Title 7

HEALTH, SAFETY AND WELFARE

Chapters:

Chapter 7.04

HEALTH DEPARTMENT

Sections:

7.04.010 Powers and duties.

The health department shall have the supervision and control of all matters relating to health and sanitation within the city, and shall have the power to compel the removal or abatement of any nuisance, source of filth, cause of disease, or unwholesome business or establishment within the city or within one mile of the outer boundaries thereof. (Ord. 1369 § 1, 1974; Ord. 1344 § 1, 1974; prior code § 11.1)

Chapter 7.08

FOOD REGULATIONS

Sections:

7.08.010 Meat-Slaughtering and sale.

The keeping and slaughtering of all cattle and all other animals, and the preparation and keeping of all meat and fish, birds and fowl, shall be in that manner which is best adapted to secure and continue their safety and wholesomeness as food. No slaughtering, tanking or rendering shall be done within the city without a permit from the city clerk issued upon approval of the food inspector, and all slaughtering and slaughtering houses within the city shall comply with all laws, rules and regulations of the state or the United States of America pertaining to the same. No person shall sell or offer for sale, within the city, any meat which does not bear the meat inspection brand or other mark of the city food inspector or of the inspector of the agency of the state or the United States of America inspecting the same. The city food inspector shall condemn all carcasses or parts of carcasses found to be unfit for food and shall dispose of the same. Every dealer in meat shall cause the place where such meats are kept or offered for sale to be thoroughly cleaned and purified at least once every twenty-four hours. (Prior code § 11.9)

7.08.020 Meat-Slaughtered outside city.

Meat slaughtered outside the city and brought into the city for sale may be inspected or branded or otherwise marked for identification by the food inspector under the provisions of Section 7.08.010. (Ord. 1369 § 2, 1974; Ord. 1344 § 2, 1974; prior code § 11.10)

7.08.030 Meat-Inspection, requirements for selling.

No meat shall be sold or offered for sale within the city, without first having been inspected and approved by the food inspector. No person shall kill or dress any animal or meat in any market or store, nor have, nor permit to escape therein, or within one hundred feet thereof, any poisonous, noxious or offensive substance. No tainted, putrid, impure or unhealthy or unwholesome meat or fish, bird or fowl, shall be kept, bought or sold or offered for sale as food, in the city. No calf, pig or lamb, nor the meat thereof, shall be bought, sold or offered for sale as food, in the city, which, being a calf, was less than four weeks old when killed and when dressed shall weigh less than seventy-five pounds; or being a pig, was less than five weeks old when killed; or being a lamb, was less than eight weeks old when killed. No meager, sickly or unwholesome fish, bird or other fowl, or other food animal shall be bought or sold or offered for sale as food in the city. No meat or dead animals above the size of a rabbit shall be taken to any market or store until the same has been fully cooled and all blood has ceased dripping therefrom, nor until the entrails have been removed, nor shall gut fat or any unwholesome matter or thing be brought to or near such market. No meat shall be sold for food when the same has been fed upon uncooked garbage, swill, carrion, offal or dead animals. (Prior code § 11.11)

7.08.040 Storage of perishable foods.

Every person being the owner, lessee or occupant of any place, other than a private dwelling house, where any meat, fish, poultry, game, vegetables, fruit or other perishable articles of food are stored or kept, and every person engaged in the care, custody or sale of any such articles of food supply, shall put, preserve and keep such articles in a clean and wholesome condition and shall not allow the same, or any part thereof, to be putrid, decayed, poisoned, infected or in any other manner rendered or made not safe or unwholesome for human food. (Prior code § 11.12)

7.08.050 Diseased, decayed or unwholesome foods.

No person shall expose for sale in this city any diseased, emaciated, tainted or putrid meat or provisions. No person shall offer for sale the meat of any animal killed while such animal was in an overheated, feverish or diseased condition. No person shall bring or cause to be brought into this city, or sell or offer for sale, any decayed or unwholesome fruit, vegetables or berries. (Prior code § 11.13)

7.08.060 Milk.

No milk or milk products shall be sold or offered for sale within the city unless the milk has been pasteurized and the milk or milk products have been produced and processed in accordance with the rules and regulations of the State Department of Public Health. (Prior code § 11.14)

7.08.070 Condemnation of unfit food.

It shall be the duty of the city food inspector and he shall have the power to enter any and all buildings and premises at any time and to forthwith condemn, seize and destroy any food which does not comply with the requirements of this chapter or which is putrid, decayed, poisoned, infected, unwholesome or unfit for consumption. (Prior code § 11.15)

Chapter 7.12

NUISANCES-UNSANITARY CONDITIONS*

Sections:

*For statutory provisions authorizing cities and towns to declare what shall be a nuisance and to abate the same, and to impose fines upon parties who may create, continue, or suffer nuisances to exist, see CRS § 31-15-401, et. seq.

7.12.010 Feeding lots prohibited.

It is unlawful for any person to maintain or keep within the city or within one mile of its corporate limits, any cattle yards or sheep yards or hog yards for the purpose of feeding cattle, sheep or hogs for fattening, and all such places so kept are also declared to be a nuisance and an offensive and unwholesome business and establishment and may be abated. (Ord. 5304 § 1, 2008; Prior code § 11.5)

7.12.020 Fly-producing conditions prohibited.

It is unlawful for any person to maintain or keep within the city any of the following unsanitary fly-producing, disease-causing conditions, to-wit:

A. Any accumulation of manure on premises where animals are kept, unless the premises are kept clean and the manure is kept in a box or vault which is screened from flies and emptied at least once each week;
B. Privies, vaults, cesspools, pits or like places which are not securely screened to protect them from flies;
C. Garbage in any quantity which is not covered or screened to protect it from flies; or
D. Trash, litter, rags or anything whatsoever in which flies may breed or multiply. Any of the foregoing conditions are nuisances and may be abated as such, in addition to any penalty which may be imposed for a violation of this code. (Ord. 5304 § 1, 2008; Prior code § 11.6)

7.12.030 Rat-producing conditions prohibited.

It is unlawful for any person to maintain or keep any premises within the city which are infested with rats or to keep on any premises any uncovered garbage or waste materials of any kind which might attract, sustain or cause an infestation of rats. All such premises and conditions are nuisances and may be abated as such, in addition to any penalty which may be imposed for a violation of this code. (Ord. 5304 § 1, 2008; Prior code § 11.7)

7.12.040 Abatement of nuisances.

The City may cause a notice and order to abate to be served upon the owner, occupant or agent in charge of any lot, building or premises in or upon which any nuisance in relation to health or sanitation may be found, or who may be the cause of such nuisance, requiring him to abate the same within seven days after receipt of such notice. Such notice and order to abate shall be served by personal service, by regular mail, or by posting on the property. If such owner, occupant or agent fails to comply with such

notice and order, the owner or occupant shall be subject to enforcement and penalties as provided in this code. (Ord. 5304 § 1, 2008; Prior code § 11.3)

7.12.042 City Removal and Assessment

If a notice and order to abate is served pursuant to Section 7.12.040, and is not complied with within the required time, in addition to, or in lieu of, prosecuting the owner or occupant for an ordinance violation, the city may cause such nuisance to be abated and shall assess the cost of such abatement against the property. The city shall cause a notice of abatement to be served by either personal service or by certified mail and posting on the property, notifying the owner or occupant of the city's intent to abate and amount of assessment against the property, along with any available appeal rights. Such assessment shall be a lien upon the property until it is paid. If the charge or assessment is not paid to the city collector within thirty days after the receipt of such notice of assessment, the charge or assessment shall be certified to the county treasurer, to be by him placed upon the tax list for the current year and collected in the same manner as other taxes are collected, with ten percent penalty thereon to defray the cost of collecting. (Ord. 5304 § 1, 2008)

7.12.044 Administrative Review of Assessment.

Any owner who disputes the amount of an assessment made against such owner's property under Section 7.12.042, may, within twenty (20) days of receipt of notice of such assessment, petition the City Manager for a revision or modification of such assessment in accordance with Chapter 7.70 of this code. (Ord. 5304 § 1, 2008)

7.12.050 Unlawful acts.

It is unlawful for any person, being the owner, agent or occupant of any premises within the city or within one mile of the city limits, to fail, neglect or refuse to comply with any lawful order made by the health department or the board of health, or to fail to remove and abate any nuisance within the time stated in the notice served upon such person. (Ord. 5304 § 1, 2008; Prior code § 11.4)

Chapter 7.16

SOLID WASTE COLLECTION AND RECYCLING

Sections:

7.16.010 Intent.

It is the intent of this chapter to: (1) reduce the volume of trash and solid waste entering the waste stream and landfills; (2) encourage the recycling of certain waste materials; and (3) protect the health, safety, and welfare of the public. (Ord. 5194, 2007; Ord. 4648 § 9, 2001; Ord. 4273 § 1 (part), 1997)

7.16.020 Definitions.

A. The following words, terms and phrases, when used in this Chapter 7.16, shall have the following meanings:
   1. “City manager” shall mean the city manager of the City of Loveland, Colorado, or the manager's designee.
   2. “Collector” shall mean the person or entity providing solid waste or recyclable material collection services within the City of Loveland, Colorado.
   3. “Commercial customer” shall mean any premises utilizing collection services where a commercial, industrial, or institutional business or enterprise is undertaken, including, without limitation, retail establishments, restaurants, hospitals, manufacturing facilities, schools, day care centers, office buildings, nursing homes, clubs, churches, and public facilities.
   4. “Compensation” shall mean a payment or exchange of money or other value including the exchange of in-kind goods or services.
   5. “Curbside” shall mean at or near the perimeter of the premises, whether or not there is a curb.

6. “Curbside collection or collection” shall mean the collection of solid waste or recyclable materials that are placed at a curbside location or within an approved dumpster site.
7. “Group account” shall mean a customer account for solid waste collection services that provides for collection of waste from multiple residential customers regardless of the method by which such services are contracted or arranged. An account for solid waste collection services arranged by a single property owner for collection of waste from multiple locations owned by that property owner shall not constitute a “group account” for the purposes of this chapter.
8. “Hazardous waste” shall mean any chemical, compound, substance or mixture that state or federal law designates as hazardous because it is ignitable, corrosive, reactive or toxic including but not limited to solvents, degreasers, paint thinners, cleaning fluids, pesticides, adhesives, strong acids and alkalis and waste paints and inks.
9. “Household recycling container” shall mean a bag, bin-type container, cart, or a plastic receptacle used for the storing, containment, and setting out of recyclable materials for collection by a collector.
10. “Multifamily customer” or “multifamily property” shall mean a residential property, or cluster of residential properties, which contains four or more residential dwelling units and employs a communal system for the collection of solid waste generated by the residents of the residential property or cluster of residential properties.
11. “Mosquito control” shall mean any seasonal city program intended to reduce, suppress, or manage the breeding, reproduction, or public annoyance of mosquitoes and other biting flies.
12. “Owner” shall mean the owner as shown upon the tax rolls, whether person, firm or corporation; any agent or representative of the owner; and any occupant of the premises.
13. “Recycling facility” shall mean a facility lawfully operated for the purpose of recycling and processing recyclable materials.
14. “Recyclable materials” shall mean those materials: (1) that have been separated from solid waste; (2) are properly prepared for recycling; (3) can be recovered and processed as useful or reusable materials; and (4) are designated by the city manager as recyclable.
15. “Recycling” shall mean the process of recovering useful materials from solid waste, including items for reuse.
16. “Residential customers” or “residential property” shall mean all single-family homes, duplexes, triplexes, townhomes, or trailer homes excluding multifamily properties as defined by this Section 7.16.020A.10., which residential customers are served by a collector and are not employing a communal system for the collection of solid waste.
17. “Residential waste services” shall mean the collection and transportation of solid waste or recyclable materials from sources other than industrial, commercial, or institutional properties.
18. “Service” shall mean collecting, transporting, or disposing of solid waste, hazardous waste or recyclable materials at a lawfully-permitted landfill, recycling, or hazardous waste collection facilities, as applicable.
19. “Solid waste” shall mean all putrescible and nonputrescible waste. The term solid waste shall not include discarded or abandoned vehicles or parts thereof, sewage, sludge, septic tank and cesspool pumpings or other sludge, discarded home or industrial appliances, hazardous wastes, materials used as fertilizers or for other productive purposes and recyclable materials which have been source separated for collection.

20. “Solid waste collector” shall mean the person or entity that provides solid waste collection service for compensation and who must be licensed pursuant to this Chapter 7.16.
21. “Solid waste management services” shall mean curbside and drop-off recycling services, hazardous waste collection and management services, large item disposal services, and solid waste management planning services.
22. “Source separation” shall mean to separate recyclable materials from solid waste at the waste source.
23. “Utility services” shall mean water, wastewater, stormwater, electric or solid waste service, or any combination thereof. (Ord. 5194, 2007; Ord. 4648 § 9, 2001; Ord. 4447 §§ 1, 2, 1999; Ord. 4273 § 1 (part), 1997)

7.16.030 License requirement.

A. License required. No person or entity shall operate as a solid waste collector or operate as a collector of recyclable materials within the corporate limits of the City of Loveland without first obtaining a collection license for such activity from the city as provided by this chapter.

