

ORDINANCE NUMBER THREE FOR THE PREVENTION OF ENVIRONMENTAL BLIGHT

WHEREAS, the Board of County Commissioners of the County of Adams, State of Colorado, is authorized pursuant to § 30-15-401, C.R.S., et seq., to provide for and compel the removal of rubbish (including trash, junk and garbage, weeds and brush), including removal performed by the County; and,

WHEREAS, it is hereby found and declared that certain areas of unincorporated Adams County have or may become blighted, with the consequent impairment of taxable values upon which, in part, county revenues depend, that such blighted areas are detrimental to the health, safety, morals and general welfare of the citizens and to the economic welfare of the county, that in order to improve and maintain the general character of unincorporated Adams County, it is necessary to rehabilitate such blighted areas, that the purposes of this ordinance are to rehabilitate such areas by eliminating blight and blighting factors within such areas for the protection of the health, safety, morals and general welfare of the municipality, to preserve existing values of other properties within or adjacent to such areas, and to preserve the taxable value of the property within such areas, and the necessity in the public interest for provisions herein set forth is hereby declared as a matter of legislative determination to be a public purpose and a public use; and,

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of the County of Adams, State of Colorado, that Ordinance Number Three for the Prevention of Environmental Blight, enacted by the Board on August 9, 2006, is hereby amended and re-enacted effective March 29, 2010.

BE IT FURTHER ORDAINED by the Board of County Commissioners of the County of Adams, State of Colorado, that it is necessary for the protection of the public health and safety that Ordinance Number Three (Amended) become immediately effective upon adoption because environmental blight constitutes a continuing nuisance and threat to the citizens of Adams County.

AND, BE IT FURTHER ORDAINED by the Board of County Commissioners of the County of Adams, State of Colorado, that the "Prevention of Environmental Blight" Ordinance Number Three (Amended) shall be in full force and effect in all of the unincorporated portions of Adams County and shall provide for and compel the removal of weeds and brush from residential lots of 2.5 acres or less, and from the alleys behind and from the sidewalk areas in front of such property. Ordinance No. 3 shall provide for and compel the removal of rubbish (including junk, trash and garbage) from all lots and tracts of land except industrial lots or tracts of land of 10 or more acres currently in industrial use, and agricultural lots or tracts of land currently in agricultural use as the term agricultural land is defined in § 39-1-102(1.6), C.R.S., and from the alleys behind and from the sidewalk areas in front of such property to-wit:

I. **CAUSES OF BLIGHT OR BLIGHTING FACTORS**

A It is hereby determined that the following uses and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. It shall be unlawful for any person to maintain or permit to be maintained any of the following causes of blight or blighting factors upon any property in unincorporated Adams County owned, leased, rented or occupied by such person:

(1) The outside storage or accumulation of rubbish, junk, trash, garbage, weeds, brush or refuse of any kind. Domestic refuse stored in a closed container in such a manner as not to create a nuisance for a period not to exceed thirty (30) days shall be exempt from this section. The term "junk" shall include, but shall not be limited to, parts of machinery or motor vehicles, inoperable vehicles whether on private property or County public right-of-way, unused stoves or appliances stored in the open, boxes, grass clippings, remnants of wood, metal, plastic, dilapidated signs, fences or retaining walls, or any other material or other cast-off material of any kind, whether or not the same could be put to any reasonable use.

(2) The causes of blight or blighting factors set forth in subsection (1), above are not unlawful if such uses of property are incidental to and necessary for the conducting of any business or occupation lawfully being carried on upon the property in question, and such uses are in accordance with the zoning regulations of Adams County for the zone district.

II. ENFORCEMENT AND PENALTY

A The Director of the Adams County Public Works Department or his designated agents including, but not limited to, zoning inspectors, and environmental compliance agents may perform inspections for the enforcement of this Ordinance and may periodically inspect unincorporated Adams County for causes of blight or blighting factors.

B Failure by either the owner or the occupant to remove the causes of blight or blighting factors shall constitute a violation of this Ordinance and the blight or blighting factor may be removed and disposed of pursuant to the procedures as outlined in Section III of this Ordinance EXCEPT that nothing herein shall preclude the separate prosecution of zoning or building code violations pursuant to § 30-28-124, C.R.S., et. seq., or § 30-28-209, C.R.S., et. seq., or both, and the imposition of imprisonment or fines, or both as authorized by § 30-28-124, et. seq. and § 30-28-209, et. seq.

