



DEPARTMENT OF PLANNING AND ZONING

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May 11, 2000

JUNK VIOLATION POLICY

Upon adoption of the Grand County Junk Resolution and Ordinance, Resolution No. 2000-5-1 and Ordinance No. 6, the Grand County Department of Planning and Zoning will apply the full scope of the regulations as adopted. However, it is the policy of the Board of County Commissioners that the Planning Department will not specifically seek out junk violations..

Instead, the Planning Department will react to actual complaints received, either written or verbal. Staff will conduct a site inspection, as allowed under the Junk Resolution and Ordinance, and make a record of any defined "junk" existing on the property, if any.

If Staff feels that a junk violation exists on the property, Staff will first make every effort to contact the property owner or occupant of the property, personally or by telephone. If possible, Staff will schedule an appointment with the property owner/occupant to meet on site to discuss the violation, and establish a date that the site must be cleaned up. In the event that a site inspection is scheduled with the property owner/occupant, Staff will notify the Board of County Commissioners of the date and time of the scheduled inspection.

In the event that the property is not cleaned up per the agreement between Staff and the property owner/occupant, or Staff is unable to make contact with the property owner/occupant, a "Notice and Order" will be issued in accordance with Resolution No. 2000-5-1 and Ordinance No. 6.

This policy does not have the force of law. Compliance with this policy shall not in any way be a condition of precedent to prosecution of any violation of the Junk Resolution and Ordinance.

STATE OF COLORADO

County of Grand

} ss.

At a regular meeting of the Board of County Commissioners for Grand County, Colorado, held at the Court House in Hot Sulphur Springs on Tuesday, the 1st day of August, A.D. 19.2000 there were present:

Robert F. Anderson, Commissioner Chairman
James L. Newberry (absent), Commissioner
Duane E. Dailey, Commissioner
Anthony J. DiCola, County Attorney
Lurline Underbrink Curran, County Manager
Sara L. Rosene, Clerk of the Board

when the following proceedings, among others were had and done, to wit:

RESOLUTION NO. 2000- 5 - 1 AND ORDINANCE NO. 6

A RESOLUTION ADOPTING ORDINANCE NUMBER 6 FOR THE PREVENTION OF ENVIRONMENTAL BLIGHT

WHEREAS, the Board of County Commissioners of the County of Grand, State of Colorado, is authorized pursuant to C.R.S. §30-15-401, et seq., to adopt ordinances for control of those matters of purely local concern which are described in said statute; and

WHEREAS, it is hereby found and declared that certain areas of unincorporated Grand 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 or inimical 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 Grand County, it is necessary to rehabilitate such blighted areas; that the purposes of this article 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 County, 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.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of the County of Grand, State of Colorado, that Resolution No. 1989-4-17 and Ordinance Number 5 of the County of Grand, State of Colorado, An Ordinance and Resolution Prohibiting the Accumulation of, Providing For, and Compelling the Removal of Rubbish, Including Trash, Junk Garbage, and Describing Penalties for Violating This Ordinance, enacted by the Board on April 25, 1989, is hereby repealed effective August 1, 2000.

BE IT FURTHER ORDAINED, by the Board of County Commissioners of the County of Grand, State of Colorado, that it is necessary for the protection of the public health and safety this Resolution No. 2000- 5- 1 and Ordinance Number 6 become effective on August 1, 2000, because environmental blight constitutes a continuing nuisance and threat to the citizens of Grand County.