B. Exemptions. The following persons or entities are not required to obtain a collection license:
   1. A civic, community, benevolent, or charitable nonprofit organization that collects, transports, and markets recyclable or other materials for resource recovery solely for the purpose of raising funds for a charitable, civic, or benevolent activity;
   2. A person who transports solid waste or recyclable materials produced by such person or such person's household;
   3. A person who hauls or transports solid waste or recyclable materials on a one-time and individual basis provided that such person does not offer or engage in providing such services on a regular, routine, or repeated basis for any one person or customer;
   4. A property owner or the owner's agent who transports solid waste or recyclable materials left by a tenant upon such owner's property, so long as such property owner does not provide solid waste collection service for compensation for tenants on a regular or continuing basis; and
   5. A demolition, construction, or landscape contractor who produces and transports solid waste in the course of such occupation, where such solid waste is produced by and is incidental to the particular demolition, construction, or landscaping work being performed by such person. (Ord. 5194, 2007; Ord. 4273 § 1 (part), 1997)

7.16.050 Recycling services.

All licensed collectors operating within the city shall have the following duties and rights:

1. Each collector may establish such reasonable and industry-accepted requirements, rules, or regulations for the separation and preparation of materials for recycling as are necessary to provide for the orderly collection of recyclable materials.
2. Household recycling containers may be made available by collectors to all solid waste customers who utilize curbside recycling services within the city.
3. Except for materials which customers have not properly prepared for recycling, collectors may not dispose of recyclable materials set out for collection by their customers by any means other than delivery at a lawfully operating recycling facility.
4. In the event that a collector elects to perform collection of solid waste or recyclable materials through subcontractors or agents, such agency relationship shall not relieve the

collector of responsibility for compliance with the provisions of this chapter or any rule promulgated hereunder.

5. All recyclable materials placed for curbside collection shall be owned by and be the responsibility of the customer until the materials are collected by the collector. Such material shall then become the property and the responsibility of the collector. No person other than the customer or the collector of recyclable materials shall take physical possession of any recyclable materials placed for curbside collection. (Ord. 5194, 2007; Ord. 4273 § 1 (part), 1997)

7.16.060 Collection frequency and notification.

A. Residential customers. Where curbside recycling collection services are provided to residential customers by a collector, such service shall be provided on at least a once-weekly basis and on the same day as the day of collection of solid waste from the residential customer.

B. Multifamily and commercial customers. Collectors who provide collection of recyclable materials from multifamily and/or commercial customers shall provide such services with such frequency as is necessary to prevent overflow of the recycling containers.

C. Upon the initial provision of solid waste collection services to new customers, collectors shall notify such customers in writing of the availability of the collection of recyclable materials, the materials designated for recycling collection pursuant to Section 7.16.080 and such rules and regulations as have been established by the collector for the orderly collection of recyclable materials as authorized pursuant to Section 7.16.050(1). (Ord. 5194, 2007; Ord. 4273 § 1 (part), 1997)

7.16.070 Billing requirements.

A. Volume-based Rates.

1. Every licensed solid waste collector within the city shall charge all residential customers, including, but not limited to, residential customers provided service through a group account, such as a homeowners' association, on the basis of:
   a. The volume of solid waste placed by the customer for collection by the collector, i.e., a pay-as-you-throw system using prepaid bags or tags; or
   b. A variable can or cart subscription system whereby customers sign up for a predetermined maximum volume of weekly waste to be collected, e.g., 30, 60, 90, 120 or 150 gallons.
2. Each collector shall establish a volume-based rate structure as follows:
   a. Each collector shall offer all their residential customers collection service at a minimum level of 30-gallons per week. Higher service levels, such as 60 and 90-gallons, may be offered, however the rates for these levels must not decrease on a per unit basis for subsequent larger service levels above the 30-gallon level. For example, if the 30-gallon rate is *x*, then the 60-gallon rate must be no less than 2*x*, and the 90-gallon rate no less than 3*x*. Collectors shall determine a rate for the 30-gallon service level, which shall serve to determine rates for all other service levels.
   b. Containers provided by collectors cannot exceed a capacity of 90-gallons, although customers may request additional containers. Rates for additional containers shall be established based on the requirements set forth in Subsection A.2.a. above.
   c. A solid waste collector shall arrange for provision of service to each group account in a manner that results in an individual selection by each individual

residential customer of a level of service from the full range of container sizes and levels of service offered by the hauler.

d. In offering or arranging for services, a solid waste collector shall provide reasonable notice of the full range of bag or container sizes or levels of service offered by the hauler, and shall provide to each residential customer that customer's requested size or level of service. (Ord. 5194, 2007)

3. Until January 1, 2009, the performance of legally binding arrangements for the provision of solid waste collection services to group accounts that: (1) were in effect as of June 1, 2007, and (2) do not offer choice of volume-based service levels to individual residential customers, shall be deemed not to violate the terms of this Section 7.16.070 for so long as and to the extent that the existing contractual obligations preclude the solid waste collector from modifying the rates or terms of such services to offer choice of level of service to individual residential customers in compliance with the requirements of this Section 7.16.070.
4. The provisions of this subsection shall not be construed as prohibiting any collector from also establishing rules and regulations regarding the maximum weight of containers of solid waste and/or recyclable materials.
5. A collector shall not collect any container which is overloaded or which contains a volume of solid waste greater than the rated or specified volume of such container unless the collector accounts for and bills the customer the appropriate fee or charge for the collection of such excess solid waste. The determination of overloading and charges therefore shall be made on an individual pick-up date basis, and there shall be no "averaging" of pick-up volumes to allow for overloading at one time offset by a low volume at another time.
6. The contents of each container shall fit securely into the container so as not to cause the opening between the level rim and the lid of the container to be greater than a forty-five degree (45°) angle. All materials above the level of the rim of the container must be bagged to prevent spillage. Any waste which does not so fit within the container constitutes excess solid waste. All bags, whether or not within the container, shall be securely tied off to prevent spillage.

B. Billing. The collector shall bill the customer for the collection of any excess solid waste at its next usual billing cycle, but in no event later than three months after the collection of the excess solid waste. The rate for each extra 30-gallon increment of solid waste cannot be less than the weekly equivalent of the 30-gallon monthly volume subscription rate exclusive of any base fee. For example, if the monthly volume subscription rate is $8.00 for 30-gallon trash cart service, the rate for an extra 30-gallon bag cannot be less than $1.85 [i.e. $8.00/4.33 weeks].

C. Flat monthly fee. In addition to the volume-based rates required pursuant to Subsection A. above, collectors may charge an additional flat monthly fee to residential customers regardless of whether solid waste or recyclable materials are placed by the customer for collection during the month. The flat monthly fee is to be charged for the purpose of covering the fixed operational costs of collecting solid waste and recyclable materials from residential customers. Nothing herein shall prevent or prohibit such collector from charging additional fees for providing additional services other than collection of solid waste or recyclable materials such as, but not limited to, collection of large bulky household items or yard waste. If a collector elects to charge a flat monthly fee, the flat fee shall not exceed the monthly volume-based rate charged assuming the collection of only one standard container per week. In the event that a collector elects to establish a flat monthly fee, all bills for services provided by such collector to residential customers shall clearly identify both the flat monthly fee and the volume-based fees charged to the

customer for the collection of solid waste. If a collector elects to charge a flat monthly fee, such fee must be standardized and applied equally to all service levels and may not be varied according to the service level chosen by the customer.

D. Provide documentation to city.
   1. Within ten calendar days after establishing a program to implement the volume-based rate and/or flat monthly fee requirements of this Section 7.16.070, and on or before January 1 of each ensuing year, each collector shall deliver to the city's public works department a description of such program, including a description of the means by which volume-based rates are applied to residential customers receiving waste hauling services through any group account, such as the formula used to set volume-based rates for any group accounts, and the methods used to offer and account for the volume-based charges, and including a true and correct copy of such collector's complete rate schedule listing all service levels and pricing and charges for excess trash and any other charges. The rate schedule shall include all rates offered to each group account. Collectors must provide a rate schedule to all residential customers, including those within group accounts, at a minimum of once per year and provide copies of such notifications to the city. If a hauler elects to charge additional fees associated with providing weekly collection services such as, but not limited to, fuel surcharge fees or environmental fees, all such fees must be bundled into the volume-based rate fees or the flat monthly fees.
   2. Each collector shall keep a complete set of books of account, invoices, copies of orders, pick-up and delivery logs, instructions, bills, correspondence, and all other records necessary to show fully the individual and collective business transactions of the collector. The city may require the collector to furnish such information as it considers necessary for the property administration of this chapter The city may require an audit to be made of such books of account and records on such occasions as it may consider necessary by an independent auditor to be selected by the city, which auditor shall likewise have access to all books and records of such collector. If the collector has not complied with the provisions of this code as determined by the city or is found to be in violation of any part of this code, the expense of the audit shall be paid by said collector.
   3. Failure by a collector to comply with the requirements of this section or any provision of this chapter shall constitute grounds for the potential revocation of such collector's license, as further set forth in Section 5.04.100 of this code.

7.16.080 Designation of recyclable materials.

A. The city manager shall, on or before the thirtieth day of November of each year, or as soon thereafter as possible, determine which items shall be designated as recyclable for the purpose of residential collection by all collectors based upon the following criteria:
   1. Local, state, and federal laws and regulations;
   2. Potential for waste stream reduction;
   3. Availability of markets for the recyclable materials;
   4. Market price for the recyclable materials;
   5. Feasibility for residential collection;
   6. Safety factors and risks of transportation; and
   7. Risks of commingling of liquid wastes.

B. All collectors shall notify their customers within 90 days of the items identified by the city manager to be recycled.

C. The city manager is authorized to promulgate such rules and regulations as are necessary to effectuate the implementation and enforcement of this chapter. (Ord. 5194, 2007)

7.16.090 License application, issuance and updating.

A. Any person or entity desiring to obtain a license to engage in the business of solid waste and/or recyclables collection within the City of Loveland shall submit a written application to the public works department. The application form shall require, at a minimum, the following information:
   1. The name and address of the applicant including name(s) of those employees that will oversee or administer the collector's conformance with the requirements of this chapter;
   2. The principal place of business for the business to be conducted;
   3. A list of vehicles owned and/or operated by the applicant to be used directly in the collection of solid waste and/or recyclable materials within the city, including vehicle make, color, year, cubic yard capacity, Colorado license plate number, and empty tare weight;
   4. A written plan describing how the recycling collection services will be structured by the collector for each customer class;
   5. A schedule of proposed rates for collection services to be provided by the collector; and
   6. A description of the system to be used to account for and charge volume-based rates as required under Section 7.16.070. The description of the system shall include a detailed description of the means by which residential customers are notified of and offered the full range of sizes of bags or containers provided. In addition, the description shall provide sufficient detail to allow the public works department to determine the means by which volume-based rates are applied to residential customers receiving waste hauling services through any group account, such as the formula used to set volume based rates for any group accounts, and the methods used to offer and account for the volume-based charges.

B. The public works department may promulgate forms for such application which require information in addition to the requirements of Subsection A. of this section and which is necessary to ensure compliance with the requirements of this chapter.

C. The public works department shall review each completed application, and shall approve the application if the department finds such application conforms to the requirements of this chapter.

D. Upon approval of a license application, but prior to the issuance of the license, the applicant shall furnish to the public works department the following:
   1. A license fee in the sum of one hundred dollars for each vehicle to be used by the applicant's business for the purpose of the collection of solid waste and/or recyclable materials within the city; and
   2. Proof that the applicant has obtained a general comprehensive liability/automobile insurance policy protecting the applicant from all claims for damage to property or for bodily injury, including death, which may arise from operations under or in connection with the license and providing limits of coverage of not less than one million dollars for bodily injury and property damage per occurrence or in the aggregate.

E. Following the applicant's presentation of a completed application conforming with all requirements of this section, the public works department shall issue the license to the applicant.

F. Each collector shall update information contained within an approved license application within thirty days of any change of such information. (Ord. 5194, 2007)

7.16.110 Term of license.

All licenses issued pursuant to this chapter shall be valid from the date of issuance until the 31st day of December of the year in which such license is issued. All licenses shall expire on December 31 of each year. License fees shall not be prorated and licenses are not transferable. (Ord. 5194, 2007)

7.16.120 Reporting requirements.

A. All collectors shall report to the city the following information for each category of customer listed:
   1. Number of tons of solid waste collected from each of the following categories of customers within the city: (1) residential customers; (2) multifamily residential customers; and (3) commercial customers.
   2. Number of tons of recyclable materials collected from each of the following categories of customers within the city: (1) residential customers; (2) multifamily residential customers; and (3) commercial customers.
   3. Total number of customers in the following categories within the city: (1) residential customers; (2) multifamily residential customers; and (3) commercial customers.

