

**CITY OF LAS ANIMAS,
COLORADO**

ORDINANCE NO. 736

**AN ORDINANCE OF THE CITY OF LAS ANIMAS, COLORADO AMENDING
REGULATIONS CONCERNING VACANT PROPERTY/BUILDING REGISTRATION**

WHEREAS, pursuant to Sections 31-15-401 and 31-23-301, C.R.S., the City of Las Animas (“the City”) has broad authority to exercise its police powers to promote and protect the health, safety and welfare of the community and its residents; and

WHEREAS, pursuant to C.R.S. Section 13-15-103 the City has the authority to create and publish ordinances; and

WHEREAS, the City contains structures that are vacant in whole or large part; and

WHEREAS, in many cases the owners or other responsible parties of these structures are neglectful of them, and are failing to maintain them or secure them to adequate standard, or restore them to productive use; and

WHEREAS, many of these structures are in violation of state and local housing and property maintenance codes; and

WHEREAS, the City previously enacted Ordinance 731 regulating vacant properties and requiring registration of the same; and

WHEREAS, the experience of the City has determined it is necessary to amend the municipal code concerning vacant properties to better address the issues concerning vacant and abandoned buildings; and

WHEREAS, the City Council of the City of Las Animas, Colorado (the “City Council”) desires to amend Ordinance 731 in order to protect the public health, safety and welfare of the Citizens, businesses, and visitors of the City.

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

Section 1. Recitals Incorporated. The recitals set forth above are hereby incorporated by reference and are adopted as findings and determinations of the City Council.

Section 2. A new Chapter 7, Article VI, section 46 of the Municipal Code of the City of Las Animas is hereby added to read as to read as follows:

SECTION 7-46 ADMINISTRATIVE ENFORCEMENT AND ABATEMENT

A. *Emergency abatement or corrective action.* Whenever the Director of Public Works determines that a violation of this article is an imminent hazard to life, health, property, or public welfare, the Director of Public Works may order the owner to immediately abate or correct the condition causing the imminent hazard or may abate or correct the condition causing the imminent hazard. Within twenty (20) days of abating the imminent hazard, the Director of Public Works shall notify the owner:

- (1) That the city took an abatement or corrective action;
- (2) The fee of the abatement or corrective action; and
- (3) That under section 7-48 of the Code, the owner may appeal the Director of Public Works' decisions and the fee for any abatement or corrective action the city took.

The cost of abatement may be collected in the same manner as provided for in subsection (C) unless paid within thirty (30) days of notification of the fee.

B. *Civil Penalties.* The Director of Public Works may assess a fine of not more than nine hundred ninety-nine dollars (\$999.00) per day for each day the owner is found to have violated this article, any order issued by the authority of this article, any rules and regulations adopted by the Director of Public Works, or permit issued for work related to an approved vacant building plan. In imposing any civil penalty for a violation of this Article, the Director of Public Works may consider the history of violations, whether the owner was deliberate or negligent, whether the neglected or derelict property is a historic property, the gravity of the violation, the demonstrated good faith of the owner in attempting to achieve timely compliance after notification of a violation. Additionally, when the neglected or derelict property is lawfully used for commercial purposes, the Director of Public Works may consider the effect of civil penalties on the owner's ability to continue the business. Unless otherwise expressly stated in the final order, civil penalties assessed under this article are due and payable within thirty (30) days of date of invoice, which must be sent first-class mail, postage prepaid, to the address shown in the records of the assessor's office, the address the owner provides to the city or an address for the owner the city discovers through its own efforts.

C. *Administrative Abatement, Demolition and Removal, Liens.* Administrative abatement proceedings may be pursued by the city if one or more of the following conditions occur:

- 1) An owner of an abandoned or vacant building is notified of the requirement for registration fails to register within the required time frame;
- 2) An owner fails to comply with an approved vacant building plan; and
- 3) An owner fails to pay civil penalties associated with violations of this article.

In the event that the city commences an administrative abatement proceeding the Director of Public Works shall either cause to be served a notice of administrative abatement personally upon the owner or sent by certified mail to the owner and any other persons, firms, corporations, or other entities which have a recorded property interest in the affected

property. Such notice shall the reasons for the abatement and that the City shall commence a demolition, removal, or restoration of the affected structures on the property within sixty (60) days unless:

- 1) The owner voluntarily abates the property or agrees in writing that the City may abate the property on the Owner's behalf.
- 2) The Director of Public Works grants an extension.
- 3) The owner successfully appeals the decision to initiate abatement pursuant to section 7-48 of the Code.

In the event that the Owner fails to meet any of the above conditions, the Director of Public Works may cause the abandoned property and associated properties to be demolished, removed, or restored to such a degree as determined in the discretion of the Director of Public Works to be necessary to accomplish the abatement of the public nuisance. The cost of such abatement shall be assessed against the property and withdrawn from the escrow required by section 7-43 of this code. If no escrow has been established, the cost of the abatement shall be assessed against the property as a lien which may be foreclosed upon in the same manner as provided for the foreclosure of mechanics liens. The amount of such lien shall bear the interest rate of three (3)% per annum from the date of assessment until the same has been paid.

D. *Judicial enforcement.* In addition to all other remedies set forth in this article, the city may petition the district court for the issuance of a preliminary or permanent injunction, or both, restraining any person from continued violation of this article. In that action, the city may seek recovery of any unpaid civil penalties, abatement costs, and other fees and costs provided for in this article.

Section 3. Renumbering. Subsequent sections of Chapter 7, Article VI are renumbered accordingly.

Section 4. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 5. Repeal. All other ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this Ordinance are hereby repealed, provided that such repeal shall not repeal any repealer clauses in such ordinances nor revive any ordinance thereby.

Section 6. Effective Date. This Ordinance shall become effective thirty (30) days after publication.

Section 7. Codification Amendments. The codifier of the City's Municipal Code, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of Section 2 of this Ordinance within the City Municipal Code.

INTRODUCED AND PASSED ON FIRST READING THIS 14TH DAY OF FEBRUARY , 2023.

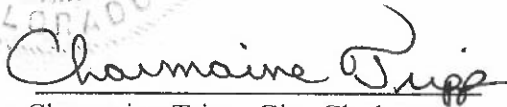
INTRODUCED, PASSED, ADOPTED AND ORDERED PUBLISHED THIS 14TH DAY OF MARCH, 2023.

CITY OF LAS ANIMAS, COLORADO



By: Scott Peterson, Mayor

ATTEST:



Charmaine Tripp, City Clerk

