

8.24 - Nuisances

Chapter 8.24 - NUISANCES

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8.24.010 Intent.

The intent of this chapter shall be to preserve and enhance property values within the City by requiring certain minimum standards of maintenance of property. This chapter is not intended to replace or supplant any other requirements of the Evans Municipal Code, as amended. Where conflicting provisions of the Code are found to exist, the more restrictive provision, or the provision with the higher standard, shall govern. Nothing in this chapter is intended to preclude legal action regarding nuisances under state or common law. (Ord. 466-09)

8.24.020 Definitions. For the purposes of this chapter, the words and phrases below shall have the following meanings:

- A. "Brush" shall mean a growth of bushes, shrubs, or trees such as are growing without care, and shall include all cuttings from trees, shrubs, and bushes, and high and rank shrubbery growth which may conceal forms of refuse.
- B. "Dirt pile" earthen or other material or debris that is piled or stocked over 36 inches in height as measured from the surrounding grade.
- C. "Hazardous trees" shall include, but shall not be limited to, dead, dying, diseased or weakened trees and shrubs; dead, dying or weakened branches in otherwise healthy trees; shrubs and trees such as are growing wild and without care and maintenance; and trees and shrubs that obstruct the public right-of-way or official traffic control devices.
- D. "Inoperable vehicle" shall mean a vehicle or trailer in a condition of being junked, wrecked, wholly or partially dismantled, discarded, missing parts or equipment necessary to operate the vehicle or trailer safely and legally on a public right-of-way, including but not limited to any flat tires or any part of said vehicle being supported by jacks, blocks, or other supports, or any vehicle or trailer lacking properly displayed current license plates.
- E. "Junk" shall mean items that are outdoors and that are broken, discarded, or not reasonably useable, including but not limited to boxes, crates, salvage materials, discarded fence posts, tires, motor vehicle bodies or parts, scrap metal, bedsprings, discarded furniture and all other household goods or appliances, used lumber and other similar objects.
- F. "Nuisance" shall mean any thing, condition, or conduct that endangers or may endanger health and safety or environment, or that is unreasonably offensive or obnoxious, or that is detrimental to property or property value. "Nuisance" shall not include land uses lawfully conducted in accordance with the City's zoning designation for a property. "Nuisance" shall include immediate hazards, which may be abated without prior notice by the City.
- G. "Property" shall mean any real estate, such as, but not limited to, lots and parcels.
- H. "Sidewalk" shall mean areas within the public right-of-way improved with concrete or other such material as well as areas within a public right-of-way used as pedestrian walkways or capable of being so used, whether or not improved.
- I. "Trailer" shall mean an object with wheels but without an engine and designed to be towed by a vehicle,

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including but not limited to travel trailers, trailer homes, boat trailers, utility trailers, horse trailers, and trailers for hauling snowmobiles, motorcycles, etc.

J. "Trash" shall mean any material rejected or discarded, including but not limited to garbage, food waste, animal feces, paper, cans, bottles, glass, containers, rags, cloth, or other materials common to household use or objects which may become a breeding place for flies, mosquitoes, or vermin, or which give off unpleasant odors.

K. "Vehicle" shall mean any automobile, truck, tractor or motorcycle that originally contained an engine, regardless of whether it contains an engine at any other time.

L. "Weed" shall mean any plant that meets any of the following criteria:

1. A plant of a species that is listed as a weed by the Colorado Department of Agricultural (any list, as amended);
2. A plant that aggressively invades or is detrimental to economic crops or native plant community;
3. A plant that is poisonous to livestock;
4. A plant that is a carrier of detrimental insects, diseases, or parasites;
5. A plant that is detrimental, whether directly or indirectly, to the environmentally sound management of natural or agricultural ecosystems;
6. Useless, troublesome, or injurious plants, including all vegetation in excess of 12 inches in height, but excluding flower garden plants, shrubbery and trees, vegetable garden plants, plots of grain plants, plants in pastures used for feed, fodder, or forage, provided they are adequately weeded and maintained. (Ord. 466-09)

8.24.030 Interpretation. In their interpretation and application, the provisions of this code shall be held to be minimum requirements adopted for the promotion of the health, safety, and welfare of the City and its residents. (Ord. 466-09)

8.24.040 Violations and Enforcement. Violations of this chapter of the Evans Municipal Code are hereby declared public nuisances and shall be punishable as described in Chapters 1.16 and/or 1.17. Compliance with this code shall be enforced in accordance with said chapters. Lack of or delay in enforcement of any provision of this code shall not constitute a waiver of such provision. The City of Evans assumes no liability for any such violation. (Ord. 466-09)

8.24.050 Weeds and Brush. No owner of any property within the City, nor tenants or agents in charge thereof, shall allow or permit weeds or brush to grow or remain on such property, or on that adjacent area between the property and adjacent sidewalks, streets, or alleys. (Ord. 466-09)

8.24.060 Trash, Junk and Outside Storage.

A. No owner of any property within the City, nor tenants or agents in charge thereof, shall allow or permit the accumulation of trash or junk on such property, or on that adjacent area between the property and adjacent sidewalks, streets, or alleys. All trash shall be contained in approved receptacles customarily used for such purpose.

