

**WELD COUNTY
CODE ORDINANCE 2014-4**

**IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 14
HEALTH AND ANIMALS, OF THE WELD COUNTY CODE**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF
WELD, STATE OF COLORADO:**

WHEREAS, the Board of County Commissioners of the County of Weld, State of Colorado, pursuant to Colorado statute and the Weld County Home Rule Charter, is vested with the authority of administering the affairs of Weld County, Colorado, and

WHEREAS, the Board of County Commissioners, on December 28, 2000, adopted Weld County Code Ordinance 2000-1, enacting a comprehensive Code for the County of Weld, including the codification of all previously adopted ordinances of a general and permanent nature enacted on or before said date of adoption, and

WHEREAS, the Weld County Code is in need of revision and clarification with regard to procedures, terms, and requirements therein.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of the County of Weld, State of Colorado, that certain existing Chapters of the Weld County Code be, and hereby are, repealed and re-enacted, with amendments, and the various Chapters are revised to read as follows.

**CHAPTER 14
HEALTH AND ANIMALS**

**ARTICLE VIII
Rules and Regulations for Methamphetamine Laboratory Cleanup**

Amend Sec. 14-8-10. Authority and purpose.

Pursuant to Subsections 25-1-507(1)(h) and (j), C.R.S., the Weld County Department of Public Health and Environment is authorized to enforce this Chapter in the County. The purpose of this Chapter is to encourage property owners to clean all chemical contamination of properties resulting from the manufacturing of methamphetamine, to demolish contaminated properties if necessary, to prevent harm to subsequent occupants, visitors and users of the properties and users of neighboring properties, and to protect the environment.

Amend Sec. 14-8-20. Definitions.

As used herein, the definitions adopted in Section 25-18.5-101, C.R.S., relating to illegal drug laboratories, and definitions adopted by the Colorado State Board of Health in 6 C.C.R. 1014-3, Section 3.0 relating to Regulations Pertaining to the Cleanup of Methamphetamine Laboratories, are hereby adopted by reference. In addition, the following definitions are adopted:

CC: HL(24, TG), GIS, CALBB)
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PAGE 1

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Certificate of compliance means an official document that will be recorded with the Weld County Clerk and Recorder. The document is intended notify the public that an environmental health hazard no longer exists on the property and that the property has met the cleanup conditions stated herein.

Certificate of noncompliance means an official document that will be recorded with the County Clerk and Recorder when the Department of Public Health and Environment determines that a property has been contaminated as a result of the manufacture, processing, cooking, disposal, use, or storage of methamphetamines.

Delete: *Consultant.*

Delete: *Contractor.*

Department means the Weld County Department of Public Health and Environment, or its authorized agents and employees.

Fit for use means a designation that a property or a portion of a property has been decontaminated or demolished in accordance with this Chapter, all requirements of 6 C.C.R. 1014-3 have been achieved, and all applicable fees have been paid.

Add: *Illegal drug laboratory* means the areas where controlled substances, as defined by Section 18-18-102, C.R.S., have been manufactured, processed, cooked, disposed of, used, or stored and all proximate areas that are likely to be contaminated as a result of such manufacturing, processing, cooking, disposal, use, or storage.

Delete: *Imminent health hazard.*

Add: *Industrial Hygienist* means an industrial hygienist as defined in Section 24-30-1402, C.R.S., and includes a Certified Industrial Hygienist, which is an individual who is certified by the American Board of Industrial Hygiene or its successor.

Delete: *Initial observation.*

Delete: *Personal property.*

Delete: *Preliminary assessment.*

Delete: *Unfit for use.*

Work plan means a plan written by a consultant of the actions planned to decontaminate a property contaminated by the manufacturing of methamphetamine.

Amend Sec. 14-8-30. Powers and duties.

- A. The Department shall have the power and authority to administer this Chapter and may:
1. Prepare, mail to the property owner, and record with the Weld County Clerk and Recorder a *certificate of noncompliance*, following notification by a qualified law enforcement officer that a property has been used as an *illegal drug laboratory* and



may be contaminated by chemicals from the manufacturer, processing, cooking, disposal, use, or storage of methamphetamine or when an illegal drug laboratory has otherwise been discovered.

2. Place closure placards on a contaminated property.
 3. Charge fees as approved by the Board of County Commissioners to implement this Chapter.
- B. The Board of County Commissioners may declare an illegal drug laboratory that has not met the clean-up standards set by the State Board of Health to be a public health nuisance, pursuant to Section 25-18.5-105, C.R.S.

Amend Sec. 14-8-40. Decontamination/demolition.

- A. The *certificate of noncompliance* shall state that the property has been contaminated by toxic materials, that an environmental health hazard exists and that the property owner shall cure the contamination by either obtaining a *fit for use* designation, or by demolishing the property.
- B. A *certificate of noncompliance* shall remain of record until it is cured, pursuant to Paragraph A above.

Amend Sec. 14-8-50. Procedures.