B. All reports required by this Section 7.16.120 shall be made on forms to be provided by the city and shall be made biannually for each full half-year of collection performed by the collector. A half-year shall mean January 1 through June 30 or July 1 through December 31. All such reports shall be submitted to the public works department no later than thirty days following the close of each half-year. (Ord. 5194, 2007)

7.16.130 Disposal of solid waste.

All persons or entities holding licenses pursuant to this chapter and engaged in the business of collection of solid waste shall dispose of all solid waste at the Larimer County Landfill or at any other disposal site which is approved by any state. No solid waste shall be disposed of at any other location either inside or outside of the city. (Ord. 5194, 2007)

7.16.140 Identification of vehicles.

Each vehicle used by a collector for collection services within the city shall bear an identification emblem or sticker issued by the public works department. Such emblem or sticker shall be conspicuously placed in a location specified by the public works department at the time of license issuance. (Ord. 5194, 2007)

7.16.160 Hours and location of collection.

No collector shall operate any vehicle for the purpose of collection of solid waste or recyclable materials within three hundred feet of any district in the city zoned as follows: established low-density residential, developing low-density residential, established high-density residential, developing high-density residential, and developing two-family residential between the hours of seven p.m. and seven a.m. A zoning district map shall be available from the city planning division upon request. (Ord. 5194, 2007)

7.16.180 Enforcement and suspension of license.

A. A violation of the requirements of this chapter shall be punishable as provided by Chapter 1.12 of the Loveland Municipal Code.

B. The city manager may, after notice and hearing, suspend or revoke the license of any person violating any provision of this chapter. The public works department shall establish procedural rules for the conduct of any such hearing. (Ord. 5194, 2007)

7.16.200 Unlawful acts.

It shall be unlawful for any person other than the customer or the collector of recyclable materials to remove or tamper with any solid waste or recyclable materials placed in containers for collection. (Ord. 5194, 2007)

7.16.220 Fees and charges – Assessment.

Each residential customer and multifamily customer of the city receiving utility services shall be assessed fees established by resolution of the city council for solid waste management services and mosquito control service. (Ord. 5194, 2007)

7.16.230 Exemption.

The following residential customers and multifamily customers shall be exempt from payment of the solid waste management services fee set forth in Section 7.16.220, and shall not be eligible for collection and/or disposal of solid waste and recyclable materials by the city:

A. Multifamily customers who have provided for alternative means of solid waste collection and disposal, and have notified the city thereof; and
B. Any customer whose premises is unoccupied, who has applied to the city manager for, and has obtained approval of, an exemption prior to the period for which the exemption is sought, and who has paid the service charge established by city council for costs incurred by the city in processing the exemption. Such application shall be on forms furnished by the city and shall be approved upon a showing satisfactory to the city manager that no solid waste collection and disposal service, whether the city's or any other, will be used during such period. It shall be the duty of such customer to notify the city prior to commencing use of a solid waste collection and disposal service. (Ord. 5194, 2007)

7.16.240 Unlawful use of system.

It is unlawful for any person to commit any of the following acts:

A. Use the city's solid waste management services in any manner during the period for which an exemption has been granted pursuant to Section 7.16.230 or during a period for which or a purpose for which any fee applicable to the service has not been paid;
B. Use the city's solid waste collection and disposal service for the disposal of solid waste generated at any premises outside the city limits of the City of Loveland; or
C. Use the city's solid waste collection and disposal service for the disposal of any solid waste or recyclable materials generated by any commercial activity within a home business unless the applicable fee has been paid to the city for such collection and/or disposal. (Ord. 5194, 2007)

7.16.250 City charges and collections.

A. The costs and any charges assessed by the city pursuant to this chapter associated with collection and removal of solid waste shall be paid by the customer within thirty days after mailing of the bill or assessment of such cost by the city to the customer. The city shall have the right to proceed for the collection of any unpaid charges for solid waste management and collection services in the manner provided by law for collection of debts and claims on behalf of the city, including, without limitation, collection and lien procedures provided in this section.
B. If the customer fails to pay the charges associated with the collection and removal of solid waste within the described thirty-day period, a notice of the assessment shall be mailed via certified mail by the city to the owner of the property, notifying the owner that failure to pay the assessed amount within ten days of the date of the letter shall cause the assessment to become a lien against the property.

C. Failure to pay the amount assessed for solid waste management or collection services as described in this section shall cause such assessment to become a lien against such lot, block, or parcel of land associated with and benefiting from said services, and shall have priority over all liens, except general taxes and prior assessments, and the same may be effected at any time after such failure to so pay by recordation with county land records of a certification by the city director of finance setting forth the costs to be charged against the property, the date(s) of service, and a description(s) of services giving rise to such charge(s).

D. Failure to pay the amount assessed for solid waste management or collection services as described in this section shall cause such assessment to become a lien against such lot, block, or parcel of land associated with and benefiting from said services, and shall have priority over all liens, except general taxes and prior special assessments, and the same may be certified at any time after such failure to so pay, by the director of finance to the county treasurer to be placed upon the tax list for the current year, to be collected in the same manner as other taxes are collected, with a ten-percent penalty to defray the cost of collection, as provided by the laws of the state. This lien and collection procedure is supplementary and additional to any collection procedures described elsewhere within this section or this code. (Ord. 5194, 2007)

7.16.260 Nonuse of service.

Except when an exemption has been granted pursuant to Section 7.16.230, the assessment charged against each person or persons to whom the solid waste management services are made available as set forth in Section 7.16.220 shall be paid regardless of whether or not such person or persons assessed actually use the solid waste management services so made available. (Ord. 5194, 2007)

7.16.270 Rules and regulations – Authority.

The city manager shall have the authority to establish and enforce such rules and regulations concerning the collection, removal, or disposal of solid waste and recyclable materials by the city providing that the same are not contrary or inconsistent with the provisions of this chapter. (Ord. 5194, 2007)

Chapter 7.18

WEED CONTROL

Sections:

7.18.010 Intent.

It is the intent of this Chapter to protect the health, safety and welfare of the public by reducing the occurrence of weeds, grass, brush, or other rank or noxious vegetation which is regarded as a common nuisance.

7.18.020 Definitions.

A. The following words, terms and phrases, when used in this Chapter 7.18, shall have the following meanings:

1. "Approved plan" shall mean a landscape or other plan approved by the city in connection with the annexation, zoning, development or redevelopment of a property, whether separately or by inclusion in a general development plan, preliminary development plan, final development plan, site development plan, development agreement or public improvement construction plan.
2. "Grasses" shall mean native grasses, ornamental grasses, and turf grasses, collectively.
3. "Industrial hemp" shall mean a plant of the genus *cannabis* and any part of the plant, whether growing or not, containing a delta-9 tetrahydrocannabinol concentration of no more than three-tenths of one percent on a dry weight basis.
4. "Marijuana" shall mean all those plants of the genus *cannabis* including, without limitation, *cannabis sativa*, *cannabis indica*, and *cannabis ruderalis*, but shall not include industrial hemp.
5. "Native grasses" shall mean perennial grasses native to the local ecosystem or suitable for Colorado landscapes, including but not limited to big bluestem (*andropogon gerardi*); silver beard grass (*andropogon saccharoides*); Sideoats grama (*boutelous curtipendule*); buffalo grass (*buchloe dactyloides*); blue grama eyelash grass (*bouteloua gracilis*); sand lovegrass (*eragrostis trichodes*); switchgrass (*panicum virgatum*); little bluestem (*schizachyrium scoparium-syn. andropogon scoparius*); alkali sacaaton (*sporobolus airoides*); Indian grass (s*orghastrum nutans*); Indian rice grass (*achnatherum hymenoides – syn. oryzopisi hymenoides*); Arizona fescue (*festuca arizonica*); June grass (*koeleria macrantha*); and Western wheatgrass (*pascopyrum smithii – syn. agropyron smithii*)**.**
6. "Ornamental grasses" shall mean annual or perennial grasses suitable for Colorado landscapes and grown as ornamental plants as a part of an overall landscaped area, including but not limited to Indian rice grass (*schnatherum hymenoides -syn. oryzopsis hymenoides*); big bluestem (*andropogon gerardii*); side oats grama

(*bouteloua curtipendula*); blue grama (*bouteloua gracilis*); sandlove grass (*eragrostis trichodes*); Arizona fescue (*festuca arizonica*); blue fescue (*festuca cinerea- festuca glauca*); Idaho fescue (*festuca idahoensis*); blue oat grass (*helictotrichon sempervirens*); June grass (*koeleria macrantha*); silky threadgrass (*nassella tenuissima*); little bluestem (*schizachyrium scoparium*); Indian grass (*sorghastrum nutans*); prarie dropseed (*sporobolus heterolepis*).

7. "Natural area" shall mean any areas, whether public or private, that are designated:
   a. by the director of the parks and recreation department as a natural area, wildlife corridor, open lands or wetlands; or
   b. by the director of development services as a natural area; or
   c. as natural areas, wildlife corridors, wetlands or other areas intended to be maintained in a relatively natural, undeveloped state, on an approved plan.
8. "Noxious weed" shall mean any noxious weeds designated by the Colorado Noxious Weed Act (C.R.S 35-5.5-101, et seq.) (the "weed act") from time to time, including but not limited to yellow starthistle (*centaurea solstitialis*); Mediterranean sage (*salvia aethiopis*); myrtle spurge (*euphorbia myrsinites*); Cypress spurge (*euphorbia cyparissias*); orange hawkweed (*hieracium aurantiacum*); purple loosestrife (*lythrum salicaria);* bindweed (*convulvus*); leafy spurge (*Euphorbia esula*); Canada thistle (*cirsium rvense*); Russian knapweed (*centaurea pieris*); perennial sowthistle (*sonchus arvense*); puncture vine (*tribulus terrestris*).
9. "Owner" shall mean the owner as shown upon the tax rolls, whether person, firm or corporation; any agent or representative of the owner; and any occupant of the property.
10. "Property" shall mean and includes, in addition to the owner's lot or tract of land, whether improved or vacant, the area to the center of an alley abutting the lot or tract of land, if any, all easements of record, and the sidewalk, curb, gutter and parking areas of any street abutting such lot or tract of land.
11. "Turf grasses" shall mean any species of grasses commonly bred and designated for use in Colorado landscapes as an irrigated residential lawn or an irrigated open space or common area.
12. "Weed" shall mean an aggressive, non-native herbaceous plant detrimental to native plant communities or agricultural lands that is not classified as a noxious weed under the weed act, including but not limited to:, dandelion (*leontodore tavaxacum*), silverleaf povertyweed (*franseria descolor*), mouse-ear poverty weed (*iva axillaris*), fanweed (*thlaspi arvense*), mustards (*brassiea*), purpose-flowered groundcherry (*quincula lobata*), Russian thistle (*salsola pestifer*), fireweed (*kochia scoparia*), redroot pigweed (*amaranthus retroflexus*), sandbur (*cenchrus tribuloides*), hairy stickweed (*lappula occidentalis*), Buffaloburs (Solanum rostvatum), common ragweed (*ambrosia elatiov*), and cockleburs (*xanthium commurie*), This list is not exclusive, but rather is intended to be indicative of those types of plants which are considered a nuisance and a detriment to the public health and safety. "Weeds" shall not include flower gardens, plots of shrubbery, vegetable gardens, hay crops, corn crops, small-grain plots (wheat, barley, oats, and rye), turf grasses, ornamental grasses, native grasses, industrial hemp or marijuana.
13. "Weed district" shall mean the Larimer County Weed District.

7.18.030 Weeds, grasses, industrial hemp, and marijuana; prohibition, cutting and removal.

A. It is unlawful for the owner of any property, lot, block or parcel of land within the City to allow or permit the growth of thereon:

1. noxious weeds which are required to be eradicated under the weed act, regardless of height; or
2. noxious weeds which are not required to be eradicated under the weed act, except to the extent that such noxious weeds are managed in accordance with the published recommendations of the weed district; or
3. weeds other than noxious weeds or grasses to a height of more than eight inches (8”), except as permitted in subsections B and C below; or
4. industrial hemp unless the person growing the industrial hemp is registered with the Colorado Department of Agriculture pursuant to the Industrial Hemp Regulatory Program (Title 35, Article 61 of the Colorado Revised Statutes); or
5. marijuana.

B. The eight inch (8”) height limitation set forth subsection A.3 above shall not apply to ornamental or native grasses so long as such grasses are:
   1. shown on an approved plan and are being maintained in accordance with that plan; or
   2. used solely, or in combination with other ornamental, native or turf grasses, as a supplement to or component of the overall landscaped area located on a property: or
   3. growing in a private or public natural area in a manner consistent with the maintenance of the health of such grasses (including permitting them to grow to a mature height and reseed) and are not a threat to public health or safety.

C. If there is any conflict between the eight inch (8”) height limitation set forth in subsection A.3 above and the published recommendations of the weed district for management of noxious weeds that are not required to be eradicated under the weed act, the published recommendations of the weed district shall control.

D. Any waste from all destroyed or cut noxious weeds, weeds, grasses or marijuana shall be disposed of so that the property is clean and orderly, and the spread of weeds and marijuana is prevented.

E. It shall be an affirmative defense to a violation of this section that the property upon which the vegetation is growing is City owned property and has been designated by the Director of the Parks and Recreation Department of the City as a natural area, open lands, wildlife corridor, or wetlands, or that the property upon which the vegetation is growing is dedicated public or private natural area as determined by the City's Director of Development Services Division.

7.18.040 Notice and Order of Abatement.

If any person fails to comply with Section 7.18.030, a written notice and order of abatement may be served upon the owner or agent in charge of such property as set forth in this Section 7.18.040. Such notice and order may specify the extent of the abatement required as reasonably necessary to protect public health and safety and shall be served by personal service, by regular mail, or by posting on the property with a copy mailed to the owner of the property if the property is not occupied by the owner, requiring the weeds, grasses, or marijuana to be cut, removed, or otherwise abated within seven (7) days after mailing, posting, or delivery of such notice.