BE IT FURTHER ORDAINED by the Board of County Commissioners of the County of Grand, State of Colorado, that this "Prevention of Environmental Blight" Resolution No. 2000- 5- 1 and Ordinance Number 6, shall be in full force and effect in all of the unincorporated portions of Grand County, except as

provided for in Article V herein, to wit:

I. CAUSES OF BLIGHT OR BLIGHTING FACTORS

A. It is hereby determined that the following uses, structures, 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 Grand 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 terms "rubbish", "junk", "trash", "garbage" and "refuse" shall include, but are 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 other appliances stored in the open, boxes, grass clippings, remnants of wood, metal, plastic, dilapidated signs, fences or retaining walls, waste food, 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) Any building or structure which presents a substantial danger or hazard to public health, safety, or welfare, or any dilapidated building of whatever kind which is unused by the owner, or uninhabited because of deterioration or decay, which condition constitutes a fire hazard, or subjects adjoining property to danger of damage by storm, soil erosion, or rodent infestation, or which becomes a place frequented by trespassers and transients seeking a temporary hideout or shelter.

(3) The causes of blight or blighting factors set forth in subsections (1) and (2), above are not unlawful if such uses of property are incidental to and necessary for the carrying out of any business or occupation lawfully being carried on upon the property in question and are permitted under the Zoning Ordinance of Grand County applicable to that zone district.

II. ENFORCEMENT AND PENALTY

A. The Planning Director and the Chief Building Official, or their designated agents, including, but not limited to, zoning inspectors, building officials and building inspectors, and environmental compliance agents of the County of Grand may perform inspections for the enforcement of this Ordinance and may periodically inspect unincorporated Grand County for causes of blight or blighting factors within unincorporated Grand County.

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, punishable on conviction thereof by a fine or imprisonment, or both, not to exceed the limits established in C.R.S. §30-15-402. EXCEPT that, nothing herein shall preclude the separate prosecution of zoning or building code violations pursuant to C.R.S. §30-28-101 et seq. or C.R.S. §30-28-201 et seq., or both, and the imposition of imprisonment or fines, or by both authorized by the said C.R.S. §30-28-101 et seq. and C.R.S. §30-28-201 et seq. This is a strict liability crime.

III. REMOVAL OF BLIGHT

In addition to any other remedies available, where the Planning Director or Chief Building Official, or their designated agents believe that a cause of blight or

blighting factors exists at a property subject to this ordinance, the Planning Director, Chief Building Official or their designated agent may remove and dispose of such blight or blighting factor pursuant to the following procedures:

A. Rubbish, Trash, Junk, Garbage, Weeds and Brush.

(1) Where the cause(s) of blight or blighting factors(s) are rubbish, trash, junk, garbage, weeds or brush, he shall first send a notice 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 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 twenty (20) days of the date of the notice, (3) that the recipient has a right to request a hearing before the Board of County Commissioners by signing and returning a form accompanying the notice, within twenty (20) days of the date of the notice, to the attention of the agent who sent the notice at the Planning Department located at 308 Byers Avenue, P.O. Box 239, Hot Sulphur Springs, CO 80451, (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 twenty (20) days, that the Planning Director or Chief Building Official or their designated agents may apply without further notice for an administrative warrant for the removal and disposal of the cause(s) of blight or blighting factor(s) from the 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 blight or blighting factor(s) have been removed, (5) that failure to remove the cause of blight or blighting factors constitutes a violation of this Ordinance, a class 2 petty offense and upon conviction a person who violates this Ordinance shall be punished by a fine of not more than \$1,000.00 for each separate violation and in addition to any penalty shall be subject to a surcharge of \$10.00.

(2) In the event that recipient(s) of the notice referred to in paragraph 1 above fails to remove the cause(s) of blight or blighting factor(s) within twenty (20) days or to sign and return the request for hearing form within such time, then the Planning Director or Chief Building Official, or their designated agents may apply for an administrative entry and seizure warrant by affidavit from the County Court. To apply for an administrative entry and seizure warrant, the Planning Director or Chief Building Official or their designated agents shall present to the County Court: (1) a copy of this Ordinance Number 6; (2) a sworn 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 a twenty (20) 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 (10) 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.