- A. Immediately following notification by a qualified law enforcement officer to the Department that he/she believes a property has been used as an *illegal drug laboratory* and may be contaminated, or when an illegal drug laboratory has otherwise been discovered, the Department will provide a *certificate of noncompliance* to the property owner by certified and/or first class mail, and by posting a copy of the *certificate of noncompliance* on the property. Other methods of service may be substituted if reasonably calculated to give actual notice to the property owner.
- B. The Department shall record a *certificate of noncompliance* with the Weld County Clerk and Recorder showing that an environmental health hazard temporarily exists on the property no less than thirty (30) days after the *certificate of noncompliance* has been mailed to the property owner, or posted on the property, whichever is later. If the property owner obtains a *fit for use* designation which states that the property is not contaminated or is no longer contaminated before certificate is recorded, the notice shall not be recorded. The Department may delay recording the *certificate of noncompliance* if it reasonably appears that the property owner will be able to provide a *fit for use* designation in the near future.
- C. Contaminated property reports.
1. Law enforcement agencies are encouraged to report to the Department properties known or suspected of being an *illegal drug laboratory*, which may be contaminated by methamphetamine or chemicals related to its manufacture processing, cooking, disposal, use, or storage.



2. If a property owner knows or reasonably suspects that his or her property has been used as an *illegal drug laboratory* and may be contaminated with methamphetamine or chemicals related to methamphetamine manufacturing, processing, cooking, disposal, use, or storage, the owner shall report to the Department the potentially contaminated property, along with his or her name and address, and all other owners' names and addresses.
 3. Any person who knows or reasonably suspects that a property has been used as an *illegal drug laboratory* and may be contaminated with methamphetamine or chemicals related to methamphetamine manufacturing may file a report with the Department.
 4. Before taking any other action with regard to such a report filed by a property owner or any other person, the Department shall forward the information to the appropriate law enforcement agency. The Department shall cooperate with the law enforcement agency to ensure that any criminal investigation is not adversely affected.
- D. Final report. A final report prepared by an Industrial Hygienist, as defined in Section 14-8-20 of this chapter, shall be submitted by the property owner to the Department following completion of the decontamination. The final report shall be prepared in accordance with the requirements of 6 C.C.R. 1014-3. The Department shall accept the findings of the report as to whether the property is fit for use or unfit for use. If the Department has previously filed a *certificate of noncompliance*, and the final report indicates that the property is fit for use, the Department shall record a *certificate of compliance*.
- E. A determination by the Department that a property meets the requirements of this Chapter, and 6 C.C.R. 1014-3 does not supersede the regulatory authority of other local, state or federal agencies which may also have required closure of the property.

Delete: Sec. 14-8-60. Property owner responsibilities.

Delete: Sec. 14-8-70. Enforcement.

BE IT FURTHER ORDAINED by the Board that the Clerk to the Board be, and hereby is, directed to arrange for Colorado Code Publishing to supplement the Weld County Code with the amendments contained herein, to coincide with chapters, articles, divisions, sections, and subsections as they currently exist within said Code; and to resolve any inconsistencies regarding capitalization, grammar, and numbering or placement of chapters, articles, divisions, sections, and subsections in said Code.

BE IT FURTHER ORDAINED by the Board if any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held or decided to be unconstitutional, such decision shall not affect the validity of the remaining portions hereof. The Board of County Commissioners hereby declares that it would have enacted this Ordinance in each and every section, subsection, paragraph, sentence, clause, and phrase thereof irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, or phrases might be declared to be unconstitutional or invalid.



The above and foregoing Ordinance Number 2014-4 was, on motion duly made and seconded, adopted by the following vote on the 26th day of March, A.D., 2014.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST: Esther G. Meick

Weld County Clerk to the Board

Douglas Rademacher
Douglas Rademacher, Chair

Barbara Kirkmeyer
Barbara Kirkmeyer, Pro-Tem

BY: Rayuela Martinez
Deputy Clerk to the Board

Sean P. Conway
Sean P. Conway

APPROVED AS TO FORM:

County Attorney
County Attorney

Mike Freeman
Mike Freeman

William F. Garcia
William F. Garcia

First Reading: February 10, 2014
Publication: February 19, 2014, in the Greeley Tribune

Second Reading: March 5, 2014
Publication: March 12, 2014, in the Greeley Tribune

Final Reading: March 24, 2014
Con't to: March 26, 2014
Publication: April 2, 2014, in the Greeley Tribune

Effective: April 7, 2014



Final Reading
3-26-2014
Markup Version

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- E. A determination by the Department that a property meets the requirements of this Chapter, and 6 C.C.R. 1014-3 does not supersede the regulatory authority of other local, state or federal agencies which may also have required closure of the property.

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of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, or phrases might be declared to be unconstitutional or invalid.

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ATTEST:

Weld County Clerk to the Board

Douglas Rademacher, Chair

BY: _____

Deputy Clerk to the Board

Barbara Kirkmeyer, Pro-Tem

Sean P. Conway

APPROVED AS TO FORM:

Mike Freeman

County Attorney

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