

ORDINANCE NO. 1975-8

AN ORDINANCE PROVIDING FOR AND COMPELLING THE REMOVAL OF WEEDS, BRUSH AND JUNK OF ALL KINDS, CERTAIN STRUCTURES FROM LOTS AND TRACTS OF LAND AND FROM THE ALLEYS BEHIND AND FROM THE SIDEWALK AREAS IN FRONT OF SUCH PROPERTY WITHIN THE TOWN OF LA JARA, COLORADO.

DECLARATION OF POLICY AND PURPOSE:

WHEREAS, the Board of Trustees of the Town of La Jara hereby finds, determines and declares that weeds, brush, junk of all kinds, and certain abandoned and dilapidated structures on lots and tracts of land within the Town and from the alleys behind and from the sidewalk areas in front of such property constitute a public nuisance and are detrimental to the safety, health and general welfare of the inhabitants and property of the town of La Jara, and

WHEREAS, it is further declared to be the purpose of the Board of Trustees in the passage of this Ordinance to promote public pride and public spirit; to attract to this Town tourists, travelers, and permanent residents with a view toward broadening the economic well-being and general welfare; and to preserve and enhance the natural and scenic beauty of this Town;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA, COLORADO:

Section 1. Definitions and Terms.--The definitions and terms used in this ordinance, unless the context otherwise indicates, are herewith defined as follows:

(a) "Police Chief" means the chief-of-police of the La Jara Police Department.

(b) "Fire Chief" means the chief of the La Jara Fire Department or the chief of the Northwest Conejos Fire Protection District.

(c) "Junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junk, dismantled, or wrecked automobiles, appliances, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material, except as such is used by any commercial establishment or place of business in the ordinary and usual course of business.

(d) "Public Nuisance" means 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, or junk as defined in subsection (c) of this section.

Section 2. Removal of Weeds, Brush, Junk, and Public Nuisances--Required Time.--It is hereby made the duty of every owner of real property in the Town of La Jara to remove all weeds, brush, junk of all kinds and structures which constitute a public nuisance or which may constitute a health hazard or are dangerous and hazardous or may be dangerous or hazardous to the safety of persons and property from lots and tracts of land within the Town of La Jara, and from the alleys behind and from the sidewalk areas in front of such property at least once each year in accordance with a time notice herein provided, or at any such time as such owner of real property is ordered or directed by any fire or police chief, or by the Board of Trustees under the provisions of Section 7 (a).

Section 3. Authority of Police and Fire Chiefs.--Any fire or police chief shall be, by virtue of such office held by him, subject to the duties and obligations imposed by this section and Sections 4, 5, 6, and 7, vested with such authority as is contained in said sections.

Section 4. Duties of Police and Fire Chiefs.--It is the duty of the chiefs of

the various fire and police departments as described in Section 1 to enforce all laws and ordinances of the State of Colorado and the Town of La Jara relating to removal of weeds, brush and junk of all kinds and structures which constitute or may constitute a public nuisance or a health hazard or are dangerous or hazardous to the safety of persons or property within the areas of the Town of La Jara as described in Section 2.

Section 5. Inspection.--

(a) It is the duty of the chiefs of the various fire and police departments to inspect, or cause to be inspected by members of his department, as often as he shall deem necessary, all lots and tracts of land within the Town of La Jara and the alleys behind and the sidewalk areas in front of such property for the purpose of ascertaining and causing to be corrected any condition constituting a public nuisance, or any condition liable to be a health hazard, or dangerous and hazardous to the safety of persons or property, or obtaining information relative to the violation of any provision of this Ordinance. Any individual shall carry on his person properly authorized fire or police department identification which shall be shown, on request to the owner, lessee, agent or occupant of any lot, tract or structure prior to the inspection of the same.

(b) The chiefs of the various fire or police departments, or fire department or police department members designated by such officers, have the authority to enter into all such lots, tracts of land, and old, dilapidated and uninhabited structures and upon all such premises, except the interiors of any public or private and occupied buildings, or any structure or building appurtenant to such building which is likewise occupied, within the Town of La Jara at reasonable times or such times as such lots, tracts, or structures are open for the purpose of examination of all such lots, tracts, structures, or premises in conformity with the duties imposed under Section 3 to 7, and it is unlawful for any person to interfere with the chief of any fire or police department or any member of such departments designated by the chief of any fire or police department to conduct an inspection, in the discharge of his duties, or to hinder or prevent him from entering into or upon, or from inspecting any lot, tract, alley or sidewalk, building, establishment, enclosure, or premises in the discharge of his duties.

(c) Inspection practices shall include the inspection of all lots, tracts of land and structures within the Town of La Jara and all alleys behind and sidewalk areas in front of such property to see that there is not thereupon a condition that constitutes a public nuisance, and to cause all weeds, brush, junk of all kinds to be properly removed or disposed of, and to make such suggestions and issue such orders as the inspecting officer may have been directed under the provisions of Section 7 (a).

