



**PROCEEDINGS OF THE BOARD OF COUNTY
COMMISSIONERS
COUNTY OF LAKE AND STATE OF COLORADO**

ORDINANCE NO. 12-01

AN ORDINANCE ADOPTING A PENALTY FOR ANY PERSON CONVICTED OF ILLEGAL DUMPING OF SOLID WASTE IN LAKE COUNTY AND ADOPTING A REWARD FOR INDIVIDUALS PROVIDING INFORMATION THAT LEADS TO THE SUCCESSFUL CONVICTION OF A PERSON COMMITTING THE ACT OF ILLEGAL DUMPING

WHEREAS, 30-11-101(2), C.R.S. authorizes the Board of County Commissioners to adopt this ordinance regarding health, safety, and welfare issues as otherwise prescribed by law; and

WHEREAS, 30-11-101(2), C.R.S. authorizes the Board of County Commissioners to classifying illegal dumping of solid waste as a class 2 petty offense and assess a fine in accordance with the penalty assessment procedures in 16-2-201, C.R.S.; and

WHEREAS, Lake County has experienced numerous cases of illegal dumping of solid waste in the County; and

WHEREAS, the public health, safety and welfare are threatened by those people who dump solid waste illegally; and

WHEREAS, illegal dumping causes the people who dump solid waste at the landfill to subsidize those individuals that dump illegally; and

WHEREAS, illegal dumping of solid waste in Lake County causes the County to expend scarce resources cleaning up after people who illegally dump; and

WHEREAS, public property is damaged when an act of illegal dumping occurs; and

WHEREAS, Resolution 11-20 was enacted to prevent the act of illegal dumping of solid waste; and

WHEREAS, the Lake County Commissioners are desirous of enacting a penalty for individuals convicted of illegal dumping and offering a reward to an individual who provides information to the Lake County Sheriff that leads to the



successful conviction of a person or persons who commit the act of illegal dumping; and

WHEREAS, the Board of County Commissioners finds and determines that it would be in the public interest to adopt an ordinance addressing the act of illegal dumping of solid waste.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF LAKE COUNTY, COLORADO:

Section 1 Penalties: There will be a fine of \$1,000.00 imposed on any person or persons who commit the act of illegal dumping of solid waste in the Lake County.

Section 2 Reward: The Lake County Commissioners will offer a reward of \$500.00 to any individual who provides information to the Lake County Sheriff that leads to the successful conviction of a person who commits the act of illegal dumping.

Section 3 Allocation of Funds: The \$1,000.00 fine that will be assessed as a fine will be allocated as follows: \$500.00 will be received by Lake County to recoup the cost of cleaning the sites of illegal dumping and for educating the public; the other \$500.00 will be given to the individual who provides information to the Lake County Sheriff that leads to the successful conviction of a person who commits the act of illegal dumping. In the event, that there is no person who provides information the entire \$1,000.00 will be recouped by Lake County.

Section 4 Definitions:

Illegal dumping: Illegal dumping is defined as the willful throwing, dropping, placing or depositing of solid waste on public or private property not designated for that dumping or disposal purpose. The act of depositing, disposing of, throwing, or placing any solid waste upon any street, alley, sidewalk, unauthorized private receptacle, or public grounds, in the unincorporated areas of Lake County except in public receptacles or authorized private receptacles, to include inappropriate dumping into recycling bins.

Solid Waste: Solid waste is defined as solid or semisolid, non-soluble material (including gases and liquids in containers) such as agricultural refuse, demolition waste, industrial waste, mining residues, municipal garbage, and sewage sludge. Examples include but are not limited to:



rubbish (defined as non-putrefactive, non-organic materials and plant matter, such as yard trimmings), glass, metals, plastics, papers, asbestos, construction waste materials, cardboard, batteries, chemicals, tires, used vehicles or appliances, furniture.

Section 5 Effect of Ordinance: Any person arrested for illegal dumping in the unincorporated areas of Lake County may be prosecuted before the Lake County Court pursuant to the stipulations set forth in Sections 1 and 7 of this Ordinance.

Section 6 Applicability: This Ordinance shall apply to all unincorporated areas of Lake County, Colorado.

Section 7 Enforcement:

Prosecution: Any person(s) who violates this ordinance may be subject to prosecution before the Lake County Court.

Citations: Law enforcement officers may issue citations to any person(s) suspected of having violated this Ordinance. In instances where dumping has been witnessed and reported, even without the retrieval of prima facie evidence, a law enforcement officer is authorized to issue a citation to the violator.

