

Rubbish Ordinance

Due, in part, to an increasing population and the need to evaluate the effectiveness of existing code enforcement efforts within Larimer County, the Board of County Commissioners hired Clarion Associates in 2005 to research and compare services and staffing state-wide as well as evaluate the effectiveness of the County's code compliance programs.

Clarion Associates' recommendations included a streamlined enforcement process for complaints associated with rubbish, derelict/unlicensed vehicles, illegal outdoor storage and other junk that take up significant staff time and resources. Clarion pointed out that a rubbish ordinance would provide the County with the ability to quickly take action in cases where there is an acknowledged or undisputed violation, while still allowing for flexibility to resolve issues.

In response to Clarion Associates' recommendations and input from County staff, the Larimer County Board of County Commissioners adopted Ordinance No. 11172008O001-ORDINANCE CONCERNING ACCUMULATION AND REMOVAL OF RUBBISH in the Unincorporated Territory of Larimer County effective May 24, 2008. An amendment to the Ordinance was adopted by the Commissioners concerning an appeal process effective 12/21/2008.

While voluntary compliance will continue to be the primary objective sought by Code Compliance staff, the Rubbish Ordinance will result in less staff time spent on these types of cases, fewer hearings, if any, before the County Commissioners and fewer cases going to court.

The Rubbish Ordinance will also assist adjacent property owners who are trying to maintain their property values and sell properties. Many zoning violation files for junk and debris are opened because a neighbor, who is trying to sell his/her home, files a complaint. The Rubbish Ordinance will assist these property owners by providing a timely clean-up process.

Pursuant to the Ordinance, rubbish is defined as:

Any trash, junk, garbage, litter, refuse, debris, lawn or garden waste, remnant or discarded construction or remodeling or repair materials, unlicensed or inoperable motor vehicles including without limitation mobile or manufactured homes, motor vehicle parts or tires, newspapers, magazines, packaging materials, waste paper or cardboard, dead animal carcasses, unwanted or discarded household items including but not limited to appliances and furniture, metal, scrap, any other item that has been abandoned or discarded, and any object or material which causes or is likely to cause a public hazard or nuisance. Rubbish does not include collector's items properly stored in accordance with 42-12-103, Colorado Revised Statutes.

The Rubbish Ordinance provides it is unlawful for an owner to allow the "accumulation" of rubbish on property. If a Code Compliance Officer determines rubbish has been accumulated to a point that it constitutes a violation of the Ordinance, the Officer will first seek voluntary compliance. If the issue is not resolved, the Officer will issue a notice of violation requiring the owner to correct the violation within thirty (30) days from the date of the notice.

If the owner believes the notice has been issued in error or without just cause, the owner may appeal the violation notice to the Larimer County Board of County Commissioners within seven (7) business days from the date of the notice.

Absent an appeal and/or compliance within 30 days from the date of the notice, the Ordinance provides the County may apply to the Larimer County district or county court for an administrative entry and seizure warrant describing items to be removed from the property in order to reach compliance with County regulations. Application to the court also includes a request that the court authorize the County to enter the subject property to remove the items. The Larimer County Planning Director must first approve the matter for referral to the County Attorney's Office to initiate the court action.

If the County removes rubbish from the property, all costs associated with the removal must be paid by the property owner, including an additional 5% of the costs for inspection of the property and incidental expenses. If the costs are not paid by the property owner, the costs together with a 10% penalty for collection expenses is certified to the Larimer County Treasurer for collection in the same manner as other taxes are collected.

For more information, call the Code Compliance Section at (970) 498-7683.