

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING THE BRIGHTON MUNICIPAL CODE RELATED TO RECOVERY OF THE CITY'S COSTS OF CODE ENFORCEMENT AS SET FORTH IN SUBSECTIONS 8-8-80(1) AND (2), WEED ABATEMENT; 8-8-220(1) AND (2), TREES AND PLANTS; 8-16-85, LITTER AND TRASH; AND 8-24-160(1) AND (2), NUISANCES; AND SETTING FORTH DETAILS IN RELATION THERETO.

ORDINANCE NO. 2184

INTRODUCED BY: Baca

WHEREAS, the ordinance provisions related to the administrative costs incurred by the City when the City is required to abate nuisances and other Municipal Code enforcement when a property owner, lessee or occupant fails to comply with notices from the City have not been updated since 1999; and

WHEREAS, the City Council finds that it is time to increase the costs for Code enforcement to reflect a reasonable amount incurred by the City in such actions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

Section 1. Sections

- 8-8-80. Failure to remove; abatement by City; costs (weeds, brush, rubbish and junk);
- 8-8-220. Abatement by City; costs; (trees and plants);
- 8-16-85. Failure to remove; abatement by City (litter and obstructions); and
- 8-24-160. City to perform work; costs (nuisances)

are hereby repealed and reenacted to read as follows:

Section 8-8-80. Failure to remove; abatement by City; costs

If the person upon whom such notice is served fails, neglects or refuses to abate the violation within ten (10) days of service of such notice on land which he or she owns, leases or occupies, as required by this Division, the City Manager, without further notice, may cause the necessary work to be performed to bring such property into compliance with this Division. Therefore, reasonable efforts shall be made to notify the owner, lessee or occupant of the costs thereof, plus charges authorized in this Division; provided, however, that in no event shall failure of the owner, lessee or occupant to receive notice of the costs and charges void the lien provided for in this Division. The costs of such work, plus additional charges for inspection and other costs in connection therewith shall be billed to the person responsible for said property. These additional charges are as follows:

- (1) Actual costs of one hundred dollars (\$100.00) or less shall be billed a minimum of ~~twenty-five dollars (\$25.00)~~ **thirty-five dollars (\$35.00)** additional costs.*
- (2) Actual costs greater than one hundred dollars (\$100.00) shall be billed a minimum of ~~twenty-five percent (25%)~~ **thirty-five percent (35%)** of the actual cost of the work performed.*

*In the event payment therefor is not made to the City within thirty (30) days after the date of billing, all costs of such work, plus the above listed charges for inspection and other costs incurred, plus all applicable filing costs, shall become a lien against the property **secured, collected and enforced as provided in Section 8-4-20. Lien, Brighton Municipal Code, as the same may be amended.** ~~as of the date the Director of Finance certifies said cost and charges to the office of the County Treasurer for collection in the same manner as is provided for the collection of general property taxes.~~*

Section 8-8-220. Abatement by City; costs

If the person upon whom such notice is served fails, neglects or refuses to abate the violation within ten (10) days of service of such notice on land which he or she owns, leases or occupies, as required by this Division, the City Manager, without further notice, may cause the necessary work to be performed to bring such property into compliance with this Division. Therefore, reasonable efforts shall be made to notify the owner, lessee or occupant of the costs thereof, plus charges authorized in this Division; provided, however, that in no event shall failure of the owner, lessee or occupant to receive notice of the costs and charges void the lien provided for in this Division. The costs of such work, plus additional charges for inspection and other costs in connection therewith shall be billed to the person responsible for said property. These additional charges are as follows:

- (1) Actual costs of one hundred dollars (\$100.00) or less shall be billed a minimum of ~~twenty-five dollars (\$25.00)~~ **thirty-five dollars (\$35.00)** additional costs.*
- (2) Actual costs greater than one hundred dollars (\$100.00) shall be billed a minimum of ~~twenty-five percent (25%)~~ **thirty-five percent (35%)** of the actual cost of the work performed.*

*In the event payment therefor is not made to the City within thirty (30) days after the date of billing, all costs of such work, plus the above listed charges for inspection and other costs incurred, plus all applicable filing costs, shall become a lien against the property where such violation existed or in the event such violation was on the street, sidewalk or public property or other right-of-way of the City, upon the property adjacent and abutting the violation; **to be secured, collected and enforced as provided in Section 8-4-20. Lien, Brighton Municipal Code, as the same may be amended.** ~~as of the date the Director of Finance certifies said cost and charges to the office of the County Treasurer for collection in the same manner as is provided for the collection of general property taxes.~~*

Section 8-16-85. Failure to remove; abatement by City

If the person upon whom such notice is served fails, neglects or refuses to abate the violation within ten (10) days of service of such notice on land which he or she owns, leases or occupies, as required by this Division, the City Manager, without further notice, may cause the necessary work to be performed to bring such property into compliance with this Division. Therefore, reasonable efforts shall be made to notify the owner, lessee or occupant of the costs thereof, plus charges authorized in this Division; provided, however, that in no event shall failure of the owner, lessee or occupant to receive notice of the costs and charges void the lien provided for in this Division. The costs of such work, plus additional charges for inspection and other costs in connection therewith shall be billed to the person responsible for said property. These additional charges are as follows:

(1) Actual costs of one hundred dollars (\$100.00) or less shall be billed a minimum of ~~twenty-five dollars (\$25.00)~~ **thirty-five dollars (\$35.00)** additional costs.

(2) Actual costs greater than one hundred dollars (\$100.00) shall be billed a minimum of ~~twenty-five percent (25%)~~ **thirty-five percent (35%)** of the actual cost of the work performed.

*In the event payment therefor is not made to the City within thirty (30) days after the date of billing, all costs of such work, plus the above listed charges for inspection and other costs incurred, plus all applicable filing costs, shall become a lien against the property where such violation existed or in the event such violation was on the street, sidewalk or public property or other right-of-way of the City, upon the property adjacent and abutting the violation; **to be secured, collected and enforced as provided in Section 8-4-20. Lien, Brighton Municipal Code, as the same may be amended.** ~~as of the date the Director of Finance certifies said cost and charges to the office of the County Treasurer for collection in the same manner as is provided for the collection of general property taxes.~~*

Section 8-24-160. Failure to remove; abatement by City; costs

If the person upon whom such notice is served fails, neglects or refuses to abate the violation within ten (10) days of service of such notice on land which he or she owns, leases or occupies, as required by this Division, the City Manager, without further notice, may cause the necessary work to be performed to bring such property into compliance with this Division. Therefore, reasonable efforts shall be made to notify the owner, lessee or occupant of the costs thereof, plus charges authorized in this Division; provided, however, that in no event shall failure of the owner, lessee or occupant to receive notice of the costs and charges void the lien provided for in this Division. The costs of such work, plus additional charges for inspection and other costs in connection therewith shall be billed to the person responsible for said property. These additional charges are as follows:

(1) Actual costs of one hundred dollars (\$100.00) or less shall be billed a minimum of ~~twenty-five dollars (\$25.00)~~ **thirty-five dollars (\$35.00)** additional costs.

(2) Actual costs greater than one hundred dollars (\$100.00) shall be billed a minimum of ~~twenty-five percent (25%)~~ **thirty-five percent (35%)** of the actual cost of the work performed.

*In the event payment therefor is not made to the City within thirty (30) days after the date of billing, all costs of such work, plus the above listed charges for inspection and other costs incurred, plus all applicable filing costs, shall become a lien against the property **secured, collected and enforced as provided in Section 8-4-20. Lien, Brighton Municipal Code, as the same may be amended.** ~~as of the date the Director of Finance certifies said cost and charges to the office of the County Treasurer for collection in the same manner as is provided for the collection of general property taxes.~~*

Section 2. Purpose. The purpose of this Ordinance is to provide for the health, safety and welfare of the people.

Section 3. Repeal. Existing or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent

the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance

Section 4. Validity. If any part or parts of this Ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Section 5. Interpretation. This Ordinance shall be so interpreted and construed as to effectuate its general purpose.

INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED THIS 18th DAY OF November, 2014.

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

APPROVED AS TO FORM:

Margaret R. Brubaker, City Attorney

**Published in the *Standard Blade*
First Publication: November 26, 2014**

**PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY
TITLE ONLY THIS 2nd DAY OF December, 2014.**

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

Published in the *Standard Blade*

Final Publication: December 10, 2014