

**TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 10, SERIES 2018**

**AN ORDINANCE AMENDING CHAPTER 7, ARTICLE 2 OF THE TOWN CODE OF
THE TOWN OF TIMNATH, COLORADO REGARDING NUISANCE ODORS**

WHEREAS, the Town of Timnath (the "Town") is a home rule municipality operating under the Timnath Home Rule Charter (the "Charter") adopted on November 7, 2006 and the Town's Municipal Code (the "Code"). Pursuant to the Charter, the Code and the authority given home rule municipalities, the Town may adopt and amend ordinances; and

WHEREAS, to prevent and control nuisance odors, the Town Council wishes to establish regulations for nuisance odors within the Town; and

WHEREAS, the Town Council finds that it is in the best interest of the public health, safety, and welfare to approve the addition of one new section to the Code to regulate nuisance odors within the Town.

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF TIMNATH, COLORADO, ORDAINS:

ARTICLE 1 – AMENDMENT.

The Town Council hereby approves the addition of Section 7-2-210 to the Code:

Sec. 7-2-210 – Nuisance Odors

This section is enacted to protect, preserve, and promote the health, safety and welfare of the residents of the Town.

(1) The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

Nuisance Odor means the odor is detected after the odorous air has been diluted with two (2) or more volumes of odor free air as determined by two measurements within a period of one hour, these measurements being separated by at least fifteen (15) minutes, outside of the property line of the property from which the emission originates. Measurements will be conducted by a trained employee using an approved odor measuring device.

Odor Complaint means a complaint submitted to the Community Development Director or their designee on the Town's Odor Complaint Form.

Odor Management Plan means the plan submitted for a property that either: (i) has received three (3) or more Odor Complaints by individuals representing separate households or businesses within the Town that have been deemed by the Community Director or their designee as Nuisance Odors within a fourteen (14) day period relating to

a single odor or (ii) the property is not in compliance with the Colorado Air Quality Control Regulation Number 2 at any time as determined by the Community Development Director.

(2) The Community Development Director shall use reasonable efforts to investigate all Odor Complaints and shall undertake enforcement and regulatory measures necessary to abate a Nuisance Odor. Odor Complaints shall be documented on the Town's Odor Complaint Form.

(3) If the same property is the subject of three (3) or more Odor Complaints by individuals representing separate households or businesses within the Town within a fourteen (14) day period the Community Development Director will investigate the odor to determine if it is a Nuisance Odor.

(4) If the Community Development Director determines the property is emitting a Nuisance Odor, as defined in this Section, the property owner must submit an Odor Management Plan within fourteen (14) days of receiving notice to do so.

(5) If the property is not in compliance with the Colorado Air Quality Control Commission Regulation Number 2 at any time, in the determination of the Community Development Director, the property must submit an Odor Management Plan.

(6) The Community Development Director or their designee must review and approve or deny an Odor Management Plan within thirty (30) days after receipt.

(7) If the property owner fails to comply with their respective Odor Management Plan, the Community Development Director shall impose a fine of \$100 per day for each day the property owner fails to comply with their respective Odor Management Plan.

(8) The following are exempt from the odor regulation in this Article: emissions from agricultural, horticultural, or floricultural production such as farming, seasonal crop drying, animal feeding operations that are not housed commercial swine feeding operations as defined in § 25-8-501.1(2)(b), C.R.S., and pesticide application.

ARTICLE 2 – SEVERABILITY

If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

ARTICLE 3 – REPEALER

All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

ARTICLE 4 – EFFECTIVE DATE

This Ordinance shall take effect upon adoption at second reading, as provided by Section 3.5.5 of the Charter.

INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, ON FEBRUARY 27, 2018, AND SET FOR PUBLIC HEARING AND SECOND READING AT 6:00 P.M. ON MARCH 27, 2018, AT THE TIMNATH ADMINISTRATION BUILDING, 4800 GOODMAN STREET, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THE 27TH DAY OF FEBRUARY 2018.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON MARCH 27, 2018.