III. REMOVAL OF BLIGHT

In addition to any other remedies available, where the Director of Public Works or his designated agent(s) believe that a cause of blight or a blighting factor subject to this Ordinance exists at a property, the blight or blighting factor may be removed and disposed of pursuant to the following procedures:

A. Where the cause(s) of the blight or blighting factor(s) are rubbish, trash, junk, garbage, weeds or brush, notice shall be sent via first-class mail or by personal delivery to the owner of record as shown in the records of the county clerk and recorder, and a copy of the same notice shall be sent to the "occupant" of the property if the property address and the owners address differ. Said notice(s) shall advise the recipient of the following: 1) the nature of the cause(s) of blight or blighting factor(s), 2) a demand that the cause(s) of blight or blighting factor(s) be removed within 14 days of the date of the notice, 3) that the recipient has a right to request a hearing in the Adams County Court by signing and returning a form accompanying the notice within 14 days of the date of the notice to the attention of the agent who sent the notice at the Adams County Public Works Department, and 4) that if the cause(s) of blight or blighting factor(s) are not removed and if no hearing is requested by returning the accompanying form within 14 days, that the Director of Public Works or his agents may apply without further notice for a warrant for the removal and disposal of the cause(s) of the blight or blighting factor(s) from the Adams County Court and that the costs of the removal and destruction shall become a lien

against the lot or lots from which the cause(s) of the blight or blighting factor(s) have been removed.

B. In the event that the recipient(s) of the notice referred to in paragraph A above fails to remove the cause(s) of blight or blighting factor(s) within 14 days or to sign and return the request for hearing form within such time, then the Director of Public Works may apply for an administrative entry and seizure warrant by affidavit from the Adams County Court. To apply for an administrative entry and seizure warrant the Director of Public Works or his agents shall present to the County Court: 1) a copy of Ordinance Number Three, 2) a sworn or affirmed affidavit stating the factual basis for such warrant, 3) evidence that the property owner has received notice of the violation and has failed to remove the rubbish or request a hearing within the 14 day period, 4) a general description of the location of the property which is the subject of the warrant, 5) a general list of any rubbish to be removed from such property, and 6) the proposed disposal or temporary impoundment of such rubbish. Within ten days following the date of the issuance of the administrative warrant, such warrant may be executed in accordance with the directions of the issuing court, a copy of such issued warrant shall be provided or mailed to the property owner, and proof of the execution of such warrant, including a written inventory of any property impounded, shall be submitted to the issuing Court.

C. In the event that a recipient of the notice referred to in paragraph 1 above timely submits the request for hearing form to the Public Works Department, then the Director of Public Works may request a hearing date from the Adams County Court, and shall as soon as practicable provide notice of the hearing by first-class mail to the person requesting the hearing. If, following the hearing, the Court issues a warrant to enter and remove the causes of the blight or blighting factor(s), then within ten days following the date of the issuance of the warrant, such warrant may be executed in accordance with the directions of the issuing Court, a copy of such issued warrant shall be provided or mailed to the property owner, and proof of the execution of such warrant, including a written inventory of any property impounded, shall be submitted to the issuing Court.

IV. COLLECTION OF COSTS

A. In the event that the County performs the removal or elimination of weeds and brush, upon notice to and failure of the property owner to remove such blight or blighting factors, the whole cost thereof, including ten percent for inspection and other incidental costs in connection therewith, shall become an assessment upon the lots and tracts from which such causes of blight or blighting factors have been removed. In the event that the County performs the removal or elimination of rubbish (including junk, trash and garbage), upon notice to and failure of the property owner to remove such blight or blighting factors, the whole cost thereof, including five percent for inspection and other incidental costs in connection therewith, shall become an assessment upon the lots and tracts from which such causes of blight or blighting factors have been removed. The county shall keep a written record of all such costs which shall be part of the file kept by the County.

B. Any assessment pursuant to this Ordinance shall be a lien against such lot(s) or tract(s) of land until paid and shall have priority over all other liens except general taxes and prior special assessments.

C. In case such assessment is not paid within 60 days after notice is mailed to the property owner, it may be certified by the clerk to the County Treasurer, who shall collect the assessment, together with a ten percent penalty for the cost of collection, in the same manner as other taxes are collected. The laws of this state for assessment and collection of general taxes,

including the laws for the sale and redemption of property for taxes, shall apply to the collections of assessments pursuant to this Ordinance.

D. There shall be a graduated fine schedule for repeat offenses by the same individual, as follows:

Second offense: In the event that the County performs the removal or elimination of weeds and brush, or rubbish (including junk, trash and garbage), upon notice to and failure of the property owner to remove such blight or blighting factors, the whole cost thereof, including ten percent (five percent for rubbish, including junk, trash and garbage) for inspection and other incidental costs in connection therewith multiplied by two shall become an assessment upon the lots and tracts from which such causes of blight or blighting factors have been removed.

Third and subsequent offenses: In the event that the County performs the removal or elimination of weeds and brush, or rubbish (including junk, trash and garbage), upon notice to and failure of the property owner to remove such blight or blighting factors, the whole cost thereof, including ten percent (five percent for rubbish, including junk, trash and garbage) for inspection and other incidental costs in connection therewith, multiplied by three, shall become an assessment upon the lots and tracts from which such causes of blight or blighting factors have been removed.

V. EFFECTIVE DATE

This Ordinance shall become effective on March 29, 2010.

VI. SEVERABILITY

If any paragraph or subparagraph of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not invalidate the remainder of this Ordinance and, to this end, the provisions of this Ordinance are declared to be severable.