Section 6. Enforcement.--The chiefs of all such fire and police departments shall enforce, within the respective jurisdiction, all laws of the State of Colorado and the ordinances of the Town of La Jara pertaining to the disposition and removal of weeds, brush, junk of all kinds and structures which constitute a public nuisance or are dangerous or hazardous to the health and safety of persons and property.

Section 7. Fire, Health or Safety Hazards--Order for Removal--Notice--Review.--

(a) Whenever any fire or police chief, or any designated member of the fire or police department, finds, through inspection procedures outlined in Section 5, any lot, tract, and from the alleys behind and from the sidewalk areas in front of such property, weeds, brush, and junk of all kinds which, for want of removal or disposal, constitutes a hazard to the health or safety of persons or property, or any structure, which for reasons of age or dilapidated condition, or from any other cause, is especially liable to fire or hazardous to the health or safety of the occupants thereof, and which is so situated as to endanger other property, he shall report his findings pursuant to such investigation to the Board of Trustees at the next special or regular meeting of the board. Written notice shall also be served by the inspecting officer to the owner, lessee, agent, or occupant of such lot, tract, or structure as shown by the records of the County

Assessor of Conejos County by mailing the notice to such owner, lessee, agent, or occupant at such address as is shown by the assessor's records, or such other appropriate address as may otherwise be determined, no later than five (5) days before the date of such special or regular meeting at which the owner, lessee, agent, or occupant may appear for the purpose of making such objections as he may have to such investigation, findings, or report. At the special or regular meeting fixed by the notice, the Board of Trustees shall hear the inspecting officer's report and any and all objections thereto and finally determine whether the condition or structure complained of does in fact constitute a public nuisance or a hazard to the health or safety of persons or property, and if so, the Board of Trustees shall, by resolution, enter its own order, or order any police or fire chief to issue an order, that the condition, public nuisance, or hazard to the health or safety of persons or property be removed or remedied, and such order shall be forthwith complied with by the owner, lessee, agent or occupant of such land, tract, the alleys behind and from the sidewalk areas in front of such property.

(b) Any such owner, lessee, agent, or occupant who feels himself aggrieved by any such order, within five (5) days after the making of any such order by the Board of Trustees or by the chief of any fire or police department, may file his petition with any court of competent jurisdiction praying for a review of such order. In the event of the failure of such owner, lessee, agent or occupant to file such a petition within the time specified herein, and failure to remove such weeds, brush, junk of all kinds, and structures which constitute a public nuisance or a health hazard or are dangerous and hazardous to the safety of persons and property as provided in Section 2, the Town Clerk shall thereupon serve written notice requiring such removal upon any such owner of such real property as shown by the records of the County Assessor of Conejos County by mailing the notice to such owner by Registered Mail, Return Receipt Requested, at such owner's post office address as is shown by the assessor's records. Such notice shall require the owner of such premises to comply with the provisions of Section 7 within sixteen (16) days from the date of mailing of said notice.

Section 8. Action By the Board of Trustees--Assessments and Expenses Constitute a Lien.--If, at the expiration of the period named in the notice, the premises shall not then have been cleared of weeds, brush, junk of all kinds, or structures which constitute a public nuisance or which constitute a health hazard or are dangerous and hazardous to the safety of persons or property, the Board of Trustees shall cause the same to be removed and assess the whole cost thereof upon the lot or tract of land from which the weeds, brush, and junk of all kinds or structures are removed. The assessment shall be a lien against each lot or tract of land until paid and shall have priority over all other liens except general taxes and prior special assessments.

Section 9. Assessments of Costs--Hearing Thereon--Final Determination Thereof.--Whenever the Town shall perform such work of removal, the Board of Trustees shall, by resolution, assess the cost thereof, including five per cent (5%) for inspection and other incidentals, to the lot or tract of land from which the removal shall have been made. After such resolution has been adopted, the Town Clerk shall give the owner of property so assessed fifteen (15) days written notice of such assessment, which notice shall be sent by Registered Mail, Return Receipt Requested, to such owner at his address as shown by the records of the County Assessor and shall state the amount assessed, the description of the property assessed, and the date at which the owner may appear at a special or regular meeting of the Board of Trustees for the purpose of making such objections as he may have to such assessment. At the time fixed by the notice, the Board of Trustees shall hear and determine any and all objections made by or on behalf of any such owner and shall enter its order finally determining the amount, if any, payable by the owner or owners of any lot or tract so assessed.

Section 10. Certification of Assessment.--Collection.--In case the amount so assessed is not paid to the Town Clerk within Thirty (30) days after the date of such hearing, the Town Clerk shall certify the amount of the assessment to the County Treasurer to be by him placed upon the tax list for the current year, and the County Treasurer shall collect the assessment, together with a ten per