7.18.042 City removal and assessment.

A. If a notice and order to abate is served pursuant to Section 7.18.040, and if the weeds, grasses, industrial hemp or marijuana are not cut, removed, or otherwise abated as required in the order within the stated time and maintained in compliance for the remainder of the calendar year, the City may cause a notice of abatement to be served upon the owner or agent in charge of such property, either by personal service or by

posting and regular mail, which notice shall allow the City to cut or otherwise abate or make a reasonable attempt to abate the weeds, grasses, industrial hemp or marijuana to the extent specified in the order and assess the whole cost thereof, including ten percent for inspection and other incidental costs in connection therewith, upon the land. The costs and any charges assessed by the City pursuant to this Chapter associated with cutting or other abatement shall be paid by the owner of the property or agent for such owner within thirty (30) days after mailing of the bill or assessment of such cost by the City to said owner or agent.

B. If the owner or agent fails to pay the charges associated with abatement within the described 30- day period, a notice of the assessment shall be mailed via certified mail by the City to the owner of the property, notifying the owner that failure to pay the assessed amount within ten (10) days of the date of the letter shall cause the assessment to become a lien against the property.

C. Failure to pay the amount assessed for abatement services including inspection and incidental costs within the ten-day period specified in the notice of assessment shall cause the owner of the property to be subject to the lien and collection provisions of Chapter 3.50 of this code.

7.18.050 Administrative review of assessment.

Any owner who disputes the amount of assessment made against such owner's property under Section 7.18.042, may, within twenty (20) days of receipt of notice of such assessment, petition the City Manager for a revision or modification of such assessment in accordance with Chapter 7.70 of this code.

7.18.060 Owners have ultimate responsibility for violations.

Every owner remains liable for violations of responsibilities imposed upon an owner by this chapter even though an obligation is also imposed on the occupant of the property and even though the owner has by agreement imposed on the occupant the duty of maintaining the property. (Ord. 5831 § 1, 2013; Ord. 5305 § 1, 2008; Ord. 4649 § 9, 2001; Ord. 4274 § 1 (part), 1997)

Chapter 7.26

ACCUMULATIONS OF WASTE MATERIAL

Sections:

7.26.010 Definitions.

As used in this chapter, unless the context otherwise requires, the following words, terms and phrases shall have the meanings ascribed to them in this Section.

1. “At the curb” shall mean at or near the perimeter of the premises, whether or not there is a curb, but does not mean or permit placement on the sidewalk or in the street.
2. “City Manager” shall mean the City Manager of the City of Loveland, Colorado, or the Manager's designee.
3. “Compost” shall mean a mixture consisting of decayed organic matter used for fertilizing and conditioning soil.
4. “Garbage” shall mean solid wastes from the domestic and commercial preparation and handling of food and from the storage and sale of produce.
5. “Hazardous waste” shall mean any chemical, compound, substance or mixture that state or federal law designates as hazardous because it is ignitable, corrosive, reactive or toxic including but not limited to solvents, degreasers, paint thinners, cleaning fluids, pesticides, adhesives, strong acids and alkalis and waste paints and inks.
6. “Occupant” shall mean a person entitled to possession of the property or premises whether or not the owner.
7. “Owner” shall mean the owner of record, whether an individual, individuals or entity, any agent or representative of the record owner, and any person or persons entitled to possession of the premises.
8. “Property” shall mean and includes, in addition to the owner's lot or tract of land, whether improved or vacant, the area to the center of an alley abutting the lot or tract of land, if any, all easements of record, and the sidewalk, curb, gutter and parking areas of any street abutting such lot or tract of land.
9. “Refuse” shall mean solid or liquid wastes, except hazardous wastes, whether putrescible or nonputrescible, combustible or noncombustible, organic or inorganic, including by way of illustration and not limitation, wastes and materials commonly known as trash, garbage, debris or litter, animal carcasses, offal or manure, paper, ashes, cardboard, cans, yard

clippings, glass, rags, discarded clothes or wearing apparel of any kind, or any other discarded object not exceeding three (3) feet in length, width or breadth.

10. "Refuse container" shall mean a watertight receptacle of a solid and durable metal or nonabsorbent, fire-resistant plastic with a tightly fitting, insect and rodent-proof cover of metal or plastic or a tightly secured plastic bag.
11. "Rubbish" shall mean nonputrescible solid wastes of a large size, including by way of illustration and not limitation, large brush wood, large cardboard boxes or parts thereof, large or heavy yard trimmings, discarded fence posts, crates, vehicle tires, junked or abandoned motor vehicle bodies or parts, scrap metal, bedsprings, water heaters, discarded furniture and all other household goods or items, demolition materials, used lumber and other discarded or stored objects three (3) feet or more in length, width or breadth. (Ord. 4275 § 1 (part), 1997)

7.26.020 Purpose and policy.

The purpose of this chapter is to protect the public health, safety and welfare by regulating the accumulation, storage, transportation and disposal of refuse and rubbish to prevent conditions that may create fire, health or safety hazards, harbor undesirable pests or impair the aesthetic appearance of the neighborhood. The City Council shall use every means at its disposal, including its police powers, for the enforcement of this chapter. (Ord. 4275 § 1 (part), 1997)

7.26.030 Refuse and rubbish accumulation prohibited.

A. The owner and the occupant of any premises within the city, whether business, commercial, industrial or residential premises, shall maintain the property in a clean and orderly condition, permitting no deposit or accumulation of materials other than those collected in conjunction with a business enterprise lawfully situated and/or licensed for such storage or collection. All refuse shall be stored on the premises in refuse containers and the storage area shall be kept free of loose refuse. Any refuse or rubbish which by its nature is incapable of being stored in refuse containers may be neatly stacked or stored. The number and size of refuse containers shall be sufficient to accommodate the accumulation of refuse from the property. Containers shall be secured and placed where they are not spilled by animals or wind or other elements and screened from view of the street.

B. No person shall store or permit to remain on any business, commercial, industrial or residential premises owned or occupied by such person, any manure, refuse, animal or vegetable matter or any foul or nauseous liquid waste, which is likely to become putrid, offensive or injurious to the public health, safety or welfare, for a period longer than twenty-four (24) hours at any one (1) time.

C. No owner or occupant of any premises which are adjacent to any portion of an open area, vacant lot, ditch, detention pond, storm drain or watercourse shall cause the accumulation of refuse, rubbish, or storage of any material within or upon such adjacent areas.

D. The property owners and the prime contractors in charge of any construction site shall maintain the construction site in such a manner that refuse and rubbish will be prevented from being carried by the elements to adjoining premises. All refuse and rubbish from construction or related activities shall be picked up at the end of each workday and placed in containers which will prevent refuse and rubbish from being carried by the elements to adjoining premises.

E. The accumulation of refuse and rubbish which constitutes or may create a fire, health or safety hazard or harborage for rodents is unlawful and is hereby declared to be a nuisance and a nonconforming use of the premises. (Ord. 4275 § 1 (part), 1997)

7.26.040 Compost piles permitted if not nuisance.

An occupant of any single-family or two-family residence may maintain a compost pile that is a separated area containing alternate layers of plant refuse materials and soil maintained to facilitate

decomposition and produce organic material to be used as a soil conditioner. A compost pile shall be maintained to prevent it from becoming a nuisance by putrefying or attracting insects or animals. (Ord. 4275 § 1 (part), 1997)

7.26.050 Burning of refuse and rubbish prohibited.

No person shall cause or allow the disposal of refuse or rubbish by burning except in an incinerator that is designed for such purpose and pursuant to an operating permit from the state Department of Health. In no event may rubbish or refuse be burned in a stove or fireplace except for clean, dry, untreated wood. (Ord. 4275 § 1 (part), 1997)

7.26.060 Refuse, rubbish, or compost.

The City Manager is authorized and directed to inspect and supervise the premises within the city and if it is found that any refuse, rubbish, or compost exists on any property in violation of this chapter, the City Manager shall in addition to any other action permitted under this Code remove or cause to be removed from the property all refuse and rubbish found on the premises or in the adjoining streets and alleys and assess and collect a reasonable charge from the owner or occupant all in accordance with the notice, removal and assessment provisions of section 7.26.070. (Ord. 5306 § 1, 2008; Ord. 4275 § 1 (part), 1997)

7.26.070 City removal and assessment.

A. If any person fails to comply with the provisions of this chapter, a written notice and order to abate may be served upon the owner or agent in charge of such property, such notice and order to be served personally or by certified mail and posting, requiring the removal from the property of all refuse and rubbish found on the premises or in the adjoining streets and alleys. Such notice and order shall require removal of all refuse and rubbish within seventy-two (72) hours after mailing or delivery of such notice, except that if such accumulation of refuse and rubbish may create a fire, health or safety hazard, or may provide harborage for rodents, it shall be deemed a nuisance and shall require removal within twenty-four (24) hours. If such refuse and rubbish is not removed within the stated time and maintained within compliance for the remainder of the calendar year, the city may remove or cause to be removed from the property all refuse and rubbish found on the premises or in the adjoining streets and alleys and assess the whole cost thereof, including ten (10) percent of the costs for inspection and other incidental costs in connection therewith, upon the land. The costs and any charges assessed by the city pursuant to this chapter associated with removal of refuse and rubbish shall be paid by the owner of the property or agent for such owner within thirty (30) days after mailing of the bill or assessment of such cost by the city to the said owner or agent.

B. If the customer fails to pay the charges associated with refuse/rubbish removal within the described thirty-day period, a notice of the assessment shall be mailed via certified mail by the city to the owner of the property, notifying the owner that failure to pay the assessed amount within ten (10) days of the date of the letter shall cause the assessment to become a lien against the property.

C. Failure to pay the amount assessed for refuse/rubbish removal including inspection and incidental costs within the ten-day period specified in the notice of assessment shall cause the owner of the property to be subject to the lien and collection provisions of Chapter 3.50 of this code. (Ord 5683 § 3, 2012; Ord. 5306 § 1, 2008; Ord. 4275 § 1 (part), 1997)

7.26.080 Administrative review of assessment.

Any owner who disputes the amount of an assessment made against such owner's property under Section 7.26.070, may, within twenty (20) days of receipt of notice of such assessment, petition the City Manager for a revision or modification of such assessment in accordance with Chapter 7.70 of this code. (Ord. 5306 § 1, 2008; Ord. 4650 § (part) 2001; Ord. 4275 § 1 (part), 1997)

7.26.090 Owners have ultimate responsibility for violations.

Every owner remains liable for violations of responsibilities imposed upon an owner by this chapter even though an obligation is also imposed on the occupant of the premises and even though the owner has by agreement imposed on the occupant the duty of maintaining the premises or furnishing required refuse containers and collection. (Ord. 4275 § 1 (part), 1997)

7.26.100 Implementation.

The City manager may adopt such other rules and regulations concerning the collection, removal and hauling of refuse and rubbish as may be necessary to implement the provisions of this chapter not in conflict with such provisions. (Ord. 4275 § 1 (part), 1997)

7.26.110 Violations and penalties.

A violation of the requirements of this chapter shall be punishable as provided by Chapter 1.12 of the Loveland Municipal Code. (Ord. 4275 § 1 (part), 1997)

7.26.120 Collection and disposal of refuse and rubbish.

A. The occupant and the owner of any premises wherein any refuse or rubbish is produced or accumulated shall be jointly and severally responsible to provide for collection service and removal of refuse and rubbish to the degree of service necessary to maintain the premises in a clean and orderly condition. They shall not contract or arrange for such collection and removal except with solid waste collectors operating pursuant to Chapter 7.16 of the Loveland Municipal Code. An individual may dispose of his or her own refuse and rubbish, provided that it is properly disposed of at the Larimer County Landfill or at any other disposal site which is approved by the state, in conformity with all city and county regulations.
B. All moveable refuse containers and recyclable materials shall be kept in the storage area except on collection day, or within twelve (12) hours preceding the time of regularly scheduled collection from the premises, when they may be placed at the curb or upon the edge of the alley. Following collection, they shall be returned to the storage area the same day. Refuse containers and recyclable materials shall not, at any time, be placed on the sidewalk or in the street, or in such a manner as to impair or obstruct pedestrian, bicycle or vehicular traffic.
C. If plastic bags are used as refuse containers, they must be securely tied or sealed to prevent emission of odors, be of a material impenetrable by liquids and greases, and be of sufficient thickness and strength to contain the refuse enclosed without tearing or ripping under normal handling. (Ord. 4275 § 1 (part), 1997)

7.26.130 Tampering with refuse or rubbish container prohibited.

A. No person other than the owner or the agents or employees of such owner or a person or entity operating pursuant to Chapter 7.16 of the Loveland Municipal Code shall tamper with any refuse container or its contents or remove the contents of any refuse container, or remove a refuse container from the location where the same has been placed by the owner.
B. No owner of any dog, cat or other pet shall permit, whether by act or omission, that pet to damage or open any refuse container or scatter the contents. (Ord. 4275 § 1 (part), 1997)