B. No owner of any residential property within the City, nor tenants or agents in charge thereof, shall permit the outdoor storage on such property of materials not customarily stored outdoors in residential neighborhoods, such as, but not limited to, construction materials, tires and household appliances, pickup campers, truck bed covers, upholstered furniture that is designed, manufactured and intended primarily for indoor use, if such materials, whether or not sheltered or covered or within a carport or other partially enclosed structure, are visible from any public street, sidewalk, alley or from the ground level of abutting properties. The storage of materials within a garage or other fully enclosed structure shall not be considered outdoor storage for the purposes of this provision. Notwithstanding the foregoing, construction materials may be stored outdoors on residential property for a period not to exceed 60 days, if such materials are being used in the construction of a structure for which a building permit has been issued by the City, or for a period not to exceed 30 days, if such materials are being used for construction that does not require a building permit.

C. Trash or junk stored in/on a trailer or in a truck bed shall be fully covered and secured. No such trailer or truck with trash or junk shall be parked on the public right-of-way. (Ord. 466-09)

8.24.070 Dirt Piles and Debris.

A. No owner of any property within the City, nor tenants or agents in charge thereof, shall allow or permit dirt piles or debris to exist on such property, or on that adjacent area between the property and adjacent sidewalks, streets, or alleys, except that dirt piles on private property resulting from the construction of a building shall be allowed until the building receives a certificate of occupancy, but in no case shall a dirt pile be allowed to remain in place for more than 60 days.

B. It shall be unlawful for any person to place or deposit obstructions such as landscaping materials within public right-of-way or to allow obstructions to remain on any public right-of-way abutting or adjoining the property

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controlled, owned, or occupied by such person. (Ord. 466-09)

8.24.080 Hazardous Trees.

A. No owner of any property within the City, nor tenants or agents in charge thereof, shall allow or permit tree branches or other growth to obstruct sidewalks below a height of eight feet, or streets below a height of 15 feet.

B. It shall be the responsibility of the owner of any property within the City, or tenants or agents in charge thereof, including that adjacent area between the property and adjacent sidewalks, streets, or alleys, to remove immediately from said property any hazardous tree, including dead or diseased tree or tree branch, any tree or tree branch infested with insects that pose a hazard to other trees, or any obviously weakened tree or tree branch. Stumps of trees of species that commonly carry disease, stumps of diseased trees, and stumps infested with insects that pose a hazard to other trees may be required to be removed as well. Failure to perform such removal is a violation of this code. (Ord. 466-09)

8.24.090 For Sale Vehicles. It is unlawful for any owner of property within the City, or tenants or agents in charge thereof, to allow or permit more than two vehicles offered for sale or barter to remain on such property unless such property consists of a retail business enterprise in compliance with existing City zoning and business license regulations.

8.24.100 Inoperable Vehicles. No owner of any property within the City, nor tenants or agents in charge thereof, shall allow or permit inoperable vehicles to exist on such property, except within an enclosed garage or other building and except as provided in this section. The provisions of this section of the Municipal Code shall not apply to any person, firm or corporation, or their agent, conducting a business enterprise in compliance with existing City zoning and business license regulations. The provisions of this section of the Municipal Code shall not apply to a parcel of property with one (1) inoperable vehicle that is being renovated or stored for the purpose of being renovated; provided, however, that such vehicle shall be screened with a fence of a minimum of six (6) feet in height. Such fence shall be constructed of standard privacy fencing material that obscures the view of any inoperable vehicle or parts from adjacent right-of-way or property. (Ord. 466-09)

8.24.110 Snow on Sidewalks.

A. No owner of any property within the City, nor tenants or agents in charge thereof, shall allow or permit snow or ice to remain on sidewalks adjacent to such property. It shall be the responsibility of the owner of any property within the City, or tenants or agents in charge thereof, to remove snow and ice from sidewalks adjacent such property within 24 hours after the termination of the most recent snowfall.

B. It is unlawful to drag, shovel, deposit, or otherwise move snow from private property onto public right-of-way. (Ord. 466-09)

8.24.120 Maintenance of Fences. It shall be the responsibility of the owner of any property within the City, or tenants or agents in charge thereof, to maintain any fencing or wall on such property in good structural condition and in good repair at all times, which shall include, but shall not be limited to, the replacement of any broken or missing portions of such fences and paint or wood stain. Failure to perform such maintenance is a violation of this code. (Ord. 466-09)

8.24.130 Property Maintenance. It shall be the responsibility of the owner of any property within the City, or tenants or agents in charge thereof, to maintain the exterior finish of all structures on such property in good structural condition and in good repair at all times, which shall include, but shall not be limited to, paint, siding, windows, and roofing. Failure to perform such maintenance is a violation of this code. (Ord. 466-09)

8.24.140 Other Nuisances. No owner of any property within the City, nor tenants or agents in charge thereof, shall allow or permit to exist on such property any nuisance, as defined herein. Failure to remove or cease operation of the cause of such nuisance is a violation of this code. (Ord. 466-09)

Code Documents



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