TOWN OF TIMNATH, COLORADO

Jill Grossman-Belisle, Mayor

ATTEST:

Milissa Peters, CMC
Town Clerk



Odor Complaint Form

Date of Odor Nuisance Observed: _____

Time of Odor Nuisance Observed: _____

Full Name of Complainant: _____

Phone Number of Complainant: _____

Address of Complainant: _____

Description of Odor Nuisance: _____

Estimated Location of Odor Nuisance: _____

Wind or Weather Conditions Observed (if possible): _____

FOR COMMUNITY DEVELOPMENT DIRECTOR OR THEIR DESIGNEE USE ONLY

- Was this odor deemed in violation with the Colorado Air Quality Control Commission Regulation Number 2 by the Community Development Director?
 - If YES**, the Community Development Director will inquire about an odor management plan.
- Was this odor deemed as a Nuisance Odor by the Community Development Director?
 - If YES**, has this location received three (3) or more Odor Complaints from individuals representing separate households or businesses within a 14-day period relating to a single odor?
 - If YES**, please contact the Community Development Director to inquire about an odor management plan.
 - If NO**, please hold onto this form until the 14-day period has passed, then you may archive this complaint form.
 - If NO**, then you may archive this complaint form.



Odor Management Plan Template

1. Table of Contents.
2. Facility Information.
 - a. Name of facility;
 - b. Name, phone number, and email of facility owner;
 - c. Name, phone number, and email of facility operator or licensee, and any authorized designees;
 - d. Facility physical address;
 - e. Facility mailing address (if different from physical address);
 - f. Facility type;
 - g. Facility hours of operation;
 - h. Description of facility operations;
 - i. Emergency contact information;
 - j. Business license application number(s) and/or business file number(s) (if applicable); and
 - k. Air permit and permit number (if applicable).
3. Facility Odor Emission Information.
 - a. Facility floor plan. - *This section should include a facility floor plan, with locations of odor-emitting activity(ies) and emissions specified. Relevant information may include, but is not limited to, the location of doors, windows, ventilation systems, and odor sources. If a facility has already provided the locations of specific odor-emitting activities and emissions in its business license application floor plan, it may instead reference the facility's business file number(s) and the relevant sections within such application where the floor plan is located.*
 - b. Specific odor-emitting activity(ies). - *This section should describe the odor-emitting activities or processes that take place at the facility, the sources of those odors, and the locations from which they are emitted.*
 - c. Phases (timing, length, etc.) of odor-emitting activities. - *This section should describe the phases of odor-emitting activities that take place at the facility, with what frequency they take place, and how long they last.*
4. Odor Mitigation Practices (all based on industry-specific best control technologies and best management practices).



- a. Administrative controls.
 - i. Procedural activities. – *This section should describe activities such as building management responsibilities (e.g., isolating odor-emitting activities from other areas of the buildings through closing doors and windows).*
 - ii. Staff training procedures. – *This section should describe the organizational responsibility(ies) and the role/title(s) of the staff members who will be trained about odor control; the specific administrative and engineering activities that the training will encompass; and the frequency, duration, and format of the training (e.g., a 60 minute in-person training of staff, including the importance of closing doors and windows and ensuring exhaust and filtration systems are running as required).*
 - iii. Recordkeeping systems and forms. – *This section should include a description of the records that will be maintained (e.g., records of purchases of replacement carbon, performed maintenance tracking, documentation and notification of malfunctions, scheduled and performed training sessions, and monitoring of administrative and engineering controls).*
- b. Engineering controls. – *This section should include evidence of the best control technology for the type of facility.*
 - i. System design. – *The system design should describe the odor control technologies that are installed and operational at the facility and to which odor-emitting activities, sources, and locations are applied.*
 - ii. Operational processes. – *This section should describe the activities being undertaken to ensure the odor mitigation system remains functional, the frequency with which such activities are performed, and the role/title(s) of the personnel responsible for such activities.*
 - iii. Maintenance Plan. – *The maintenance plan should include a description of the maintenance activities that are performed, the frequency with which such activities are performed, and the role/title(s) of the personnel responsible for maintenance activities. The activities should serve to maintain the odor mitigation systems and optimize performance.*
 - iv. If the facility reasonably believes that engineering controls are not necessary to effectively mitigate odors for all odor sources, the facility shall submit the basis for such belief.
- c. Timeline for implementation of odor mitigation practices.
- d. Complaint tracking system. – *This section may include, but is not limited to, the mechanism for, and the responsible staff involved in, receiving odor-related complaints, how and by whom such complaints will be addressed, and how the odor complaint and response will be recorded.*