

PHILLIPS COUNTY

JUNK AND WEED CONTROL RESOLUTION

Effective Date: 6-30-2023

Most recent draft: 5-30-2023

SECTION 01 APPLICABILITY.

These Junk and Weed Control Regulations apply to all land within the unincorporated areas of Phillips County. However, Agricultural Uses and uses occurring on tracts of 10 (ten) acres or more that were previously zoned as industrial are exempt. These Regulations do not apply to identified and operating junk yards officially listed as “grandfathered” uses or uses currently allowed by valid special permits approved by the County.

SECTION 02 INTENT.

To control the open-air accumulations of junk, rubbish, garbage, weeds, brush, equipment, and structures on individual properties and adjacent alleys or rights-of-way in Phillips County by the authority of Title 30, Article 15, Section 401(1)(a)(I) of the C.R.S. The intent of this regulation is to protect the health, safety, and welfare of the citizens of Phillips County. All complaints will be judged using those criteria.

SECTION 03 PROCESS.

- A. Junk and Weed complaints shall be investigated based on a written, signed complaint only. The only exception is if there is an emergency which poses an immediate danger to public safety.
- B. A form for filing these complaints will be provided to the complaining party by the Administrator or their designee.
- C. The person filing the written complaint will be informed that this form is likely to become part of the public record if the violation is not corrected by the owner of the property and County or District Court becomes the remedy.

SECTION 04 ACCUMULATION OF JUNK PROHIBITED.

- A. It is prohibited for any person, firm, or corporation to cause or permit junk, scrap metal, scrap lumber, weeds, brush, waste paper products, discarded building materials, furniture or furnishings, or any unused, abandoned, or derelict mobile homes of trailers, or abandoned parts, machinery or machinery parts, or other waste material, to be left or accumulated in or upon any yard, garden, lawn, outbuilding or premises in the County, unless in connection with an agriculture or business enterprise lawfully situated and licensed for the business of collecting waste material.

B. It is prohibited to permit any accumulation of any such waste material in or upon any yard, lawn, garden, outbuilding or premises in the County if the waste material constitutes a fire hazard or hazard to the safety of persons or property or an unsanitary condition unless otherwise specified herein.

SECTION 05 TIME OF ACCUMULATION.

Garbage, junk, and abandoned vehicles or equipment of any kind will not be allowed to accumulate on private property or on adjacent alleys or rights of way in Phillips County for a period of time longer than thirty (30) days unless provided otherwise herein. This time may be reduced to three days if the accumulation presents an immediate danger to health or safety of the public.

SECTION 06 TIME TO CORRECT.

Any person, firm, or corporation with accumulations of garbage, junk, and abandoned vehicles or equipment of any kind existing at the time of passage of these Regulations will have a total of thirty (30) days to remove and properly dispose of said articles from said property unless provided otherwise herein. This time may be reduced to three days if the accumulation presents an immediate danger to health or safety of the public.

SECTION 07 RUBBISH AND GARBAGE CONTAINERS.

Rubbish and garbage containers shall be provided by the owner, tenant, lessee, or occupant of the premises. Rubbish containers shall be of a kind suitable to contain all trash and garbage collected and shall be contained. Collection of garbage in plastic garbage bags of twenty (20) gallon capacity or larger is allowed during the thirty-day accumulation period prior to collection by a licensed waste hauler and/or disposal at the County landfill.

SECTION 08 ABANDONED STRUCTURES.

Abandoned structures are to be boarded up or otherwise secured from entry for public health, safety, and welfare reasons. Abandoned and unused structures that are deteriorating to the extent that they constitute a safety hazard are to be torn down and all component materials disposed of or refurbished. A structure becomes a safety hazard when structurally it is no longer sound and economically infeasible to rehabilitate for reuse of any allowed kind.

SECTION 09 WEED AND GRASS CONTROL.

It shall be prohibited for the owner or occupant of any premises within the unincorporated portions of Phillips County, except exempt parcels as defined in Section 01, to allow weeds, grass, or rubbish to grow or remain grown to a height of six (6) inches or greater which subject or tend to subject adjacent properties or the public at large to harm due to fire hazards, rodents, vermin, or insect infestation, the dispersal of noxious weed seed, visual blight, or other similar effects. Such prohibition shall not include native grasses or xeriscaping, so long as each are visibly managed and controlled so as not to negatively

impact the health and safety of the adjacent property owners.

SECTION 10 JUNKYARDS.

Junkyards desiring to locate adjacent to a state highway must obtain a state permit as per 43-1-501 of the C.R.S. in addition to County permits. Junkyards desiring to locate adjacent to county roads must obtain a Major Land Use Change Permit as required by the Phillips County Land Use Code.

SECTION 11 INSPECTIONS AND NOTICE.

A. Following a complaint, County Administrator or their designee are empowered to examine or cause to be examined every premises suspected to contain a prohibited accumulation of such junk, waste material, and weeds.

