

ORDINANCE NUMBER 3 (2007)

ORDINANCE ESTABLISHING THE POSITION OF CODE ENFORCEMENT OFFICER TO ENFORCE CERTAIN ORDINANCES IN THE TOWN OF ECKLEY

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ECKLEY:

Section 1: The position of Code Enforcement Officer is hereby established for the Town of Eckley.

Section 2: The duties of the Code Enforcement Officer shall supplement and, be in addition to, those enforcement services provided by and through the Yuma County Sheriff as described in that certain Law Enforcement Agreement (the "Agreement") between the Town of Eckley and Yuma County dated January 1, 2007, as renewed and/or amended from time to time. In the event the Agreement is modified or terminated, the Code Enforcement Officer shall remain responsible for the enforcement of those ordinances described in **Sections 3** through **8** herein.

Section 3: The Code Enforcement Officer shall be responsible for enforcing the provisions of the following ordinances of the Town of Eckley:

- a. Ordinance No. 4-2004, amending Ordinance No. 1-1999, and as further amended in Section 4 herein, regarding junk, refuse and garbage in the Town of Eckley.
- b. Ordinance No. 1-2002 relating to livestock trailer with a gross weight of twelve thousand (12,000) pounds or over or twenty-five (25) feet or more in length within the Town of Eckley, and declaring that a violation of this ordinance will constitute a misdemeanor and will be punishable by a fine.
- c. Ordinance No. 2 (1992) concerning the regulation of feed lots.
- d. Ordinance No. 3 (1988), as amended by Ordinance 4 (1988) and further amended by Section 8 herein, pertaining to animal control.
- e. Ordinance No. 2 (1988), and as further amended in Section 7 herein, regulating junk cars and abandoned vehicles.
- f. Ordinance No. 26 (1969) concerning unsightly lots or tracts, as amended in Section 5 herein.
- g. Ordinance No. 21 (1947) providing for issuance of license to dance halls.
- h. Ordinance No. 8 (1921) regulating the construction and equipment of buildings and dwellings.

- i. Amended Ordinance No. 4 (1921), Sections 1 through 4 concerning dumping, and obstruction of streets, alleys or railroad crossings.
- j. Ordinance No. 3 (1920), and as further amended in Section 6 herein, concerning the running at large of horses, mules, cattle, goats, sheep or swine.

Section 4: Section F of Ordinance No. 1-1999, as amended by Ordinance No. 4-2004, is hereby amended and restated as follows:

It shall be the duty of the Citizens or the Town of Eckley's Law Enforcement agents to report to the TOWN OF ECKLEY'S CODE ENFORCEMENT OFFICER any time when such lot or tract becomes unsightly. It shall be the duty of the TOWN OF ECKLEY'S CODE ENFORCEMENT OFFICER to notify in a certified letter to owner and/or occupant of any such lot or tract of land, that it is the duty of such person TO COMPLY WITH THIS ORDINANCE WITHIN 20 DAYS OF THE DATE OF THE CERTIFIED LETTER or Section G shall be enforced by the TOWN OF ECKLEY'S CODE ENFORCEMENT OFFICER.

Section 5: Section 2 of Ordinance No. 26 (1969) is hereby amended and restated as follows:

It shall be the duty of the CODE ENFORCEMENT OFFICER that any time such lot or tract becomes unsightly to notify personally in writing THE owners AND/or occupants of any such lot or tract of land that it is the duty of such owner to comply with this Ordinance. If any such owner AND/OR OCCUPANT shall fail to remove said weeds, brush, rubbish, and other matter one week after notice has been given then the CODE ENFORCEMENT OFFICER of said TOWN of Eckley shall cause the necessary work to be performed to accomplish such removal and the actual cost of such work plus five percent for inspection and other incidental costs in connection therewith shall be certified by the BOARD OF TRUSTEES OF THE TOWN OF ECKLEY to the County Assessor of the County of Yuma and such sum shall become and be a lien upon the property on which such work was performed and shall be assessed and collected in the manner provided by law.

Section 6: Ordinance No. 3 (1920) shall be amended to reflect the substitution of the term "town Marshall" for "Code Enforcement Officer."

Section 7: Section 1 (b), Section 4 (c), and Section 4 (d) of Ordinance No. 2 (1988) are deleted in their entirety. Section 4 of Ordinance No. 2 (1988) is further hereby amended and restated as follows:

(a) THE CODE ENFORCEMENT OFFICER is authorized to issue a WRITTEN NOTICE requiring the removal of any junk car displayed, stored, kept, parked or remaining on any PUBLIC OR PRIVATE property in the Town of Eckley within a reasonable time stated in the NOTICE.

(1) Such NOTICE may be issued whether or not a summons and complaint is issued.

(2) After the expiration of the time stated in such NOTICE, the junk car therein described, IF NOT REMOVED AS PROVIDED IN SUCH NOTICE, shall be DEEMED A VIOLATION OF THIS ORDINANCE AND SUBJECT TO PENALTY as provided UNDER SECTION 3.

(b) THE WRITTEN Notice under the provisions of Section 4 (a) shall be given by attaching a copy of such NOTICE therof to the junk car described in the NOTICE.

Section 8: Section 6 of Ordinance No. 3 (1988) is hereby amended and restated as follows:

A. Every owner or harborer of a dog shall attach the tag evidencing the licensing and inoculation with antirabies vaccine to the collar or harness of the inoculated and licensed dog. The collar or harness shall be worn by the dog at all times.

