a substantial danger or hazard to public health or safety as determined by the Building Department.
- B. Any dilapidated building, except for a building identified by the County as having historical value, which is unused by the owner or uninhabited because of deterioration or decay, which condition constitutes a fire hazard, or subjects adjoining property to danger of damage by storm, soil erosion or rodent infestation or which becomes a place frequented by trespassers and transients seeking a temporary hideout or shelter.

**11102: Abatement Procedure**

Whenever the Summit County Planning Department has knowledge of a Class 3 public nuisance as defined in C.R.S. § 16-13-305, the Planning Department shall notify the District Attorney or Summit County Sheriff for an appropriate action to abate such public nuisance as provided for in C.R.S. § 16-13-301 et seq.

**11200: RUBBISH REGULATIONS**

**11201: Authority**

The Board of County Commissioners ("BOCC") is authorized by Colorado State Statutes to adopt an ordinance to provide for and compel the removal of rubbish, including trash, junk and garbage from lots and tracts of land within the county, except industrial tracts of ten (10) or more acres and agricultural land in agricultural use [C.R.S. § 30-15-401(1)(a)(I)]. This section is adopted as part of this Code pursuant to this authority.

**11202: Accumulation Unlawful**

It shall be unlawful for any owner, tenant or occupant of any real property within the unincorporated portion of Summit County to cause or permit any accumulation of rubbish on such property, or the alleys behind or sidewalk areas in front of such property, which is noxious, offensive, unsightly, dangerous, hazardous or otherwise constitutes a public nuisance. This section shall not apply to rubbish related to an industrial use on industrial tracts of ten (10) acres or more or any rubbish related to a farm or ranch.

**11203: Notice of Violation**

The Zoning Enforcement Officer shall issue a violation notice to the owner of the property and to any known tenant or occupant thereof whenever the Zoning Enforcement Officer has knowledge of an unlawful accumulation of rubbish, directing such person(s) to remove the rubbish within 15 calendar days from the date of the notice or to

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appear before the BOCC within such period and show cause why compliance with the notice is not possible. Such notice shall be mailed by certified mail, return receipt requested, to the address of record of the owner and to the last known address of any tenant or occupant other than the owner. Where practical, a copy of the violation notice shall also be posted on the property.

**11204: Removal by County; Assessment of Cost**

If rubbish is not removed by the owner, tenant or occupant, as required by a violation notice issued pursuant to this section, the BOCC or such other person as may be designated by the BOCC may cause such removal to be accomplished and the whole cost thereof, including an additional five percent (5%) for inspection and other incidental costs, shall be assessed against the property from which the rubbish is removed. Authorization of the Summit County District Court will be sought and obtained pursuant to C.R.S. § 16-13-307 prior to removal of automobiles or other rubbish which is in violation of this ordinance where the market value of such rubbish is estimated by the BOCC or its designee to be in excess of \$1,000.00.

**11205: Lien Against Property**

Any assessment made pursuant to this section shall be a lien against such lot or parcel of land until paid and shall have priority over all other liens except general taxes and prior special assessments. In case such assessment is not paid within 90 calendar days of notice thereof by the County, it may be certified by the County Clerk and Recorder to the County Treasurer. The County Treasurer shall collect the assessment, together with a ten percent (10%) penalty for the cost of collection, in the same manner as other taxes are collected. The laws of the State of Colorado for assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes shall apply to the collection of assessments made in accordance with this section.

**11206: Penalty**

Violations of this section shall be punishable by a fine of not more than \$300.00 for each violation or by imprisonment in the County jail for not more than 90 calendar days or by both such fine and imprisonment. Each day shall be considered a separate offense and the violation period shall originate on the date of the original notice pursuant to this section. Penalties may be incurred for any period the violation occurs regardless of whether or not the violation is later corrected pursuant to this section.