

TOWN OF EMPIRE

ORDINANCE NO. 177

AN ORDINANCE PROHIBITING THE KEEPING, MAINTAINING OR OPERATING OF A NUISANCE WITHIN THE TOWN OF EMPIRE; PENALTIES FOR VIOLATION; AND PROVISIONS FOR INJUNCTION.

WHEREAS, the Town of Empire seeks to prohibit the keeping, maintaining or operating of any nuisance within the Town; and

WHEREAS, the Town of Empire seeks to secure and promote the public health, safety, welfare, comfort and convenience of the citizens and visitors to the Town; and

WHEREAS, the Town of Empire seeks to protect the private and public property within the Town; and

WHEREAS, by House Bill 90-1175, the Colorado General Assembly has added a new Article 5.5 to Title 35 of the Colorado Revised Statutes which requires municipalities to adopt a noxious plant management program by January 1, 1992; and

WHEREAS, Section 35-5.5-106(4) provides that municipalities that have adopted an ordinance for the control of undesirable plants need not adopt the plant management plan described in Article 5.5; and

WHEREAS, the Board of Trustees of the Town of Empire has determined that problems caused by undesirable plants within the Town do not rise to a level requiring the consideration and adoption of a plant management plan;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF EMPIRE, COLORADO, THAT ORDINANCE NO. 177 DATED DECEMBER 3, 1980, BE REPEALED AND RE-ENACTED IN ITS ENTIRETY AS FOLLOWS:

ARTICLE I

GENERAL PROVISIONS

Section 1. TITLE

This Ordinance shall be known as the "Empire Nuisance Prohibition Ordinance".

Section 2. DEFINITIONS

A. "Nuisance" means a building, vehicle, structure or receptacle, yard, lot, premises or part thereof used, kept, maintained or operated in the Town, wherein such use, keeping, maintaining or operating is dangerous, harmful or detrimental to the life, health, property or welfare of the inhabitants of the Town. Every act or thing, done or made, permitted or allowed, or continued on any public or private property by any person, their agents, servants or employees, which is harmful, dangerous or detrimental to the life, health, property and welfare of any of the inhabitants of the Town shall be deemed a nuisance.



nuisances may, in case the same exists within the Town limits, be treated as nuisances and the person who permits or creates such nuisances shall be deemed in violation of this Ordinance.

C. "Owner" means the record owner as shown on the records of the tax assessor of Clear Creek County and any agent, manager or representative of the record owner. This definition shall also include any occupant or person entitled to possession of any premises.

D. "Undesirable Plant" means Russian, Spotted and Diffuse Knapweed and Leafy Spurge.

## ARTICLE II

### GENERAL PROHIBITIONS OF NUISANCES

#### Section 1. NUISANCE PROHIBITED

No person being the owner, agent or occupant or having under his control or responsibility any building, lot or premises, shall maintain or allow any nuisance to be or remain thereon or therein. The requirements and responsibilities placed by this section shall include a prohibition against any owner, agent or occupant of any building, lot or premises maintaining or permitting the maintenance of any nuisance on that property which is not used for a public traveled way but which is owned by the Town and which is located between the sidewalk and the property line of any such abutting or adjacent property of such owner, lessee or occupant.

#### Section 2. ABANDONED APPLIANCES PROHIBITED

It shall be unlawful to abandon or store or allow the abandonment or storage of an icebox, refrigerator or other compartment or appliance capable of being airtight when the doors thereof are closed, and which is accessible to children or the general public.

#### Section 3. POSTING ADVERTISEMENTS WITHOUT OWNER'S CONSENT PROHIBITED

Any handbill, poster, placard or printed matter which shall be stuck, posted or pasted upon any public or private house, store or other building, or upon any fence, power pole, telephone pole or other structure without the permission of the owner, agent or occupant of the house, shall be deemed a nuisance.

#### Section 4. UNSANITARY, DANGEROUS CONDITIONS IN BUILDINGS

It is hereby declared a nuisance to permit any building or structure or part thereof to be in any unsanitary, unsafe or dangerous condition, or to be in a condition which in any manner endangers or is detrimental to the health, property or safety of any person.

#### Section 5. WELLS, GRAVEL PITS AND OTHER EXCAVATIONS NOT IN USE DECLARED NUISANCES



excavations shall be filled with earth to the level of the surrounding and adjacent area or shall be covered with a concrete cap or lid, not less than four (4) inches in thickness, or shall be surrounded and enclosed by a walled structure or fence which shall be of woven wire construction and not less than six (6) feet in height.

Section 6. UNDESIRABLE PLANTS

Russian, Spotted and Diffuse Knapweed and Leafy Spurge are declared to be undesirable plants and a public nuisance. Property owners within the Town shall be responsible for elimination of undesirable plants from their property within sixty days of the effective date of the re-enactment of this Ordinance. Such removal shall be accomplished in an ecologically feasible and environmentally safe manner in accordance with all applicable local, state and federal laws, ordinances, rules and regulations.