B. The license shall be retained by the owner or harborer of the inoculated and licensed dog for inspection by THE CODE ENFORCEMENT OFFICER at any time.

Section 9 of Ordinance No. 3 (1988) is hereby amended and restated as follows:

A. Any dog which is known to have bitten or injured any person so as to cause an abrasion of the skin, or a dog which, in the opinion THE CODE ENFORCEMENT OFFICER or any licensed veterinarian of the State of Colorado, appears to be afflicted with rabies shall be closely confined by its owner, UPON EVIDENCE FROM OWNER THAT THE DOG HAS BEEN INOCULATED WITH ANTIRABIES VACCINE, in accordance with the directions of THE CODE ENFORCEMENT OFFICER for a period of not fewer than ten days. IF THE OWNER OF THE DOG CANNOT PROVIDE EVIDENCE THAT THE DOG HAS BEEN INOCULATED WITH ANTIRABIES VACCINES, THE STATE HEALTH DEPARTMENT SHALL IMPOUND THE DOG AND TEST THE DOG FOR RABIES. If THE DOG IS DETERMINED TO BE SUFFERING FROM RABIES, IT SHALL BE DESTROYED FORTHWITH, AND HANDLED ACCORDING TO REGULATIONS OF THE STATE HEALTH DEPARTMENT.

B. It is unlawful for any person knowing or suspecting a dog has rabies to allow the dog to be taken off his premises or beyond the limits of the Town without the written permission of the poundmaster. Every owner, or other person, upon ascertaining a dog is rabid, shall immediately notify the poundmaster or THE CODE ENFORCEMENT OFFICER, who shall either remove the dog to the pound or summarily destroy it.

C. If the owner of the dog or dogs referred to in this Section cannot be determined or located, then THE CODE ENFORCEMENT OFFICER shall

otherwise confine the dog or dogs for a period of NOT FEWER THAN TEN DAYS. IF THE OWNER IS NOT located or the dog IS NOT claimed within ten days, then THE CODE ENFORCEMENT OFFICER may order the dog destroyed. All costs incurred for the confinement of a dog under this Section shall be paid by the owner or owners of the dog.

Section 11 of Ordinance No. 3 (1988) is hereby amended and restated as follows:

It shall be the duty of THE CODE ENFORCEMENT OFFICER or poundmaster to apprehend, take into custody and impound, either with or without complaint, any stray dog, unlicensed dog, dog not under reasonable control of the owner and any dog found running at large contrary to the provisions of this ordinance, and to confine and keep such dog in the pound or other suitable place. The poundmaster, or some other designated official, upon receiving any dog, shall make a complete registry of the breed, color and sex of the dog and whether it is licensed. If it is licensed, he shall enter the name and address of the owner and the number of the license tag.

Section 12 of Ordinance No. 3 (1988) is hereby retitled as "CODE ENFORCEMENT OFFICER duties" and amended and restated as follows:

THE CODE ENFORCEMENT OFFICER shall provide a place, either within or without the TOWN limits, where dogs taken up under the provisions of this ordinance may be confined and kept, as provided in this ordinance and shall appoint some person to have general charge of such animals.

Section 15 of Ordinance No. 3 (1988) is hereby amended and restated as follows:

No biting, vicious or dangerous dog shall be harbored, kept or suffered to be kept, or suffered to be at large unless the same is securely muzzled. Whenever such biting, or vicious or dangerous dog shall be outside the enclosure of its owner or keeper without being so muzzled, it shall be deemed to be a public nuisance and may be killed by any peace officer or THE CODE ENFORCEMENT OFFICER, whether such dog is licensed, registered and numbered, or otherwise.

Section 9: The Yuma County Sheriff Office shall continue to enforce the following Ordinances in accordance with Part 2) d) of the Agreement, as renewed from time to time:

- a. Ordinance No. 1 (2005) concerning excessive truck noise caused by "Jake Brakes".
- b. Ordinance No. 3 (1997) regulating traffic in the Town of Eckley pursuant to the 1995 Model Traffic Code.
- c. Ordinance No. 5 (1997) relating to the regulation of offenses by or against minors; prohibiting loitering by minors, and providing penalties for the violation thereof.

- d. Ordinance No. 1 (1995) concerning the discharge of firearms.
- e. Ordinance No. 1 (1991) concerning the peace and dignity of the Town of Eckley.
- f. Ordinance No. 24 (1962) concerning the solicitation of goods upon private residences by solicitors, peddlers, merchants and vendors.
- g. Ordinance No. 5 (1920) concerning misdemeanor offenses.
- h. Ordinance No. 4 (1920), Sections 5 through 7, concerning dumping, setting fires, and obstruction of streets, alleys or railroad crossings, as may be superseded by Ordinance No. 3 (1997) regulating traffic in the Town of Eckley.

Section 10: At the direction of the Board of Trustees of the Town of Eckley (the "Board"), the Code Enforcement Officer shall enforce future ordinances published, passed, and approved by the Board as designated therein.

Section 11: The adoption of this ordinance is necessary for the immediate preservation of public safety for the Town of Eckley, and shall be effective upon adoption.

Introduced, read and ordered published this 8th day of JANUARY, 2008.

Published, passed and approved this 6th day of February, 2007.

TOWN OF ECKLEY



By: Michael Leerar, Mayor

ATTEST:



**Carolyn J. Copley
Town Clerk-Treasurer**