

ORDINANCE NO. 782

AN ORDINANCE CONCERNING COLLECTION OF NUISANCE ABATEMENT COSTS

WHEREAS, C.R.S. § 31-15-401 authorizes the City to provide for and compel the removal of weeds, brush and rubbish of all kinds from land located within the City and, in such manner as is provided by ordinance; to assess the costs thereof and collect such assessment by filing a lien against such property; and, if such assessments are not paid within a reasonable time specified by ordinance, to certify the same to the county treasurer who shall collect the assessment, together with a ten percent (10%) penalty for cost of collection, in the same manner as other taxes are collected; and

WHEREAS, pursuant to this statutory authority, Sections 7-4 and 7-22 authorize the abatement of nuisances within the City, with the costs for the same, assessed against the property; and

WHEREAS, the City Council finds that such assessments are often not timely paid, and that it would be in the best interest of the City and its residents that the City Clerk be further authorized to certify unpaid assessments to the Weld County Treasurer for collection with taxes, as is authorized by statute.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO:

Section 1. Section 7-4(c) of the Dacono Municipal Code is hereby amended to read as follows (words to be deleted ~~stricken through~~; words to be added underlined):

Sec. 7-4. Elimination of accumulation—Courtesy notice.

(c) In addition to any other available remedies, if any person fails to comply with the notice referred to in subsection (a) above within the time specified in the notice, the City may cause its employees or agents to enter the property and remove the unlawful accumulation of rubbish from the property. The whole cost of such removal, including but not limited to the cost of administration, notification, recording, equipment and labor, together with five percent (5%) of such cost for inspection and other incidental costs in connection with such removal, shall be assessed against the property. The assessment shall be a lien against the property until paid and shall have priority over all other liens except general taxes and special assessments. If such assessment is not paid within thirty (30) days, the City Clerk may certify the same to the County Treasurer for collection of the unpaid amount, together with a ten percent (10%) penalty for cost of collection, in the same manner as other taxes are collected.

Section 2. Section 7-22(c) of the Dacono Municipal Code is hereby amended to read as follows (words to be deleted ~~stricken through~~; words to be added underlined):

Sec. 7-22. Elimination of weeds or brush—Courtesy notice.

(c) In addition to any other available remedies, if any person fails to comply with the notice referred to in subsection (a) above within the time specified in the notice, the City may cause its employees or agents to enter the property and cut or remove the unlawful accumulation of weeds or brush from the property. The whole cost of such removal, including but not limited to the cost of administration, notification, recording, equipment and labor, together with five percent (5%) of such cost for inspection and other incidental costs in connection with such removal, shall be assessed against the property. The assessment shall be a lien against the property until paid and shall have priority over all other liens except general taxes and prior special assessments. If such assessment is not paid within thirty (30) days, the City Clerk may certify the same to the County Treasurer for collection of the unpaid amount, together with a ten percent (10%) penalty for cost of collection, in the same manner as other taxes are collected.

Section 3. If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.


Section 5. The repeal or modification of any provision of any prior ordinance by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED AND POSTED BY TITLE this 9th day of June, 2014.

PUBLIC HEARING AND SECOND READING WILL BE THE 23rd day of June, 2014, AT 6:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, DACONO, CO.

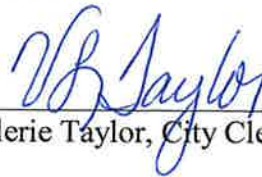
READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this 23rd day of June, 2014.

CITY OF DACONO, COLORADO



Charles Sigman, Mayor

ATTEST:



Valerie Taylor, City Clerk

Summary of Ordinance No. 782, “**AN ORDINANCE CONCERNING COLLECTION OF NUISANCE ABATEMENT COSTS**” Authorizes the City Clerk to certify unpaid assessments for nuisance abatement costs to the County Treasurer for collection of the same with taxes.