

AN ORDINANCE DECLARING ALL BUILDINGS AND STRUCTURES WITHIN THE TOWN OF ARRIBA, COLORADO, WHICH ARE NOT STRUCTURALLY SAFE OR NOT PROVIDED WITH ADEQUATE EGRESS OR WHICH CONSTITUTE A FIRE HAZARD OR WHICH ARE OTHERWISE DANGEROUS TO HUMAN LIFE OR WHICH IN RELATION TO EXISTING USE CONSTITUTE A HAZARD TO SAFETY OR HEALTH OR PUBLIC WELFARE BY REASON OF INADEQUATE MAINTENANCE OR DILAPIDATION OR OBSOLESCENCE OR ABANDONMENT, TO BE UNSAFE BUILDINGS AND A NUISANCE, ENDANGERING THE PUBLIC HEALTH, WELFARE AND SAFETY; DECLARING THE GROWTH AND OR THE ACCUMULATION OF: WEEDS OR BRUSH OR RUBBISH OR ABANDONED CARS OR ABANDONED MACHINERY OR ABANDONED APPLIANCES OR UNCOVERED FIREWOOD OR USED LUMBER OR ANY UNHEALTHFUL GROWTHS AND SUBSTANCES, UPON THE LOTS AND TRACTS OF LANDS WITHIN THE TOWN OF ARRIBA, COLORADO, TO BE A NUISANCES, ENDANGERING PUBLIC HEALTH, WELFARE AND SAFETY; PROVIDING FOR AND COMPELLING THE REPAIR, IMPROVEMENT, OR DEMOLITION AND REMOVAL OF SUCH UNSAFE BUILDINGS OR STRUCTURES OR PORTIONS THEREOF; PROVIDING FOR AND COMPELLING THE DESTRUCTION AND REMOVAL OF SUCH WEEDS, BRUSH, RUBBISH, ETC., BY THE OWNERS OF ALL SUCH LOTS AND TRACTS OF LAND; PROVIDING THAT THE TOWN OF ARRIBA, AFTER DUE NOTICE TO THE LANDOWNER TO REPAIR, IMPROVE, DEMOLISH OR REMOVE ANY SUCH UNSAFE BUILDING OR STRUCTURE OR PORTION THEREOF, UPON THE FAILURE OR REFUSAL OF THE LANDOWNER SO TO DO, MAY PROCEED WITH THE WORK SPECIFIED IN SUCH NOTICE TO THE LANDOWNER AND ASSESS THE WHOLE COST THEREOF TO THE LAND UPON WHICH SUCH UNSAFE BUILDING IS LOCATED; PROVIDING THAT THE TOWN OF ARRIBA, COLORADO, AFTER DUE NOTICE TO THE LANDOWNER TO DESTROY AND REMOVE ANY SUCH WEEDS, BRUSH, RUBBISH, ETC., UPON FAILURE OR REFUSAL OF THE LANDOWNER SO TO DO, MAY PROCEED TO DO SO AND ASSESS THE WHOLE COST THEREOF TO THE LAND FROM WHICH REMOVED PROVIDING FOR A LIEN AGAINST THE LOTS OR TRACTS OF LAND WHICH SUCH WEEDS, BRUSH, TRASH, RUBBISH, ETC., ARE SO REMOVED BY SAID TOWN AND PROVIDING FOR A LIEN UPON THE LAND ON WHICH ANY SUCH UNSAFE BUILDING OR STRUCTURE IS LOCATED, TO DEFRAY THE COST OF REPAIR, IMPROVEMENT, OR DEMOLITION AND REMOVAL OF SUCH UNSAFE BUILDING OR STRUCTURE OR PORTION THEREOF; AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

BE IT ORDAINED by the Board of Trustees of the Town of Arriba, Colorado:

SECTION 1. NUISANCE

- 1.1 All buildings or structures at any time within the existing limits of the Town of Arriba, Colorado which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or which are otherwise dangerous to human life, or which in relation

to existing use from time to time constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are defined to be public nuisances, and a threat and danger to the health, welfare and safety of the inhabitants of said Town.

1.2 The growth and or accumulation of; weeds, brush, trash, rubbish, abandoned cars, abandoned machinery, abandoned appliances, uncovered firewood, used lumber or any unhealthful growths and substances, upon any lots or tracts of land within the Town of Arriba, Colorado is hereby found and declared to be a public nuisance and a threat and a danger to the health, welfare and safety of the inhabitants of the Town of Arriba, Colorado.

1.3 Any lot or tract of land which has been fenced on its perimeter so as to hide from public view the nuisances declared in Sec. 1.2, shall not be in violation of this Ordinance.

SECTION 2. ABATEMENT BY LANDOWNER.

2.1 From and after the date hereof the respective owners of all lots and tracts of land in said Town of Arriba, Colorado or any part thereof or addition thereto, shall be and are hereby required to abate any such public nuisance defined in Section 1 hereof and thereafter to prevent the occurrence of any such nuisance as defined in said Section 1.

SECTION 3. ABATEMENT BY TOWN. COST ASSESSED TO PROPERTY OWNERS. NOTICE.