7.26.140 Hazardous waste disposal.

No person shall place hazardous waste in refuse containers for collection or bury or otherwise dispose of hazardous waste in or on private or public property within the city. Residents may contact the county Health Department for recommendations on disposal of hazardous waste. Highly flammable or explosive materials shall be stored and disposed of in accordance with Loveland Fire and Rescue Department regulations at the expense of the owner or possessor of such materials. Except in response to an emergency and under order and direction of the Loveland Fire and Rescue Department, in no event shall toxic or flammable liquids or any waste liquid containing crude petroleum or its products be

disposed of by discharge into or upon any gutter, street, alley, highway, or stormwater facility, lake, or other watercourse or upon the ground unless such liquid has undergone suitable treatment. (Ord. 4275 § 1 (part), 1997)

7.26.150 Refuse containment in transit.

No person shall collect, transport or receive any refuse or rubbish within or upon any public streets in the city or anywhere in the city except in leakproof containers or vehicles so constructed that no refuse or rubbish can leak or sift through, fall out or be blown from such container or vehicle. Any person collecting or transporting any refuse or rubbish shall immediately pick up all refuse and rubbish which drops, spills, leaks or is blown from the collecting or transporting container or vehicle and shall otherwise clean the place onto which any such refuse or rubbish was so dropped, spilled, blown or leaked. (Ord. 4275 § 1 (part), 1997)

7.26.160 Waste material-Deposit on private property prohibited.

It is unlawful for any person to discard or abandon refuse or rubbish upon premises not owned or occupied by such person without the consent of the owner thereof or the person occupying the same, and such materials so deposited without such consent shall be deemed to have been discarded and abandoned if the same remain upon such premises for a period exceeding seventy-two (72) hours. Discarding and abandonment of any such materials shall be deemed to be permission by the owner thereof to the city to remove the same and assess the costs of such removal against those persons discarding or abandoning same in accordance with the provisions of sections 7.26.070 and 7.26.080. (Ord. 4275 § 1 (part), 1997)

Chapter 7.28

REMOVAL AND DISPOSAL OF ABANDONED PROPERTY OTHER THAN MOTOR VEHICLES

Sections:

7.28.010 Abandonment defined-Enforcement.

A. No person shall abandon any bicycle or other personal property, excluding motor vehicles, upon the streets or alleys of the city or upon any property of the city, or upon property other than his own without the consent of the owner thereof. Any bicycle or other personal property so left on privately owned property longer than seventy-two hours shall be presumed to be abandoned, unless prior arrangements with the owner of the property have been made. Any bicycle or other personal property, excluding motor vehicles, left unattached within any portion of the streets or alleys of the city or on any property of the city for a period of seventy-two hours or more shall be presumed abandoned, unless the owner or operator thereof has conspicuously affixed thereto information indicating his intention to return or has otherwise notified the police department of the city of his intention to move the same.

B. In the event of abandonment on private property or property of the city, either the owner of such property or some representative of the city shall notify the police department of the city. (Ord. 3437 § 1 (part), 1987)

7.28.020 Property-Removal and disposal.

A. The police department of the city is authorized to remove and dispose of all property, other than motor vehicles, which is found to be lost or abandoned, or which is confiscated, upon the streets or alleys of the city or upon private property within the city limits. Disposal of such removed or confiscated property shall be in accordance with subsections B and C of this section.

B. The police department may sell all unclaimed, removed, confiscated or abandoned property, other than firearms or property that may not be lawfully possessed, to the highest bidder at a public sale conducted at physical location (physical sales) at the date, time and place set by the chief of police or through the internet (internet sales). Notice of physical sales shall be published in a newspaper of general circulation in the city once during each of the two weeks preceding the day of the sale, which notice shall contain a general description of the articles to be sold. Internet sales shall be conducted on a site and in a manner that affords the City in the judgment of the chief of police, the most favorable market for the property involved. For physical sales the police department shall execute and deliver a bill of sale for each article sold to the purchaser thereof. The police department may sell all unclaimed removed, confiscated or abandoned firearms only to firearms dealers licensed pursuant to applicable state and federal laws and regulations.

C. Notwithstanding subsection B of this section, each city department is authorized to remove and dispose of obsolete, surplus, abandoned, or unclaimed property, other than firearms or property that it is unlawful to possess, in accordance with this chapter and administrative regulations approved by the city manager. Any firearms or property unlawful to possess shall be turned over to the police department for disposition. (Ord. 6233 § 3, 2018; Ord. 5420 § 1, 2009; Ord. 4969 § 1, 2005; Ord. 3504 § 1, 1988; Ord. 3437 § 1 (part), 1987)

D. Surplus and obsolete property means all items of tangible property previously purchased by the city or converted to city use which, in the judgment of the department director or designee who

manages such property, are no longer useful or necessary for the efficient administration of city affairs. Unclaimed property is personal property found on any real property or in any facility owned or managed by the city that has not been retrieved by its owner within seventy-two hours. (Ord. 6233 § 3, 2018)

7.28.030 Sale-Disposition of proceeds.

In the event that lost, abandoned or confiscated property is sold under the provisions of this chapter, the proceeds of the sale shall be disposed of by deposit into the City's general fund, unless state law requires otherwise, in which case the proceeds shall be disposed of in accordance with such law. (Ord. 3929 § 1, 1993; Ord. 3437 § 1 (part), 1987)

7.28.040 Abandoned refrigerators.

It is unlawful for any person to store, keep or junk any ice box, refrigerator, deep freeze or other container having an airtight compartment, without first removing the door or doors therefrom; except any such container when it is in active use or when it is stored or kept for sale by any person engaged in the business of selling the same; and except any container which is too small in area to permit a child to become locked therein. (Ord. 3437 § 1 (part), 1987)

Chapter 7.29

UNCLAIMED INTANGIBLE PROPERTY

Sections:

7.29.010 Definitions.

As used in this chapter, the following words and phrases are defined as follows:

A. "City" means the city of Loveland, Colorado.

B. "Owner" means a person or entity, including a corporation, partnership, association, governmental entity other than this city, or a duly authorized legal representative or successor in interest of same, which owns unclaimed intangible property held by the city.

C. "Unclaimed intangible property" means intangible property, including, but not limited to, moneys, checks, drafts, deposits, credit balances, customer overpayments, gift certificates, refunds, security deposits, unpaid wages, amounts distributable from a trust or custodial fund established under an employee benefit plan, and including any income or increment derived therefrom, less any lawful charges, that is held by or under the control of the City and which has not been claimed by its owner for a period of one year or longer after it became payable or distributable. "Un-claimed intangible property" does not include unclaimed utility account customer deposits, unclaimed personal property as described in Chapter 7.28 of this code, and abandoned motor vehicles as described in Chapter 10.28 of this code. (Ord. 3892 § 1 (pan), 1993)

7.29.020 Procedure for disposition of intangible property.

A. After property becomes unclaimed intangible property as defined at Section 7.29.010 C, but prior to disposition, the city clerk shall send a written notice by certified mail to the last known address, if any, of any owner of unclaimed intangible property. The last known address of the owner shall be the last address of the owner as shown by the records of the city department or agency holding the property and such other address as may be readily available to the city clerk's office by accessing its files and the city of Loveland telephone directory. The notice shall include the following:
   1. A description of the property;
   2. The amount or estimated value of the property;
   3. The purpose for which the property was deposited or otherwise held, when available;
   4. The location of where the owner may make inquiry of or claim the property; and
   5. An advisement that if the owner fails to provide the city clerk with a written claim for the return of the property within sixty days of the date of the notice, the property shall become the sole property of the city and any claim of the owner to such property shall be deemed forfeited.

B. In addition to the requirements of subsection A hereof, prior to disposition of any unclaimed intangible property having an estimated value of greater than fifty dollars or having no last known address of the owner, the city clerk shall cause a notice to be published in a newspaper of general circulation in the city. Such publication shall occur after the property becomes unclaimed intangible property as defined at Section 7.29.010 C. The notice shall include the following:
   1. A description of the property;
   2. The name of the owner of the property;
   3. The amount or estimated value of the property;
   4. The purpose for which the property was deposited or otherwise held, when available;

5. The location of where the owner may make inquiry of or claim the property; and
6. An advisement that if the owner fails to provide the city clerk with a written claim for the return of the property within sixty days of the date of publication of the notice, the property shall become the sole property of the city and any claim of the owner to such property shall be deemed forfeited.

C. If the city clerk receives no written claim within the above sixty day claim period, the property shall become the sole property of the city and any claim of the owner to such property shall be deemed forfeited. The property or the proceeds of the sale thereof shall be placed in the general fund of the city.

D. If the city clerk receives a written claim within the sixty day claim period, the city clerk shall evaluate the claim and give written notice to the claimant within sixty days thereof that the claim has been accepted or denied in whole or in part. Failure of the city clerk to give written notice shall be considered a denial of the claim. The city clerk may investigate the validity of a claim and may request further supporting documentation from the claimant prior to disbursing or refusing to disburse the property. If the claim is denied in whole or in part by the city clerk, the claimant may request and receive a hearing before a hearing officer appointed by the city manager, providing such request for hearing is made in writing to the city clerk within fifteen days of mailing of the city clerk's denial to claimant or within seventy-five days of submittal of the claim to the city clerk in the event the city clerk fails to give written notice in a timely manner. Failure of claimant to timely request such a hearing shall bar claimant's recovery.

E. In the event that there is more than one claimant for the same property, the city may, in its sole discretion, resolve said claims as set forth herein, or may resolve such claims by depositing the disputed property with the registry of the District Court in an interpleader action. The city may withhold actual disbursement of the property until after the elapse of the appeal period set forth in subsection H hereof.

F. In the event that all claims filed are denied, the property shall become the sole property of the city and any claim of the owner of such property shall be deemed forfeited.

G. Prior to disbursement of any property, the city clerk shall require the owner to pay to the city the city's notice and publication costs.

H. Any legal action filed challenging a decision of the hearing officer shall be fried pursuant to Rule 106 of the Colorado Rules of Civil Procedure within thirty days of such decision or shall be forever barred. If any legal action is timely filed, the property shall be disbursed by the city clerk pursuant to the order of the court having jurisdiction over such claim. (Ord. 3892 § 1 (part), 1993)

Chapter 7.30

GRAFFITI

Sections:

7.30.010 Purpose.

Graffiti is hereby determined to be a public nuisance because it constitutes a visual blight within the area in which it is located and upon the city generally. The existence of graffiti acts as a catalyst for gang communication, the spread of crime, and other antisocial behavior. It is the intent of this chapter to prevent the destruction and devaluation of public and private property by the application and continued existence of graffiti, and to provide the City with the ability to abate any such graffiti in order to reduce deterioration of neighborhoods within the city.

7.30.020 Definitions.

As used in this chapter, the following definitions shall apply:

A. "City manager" means the city manager of the City of Loveland, Colorado, or the city manager's designee.
B. "Enforcement officer" means a code enforcement officer of the City of Loveland.
C. "Public nuisance" means any condition affecting a property which: (1) creates a health or safety hazard; (2) directly or indirectly causes the devaluation of the property or of any neighboring property; (3) constitutes a gang communication; or (4) promotes crime, vandalism or gang communication.
D. "Graffiti" means any defacing of public or private property by means of painting, drawing, writing, etching, inscription, or carving with paint, spray paint, ink, knife, or any similar method, with any contrast medium whatsoever, without advance authorization by the owner of the property or, which despite such advance authorization, is otherwise a public nuisance.
E. "Owner" means any person who is specified as the owner of property by the records of the Larimer County Assessor, or any person leasing, occupying or having control or possession of any property in the city.
F. "Property" means any real or personal property, including without limitation, vacant land, improvements to land, fixtures, buildings, structures, vehicles, and dumpsters.

7.30.030 Graffiti prohibited.

A. It shall be unlawful for any person to apply graffiti upon any public or private property, except with the advance authorization of the owner of the property.
B. It shall be unlawful for any person to possess any paint, spray paint, or other substance or article adapted, designed, or commonly used for committing or facilitating the commission of the offense of application of graffiti, with the intent to use the substance or article in the commission

of such offense, or with the knowledge that some person intends to use the substance or article in the commission of such offense.

C. It shall be unlawful for any owner of property to fail to abate graffiti from such property when the graffiti is visible to public view or from an adjacent property, within three days from the time such person knows, or reasonably should have known, either directly or through such owner's agents, of such graffiti.

7.30.040 Notice and Order of Abatement.

If any person fails to comply with Section 7.30.030.C, a written Notice of Violation and Order of Abatement may be served by the City upon the owner or agent in charge of such property, requiring abatement of the graffiti within fifteen (15) days after mailing or delivery of such notice. Such notice and order shall be served by personal service, by regular mail, or by posting on the property.

7.30.050 City removal and assessment.

A. If a Notice of Violation and Order to Abate is served pursuant to Section 7.30.040, and if the graffiti has not been abated within the stated time, the city manager may cause a Notice of Abatement to be served upon the owner or agent in charge of such property, either by personal service or by posting and certified mail, which notice shall allow the City to enter upon the property and abate the graffiti, and assess the whole cost thereof, including ten percent for inspection and other incidental costs in connection therewith, upon the land. The Notice of Abatement shall allow the owner a period of time, of not less than twenty (20) days, within which the owner may contact the city manager in writing, to object to the abatement of the graffiti by the City and to request an appeal hearing before the municipal court.

(1) If, after receiving a Notice of Abatement, an owner timely objects in writing to the City entering the subject property to abate, cover, or remove the graffiti, an administrative appeal hearing with the municipal court shall be scheduled within fifteen (15) days. The owner shall be given written notice of such hearing by personal service or by certified mail, addressed to the owner at the address specified in the written objection filed by the owner.

