

ORDINANCE NO. 1638

**AN ORDINANCE CONCERNING THE
LIMITATION OF FEEDING FERAL CATS**

WHEREAS, the City Council of La Junta, Colorado determines that feral cats and skunks are a health hazard to the citizens of La Junta, Colorado; and

WHEREAS, curtailing indiscriminate feeding of feral cats may humanely decrease the feral cat population in La Junta, Colorado.

**BE IT THEREFORE ORDAINED BY THE CITY COUNCIL OF THE CITY OF
LA JUNTA, COLORADO THAT;**

SECTION 1: Section 8.04.020 is repealed in its entirety.

SECTION 2: A new Section 8.04.020 is enacted as follows:

8.04.020 - Definitions.

a) *Garbage* includes all putrescible wastes, except sewage and body wastes, including vegetable wastes, animal offal and carcasses of dead animals and every refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruits and vegetables, except coffee grounds, but not including recognized industrial byproducts, and shall include all such substances from all public and private establishments and residences.

b) *Garbage* also includes any forms of sustenance that are distributed in non-fully enclosed container designed for feeding in public places with the intent to feed stray animals, such as skunks, cats and alike.

SECTION 3: Section 8.04.070 is repealed in its entirety.

SECTION 4: A new Section 8.04.070 is enacted as follows:

8.04.070 - Storage restricted.

It is unlawful for any person having garbage (as defined above) or refuse in the City to throw and deposit the same or cause the same to be thrown or deposited upon any street, alley, gutter, park or other public place, or to throw or deposit the same upon any vacant lot or back yard or to store or keep the same otherwise than in cans or receptacles as required by this Chapter; and it is unlawful to have, store, deposit or keep garbage or refuse where rats can have access thereto or feed thereon. Each day's violation of this Section shall be treated and considered and shall be a separate and distinct offense.

SECTION 5: Section 8.04.080 is repealed in its entirety.

SECTION 6: A new Section 8.04.080 is enacted as follows:

8.04.080 - Container use required.

It is unlawful to keep, place or deposit garbage (as defined above) on any private grounds or premises whatsoever, except in cans or receptacles required by the terms of this Chapter.

SECTION 7: Section 8.04.081 is repealed in its entirety.

SECTION 8: A new Section 8.04.081 is enacted as follows:

8.04.081 - Removal by City; assessment of costs.

a) The Finance Director shall assess the actual cost of removing the garbage, weeds, brush, rubbish and/or litter pursuant to Section 8.08.050.

**CHAPTER 8.08
Weeds and Rubbish**

SECTION 9: Section 8.08.010 is repealed in its entirety.

SECTION 10: A new Section 8.08.010 is enacted as follows:

8.08.010 - Definitions.

a) *Garbage* is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

b) *Garbage* includes all putrescible wastes, except sewage and body wastes, including vegetable wastes, animal offal and carcasses of dead animals and every refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruits and vegetables, except coffee grounds, but not including recognized industrial byproducts, and shall include all such substances from all public and private establishments and residences..

c) *Litter* is *garbage*, *refuse* and *rubbish* as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

d) *Refuse* is all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and parts thereof and solid market and industrial wastes.

e) *Rubbish* is nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

SECTION 11: Section 8.08.020 is repealed in its entirety.

SECTION 12: A new Section 8.08.020 is enacted as follows:

8.08.020 - Litter on occupied private property.

No person shall throw or deposit litter or garbage (as defined herein) on any occupied private property within the City, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter and garbage will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

SECTION 13: Section 8.08.025 is repealed in its entirety.

SECTION 14: A new Section 8.08.025 is enacted as follows:

8.08.025 - Litter or garbage on public property.

a) Upon receiving the schedule of property location and charges from the Finance Department, the City Clerk shall ascertain and provide to the Finance Department the following information:

- (1) The legal description of the lots and tracts of land from which the garbage (as defined herein), weeds, brush, rubbish and/or litter have been removed or caused to be removed; and
- (2) The names and mailing addresses of the owners thereon; or
- (3) The names and mailing addresses of the persons depositing the garbage (as defined herein) thereon.

b) The Clerk shall notify the owner of said lot or tracts of the amount of the assessment and the amount so assessed shall become a lien in the several amounts assessed against each lot or tract of land until the same is paid. Such assessment shall be due and payable to the Finance Department within ninety (90) days from the time the assessment notice is mailed (by regular mail) to the land owner.

SECTION 15: Section 8.08.040 is repealed in its entirety.

SECTION 16: A new Section 8.08.040 is enacted as follows:

8.08.040 - Litter on vacant lots.

No person shall throw or deposit litter garbage or refuse on any open or vacant private property within the City, whether owned by such person or not.

SECTION 17: Section 8.08.050 is repealed in its entirety.

SECTION 18: A new Section 8.08.050 is enacted as follows:

8.08.050 - Clearing of litter from private property by City.

c) Notice to remove. Upon receipt of a complaint verified by the Director of Public Safety, the City Clerk is hereby authorized and empowered to notify the owner of any private property within the City, or the agent of such owner, to properly dispose of weeds, brush, rubbish and/or litter located on such owner's property. Such notice shall be delivered by certified mail, addressed to said owner at said property owner's last known address as shown on the records of the County Assessor.

d) Action upon noncompliance. Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of said weeds, brush, rubbish and/or litter within seven (7) days after receipt of written notice pursuant to Subsection (c) or within fifteen (15) days after the date of such notice, in the event the same is returned to the City because of its inability to make delivery thereof provided that the same was properly addressed to the last known address of such owner, the City is hereby authorized and empowered to pay an independent third party contractor for the disposing of such weeds, brush, rubbish and/or litter or the City may order its disposal by use of City resources.

SECTION 19: Effective Date: The Ordinance shall take effect immediately upon its passage.

INTRODUCED, PASSED on first reading this 21st day of June, 2022.

ADOPTED on second reading this ____ day of _____, 2022.

CITY OF LA JUNTA

Joseph Ayala, Mayor

ATTEST:

Melanie Scofield, City Clerk
[SEAL]