Citations shall include the following information:

- (1) the offense for which the person is being cited (illegal dumping, per this Ordinance);
- (2) the specific location of the illegally-dumped waste;
- (3) the date(s) and time(s) of the suspected offense(s) (if witnessed), or
- (4) the date discovered by the law enforcement officer (with prima facie evidence as detailed above);
- (5) the date, time, and location where the cited person is to appear before the Lake County Court; and
- (6) the name and legible signature of the officer issuing the citation.

Section 8 Liability: The adoption of the Ordinance codified in this document shall not create any duty to any person, firm, corporation, or any



other entity with regard to enforcement or non-enforcement of this ordinance. No person, firm, corporation, or other entity shall have any civil liability remedy against the Lake County Board of County Commissioners or Lake County Sheriff, their officers or agents for any damage(s) arising out of, or in any way connected with the adoption, enforcement or non-enforcement of this Ordinance. Nothing in this Ordinance shall be construed to create any liability or to waive any of the immunities, defenses, limitations on liability, or other provisions of the Colorado Governmental Immunity Act, Section 24-10-101, et seq., C.R.S. or to waive any immunities, of defenses or limitations on an liability otherwise available to each entity, agency, governmental body, it's officers, employees and agents.

Section 9 Safety: The Lake County Board of County Commissioners has determined that adoption of this Ordinance is in the best interest, safety and welfare of the citizens of and visitors to Lake County.

Section 10 Severability. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Lake County Board of County Commissioners hereby declares that it would have passed this ordinance irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

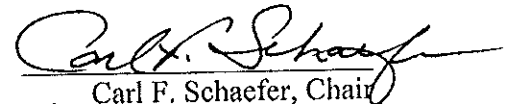
Section 13: Recording. That the Lake County Clerk is hereby ordered that this Ordinance is to be INTRODUCED, READ and PUBLISHED in full this 17th day of September, 2012.

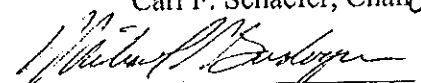
This Ordinance was published in full in the Herald Democrat, a general circulation newspaper published in Lake County on September, 2012.

This Ordinance was ADOPTED, APPROVED, and ORDERED PUBLISHED by TITLE THIS 15th day of October, 2012.



BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY COLORADO


Carl F. Schaefer, Chair


Michael J. Bordogna, Commissioner



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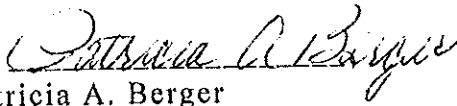
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Patricia Berger
Lake County Recorder

Dolores M. Semsack, Commissioner

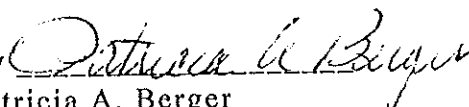
CLERKS CERTIFICATE

I, Patricia A. Berger, Clerk and Recorder of Lake County, Colorado, do hereby attest and certify that the Ordinance set forth was introduced, read and ordered published at a regular meeting of the Lake County Board of County Commissioners on the 17th day of September, 2012. The Ordinance was adopted, approved and ordered published by title only at a regular meeting of the Lake County Board of County Commissioners held on the 15th day of October 2012. The publication set forth above, which appeared in The Herald Democrat, a general circulation newspaper published in Lake County, is true and correct and the proof of publication is on file in my office.

By 
Patricia A. Berger
Clerk and Recorder,
Lake County, Colorado;
ex-officio Clerk of said Board

CERTIFICATION

I, Patricia A. Berger, Clerk and Recorder, of Lake County, Colorado; do hereby attest and certify that: (i) the forgoing ORDINANCE NO. 12-01, " AN ORDINANCE ADOPTING A PENALTY FOR ANY PERSON CONVICTED OF ILLEGAL DUMPING OF SOLID WASTE IN LAKE COUNTY AND ADOPTING A REWARD FOR INDIVIDUALS PROVIDING INFORMATION THAT LEADS TO THE SUCCESSFUL CONVICTION OF A PERSON COMMITTING THE ACT OF ILLEGAL DUMPING", is a true, correct, and complete copy from the records in my office; (ii) said Ordinance was duly adopted by the Board of County Commissioners of the County of Lake; (iii) said Ordinance is in full force and effect; (iv) and may be inspected during regular business hours.

By 
Patricia A. Berger
Clerk and Recorder,
Lake County, Colorado;
ex-officio Clerk of said Board