(a) At the hearing, the enforcement officer shall present evidence regarding the existence of graffiti on the subject property. The owner may then present evidence and show cause why the graffiti should not be abated forthwith.

(b) If the municipal court finds by a preponderance of the evidence that graffiti exists on the property as alleged and that the owner has failed to abate such graffiti without good cause, then the municipal judge shall issue an administrative order and warrant requiring abatement of the graffiti by the owner, and authorizing the City or its private contractors to enter upon the property for the purpose of abating, covering, or removing such graffiti, if the owner has not abated such graffiti within five (5) days of the administrative order and warrant, and to assess the whole cost thereof, including ten percent (10%) for inspection and other incidental costs associated therewith, upon the land. The costs and any charges for graffiti abatement, assessed by the City pursuant to this chapter, shall be paid by the owner of the property or agent for such owner within thirty (30) days after mailing of the bill or assessment of such cost by the City to said owner or agent. The City shall have the right to proceed for the collection of any unpaid charges for graffiti abatement in the manner provided by law for collection of debts and claims on behalf of the City, including without limitation, the collection and lien procedures provided in this section.

(2) If, after receiving a Notice of Abatement, the graffiti has not been abated and no objection to the City entering the property has been received by the City within the twenty-day period following such notice, the enforcement officer may arrange for City employees or private contractors to enter upon the property and abate, cover, or remove such graffiti. The owner

shall pay all reasonable costs for the abatement of such graffiti, including ten percent for inspection and other incidental costs associated therewith. The costs and any charges for graffiti abatement, assessed by the City pursuant to this chapter, shall be paid by the owner of the property or agent for such owner within thirty (30) days after mailing of the bill or assessment of such cost by the City to said owner or agent. The City shall have the right to proceed for the collection of any unpaid charges for graffiti abatement in the manner provided by law for collection of debts and claims on behalf of the City, including without limitation, the collection and lien procedures provided in this section.

B. In addition to the process and procedures the City may pursue to abate graffiti as provided above in paragraph A. of this Section, if a property owner does not abate the graffiti, or make arrangements satisfactory to the city manager for the abatement of such graffiti, within twenty (20) days after service on the owner of the Notice of Abatement as provided above in paragraph A., and the city manager determines that entry onto the property is opposed by the property owner or will be technically difficult or if the city manager wishes to clarify the appropriate nature and conditions of entry upon the land, the city manager may also submit an affidavit to the municipal court in support of a request for an administrative warrant to authorize entry upon the property to remove graffiti. Such affidavit shall set forth probable cause to believe that graffiti exists on the property and shall specify that the owner of the property has not removed the graffiti following notice to do so. Upon receipt of such affidavit and determination of probable cause, the municipal court shall issue a warrant authorizing the manager or the manager's agents to enter upon the property as needed to abate the graffiti.

C. If the owner fails to pay the charges associated with graffiti abatement within the described 30-day period, a Notice of Assessment shall be mailed via certified mail by the City to the owner of the property, notifying the owner that failure to pay the assessed amount within ten (10) days of the date of the letter shall cause the assessment to become a lien against the property.

D. Failure to pay the amount assessed for graffiti abatement including inspection and incidental costs within the ten-day period specified in the notice of assessment shall cause the owner of the property to be subject to the lien and collection provisions of Chapter 3.50 of this code. (Ord. 5683 § 4, 2012)

E. If the City proceeds with abatement of graffiti as provided in this section, and such abatement is effectuated by painting over said graffiti, the City shall not be required to use paint that matches the preexisting paint in color or kind, but shall use reasonable care in selecting the type and color of paint used. In this regard, a rebuttable presumption shall arise and be deemed to exist in any proceeding under this chapter and in other judicial proceeding related in any way to the City's abatement of the graffiti to the effect that the eradication of graffiti with contrasting paint does not damage private property more than does the continued presence of such graffiti on the property.

7.30.060 Administrative review of assessment.

Any owner who disputes the amount of an assessment made against such owner's property under Section 7.30.050 may, within twenty (20) days of the date of the initial notice of such assessment, petition the city manager for a revision or modification of such assessment in accordance with the administrative appeal provisions in Chapter 7.70 of this title.

7.30.070 Owners have ultimate responsibility for violations.

Every owner remains liable for violations of responsibilities imposed upon an owner by this chapter even though an obligation is also imposed on the occupant of the premises and even though the owner has by agreement imposed on the occupant the duty of maintaining the premises.

7.30.080 No duty upon City.

Nothing in this chapter shall impose an affirmative duty upon the city manager to remove or eradicate graffiti. Nothing in this chapter shall prevent the city manager or the municipal judge from providing additional notice and time for abatement to a property owner or agents of a property owner, should it appear to the manager or the judge that such extra notice and time for abatement is likely to produce prompt removal of the graffiti.

7.30.090 Concurrent Remedies.

The remedies set forth in this chapter shall not be exclusive, and nothing in this chapter shall restrict the City from concurrently pursuing criminal enforcement of any violations of this code or pursuing any other remedy provided by law.

7.30.100 Penalties.

Any person found guilty of violating any provisions of this chapter shall be sentenced in accordance with chapter 1.12 of this code. Additionally, any person found guilty for violating section 7.30.030.A of this chapter, may be ordered by the court to abate any graffiti they have caused, or pay for any such abatement as provided by the City or other property owner. (Ord. 5549 § 2, 2011)

Chapter 7.32

SOUND LIMITATIONS

Sections:

Prior ordinance history: prior code §§ 33.1 § 33.6 as amended by Ords. 998, 1237, 1250 and 1396.

7.32.010 Prohibitions.

A. It is unlawful to make or cause to be made, or create or cause to be created, any noise, the sound levels of which, when measured at a distance of twenty-five feet or more from any property line, are in excess of the limits set out in Section 7.32.040.

B. It is unlawful to make or cause to be made, or create or cause to be created, any periodic, impulsive or shrill noises which, when measured as in subsection (A) above, are in excess of a sound level of 5 db(A) less than the limits set out in Section 7.32.040. (Ord. 1988 § 1 (part), 1981)

C. It is unlawful to make, continue or cause to be made or continued any unreasonable noise; and no person shall knowingly permit such noise upon any premises or in or upon any vehicle owned or possessed by such person or under such person's control or operation. For purposes of this Section 7.32.010(C), peace officers are empowered to make a prima facie determination as to whether a noise is unreasonable.

With regard to the operation of motor vehicles, and without limiting the generality of the Section, unreasonable noise shall include, but not be limited to:

(1) The continuous or repeated sounding of any horn or signal device of a motor vehicle, except as a danger signal. For the purposes of this Subsection, *continuous* shall mean continuing for an unnecessary or unreasonable period of time.

(2) The operation of any motor vehicle in a manner which causes excessive noise as a result of unnecessary rapid acceleration, deceleration, revving the engine or tire squeal.

7.32.020 Definitions.

As used in this chapter the following words shall be defined as set out below:

A. "Residential" means an area of single or multifamily dwellings where businesses may or may not be conducted in such dwellings. This zone includes areas where multiple unit dwellings, high rise apartment districts, hospitals, nursing homes and similar institutional facilities and redevelopment districts are located. A residential zone may include areas containing accommodations for transients, such as residential hotels and motels, and residential areas with limited office development, but it may not include retail shopping facilities.

B. "Commercial" means an area containing offices, clinics and facilities needed to serve them; local shopping and service establishments located within walking distances of the residents served; tourist-oriented areas containing hotels, motels and gasoline stations, integrated regional shopping areas, a business strip along a main street containing offices, retail businesses and

commercial enterprises, commercial business district or a commercially dominated area with multiple unit dwellings.

C. "Industrial" means an area in which noise restrictions on industry are necessary to protect the value of adjacent properties or for other economic activity, but shall not include agricultural operations.

D. "Adjacent." When a noise source can be measured for more than one zone, the permissible sound level of the more restricted zone shall govern.

E. "db(A)" means sound levels in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute ("ANSI"), Publication S1.4-1983 or successor publications of ANSI, or its successor bodies.

F. "Decibel" means a unit used to express the magnitude of a change in sound level. The difference in decibels between two sound pressure levels is twenty times the common logarithm of their ratio. In sound pressure measurements sound levels are defined as twenty times the common logarithm of the ratio of that sound pressure level to a reference level of 2 x 10 - 5N/m2 (Newtons/meter squared). As an example of the formula, a 3 decibel change is a one hundred percent increase or decrease in the sound level, and a 10 decibel change is a one thousand percent increase or decrease in the sound level.

G. "Property" means real and personal property, but not including motor vehicles or motorized bicycles or motorcycles. (Ord. 1988 § 1 (part), 1981)

H. "Unreasonable noise" means any sound of such level and duration as to be or tend to be injurious to human health or welfare, or which would unreasonably interfere with the enjoyment of life or property throughout the city or in any portions thereof, but excludes all aspects of the employer-employee relationship concerning health and safety hazards within the confines of a place of employment.

7.32.040 Noise limitation.

Except as provided in Section 7.32.060 and 7.32.070, no noise shall exceed the levels set out below when measured pursuant to Section 7.32.050; provided however, that a violation of section 7.32.010(C) may occur without exceeding these levels and without a measurement:

ZONE	7 a.m. to 9 p.m.	9 p.m. to 7 a.m.
Residential	55 db(A)	50 db(A)
Commercial	60 db(A)	55 db(A)
Industrial	75 db(A)	70 db(A)

(Ord. 4998 § 1 (part), 2005; Ord. 1988 § 1 (part), 1981)

7.32.050 Sound measurement.

A noise shall be measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute "ANSI", Publication S1.4-1983, or successor publications of ANSI , or its successor bodies. Measurements with sound level meters shall be made when the wind velocity at the time and place of such measurement is not more than five miles per hour. In all sound level measurements, consideration shall be given to the effect of the ambient noise level created by the encompassing noise of the environment from all sources at the time and place of such sound level measurement. (Ord. 1988 § 1 (part), 1981)

7.32.060 Exceptions.

A. In the hours between seven a.m. and the next nine p.m. the noise levels permitted in 7.32.040 may be increased by 10 db(A) for a period of not exceeding fifteen minutes in any one hour.

B. All sound emanating from any aircraft, church, warning or emergency signal device used or authorized by any government agency, or program incident to the recognition or celebration of Veteran's Day, shall not be subject to the provisions of this chapter.
C. The provisions of this chapter shall not apply to any authorized emergency vehicle (as defined by the Model Traffic Code as amended and adopted by the city and the Colorado Revised Statutes) when responding to an emergency call.
D. The provisions of this chapter shall not apply to those activities of temporary duration permitted by law for which a license or permit has been granted by the city, including but not limited to parades and firework displays.
E. All railroad rights-of-way are considered as industrial zones for the purposes of this chapter and the operation of trains are subject to the maximum permissible noise levels specified for the industrial zone as indicated in 7.32.040.
F. Construction projects shall be subject to the maximum noise level specified for industrial zones as indicated in 7.32.040 for the period of the construction project, provided that the proper construction permit has been issued by the city. (Ord. 1988 § 1 (part), 1981)

7.32.070 Temporary permits.

Temporary permits to exceed sound limitations of this chapter may be issued by the city manager. All temporary permits shall contain the following provisions: the duration of the permit, the sound source temporarily permitted, the hours of the day and days of the week such permit is effective, and any other limitations that may be imposed by the city manager. (Ord. 1988 § 1 (part), 1981)

Chapter 7.36

FIRE PROTECTION

Sections:

7.36.010 Burning refuse.

No person shall burn combustible trash, rubbish or waste within or without any private incinerator, barrel or other container within the city on or after January 1, 1970, nor shall any person operate or cause to be operated any incinerator or any other container for the burning of combustible trash, rubbish or waste within the city on or after said date, unless the container or incinerator, or other burning process has previously been approved by the Colorado Air Pollution Control Commission. Nothing in this section shall be construed to prevent the agricultural burning by the owner thereof of weeds from ditches, ditch banks and ditch rights-of-way or from fence rows or fields, where such fence rows or fields are an integral part of an agricultural operation comprising twenty or more acres in size; provided, that such owner holds a valid permit from the county environmental health department, which permit has been endorsed by the fire marshal, or in an emergency situation with authorization from the fire chief or the city manager. Prior to endorsing any such permit the fire marshal shall determine that adequate precautions have been or will be taken to prevent the spread of fire to adjacent property. (Ord. 3426 § 1, 1987; Ord. 2027 § 1, 1982; Ord. 1070 § 1, 1969; prior code § 11.16)

7.36.020 Fire drills.

The owner or person in charge of any theater, assembly hall, or other public place designated by the fire chief, shall instruct personnel of such places in fire procedures and fire drills and shall hold a fire drill at least twice each year. Any refusal or failure to give the instruction or to hold the fire drills constitutes a violation of this code. (Ord. 3842 § 14, 1992; prior code § 10.11)

7.36.030 Destruction of property.

When a fire is in progress the chief of the fire department, or in his absence the assistant chief, may order any building or buildings, fences or other structures, that are in close proximity to such fire to be torn down, blown up or otherwise disposed of, if he deems it necessary for the purpose of checking the progress of any fire. (Prior code § 10.9)

Chapter 7.40

SMOKING IN PUBLIC PLACES

Sections:

7.40.010 Intent.

It is the intent of this chapter to protect the public health, safety and welfare by prohibiting smoking in areas which are used by or open to the public and in areas where persons are likely to gather in close proximity to one another unless such areas are designated as smoking areas pursuant to this chapter. This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by State law.