*7* Encroachment ARTICLE III  
*added* OPERATION AND ENFORCEMENT

Section 1. DESIGNATION OF PERSON TO ASCERTAIN AND ABATE

It shall be the duty of any person designated by the Board of Trustees, or such person as the designee shall direct, to ascertain and cause all nuisances to be abated.

Section 2. INSPECTIONS AND RIGHT OF ENTRY

Any person charged or appointed to enforce this Ordinance may make such inspections as may be necessary so as to enforce this Ordinance and shall have the authority to enter any premises outside a building at all reasonable times, in order to make a thorough examination of the premises and to cause all nuisances to be abated or removed as provided herein. With respect to undesirable plants, any person charged or appointed to enforce this Ordinance shall have the right to enter upon a premises, lands or places, whether public or private, upon proper notice for the purpose of inspecting for the existence of undesirable plants, and shall have the right to propose, implement or enforce the management of undesirable plants upon such lands in accordance with the provisions of Colo. Rev. Stat. § 35-5.5-109.

Section 3. FAILURE TO COMPLY; ABATEMENT BY TOWN; CREATION OF LIEN

A. In the event any of the provisions of this Ordinance are violated by permitting the existence of a nuisance as herein defined on any lot, parcel of land, structure or premises, the person designated by the Board of Trustees may serve, either personally or by mail, a written notice upon the owner, agent, occupant or person in control of such lot, parcel of land, structure or premises, to comply with the provisions of this Ordinance. Service thereof shall be deemed complete upon personal delivery or after five (5) days from date of mailing in the event the mailed notice is not returned to sender undelivered.



C. If the person upon whom said notice is served fails, neglects or refuses to correct the violation within ten (10) days of service of said notice, the person designated by the Board of Trustees may cause the necessary work to be performed to eliminate the violation and reasonable efforts made to notify the owner, lessee or occupant of the cost thereof plus the charges herein authorized; provided that in no event shall said cost and charges void the lien herein provided for. The actual cost of such work plus fifteen percent (15%) for inspection and other costs in connection therewith shall, in the event payment thereof is not made to the Town within thirty (30) days after completion of said work, become a lien against the said property as of the date the person designated by the Board of Trustees certifies the said cost and charges to the office of the County Treasurer, County of Clear Creek, for collection in the same manner as general property taxes are collected.

D. No such written notice of violation as provided herein for assessment shall be required prior to a criminal prosecution for the violation of this or any other Ordinance of this Town or prior to any other remedy provided for herein.

Section 4. DUTY TO PAY ASSESSMENT

It shall be the duty of the owner, lessee or occupant of the premises to pay the costs and charges provided for in this Ordinance.

Section 5. ASSESSMENT PAID TO TOWN CLERK

The amount of assessment for the costs and charges herein provided for may be paid to the Town Clerk at any time prior to certification of the same by the person designated by the Board of Trustees to the office of the County Treasurer, County of Clear Creek, but thereafter payment shall be made only to the office of the County Treasurer, County of Clear Creek.

Section 6. OBJECTION TO ASSESSMENT

In the event any owner, lessee or occupant desires to object to the assessment made, he shall, within thirty (30) days after completion of the work on the subject property file a written objection thereto with the Town Clerk, who shall thereupon designate the next regular meeting of the Board of Trustees as the date when said objector may appear and have his objections heard.

Section 7. COUNTY TREASURER TO COLLECT ASSESSMENT

Upon receipt of the said assessment roll, the County Treasurer of the County of Clear Creek shall proceed to collect







Section 2. CIVIL REMEDIES

In case of any violation, failure or omission hereunder, the Town of Empire or any person affected by any such violation, failure or omission may, in addition to other remedies provided by law, initiate a civil action for injunction, mandamus, abatement or other appropriate relief to prevent, enjoin, abate or remove such violation, failure or omission, and in addition initiate an action for a money demand to recover any lawful costs or charges incurred in abating the violations.

INTRODUCED, READ ON FIRST READING, AND SCHEDULED FOR PUBLIC HEARING THIS 4<sup>th</sup> DAY OF SEPTEMBER, 1991.

*Raye Hillari*  
Mayor

ATTEST:

*Sharon LeSindre*  
Town Clerk

APPROVED AS TO FORM:

*Donald Stollman*  
Town Attorney

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL THIS 2<sup>nd</sup> DAY OF ~~SEPTEMBER~~, 1991.  
OCTOBER

*Raye Hillari*  
Mayor

ATTEST:

*Sharon LeSindre*  
Town Clerk



AMENDMENT TO  
ORDINANCE 177

AN ORDINANCE PROHIBITING THE KEEPING, MAINTAINING OR OPERATING OF A NUISANCE WITHIN THE TOWN OF EMPIRE; PENALTIES FOR VIOLATIONS; AND PROVISIONS FOR INJUNCTION.

