

EMERGENCY ORDINANCE NO. 659

EMERGENCY ORDINANCE AMENDING CERTAIN NOTICE PROVISIONS OF ORDINANCE
NO. 519 RELATING TO JUNK AND JUNKED AND ABANDONED VEHICLES, AND
PROVIDING PENALTIES THEREFOR

WHEREAS, the City of Las Animas has previously enacted Ordinance No. 519 relating to Junked and Abandoned vehicles and providing penalties therefor; and

WHEREAS, Ordinance 519 specifies that a written notice of abatement is required to be provided to the "owner or occupant of the real property upon which the said condition [requiring abatement] is found to exist . . .";

WHEREAS, it is not clearly provided how said written notice of abatement is to be served, which is the purpose of this amending ordinance;

WHEREAS, given the numerous and abandoned junk vehicles presently existing in the City of Las Animas, the City Council hereby declares that an emergency exists justifying this emergency ordinance.

NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:

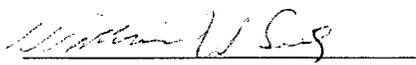
1. Section 12 is being repealed and reenacted as follows:

12(a) Service of the notice of abatement shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each person at their address as it appears on the last equalized assessment role of Bent County or as known to the building official. If no address of any such persons so appears or is known to the building official, then a copy of the notice and order shall be so mailed addressed to such person, at the address of the property involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this Ordinance. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

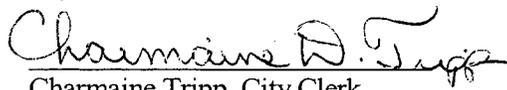
12(b) Proof of service of the notice and order shall be certified to at the time of service by a written declaration by penalty of perjury executed by the persons affecting service declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt of certified mail, shall be affixed to the copy of the notice and order retained by the building official.

ADOPTED as an emergency ordinance on first reading this 8th day of March, 2005.

CITY OF LAS ANIMAS, COLORADO



By: William H. Lutz, Mayor

ATTEST:


Charmaine Tripp, City Clerk