7.40.020 Definitions.

As used in this chapter, the following words and terms shall be defined as follows, unless the context requires otherwise:

A. "Airport smoking concession" means a bar or restaurant, or both, in a public airport with regularly scheduled domestic and international commercial passenger flights, in which bar or restaurant smoking is allowed in a fully enclosed and independently ventilated area by the terms of the concession.

B. "Auditorium" means the part of a public building where an audience gathers to attend a performance, and includes any corridors, hallways, or lobbies adjacent thereto.

C. "Bar" means any indoor area that is operated and licensed under article 47 of title 12, C.R.S., primarily for the sale and service of alcohol beverages for on-premises consumption and where the service of food is secondary to the consumption of such beverages.

D. "Cigar-tobacco bar" means a bar that, in the calendar year ending December 31, 2005, generated at least five percent or more if its total annual gross income or fifty thousand dollars in annual sales from the on-site sale of tobacco products and the rental of on-site humidors, not including any sales from vending machines. In any calendar year after December 31, 2005, a bar that fails to generate at least five percent of its total annual gross income or fifty thousand dollars in annual sales from the on-site sale of tobacco products and the rental of on-site humidors shall not be defined as a "cigar-tobacco bar" and shall not thereafter be included in the definition regardless of sales figures.

E. 1. "Employees" means any person who:

a. performs any type of work for benefit of another in consideration of direct or indirect wages or profit; or

b. provides uncompensated work or services to a business or nonprofit entity.

2. "Employee" includes every person described in paragraph (1) of this subsection E, regardless of whether such person is referred to as an employee, contractor, independent contractor, or volunteer or by any other designation or title.

F. "Employer" means any person, partnership, association, corporation, or nonprofit entity that employs one or more persons. "Employer" includes, without limitation, the legislative,

executive, and judicial branches of state government; any county, city and county, city, or town, or instrumentality thereof, or any other political subdivision of the state, special district, authority, commission, or agency; or any other separate corporate instrumentality or unit of state or local government.

G. "Entryway" means the outside of the front or main doorway leading into a building or facility that is not exempted from this chapter under Section 7.40.040. "Entryway" also includes the area of public or private property within a fifteen (15) foot radius outside of the doorway.

H. "Environmental tobacco smoke," "ETS," or "secondhand smoke" means the complex mixture formed from the escaping smoke of a burning tobacco product, also known as "sidestream smoke," and smoke exhaled by the smoker.

I. "Food service establishment" means any indoor area or portion thereof in which the principal business is the sale of food for on-premises consumption. The term includes, without limitation, restaurants, cafeterias, coffee shops, diners, sandwich shops, and short-order cafes.

J. "Indoor area" means any enclosed area or portion thereof. The opening of windows or doors, or the temporary removal of wall panels, does not convert an indoor area into an outdoor area.

K. "Marijuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate.

L. "Person" means any individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, limited liability company, partnership, association, or other legal entity.

M. "Place of employment" means any indoor area or portion thereof under the control of an employer in which employees of the employer perform services for, or on behalf of, the employer.

N. "Public building" means any building owned or operated by:

1. the state, including the legislative, executive, and judicial branches of state government;
2. any county, city and county, city, or town, or instrumentality thereof, or any other political subdivision of the state, a special district, an authority, a commission, or an agency; or
3. any other separate corporate instrumentality or unit of state or local government.

O. "Public meeting" means any meeting open to the public pursuant to part 4 of article 6 of title 24, C.R.S., or any other law of this state.

P. "Smoke-free work area" means an indoor area in a place of employment where smoking is prohibited under this chapter.

Q. "Smoking" means the burning of a lighted cigarette, cigar, pipe, or any other matter or substance that contains tobacco including, without limitation, marijuana.

R. "Tobacco" means cigarettes, cigars, cheroots, stogies, and periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff and snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts, refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or for smoking in a cigarette, pipe, or otherwise, or both for chewing and smoking. "Tobacco" also includes cloves, marijuana, and any other plant matter or product that is packaged for smoking.

S. "Tobacco business" means a sole proprietorship, corporation, partnership, or other enterprise engaged primarily in the sale, manufacture, or promotion of tobacco, tobacco products, or smoking devices or accessories, either at wholesale or retail, and in which the sale, manufacture, or promotion of other products is merely incidental.

T. "Work area" means an area in a place of employment where one or more employees are routinely assigned and perform services for or on behalf of their employer. (Ord. 5839 § 2, 2013)

7.40.030 General Smoking Restrictions.

A. Except as provided in Section 7.40.040 and in order to reduce the levels of exposure to environmental tobacco smoke, smoking shall not be permitted and no person shall smoke in any indoor area, including, but not limited to:

1. Public meeting places;
2. Elevators;
3. Government-owned or -operated means of mass transportation, including, but not limited to, buses, vans, and trains;
4. Taxicabs and limousines;
5. Grocery stores;
6. Gymnasiums;
7. Jury waiting and deliberation rooms;
8. Courtrooms;
9. Child day care facilities;
10. Health care facilities including hospitals, health care clinics, doctor's offices, and other health care related facilities;
11. a. Any place of employment that is not exempted.
    b. In the case of employers who own facilities otherwise exempted from this chapter, each such employer shall provide a smoke-free work area for each employee requesting not to have to breathe environmental tobacco smoke. Every employee shall have a right to work in an area free of environmental tobacco smoke.
12. Food service establishments;
13. Bars;
14. Limited gaming facilities and any other facilities in which any gaming or gambling activity is conducted;
15. Indoor sports arenas;
16. Restrooms, lobbies, hallways, and other common areas in public and private buildings, condominiums, and other multiple-unit residential facilities;
17. Restrooms, lobbies, hallways, and other common areas in hotels and motels, and in at least seventy-five percent of the sleeping quarters within a hotel or motel that are rented to guests;
18. Bowling alleys;
19. Billiard or pool halls;
20. Facilities in which games of chance are conducted;
21. The common areas of retirement facilities, publicly owned housing facilities, and nursing homes, not including any resident's private residential quarters;
22. Public buildings;
23. Auditoria;
24. Theaters;
25. Museums;
26. Libraries;
27. To the extent not otherwise provided in C.R.S. § 25-14-103.5, public and nonpublic schools;
28. Other educational and vocational institutions; and
29. The entryways of all buildings and facilities listed in paragraphs (1) to (28) of this subsection A.

B. A cigar-tobacco bar shall not expand its size or change its location from the size and location in which it existed as of December 31, 2005. A cigar-tobacco bar shall display signage in at least one conspicuous place and at least four inches by six inches in size stating: "Smoking allowed. Children under eighteen years of age must be accompanied by a parent or guardian."

7.40.035 Specific Smoking Restrictions for City Owned Property

In order to reduce the levels of exposure to environmental tobacco smoke, smoke or aerosol generated from electronic smoking deices, and second hand smoke, smoking shall not be permitted and no person shall smoke in any indoor area of any property belonging to the City of Loveland or within fifteen (15) feet from any entry way of any property belonging to the City of Loveland. For purposes of this section, "smoking" shall mean the act of burning, heating, or activation of any device, including, but not limited to, a cigarette, cigar, pipe, hookah, or electronic smoking device, electronic cigarette, vape pen, e-hookah or similar device by any other product name or descriptor, that results in the release of smoke, vapors or aerosol when the apparent or usual purpose of the burning, heating or activation of the device is human inhalation. (Ord. 6029 § 1, 2016)

7.40.040 Exceptions to Smoking Restrictions.

A. Except as is provided in section 7.40.045, this chapter shall not apply to:
   1. Private homes, private residences, and private automobiles; except that this chapter shall apply if any such home, residence, or vehicle is being used for child care or day care or if a private vehicle is being used for the public transportation of children or as part of health care or day care transportation;
   2. Limousines under private hire;
   3. A hotel or motel room rented to one or more guests if the total percentage of such hotel or motel rooms in such hotel or motel does not exceed twenty-five percent;
   4. Any retail tobacco business;
   5. A cigar-tobacco bar;
   6. An airport smoking concession;
   7. The outdoor area of any business;
   8. A place of employment that is not open to the public and that is under the control of an employer that employs three or fewer employees;
   9. A private, nonresidential building on a farm or ranch, as defined in C.R.S. § 39-1-102, that has annual gross income of less than five hundred dollars; or
   10. The retail floor plan, as defined in C.R.S. § 12-47.1-509, or a licensed casino. (Ord. 5839 § 3, 2013)

7.40.045 Marijuana Smoking Restrictions

A. In addition to the smoking restrictions of section 7.40.030 and notwithstanding the exceptions to smoking restrictions provided in section 7.40.040, it shall be unlawful for any person to openly and publicly smoke marijuana within any enclosed area.
B. As used in this section, the following words and terms shall have the following meanings:
   1. "Enclosed area" shall mean a permanent or semi-permanent area covered and surrounded on all sides and the temporary opening of windows or the temporary removal of wall or ceiling panels shall not convert that area into an unenclosed area or space.
   2. "Openly" shall mean occurring or existing in a manner that is unconcealed, undisguised, or obvious.
   3. "Publicly" shall mean occurring or existing in a public place or occurring or existing in any outdoor location where the consumption of marijuana is clearly observable from a public place.
   4. "Public place" shall mean a place to which the public or a substantial number of the public have access and shall include, without limitation: public sidewalks, trails, streets and highways; public transportation facilities and vehicles; schools; places of amusement; parks, playgrounds and other outdoor recreational areas; and the common areas of public and private buildings and facilities. (Ord. 5839 § 4, 2013)

7.40.050 Optional Prohibitions.

A. The owner or manager of any place not specifically listed in Section 7.40.030, including a place otherwise exempted under Section 7.40.040, may post signs prohibiting smoking or providing smoking and nonsmoking areas. Such posting shall have the effect of including such place, or the designated nonsmoking portion thereof, in the places where smoking is prohibited or restricted pursuant to this chapter.
B. If the owner or manager of a place not specifically listed in Section 7.40.030, including a place otherwise exempted under Section 7.40.040, is an employer and receives a request from an employee to create a smoke-free work area as contemplated by Section 7.40.030 A.(11)(b), the owner or manager shall post a sign or signs in the smoke-free work area as provided in subsection A. of this section.

7.40.060 Violations.

A. It is unlawful for a person who owns, manages, operates, or otherwise controls the use of a premise subject to this chapter to violate any provision of this chapter.
B. It is unlawful for a person to smoke in an area where smoking is prohibited pursuant to this chapter.
C. Any person violating any provision of this chapter, except section 7.40.045, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed two hundred dollars for a first violation within a calendar year, a fine not to exceed three hundred dollars for a second violation within a calendar year, and a fine not to exceed five hundred dollars for each additional violation within a calendar year. Each day of a continuing violation shall be deemed a separate violation. (Ord. 5839 § 5, 2013; Ord. 5161 § 1, 2007)
D. Any person violating section 7.40.045 shall be guilty of a misdemeanor offense and subject to the penalties authorized in code section 1.12.010. Each day of a continuing violation shall be deemed a separate violation. (Ord. 5839 § 6, 2013)

Chapter 7.50

POSSESSION AND USE OF TOBACCO PRODUCTS BY MINORS

Sections:

7.50.010 Intent.

It is the intent of this chapter to protect the public health, safety and welfare by prohibiting the possession and use of tobacco products by minors and by prohibiting the dissemination and furnishing of tobacco products to minors. (Ord. 4135 § 1 (part), 1995)

7.50.020 Definitions.

As used in this chapter, the following words or phrases are defined as follows:

A. "Minor" means any person younger than eighteen years of age.
B. "Smoking" means the holding or carrying of a lighted pipe, lighted cigar, or lighted cigarette of any kind and includes the lighting of a pipe, cigar, or cigarette of any kind.
C. "Tobacco Product" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.
D. "Retailer" means any person who sells cigarettes or smokeless tobacco to individuals for personal consumption or who operates a facility where vending machines or self service displays are permitted under this chapter. (Ord. 4271 § 1, 1997; Ord. 4135 § 1 (part), 1995)

7.50.030 Unlawful possession or use of tobacco products by minors.

A. It shall be unlawful for any minor to knowingly possess, consume, or use, either by smoking, ingesting, absorbing, or chewing, any tobacco product.
B. It shall be unlawful for any minor to knowingly obtain or attempt to obtain any tobacco product by misrepresentation of age or by any other method.
C. It shall be rebuttably presumed that the substance within a package or container is a tobacco product if the package or container has affixed to it a label which identifies the package or container as containing a tobacco product.
D. The court may, in its discretion and as part of the sentence to be imposed, require a person convicted of violating any portion of this section to complete court-approved public service in an amount to be set by the court and at a cost to the defendant as set by resolution of City Council. Additionally, upon the first conviction of any person, the court shall emphasize education as a component of any sentence. (Ord. 4135 § 1 (part), 1995)

7.50.040 Unlawful furnishing of tobacco products to minors.

A. It shall be unlawful for any person to knowingly furnish to any minor, by gift, sale, or any other means, any tobacco product.
B. Each retailer shall verify by means of photographic identification containing the bearer's date of birth that a person purchasing a tobacco product is eighteen years of age or older. No such verification is required for any person over the age of twenty-six. It shall be an affirmative

defense to a prosecution under this section that the person furnishing the tobacco product was presented with and reasonably relied upon photographic identification containing the bearer's date of birth which identified the minor receiving the tobacco product as being eighteen years of age or older. (Ord. 4271 § 2, 1997; Ord. 4135 § 1 (part), 1995)

7.50.050 Retail sale of tobacco products.

A. It shall be unlawful for any business proprietor, manager, or other person in charge or control of a retail business of any kind to engage, employ or permit any minor to sell tobacco products from such retail business.