3.1 The Board of Trustees shall examine or cause to be examined every building or structure or portion thereof reported to be dangerous or damaged, and if such is found to be an unsafe building as defined in section 1 hereof, said board shall give to the owner of such building or structure, through the CLERK of said town, written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises to commence within 48 hours either the required repairs or improvements or demolition or removal of the building or structure or portions thereof, and all such work shall be completed within 90 days from the date of said notice unless otherwise stipulated in said notice. If necessary, such notice shall also require the building structure or portion thereof to be vacated forthwith, and not re-occupied until the required repairs and improvements are completed, inspected and approved by a proper person designated by said Board of Trustees.

3.2 In the event that any one or more nuisances described in Sec. 1.2 of this Ordinance are found upon any lot or tracts of land within the said Town of Arriba, Colorado,

the Board of Trustees of said Town shall give to the owner of such lot or tract through the Clerk of said Town, a written notice which shall refer to the provisions of this Ordinance, shall designate the violations thereof, and specify the nuisance to be removed or specific area to be fenced and shall state that all such work shall be completed within 30 days from the date of the notice unless otherwise stipulated by said Board of Trustees.

3.3 Proper service of any notice provided for in this section shall be by personal service upon the owner of record if he shall be found within the town limits. If he is not found within the town limits, such service may be made upon said owner by certified mail, provided that if such notice is by certified mail, the designated period within which said owner or person in charge is required to comply with the order of the Board of Trustees shall begin as of the date the owner received such notice. The return receipt for such notice shall be the exclusive and conclusive proof of the due notice hereunder.

3.4 In the event the owner shall fail, neglect or refuse to comply with the notice to repair, improve or demolish and remove any such unsafe building or structure or portion thereof, the Board of Trustees shall order the owner of the building prosecuted as a violator of the provisions of this ordinance and shall order any proper person or persons to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Board of Trustees who shall cause same to be paid and levied as a special assessment against the lot or tract of land upon which the building or structure is located and such assessment shall be from the date thereof a lien upon said land until paid. In the event that such assessment shall not be paid within 30 days after notice to the landowner of said assessment at his last known address, the same shall at any time after such failure be certified by the Clerk of said Town to the County Treasurer to be by him placed upon the tax rolls for the current year and to be collected with penalty added thereto to defray the cost of collection.

3.5 In the event of failure or refusal of any landowner to comply with notice described in Sec. 3.2 of this Ordinance, the Board shall order the owner prosecuted as a violator of the provisions of this Ordinance and shall cause the removal of same and shall assess the whole cost thereof upon the lot or tract of land from which same were removed. All costs assessed hereunder from the date of assessment shall be a lien against each lot or tract of land until paid. In the event that such assessment shall not be paid within 30 days after notice to the landowner of said assessment at his last known address, the same shall at any time after such failure,

be certified by the Clerk of said Town to the County Treasurer to be by him placed upon the tax roll for the current year and to be collected in the same manner as other taxes are collected with penalty thereon added to defray costs of collection.

SECTION 4. PENALTIES. Any person, firm, or corporation violating any of the provisions of this ordinance shall, upon conviction in the Municipal Court for the Town of Arriba, Colorado be assessed according to the following schedule of fines:

- 4.1 The first offense, a fine of not less than ten (10) dollars nor more than three hundred (300) dollars.
- 4.2 The second offense within any consecutive 365 day period, a fine of not less than twenty (20) dollars nor more than three hundred (300) dollars.
- 4.3 The third offense within any consecutive 365 day period, a fine of not less than forty (40) dollars nor more than three hundred (300) dollars.
- 4.4 For each subsequent offense over and above the third offense within any consecutive 365 day period, the minimum fine will be increased in increments of fifty (50) dollars.
- 4.5 The minimum fines prescribed herein for violations of any of the provisions of this Ordinance shall be mandatory and no Court shall grant a suspension thereof in whole or in part.

SECTION 5. CONFLICTING PROVISIONS REPEALED.

- 5.1 All acts, orders, resolutions, ordinances or parts thereof, of the Town of Arriba, Colorado that are inconsistent or in conflict with any of the provisions of this ordinance are hereby repealed. Ordinance No. 76 is specifically repealed in its entirety.

SECTION 6. UNCONSTITUTIONALITY CLAUSE.

- 6.1 If any section or any part or portion of this ordinance is held invalid by any Court of Competent jurisdiction, the remainder of said ordinance, and the application of its provisions, shall not be affected thereby.

IT IS THE OPINION OF THE BOARD OF TRUSTEES OF THE TOWN OF ARRIBA, COLORADO THAT this ordinance is necessary for the immediate protection and preservation of the public health, safety, and welfare and is enacted for that purpose and shall be in full force and effect after final passage and publication.

APPROVED, ADOPTED, AND ORDERED published on second
reading by the Board of Trustees of the Town of Arriba,
Colorado on this

6th day of May, 1991

Jewell K. Gilbert
MAYOR

ATTEST:

Doreen S. Schiffer
Town Clerk

Published 5/10/91