B. If the prohibited accumulation of such junk, waste material, and weeds is found, Administrator or their designee are empowered to give the person responsible for the junk, waste material, and weeds, or the owner or occupant of the premises upon which found, a written notice stating that a prohibited accumulation of junk, waste material, or weeds has been found upon the premises, and directing the person to whom the notice is addressed to eliminate the violation within a reasonable time specified in the notice.

1. The time provided shall be commensurate with the work required to be done to correct the prohibited condition.

2. Proper service of any such notice shall be personal service upon the person responsible for the prohibited accumulation, or the owner, authorized property management agent, or the occupant of the premises. Alternatively, the service may be made to the person by registered or certified mail and return receipt requested.

SECTION 12 VIOLATIONS.

Failure of any person to carry out the work required to be done by any such notice within the time specified by the notice shall constitute a violation. Any person, firm, or corporation who violates the provisions of this section shall be subject to a fine of up to One Thousand Dollars (\$1,000) per violation and each day may be deemed a separate violation.

SECTION 13 DEPOSITING JUNK OR WASTE ON ANOTHER'S PROPERTY.

A. It is prohibited for any person to discard (blowing debris included), abandon, or allow any waste material upon premises not owned or occupied by such person without the consent of the owner thereof, and the waste material so deposited without consent shall be deemed to have discarded and abandoned.

B. Discarding and abandonment of any waste material shall be deemed to be

permission by the owner thereof to the County to remove and dispose of the waste material as provided by law.

C. For discarded, abandoned, and unclaimed property, the County Administrator or their designee may summarily remove the waste material, dispose of the waste material, and bill the offending party for the removal.

SECTION 14 COUNTY ABATEMENT.

A. In event of failure of any owner of said lot(s), parcel(s) and tract(s) of real property to comply with these Regulations, the County Administrator or their designee are given power and authority to notify said owner that if said owner fails to comply with these Regulations on or before thirty (30) days from the date of said notice that the proper officials of the County shall forthwith remove or cut any such junk, rubbish, structures, weeds, or brush and the entire cost thereof, plus five percent (5%) for inspection and expense will be assessed against said lot(s), parcel(s), and tract(s) of real property that are in violation of these Regulations.

B. The County Administrator or their designee, after such removal, shall forthwith file a statement showing the amount to be assessed against any such lot(s), parcel(s), and tract(s) of real property in payment of said inspection, removal, and related expense.

SECTION 15 NOTICE OF ASSESSMENT.

A. The County Administrator or their designee shall send by registered mail a notice to the owner of any such lot(s), parcel(s) and tract(s) of real property that an assessment has been made against the lot(s), parcel(s), and tract(s), for the cost of inspection, removal, and related expense for failure to comply with these Regulations.

B. Any such owner may file objections to such assessments within ten (10) days from the date said notice is received; said objections shall be filed with the Administrator.

C. The Administrator or their designee shall cause such objections to be presented to the Board of County Commissioners for review at their next regular meeting following the date said objections are filed with the Administrator. The Administrator or their designee shall issue notice to said owner of the date of said review hearing by certified mail.

D. Failure of said owner to file objections shall result in said assessments to become a permanent lien on said lot(s), parcel(s), and tract(s) of real property.

E. In the event the Board of County Commissioners determines the assessments to be proper, the Administrator or their designee, on or before thirty (30) days after said assessment hearing, shall certify to the Phillips County Treasurer said

assessment which is to be levied on said lot(s), parcel(s), and tract(s) and shall collect the same as general taxes, and that five percent (5%) will be added to all costs of collection.

SECTION 16 HEARING ON ASSESSMENT.

A. At the time designated in said notice, the Board of County Commissioners shall hear objections to the amount assessed to be levied against lot(s), parcel(s), and tract(s) of real property and shall determine such assessment against said real property as shall be deemed just and proper.

B. If the owner of any such lot(s), parcel(s), and tract(s) of real property fails to pay the amount so assessed within thirty (30) days, said assessment, together with ten percent (10%) added for the cost of collection, shall be certified by the Administrator or their designee to the Phillips County Treasurer, who shall collect all such assessments in the same manner that general taxes are collected, and such assessment shall be a lien in the several amounts assessed against such lot(s), parcel(s), and tract(s) of real property until paid, and shall have priority over all other liens except general taxes and prior special assessments.

C. All moneys received by the Administrator or their designee under these Regulations shall be placed in the general fund of the County.

SECTION 17 NON-EXCLUSIVITY OF ASSESSMENTS.

A. The fact that assessments have been made against said real property as provided in these Regulations for cutting and removing garbage, weeds, brush, junk, farm and heavy equipment, structures, and the like shall not prevent the County from enforcing this Regulation in accordance with the requirements of Colorado law. The County may invoke enforcement remedies independently or in conjunction with any or all other enforcement remedies.

B. The enforcement procedure may be accelerated where the County finds the public health, safety, welfare, or the environment could be endangered by a continuing violation. In such cases, the County Attorney shall take immediate action to end the danger to the public health, safety, welfare, and the environment through, but not limited to *ex-parte* restraining orders as authorized under the Colorado Rules of Civil Procedure and/or action by local law enforcement or public safety agencies as deemed appropriate and necessary.