



Title: Rubbish, Refuse, and Garbage
Number: 2018-01-02
Rule chapter: Nuisance

SECTION I – GENERAL PROVISIONS

1.01 Purpose. The purpose of this rule is to provide an effective process to protect, preserve, and promote the physical and mental health, and social wellbeing of Mesa County residents by implementing measures to prevent and control the incidence of communicable and non-communicable diseases, to reduce environmental hazards to health, and to maintain adequate sanitation and public health. Further, the purpose of this rule is to ensure proper deposit, accumulation, storage and keeping of rubbish, refuse, and garbage.

1.02 Implication to health

Improper waste management can have negative impacts on both environment and public health. Inadequately stored or disposed waste can provide a source of food and a home for rodents, vermin, and insects resulting in infestation or lead to the spread of diseases. Other nuisances caused by uncontrolled or mismanaged waste disposal may affect residents negatively such as strong odors, landscape deterioration, local water and air pollution, as well as littering. Managing waste properly and in an environmentally sound way is therefore important for health reasons.

SECTION II – AUTHORITY

2.01 C.R.S. §25-1-506. *County or district public health agency.*

3(b)(V) To investigate and control the causes of epidemic or communicable diseases and conditions affecting public health;

3(b)(VIII) To investigate and abate nuisances when necessary in order to eliminate sources of epidemic or communicable diseases and conditions affecting public health;

3(b)(XIII) To make necessary sanitation and health investigations and inspections, on its own initiative or in cooperation with the state department, for matters affecting public health that are within the jurisdiction and control of the agency.

2.02 C.R.S. §25-1-508. *County or district boards of public health - public health directors.*

(c) (I) To select a public health director to serve at the pleasure of the county or district board.

2.03 C.R.S. §25-1-5095. *County and district public health directors.*

(2) In addition to the other powers and duties conferred by part 5 or by the agency, a public health director has the following powers and duties:

(a) To administer and enforce: (I) The public health laws of the state and, as authorized by the provisions of title 25 or article 20 of title 30, C.R.S., the public health orders, rules, and



standards of the state department or the state board; and (II) The orders and rules of the county or district board;

(b) To exercise all powers and duties conferred and imposed upon agencies not expressly delegated by the provisions of Title 25 part 5 to a county or district board; (c) To hold hearings, administer oaths, subpoena witnesses, and take testimony in all matters relating to the exercise and performance of his or her powers and duties.

2.04 C.R.S. §25-1-518. Nuisances.

(1) Removal of nuisances. The county or district Board of Public Health shall examine all nuisances, sources of filth, and causes of sickness, which, in its opinion, may be injurious to the health of the inhabitants, within its town, city, county, or district, and it shall destroy, remove, or prevent the nuisance, source of filth, or cause of sickness, as the case may require.

(2) Expense for abating nuisance. If any property owner, occupant or other responsible person neglects to remove or abate any nuisance or to perform any requirement made by or in accordance with this rule, and if any expense is incurred by the Mesa County Board of Public Health in removing or abating the nuisance or in causing such duty or requirement to be performed, such expense may be recovered by the board in an action against such person or company. In all cases where the board incurs any expense for draining, filling, cleaning, or purifying any lot, place, or premises, or for removing or abating any nuisance found upon such lot or premises, the board, in addition to all other remedies, may provide for the recovery of such expense, charge the same or such part thereof as it deems proper to the lot or premises upon or on account of which such expense was incurred or from which such nuisance was removed or abated, and cause the same to be assessed upon such lot or premises and collected as a special assessment.

SECTION III – DEFINITIONS¹

3.01 Rubbish shall mean non-putrescible solid wastes (excluding ashes) consisting of either:

(a) combustible wastes including paper, cardboard, plastic containers, vehicle tires, yard clippings, wood, and similar materials; or

(b) non-combustible wastes including tin cans, glass crockery, and similar materials.

3.02 Refuse shall mean all putrescible and non-putrescible solids (except body wastes) including garbage, rubbish, ashes, and dead animals.

3.03 Garbage shall mean the animal and vegetable waste resulting from handling, preparing, cooking, serving, or consuming of food.

¹ Mood, E. (1986). *A.P.H.A – C.D.C. recommended minimum housing standards*. St. Mary's press.



SECTION IV – RESPONSIBILITY OF OWNERS AND OCCUPANTS OF DWELLINGS

4.01 Every occupant of a dwelling or dwelling unit shall store and dispose of all rubbish, garbage, and other organic waste that might provide food or harborage for insects and/or rodents in a clean, sanitary, and safe manner. The occupant shall be responsible for the cleanliness of garbage cans and rubbish containers.

4.02 All garbage cans and rubbish containers shall be rodent-proof, insect-proof, water-tight, structurally sound to withstand handling stress, easily filled, emptied, and cleaned; shall be provided with tight-fitting covers or similar closures; and shall be maintained at all times in a clean and sanitary condition. Plastic bags may be used as garbage and rubbish container liners, but shall not be used without the container for on-site storage of garbage and rubbish.

4.03 The total capacity of all provided garbage cans, rubbish cans, and/or bulk storage containers shall be sufficient to meet the needs of all of the occupants of the dwelling or dwelling units and from one scheduled collection time until the next scheduled collection time.

4.04 Garbage and rubbish shall be removed from the premises at a frequency that reduces offensive odors and prohibits excessive accumulation that would attract pests or allow solid waste to fall out of the container.

4.05 No occupant shall vacate any dwelling or dwelling unit without causing to be removed therefrom and properly disposing of all garbage, rubbish, and other waste material whether solid or liquid.

4.06 No person shall deposit or place any garbage, rubbish, or hazardous waste on any premises unless it is in containers approved for temporary holding of such material pending collection and appropriate disposal of same.

SECTION V – INVESTIGATION & COMPLIANCE

Code Compliance Services may initiate investigation following a citizen complaint, staff observation, or other information revealing a possible public health violation. Investigation and compliance actions will be according to Standard Operating Procedures adopted by Code Compliance Services or Mesa County Public Health.

SECTION VI – ENFORCEMENT

The Board of Public Health may pursue any and all legal actions available to the Board under Colorado law for the enforcement of any violations related to nuisances, sources of filth, or causes of sickness. Actions can include, but are not limited to, criminal and civil actions and penalties, injunctions, and abatement.