ARTICLE I  
GENERAL PROVISIONS

Section 2. Definitions

Subsection A shall be deleted and replaced by the following paragraph:

A. "Nuisance" means a building, vehicle, structure, mobile home, or receptacle, yard, lot, premises, or part thereof, used, kept, maintained or operated in the Town, wherein such use, keeping, maintaining or operating is dangerous, harmful, obstructive, or detrimental to the life, health, property or welfare of the inhabitants of the Town. Every act or thing, done or made, permitted or allowed, or continued on any public property or private property by any person, their agents, servants or employees, which is harmful, dangerous, obstructive, or detrimental to the life, health, property and welfare of any of the inhabitants of the Town shall be deemed a nuisance in violation of this Ordinance.

Add a new subsection E as follows:

E. "Building" means a structure which has the capacity to contain, and is designed for the shelter of, man, animals, or property, including any house, office building, store, warehouse, or structure of any kind, whether or not such building is permanently affixed to the ground upon which



ARTICLE II  
GENERAL PROHIBITION OF NUISANCES

Section 1. Nuisance Prohibited

Section 1 shall be repealed and re enacted in its entirety as follows:

No person being the owner, agent or occupant, or having under his control or responsibility any building, vehicle, lot, or premises shall maintain or allow any nuisance to be or remain thereon or therein. The requirements and responsibilities placed by this section shall include a prohibition against any owner, agent or occupant of any building, vehicle, lot, or premises maintaining or permitting the maintenance of any nuisance on any public property, park, street or roadways, or public property which is not used for a public traveled way but which is owned by the Town and which is located between the sidewalk and the property line of any such abutting or adjacent property of such owner, lessee or occupant.

Section 7. Encroachments

Add a new Section 7 which reads as follows:

It is hereby declared a nuisance to permit any building, vehicle or structure, or part thereof, to encroach upon or remain upon any public property, streets or roadways, parks, or any other public grounds.

ARTICLE III  
OPERATION AND ENFORCEMENT

Section 8. Abatement Action.

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 354

LECTURE 10: THE HARMONIC OSCILLATOR

1. The harmonic oscillator is a system that can be approximated by a harmonic potential near a stable equilibrium point.

2. The potential energy of a harmonic oscillator is given by  $V(x) = \frac{1}{2}kx^2$ .

3. The equation of motion for a harmonic oscillator is  $m\ddot{x} = -kx$ .

4. The general solution to the equation of motion is  $x(t) = A\cos(\omega t) + B\sin(\omega t)$ .

5. The angular frequency of a harmonic oscillator is  $\omega = \sqrt{k/m}$ .

6. The period of a harmonic oscillator is  $T = 2\pi/\omega$ .

7. The energy of a harmonic oscillator is  $E = \frac{1}{2}kx^2 + \frac{1}{2}m\dot{x}^2$ .

8. The energy of a harmonic oscillator is constant.

9. The energy of a harmonic oscillator is proportional to the square of the amplitude.

10. The energy of a harmonic oscillator is proportional to the square of the frequency.

11. The energy of a harmonic oscillator is proportional to the square of the period.

12.

PHYSICS 354

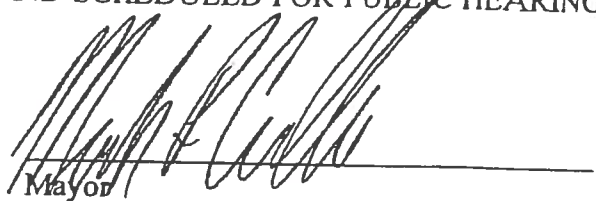
LECTURE 10: THE HARMONIC OSCILLATOR

PHYSICS DEPARTMENT

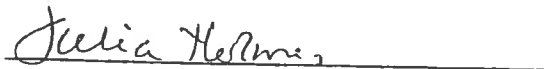
commenced by the filing of a Complaint, supported by Affidavits. Actions to abate a public nuisance shall be heard by the court, without a jury, and shall follow the Colorado Rules of Civil Procedure.

INTRODUCED, READ ON FIRST READING AND SCHEDULED FOR PUBLIC HEARING

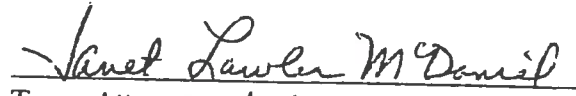
THIS 2<sup>nd</sup> DAY OF October, 1998.

  
\_\_\_\_\_  
Mayor

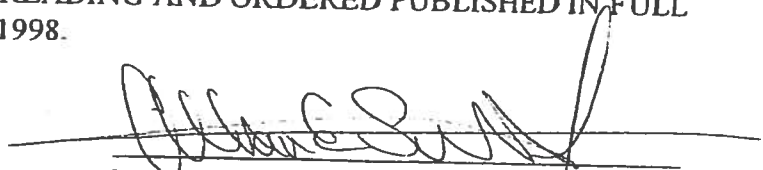
ATTEST:

  
\_\_\_\_\_  
Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Town Attorney, Asst.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL  
THIS 4<sup>th</sup> DAY OF November, 1998.

  
\_\_\_\_\_  
Mayor

ATTEST:





