

The Board of County Commissioners, County of Grand, State of Colorado
(Board)

RESOLUTION NO. 2022-3-1
Date of Action: March 1, 2022

ADOPTING ORDINANCE NO. 6
GRAND COUNTY PREVENTION OF ENVIRONMENTAL BLIGHT,
EFFECTIVE MARCH 31, 2022


Findings and Conclusions:

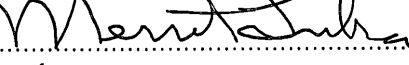
- Pursuant to C.R.S. § 30-11-101, *et seq.*, the Board is authorized to adopt ordinances for control of those matters of purely local concern.
- On October 5, 2019 amended Ordinance 6 was adopted by the Board and recorded in the County records at Reception No. 2019008092.
- Additional amendments are required to implement recently enacted statutory amendments to the enforcement provisions of Ordinance 6.
- Approving said amendments to Ordinance No. 6 is in the best interest of the health, safety and welfare of the citizens of Grand County.


Resolution:

BE IT ORDAINED BY THE BOARD that Ordinance No. 6 Grand County Prevention of Environmental Blight is hereby amended, effective March 31, 2022, and is attached hereto in its entirety.

Upon motion duly made the foregoing resolution was adopted by a majority vote of the Board of County Commissioners, County of Grand, State of Colorado on March 1, 2022.


..... Aye


..... Aye


..... Aye

Commissioners

ORDINANCE #6

GRAND COUNTY PREVENTION OF ENVIRONMENTAL BLIGHT ORDINANCE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO that the Grand County Prevention of Environmental Blight Ordinance No. 6 is hereby amended effective March 31, 2022 and is set forth in its entirety below, which Ordinance reflects the aforementioned amendments to Ordinance 6.

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) **JUNK VEHICLES:** Any motor vehicle that is considered junk is non-repairable or is extensively damaged. Junk vehicle means a vehicle that is unregistered and uninsured, is incapable of safe operations on the road and has no resale value except as scrap or as a source for parts or lacks one of the following items, which is otherwise standard factory equipment: windshield, side or rear window, door, fender, headlamp, muffler, wheel, or inflated tires, or is no longer a vehicle because it has been destroyed, dismantled or changed, or is non repairable. A junk vehicle does not include a vehicle that qualifies as a collector's item as defined in C.R.S. §42-12-101 (2).
- 2) **JUNK RECREATIONAL VEHICLES.** Any inoperable or non-repairable, unregistered (if required) recreational vehicles, including but not limited to camper trailers, camper coaches, snowmobiles, off highway vehicles and trailers, boats, and boat trailers that are extensively damaged, or are incapable of being utilized for their intended purpose.
- 3) **UNSAFE STRUCTURES:** Any building, dwelling or other structure, including but not limited to manufactured homes and mobile homes as defined by C.R.S. §38-29-102(6), 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.
- 4) **RUBBISH/JUNK/WEEDES:** 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 so 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 is not limited to, parts of machinery or motor vehicles parts, and unused tires, 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 castoff material of any kind, whether or not the same could be put to any reasonable use.
- 5) The causes of blight or blighting factors set forth in subsections (1), (2), (3) and (4) 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 Regulations of Grand County applicable to that zone district.

II. ENFORCEMENT AND PENALTY

A. The Community Development Director or his or her designated agent(s), 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 cause(s) of blight or blighting factors shall constitute a violation of this Ordinance and a civil infraction punishable by a fine of not more than

\$1,000.00 for each separate violation as established in C.R.S. §30-15-402. Each day is considered a separate violation. Nothing contained 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 fines as authorized by C.R.S. §30-28-101, *et seq.* and C.R.S. §30-28-201, *et seq.* This is a strict liability claim.

III. REMOVAL OF BLIGHT

In addition to any other remedies available, where the Community Development Director or his or her designated agent(s) believe that a cause of blight or blighting factors exists at a property subject to this Ordinance, the Community Development Director or the designated agent(s) may remove and dispose of such blight or blighting factor pursuant to the following procedures:

A. Rubbish, Trash, Junk, Junk Vehicles, Junk Recreational Vehicles, Garbage, Weeds and Brush (collectively referred to as "rubbish").

(1) Where the cause(s) of blight or blighting factors(s) are rubbish, trash, junk, junk vehicles, junk recreational vehicles, garbage, weeds or brush, Community Development shall first send a notice via first-class mail or 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 public hearing before the Board of County Commissioners by signing and returning the form included with the notice, within twenty (20) days of the date of the notice, to the attention of the agent who sent the notice at the Community Development Department located at 308 Byers Avenue, PO Box 238, Hot Sulphur Springs, CO 80451, (4) that if the cause(s) of blight or blighting factor(s) are not removed and if no public hearing is requested by returning the accompanying form within twenty (20) days, that the Community Development Director or the designated agent(s), without further notice to the owner of record or occupant, may apply to the County Court for an administrative warrant for the removal and disposal of the cause(s) of blight or blighting factor(s) and that the costs of the removal and destruction shall become a lien against the lot(s) or tract(s) from which the cause(s) of blight or blighting factor(s) have been removed, (5) that failure to remove the cause(s) of blight or blighting factor(s) constitutes a violation of this Ordinance, is a civil infraction and 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 public hearing form within such time, then the Community Development Director, or the designated agent(s) may apply to the County Court for an administrative entry and seizure warrant by affidavit. To apply for an administrative entry and seizure warrant, the Community Development Director or the designated agent(s) 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) that the property owner has received notice of the violation and has failed to remove the cause(s) of blight or blighting factor(s) or request a public 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 the blight or blighting factor(s) to be removed from such property; and (6) the proposed disposal or temporary impoundment of such blight or blighting factor(s). 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 public hearing form to the Community Development Department, then the Community Development Director or the designated agent(s) 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 public hearing, the Board of County Commissioners directs

the Community Development Director, or any of his or her designated agent(s) 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 Community Development Director, 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 Community Development Director or the designated agent(s) 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 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 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 Community Development Director Official or any of the designated agent(s) 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(s) or tract(s) from which the cause(s) of blight or blighting factor(s) have been removed, (4) that failure to remove the cause(s) of blight or blighting factor(s) constitutes a violation of this Ordinance, a civil infraction and 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. Each day is considered a separate violation.

(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 Community Development Director or his or her designated agent(s) may refer the matter to the County Attorney's Office to file an action in County Court against 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 lot(s) and tract(s) from which such cause(s) 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 assessment pursuant to this Ordinance.

V. EXEMPTIONS

This Ordinance Number 6 shall not apply to Business zoned lots or 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, rubbish 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.


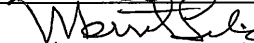
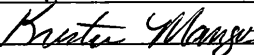
VI. EFFECTIVE DATE

The amendments to Ordinance No. 6 shall become effective 30 days after publication of Amendments in the Middle Park Times.

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.

INTRODUCED, READ AND ORDERED PUBLISHED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, THE 8th DAY OF FEBRUARY, 2022.




 Aye
 Aye
 Aye
Commissioners

CERTIFICATION: THE FOREGOING ORDINANCE WAS INTRODUCED AND READ ON THE 8th DAY OF FEBRUARY, 2022 BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, AND APPROVED FOR PUBLICATION.

DATE OF PUBLICATION: February 17, 2022


Sara L. Rosene
Grand County Clerk & Recorder

THE FOREGOING ORDINANCE WAS CONSIDERED AT PUBLIC HEARING ON MARCH 1, 2022 AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS EFFECTIVE THE 31ST DAY OF MARCH, 2022.

 Aye
 Aye
 Aye
Commissioners

DATE OF SECOND PUBLICATION: March 3, 2022


Sara L. Rosene
Grand County Clerk & Recorder