B. It shall be unlawful for any business proprietor, manager, or other person in charge or control of a retail business of any kind to stock or display a tobacco product in any way which allows a customer to access such tobacco product without first securing the physical assistance of an adult business employee for each transaction. The foregoing sentence shall not be effective until July 20, 1996. The provisions of this subsection B. shall not apply to vending machines meeting the requirements of section 7.50.060 of this code. (Ord. 4271 § 3, 1997; Ord. 4135 § 1 (part), 1995)

7.50.060 Vending machines.

A. It shall be unlawful for any person to sell or offer to sell any tobacco product by use of a vending machine or other coin-operated machine, except that tobacco products may be sold at retail through vending machines only in places to which minors are not permitted access and such vending machine is under the direct supervision of the owner of the establishment or an adult employee of the owner.

B. It shall be unlawful for any person to possess or allow upon premises controlled by such person an operable vending machine containing any tobacco product unless such vending machine is located in a place where minors are not permitted access and such vending machine is under direct supervision of the owner of the establishment or an adult employee of the owner.

C. As used in this section, “under direct supervision” means the vending machine shall be in plain vision of the adult employee or owner during regular business hours. (Ord. 4135 § 1 (part), 1995)

Chapter 7.60

MEDICAL MARIJUANA

Sections:

7.60.010 Definitions.

As used in this Chapter, the following words, terms and phrases shall have the following meanings:

A. *Amendment 20* shall mean Article XVIII, Section 14 of the Colorado Constitution added to the Colorado Constitution by a statewide voter initiative adopted on November 7, 2000.

B. *Colorado Medical Marijuana Code* shall mean Part 1 of Article 43.3 of Title 12 of the Colorado Revised Statutes, C.R.S. § 12-43.3-101, *et seq.*, as amended.

C. *Medical marijuana* shall mean marijuana that is grown and sold pursuant to the provisions of the Colorado Medical Marijuana Code and for a purpose authorized by Amendment 20.

D. *Medical marijuana center* shall mean a person licensed to operate a business as described in the Colorado Medical Marijuana Code that sells medical marijuana and medical marijuana-infused products to registered patients or primary caregivers as defined in Amendment 20, but is not a primary caregiver, and which a municipality is authorized to prohibit as a matter of law.

E. *Medical marijuana-infused product* shall mean a product infused with medical marijuana that is intended for use or consumption other than by smoking, including, without limitation, to edible products, ointments, and tinctures.

F. *Medical marijuana-infused products manufacturer* shall mean a person licensed pursuant to the Colorado Medical Marijuana Code to operate a business manufacturing medical marijuana-infused products, and which a municipality is authorized to prohibit as a matter of law.

G. *Optional premises cultivation operation* shall mean a person licensed pursuant to the Colorado Medical Marijuana Code to grow and cultivate medical marijuana for a purpose authorized by Amendment 20, and which a municipality is authorized to prohibit as a matter of law.

H. *Patient* shall have the meaning set forth in Section 14(1)(c) of Amendment 20.

I. *Person* shall mean a natural person, partnership, association, company, corporation, limited liability company, or other organization or entity, or a manager, agent, owner, director, servant, officer, or employee thereof.

J. *Primary caregiver* shall have the same meaning as the term "primary care-giver" is given in Section 14(1)(f) of Amendment 20.

7.60.020 Medical Marijuana Centers, Optional Premises Cultivation Operations, and Medical Marijuana-Infused Products Manufacturers' Licenses Prohibited.

A. The operation of medical marijuana centers, optional premises cultivation operations and medical marijuana-infused products manufacturers' licenses within the City's boundaries, which

might otherwise be authorized under the Colorado Medical Marijuana Code, are hereby prohibited as authorized and provided in C.R.S. § 12-43.3-106.

B. It shall be unlawful and a violation under this Chapter for any person to establish, operate, continue to operate, cause to be operated, or permit to be operated within the city's current boundaries, and within any area annexed into the City after July 20, 2010, a facility, business or any other operation requiring a license under the Colorado Medical Marijuana Code to operate as a medical marijuana center, optional premises cultivation operation, or as a medical marijuana-infused products manufacturer.

7.60.030 Cultivation, Storage and Sale of Medical Marijuana Prohibited.

No person shall cultivate, store or sell medical marijuana within the City's boundaries unless such person does so as a lawfully registered patient or primary caregiver and does so in accordance withal applicable provisions, as amended, of Amendment 20, the Colorado Medical Marijuana Code, C.R.S § 25-1.5-106, the City's ordinances and any applicable rules and regulations promulgated under state law. (Ord. 5837 § 1, 2013)

7.60.040 Patients and Primary Caregivers.

Nothing in this Chapter shall be construed to prohibit, regulate or otherwise impair the use, cultivation or possession of medical marijuana by a patient or the cultivation, possession or providing of medical marijuana by a primary caregiver for his or her patients, provided that any such patient or primary caregiver is doing so in accordance with all applicable provisions of Amendment 20; the Colorado Medical Marijuana Code, as amended; C.R.S. § 25-1.5-106, as amended; and the City's ordinances, and in accordance with any applicable rules and regulations promulgated under State law.

7.60.050 Penalties.

A violation of any provision of this Chapter 7.60 shall constitute a misdemeanor offense punishable by a fine not exceeding one thousand dollars ($1,000) or imprisonment for a term not exceeding one (1) year, or both such fine and imprisonment. A person committing any such offense shall be guilty of a separate offense for each and every day, or any portion thereof, during which the offense is committed or continued to be permitted by such person, and shall be punished accordingly. (Ord. 5517 § 2, 2010)

Chapter 7.65

MARIJUANA ESTABLISHMENTS PROHIBITED

7.65.010 Definitions.

As used in this chapter, the following words, terms and phrases shall have the following meanings:

A. *Amendment 64* shall mean Article XVIII, Section 16 of the Colorado Constitution added to the Colorado Constitution by a statewide voter initiative adopted on November 6, 2012, as amended.

B. *Colorado Retail Marijuana Code* shall mean Article 43.4 of Title 12 of the Colorado Revised Statutes, C.R.S. § 12-43.4-101, *et seq.*, as amended.

C. *Consumer* shall mean a person twenty-one (21) years of age or older who purchases marijuana or marijuana products for personal use by persons twenty-one (21) years of age or older, but not for resale to others.

D. *Industrial hemp* shall mean the plant of the genus cannabis and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed three-tenths percent (.3%) on a dry weight basis.

E. *"Marijuana" or "marihuana"* shall mean all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marihuana concentrate. *"Marijuana" or "marihuana"* does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

F. *Marijuana cultivation facility* shall mean an entity or person required to be licensed under Amendment 64 or the Colorado Retail Marijuana Code in order to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

G. *Marijuana establishment* shall mean a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

H. *Marijuana product manufacturing facility* shall mean an entity or person required to be licensed under Amendment 64 or the Colorado Retail Marijuana Code in order to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

I. *Marijuana products* shall mean concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

J. *Marijuana testing facility* shall mean an entity or person required to be licensed under Amendment 64 or the Colorado Retail Marijuana Code in order to analyze and certify the safety and potency of marijuana.

K. *Person* shall mean a natural person, trust, estate, partnership (general and limited),

association, company, corporation, limited liability company, or any other organization or legal entity, or a manager, agent, owner, director, servant, officer, fiduciary, trustee, personal representative, or employee thereof.

L. *Retail marijuana store* shall mean an entity or person required to be licensed under Amendment 64 or the Colorado Retail Marijuana Code in order to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

7.65.20 Marijuana Establishments Prohibited.

A. The operation of marijuana establishments, marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores within the city's boundary is hereby prohibited as authorized and provided in Article XVIII, Section 16(5)(f) of the Colorado Constitution and in C.R.S. § 12-43.3-104(3).

B. It shall be unlawful and a violation of this section for any person to establish, locate, operate, continue to operate, cause to be operated, or permit to be operated within the city any facility, business or other operation requiring a license under Amendment 64 or the Colorado Retail Marijuana Code to operate as a medical marijuana establishment, marijuana cultivation facility, marijuana product manufacturing facility, marijuana testing facility, or retail marijuana store.

7.65.030 Penalties.

A violation of any provision of this chapter 7.65 shall constitute a misdemeanor offense punishable by a fine not exceeding one thousand dollars ($1,000) or imprisonment for a term not exceeding one (1) year, or both such fine and imprisonment. A person committing any such offense shall be guilty of a separate offense for each and every day, or any portion thereof, during which the offense is committed or continued to be permitted by such person, and shall be punished accordingly. (Ord. 5800 § 3, 2013)

Chapter 7.70

ADMINISTRATIVE APPEALS PROCEDURE

Sections:

7.70.010 Intent.

It is the intent of this chapter to protect the health, safety and welfare of the public by reducing the occurrence of nuisances, including but not limited to, graffiti, trash, rubbish, refuse, weeds, grass, brush, or other rank or noxious vegetation through abatement of the same, and to provide procedures for persons to appeal an administrative decision or action taken for enforcement of this title where allowed by this code. (Ord. 5549 § 3, 2011)

7.70.020 Definitions.

The following words, terms and phrases, when used in this Title, shall have the following meanings:

A. *Administrative decision maker* shall mean the City officer or employee whose decision or action is subject to appeal to the City Manager pursuant to the City Code.
B. *Appellant* shall mean the person or organization who has taken an appeal from an administrative decision maker to the City Manager by the filing of a notice of appeal.
C. *City Manager* for purposes of this chapter shall mean the current Loveland City Manager, or his or her designee.
D. *Day* shall mean all calendar days including Saturday and Sunday. The computation of days shall not include the date a final decision was made. If a filing deadline falls upon a Saturday, Sunday or other legal holiday when City offices are closed, the filing deadline shall continue to the following day when City offices are open.
E. *De Novo Hearing* shall mean a new hearing.
F. *Owner* shall mean the owner as shown upon the tax rolls, whether person, firm or corporation; any agent or representative of the owner; and any occupant of the premises.

7.70.030 Certain appeals to be taken to City Manager.

Where the Code allows for appeals to the City Manager of decisions made or actions taken by an administrative decision maker, the appeals procedures set forth herein shall apply unless different or additional procedures are specifically set forth in the Code sections pertaining to such decision or action. Where different procedures are set forth, those procedures shall control. Where additional procedures are set forth, they shall be in addition to the procedures set forth in this Chapter.

7.70.040 Filing of notice of appeal.

An appeal may be taken by filing a written notice of appeal with the City Manager within twenty (20) days after the action which is the subject of the appeal. The notice of appeal shall be signed by all appellants and shall include the following:

1. The action which is the subject of the appeal;
2. The date of such action;
3. The name, address, telephone number and relationship of each appellant to the subject of the action or decision being appealed; and
4. A specific statement of the reasons for appeal and any data or documentation upon which the appellant seeks to rely;

7.70.050 Scheduling of hearing.

Upon receipt of an appeal, the City Manager shall schedule a date for hearing the appeal, which hearing shall be held no later than fifteen (15) days after the filing of the notice of appeal. Written notice of the date, time and place of the hearing shall be mailed by the City Manager to the appellant no less than seven (7) calendar days prior to the date of said hearing. Notice shall also be provided to the administrative decision maker regarding the decision that is the subject of the appeal. Said notice shall include a copy of the notice of appeal.

7.70.060 Procedure at hearing; burden of proof; final decision.

1. In hearing an appeal that has been filed under the provisions of this Chapter, the City Manager shall hear the matter de novo, and shall not be limited to the evidence originally presented by or to an administrative decision maker. The City Manager's decision shall be based on the evidence and such criteria as exist in the Code or administrative guidelines.
2. At the hearing, the City Manager shall provide the appellant and City staff an opportunity to present testimony and evidence regarding the matter being appealed. This shall include:
   a. Explanation of the nature of the appeal by City staff;
   b. Presentation by the appellant and any other interested parties of evidence and argument in support of the appeal;
   c. Presentation by City staff and any other interested parties of evidence and argument in opposition to the appeal;
   d. Presentation of rebuttal arguments, as permitted in the discretion of the City Manager.
3. The burden of proof in the hearing shall be on the appellant.
4. The City Manager shall issue his or her final decision in writing no later than fifteen (15) days following the hearing, and shall provide a copy of such decision to all appellants and the administrative decision maker. Other interested parties may obtain a copy of the decision upon request to the City Manager's Office.
5. The decision of the City Manager shall be final, subject only to such judicial review, if any, as may be available under the Colorado Rules of Civil Procedure. The date of the City Manager’s written decision shall be the date of final action for the purpose of any such subsequent judicial review of the decision of the City Manager.

7.70.70 Available Remedies.

Nothing in this chapter shall limit criminal enforcement of any violations of this Code. (Ord. 5307, 2008)

End Title 7