

Ridgway Municipal Code

CHAPTER 10

SECTION 2

Nuisances

Subsections:

- 10-2-1 Nuisances Prohibited.
- 10-2-2 Abatement Of Nuisances.
- 10-2-3 Cost Of Abatement.

10-2-1 NUISANCES PROHIBITED.

(A) It shall be unlawful for any person to create, cause, or maintain any nuisance, or to permit any nuisance to exist upon or in connection with any premises owned by him or under his control.

(B) The following are hereby declared to be a nuisance:

(1) Anything or activity which unreasonably annoys or interferes with the use or enjoyment of public or private property or which constitutes a health or safety hazard.

(2) Anything declared to be a nuisance by any Town ordinance or by the statutes or regulations of the State.

(3) Any other thing or activity which under law constitutes a nuisance.

(4) Any excavation exceeding 5 feet in depth, and cisterns, wells, or any excavation used for storage of water which are not adequately covered with a locked lid or other covering weighing at least 60 pounds, or are not securely fenced with a solid fence to the height of at least 5 feet.

(5) Any unoccupied building, house or other structure which is in such a state of disrepair that it may collapse at any time or poses a safety hazard to persons upon the premises.

(6) Manure stored for any purpose other than immediate use as fertilizer.

(7) Any unused refrigerator, washer, dryer, freezer, or other appliance accessible to children outside a residence which does not have the door removed, or the latch and locking device removed or disabled.

(8) Slaughterhouses and dead animals.

(9) Nauseous liquids or substances discharged into, onto or lying upon the ground.

(10) Stagnant ponds and waters.

(11) Handbills posted without lawful permission.

(12) Prairie dogs, prairie dog burrows and property infested with prairie dogs are hereby

declared to be a nuisance. All property owners, tenants and persons in possession of the property shall be jointly and severally responsible to eliminate such nuisance from their property by any lawful means. Failure to do so shall constitute maintenance and allowance of said nuisance. (Ord 12-2006)

(13) Piles of dirt, sand, gravel, mulch, compost and the like, in excess of two (2) cubic yards, except those:

- (a) Created and utilized in conjunction with a use by right, conditional use, or accessory use, such as a lawful sand and gravel operation, in accordance with Town zoning regulations and screened, when required, in accordance with applicable provisions of said regulations;
- (b) Screened from view off of the premises by lawful fences or walls complying with Section 6-4-1, or landscaping approved pursuant to Subsection 6-1-11;
- (c) Created and maintained temporarily in conjunction with construction pursuant to a building permit, during the period from issuance of a building permit until issuance of the occupancy permit or expiration of the permit whichever occurs first;
- (d) Created and maintained temporarily in conjunction with construction of a subdivision or PUD, during the period from approval of a preliminary plat until its expiration or until recording of the final plat for all phases, whichever comes first, so long as in accordance with the terms of any phasing plan;
- (e) Created and maintained in accordance with a site development or other permit issued by the Town for construction activities unrelated to a building permit, subdivision or PUD;
- (f) Properly maintained as part of a lawful BMX or other race track; or
- (g) Created and maintained in conjunction with a “government building and facility” as defined in Town zoning regulations.

(Subsection added by Ord 7-2009)

(C) Any use or the manner of use of any property, which is declared a nuisance by this Section, shall be a nuisance subject to abatement under this Section notwithstanding the fact that such a use might otherwise be allowed under the Town's zoning, land use, building or other regulations.

10-2-2 ABATEMENT OF NUISANCES.

(A) In addition to any other powers granted to the Town by law to abate nuisances, any nuisance may be abated in accordance with the provisions of this Subsection.

(B) The Town may maintain an action in a court of competent jurisdiction to enjoin or abate a nuisance.

(C) The Town may prosecute any person maintaining or allowing a nuisance to exist in Municipal Court, and upon conviction, the Court may enter an order on such items as it deems appropriate for the abatement of the nuisance in addition to any fine or jail sentence.

(D) The Town may give notice in writing to any person responsible for the maintenance of a nuisance, which notice shall allow a reasonable time for such person to correct and eliminate the nuisance. If such person shall fail to correct or eliminate the nuisance by the time specified in the notice, the Town may take action for the correction or elimination of the nuisance and shall have the right to enter upon private property for such purpose. The Town may collect the cost of doing so in accordance with Subsection 10-3-3. Prior to entering upon private property, the Town shall request the permission of the owner or party in possession of the premises. If such permission is denied or such persons are not located, the Town shall not enter onto private property until the Municipal Court issues an order authorizing entry, which may be issued upon a showing of probable cause and compliance with the notice requirements of this Subsection.

(E) The Town may take all necessary steps, including the entry upon private property, to abate or eliminate a nuisance without notice when such nuisance constitutes an immediate health or safety hazard. In such event, the cost incurred by the Town may be collected in accordance with Subsection 10-3-3. Prior to entry, the Town shall obtain an order from the Municipal Court authorizing entry, which order the Court may issue on a showing of probable cause.

10-2-3 COST OF ABATEMENT.

(A) The Town may recover all costs plus interest and penalties allowed by law it incurs in abating any nuisance as provided in this Subsection, including reasonable attorney's fees.

(B) The Town may maintain an action in a court of competent jurisdiction for costs incurred in abating a nuisance.

(C) The cost incurred shall be an assessment and lien upon the property affected which may be foreclosed by the Town in accordance with law which shall have priority over all other liens except general taxes and prior special assessments.

(D) The costs incurred by the Town may be certified to the County Treasurer to be collected as delinquent charges together with interest and penalties authorized by law in a manner similar to property taxes against the property upon which the nuisance was maintained or against the property upon which the nuisance was maintained or against the property abutting a Town street, alley or property, when the owners of such abutting property is responsible for the nuisance on a Town street, alley or property.

(Ord 08-2007)