(3) In the event a recipient of the notice referred to in paragraph 1 above timely submits the request for hearing form to the Planning Department, then the Planning Director or Chief Building Official or their designated agents may request a hearing date from the Board of County Commissioners, 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 Board of County Commissioners directs the Planning Director, Chief Building Official or any of

their designated agents to request the County Court to issue a warrant to enter and remove the causes of blight or blighting factor(s), then within ten (10) days following the date of 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 written inventory of any property impounded, shall be submitted to the issuing Court.

(4) A finding by the Planning Director, Chief Building Official, or the Board of County Commissioners that a cause of blight or blighting factors exists shall constitute a rebuttable presumption of that fact.

B. Buildings and Structures

(1) Where the cause(s) of blight or blighting factor(s) are buildings or structures, the Planning Director or Chief Building Official or their designated agents shall first send a notice via first-class mail or by personal delivery to the owner of the record as shown in the records of the County Clerk and Recorder, and a copy of the same notice to the "occupant" of the property if the property address and the owner's 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) are to be removed within twenty (20) days of the date of the notice, (3) that if the cause(s) of blight or blighting factor(s) are not removed within twenty (20) days, the Planning Director or Chief Building Official or any of their designated agents may initiate legal action for the removal and disposal of the cause(s) of blight or blighting factor(s) from the 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 blight or blighting factor(s) have been removed, (4) that failure to remove the cause of blight or blighting factor(s) constitutes a violation of this Ordinance, a class 2 petty offense and upon conviction a person who violates this Ordinance shall be punished by a fine of not more than \$1,000.00 for each separate violation and in addition to any penalty shall be subject to a surcharge of \$10.00.

(2) In the event that the recipient(s) of the notice referred to in paragraph 1 above fails to remove the cause(s) of blight or blighting factor(s) within twenty (20) days, then the Planning Director or Chief Building Official or their designated agents may refer the matter to the County Attorney's Office to file an action in County Court to cause the property owner and/or occupant and to seek a judicial order for the removal of blight or blighting factor(s).

(3) In the event that the property owner fails to remove the blight or blighting factor(s) within ten (10) days of the issuance of the Court Order for the removal of such blight, then such Order may be executed in accordance with the directions of the issuing Court, a copy of such Order shall be provided or mailed to the property owner, and proof of the execution of such Order, 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 the causes of blight or blighting factor(s), the whole cost thereof, including five percent (5%) 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 factor(s) 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 sixty (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 (10%) 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.

V. EXEMPTIONS

This Ordinance Number 6 shall not apply to Business zoned tracts of ten (10) or more acres currently in industrial use and to agricultural land currently in agricultural use as the term AGRICULTURAL LAND is defined in C.R.S. §39-1-102(1.6), as to rubbish (including junk, trash and garbage) only, or to residential lots of more than one acre as to weeds and brush only, or to land subject to the "Colorado Mined Reclamation Act", as the term "affected land" is defined in C.R.S. §34-22-103(1.5), or on lands subject to the "Colorado Surface Coal Mining Reclamation Act", pursuant to Article 33 of Title 34, C.R.S., as to buildings and structures only.

VI. EFFECTIVE DATE

This Ordinance shall become effective on August 1, 2000.

VII. 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.

The foregoing text is the authentic text of Grand County Resolution No. 2000-5-1 and Ordinance No. 6.

The first reading of said Resolution and Ordinance took place on July 25, 2000. It was published in full in the Middle Park Times on July 18, 2000; Winter Park Manifest on July 19, 2000; and Sky Hi News on July 20, 2000. After a public hearing it was adopted on 1st day of August, 2000 and ordered republished by title only in the Middle Park Times on August 8, 2000; Winter Park Manifest on August 9, 2000; and Sky Hi News on August 10, 2000.

Upon motion duly made and seconded the foregoing Resolution and Ordinance was adopted by the following vote:

<u>James L. Newberry (Absent)</u>	Aye
<u>Robert Z. Anderson</u>	Aye
<u>Ronald D. Taylor</u>	Aye
	Commissioners