

**EMERGENCY ORDINANCE NO. 670**

An emergency ordinance of the City of Las Animas re-adopting the 1997 edition of the Uniform Code For The Abatement Of Dangerous Buildings, as amended, regulating and governing in abating dilapidated, defective buildings which endanger life, health, property and public safety within the concepts of fair play and justice in the City of Las Animas: providing for the issuance of permits and collection of fees therefor.

**WHEREAS**, on March 8, 2005 the City of Las Animas adopted and approved Ordinance No. 658, entitled:

**EMERGENCY ORDINANCE FOR ADOPTION OF THE UNIFORM CODE FOR  
THE ABATEMENT OF DANGEROUS BUILDINGS**

An ordinance of the City of Las Animas adopting the 1997 edition of the *Uniform Code For The Abatement Of Dangerous Buildings*, regulating and governing in abating dilapidated, defective buildings which endanger life, health, property and public safety within the concepts of fair play and justice in the City of Las Animas: providing for the issuance of permits and collection of fees therefor; repealing Ordinance No. 519, Section 12 of the City of Las Animas and all other ordinances and parts of the ordinances in conflict therewith; and

**WHEREAS**, the City Council desires to amend said Ordinance as provided for herein; and

**WHEREAS**, an emergency exists which may affect the health, safety and welfare of the citizens of the City of Las Animas,

**BE IT THEREFORE ORDAINED AS FOLLOWS:**

Section 1: Adoption of the Uniform Code for the Abatement of Dangerous Buildings.

(a) The Uniform Code for the Abatement of Dangerous Buildings, 1997 edition, published and promulgated by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California, 90601-2298, herein referred to as the Uniform Dangerous Buildings Code or U.D.B.C., as amended in Section 2 herein, is hereby adopted and enacted by reference and made a part hereof as if set out herein in full, and all references and footnotes to the Uniform Building Code contained in the Uniform Dangerous Buildings Code shall be construed to be and shall be references and footnotes to as the International Building Code, 2003 edition, as amended in Section 2 herein.

(b) Three (3) copies of the Uniform Code for the Abatement of Dangerous Buildings, all certified to be true copies, shall be on file in the office of the City Clerk. Copies of said Uniform Dangerous Buildings Code shall be available for sale in the office of the Las Animas City Clerk.

Section 2: Amendments.

(a) Section 201.2 entitled "Inspections" of the U.D.B.C. is amended to read as follows:

"Inspections. The Director of Public Works, Chief of Las Animas/Bent County Fire Protection District, the Director of Bent County Nursing Service, and their respective authorized representatives are hereby authorized to make such inspections and to take such actions as may be required to enforce the provisions of this Code."

(b) Section 201.3 entitled "Right of Entry" of the U.D.B.C. is amended by the addition of the following paragraph:

"The Municipal Court or any judge thereof shall have power, upon complaint made before it by the Building Official or the Building Official's authorized representative that any person has refused the Building Official or the Building Official's duly authorized representative entrance into or upon the building or premises owned or occupied by such person for the purpose of inspecting the same to determine the condition thereof, to issue a warrant commanding such building or premises to be inspected in the daytime, upon any day of the week except Sunday."

(c) Section 201 of the U.D.B.C. is amended by the addition of a new Section to read as follows:

"201.3.1 Notwithstanding the provisions of Section 201.3 of this Code to the contrary, neither the Building Official nor the Building Official's authorized representatives shall enter any building or structure occupied by the owner thereof without the consent of said owner except pursuant to a search warrant issued by a Judge of the Municipal Court upon affidavit made by:

"a. A person over eighteen (18) years of age that he has personally observed conditions inside said building or structure which make such building or structure a dangerous building as described in Section 302 of this Code, or

"b. The Building Official or the Building Official's authorized representative that the exterior of said building or structure or the area adjacent to said building or structure is in such poor repair and condition that he has reasonable cause to believe that there exists in said building or structure conditions which make such building or structure a dangerous building as defined in Section 302 of this Code."

(d) Section 205 entitled "Board of Appeals" of the U.D.B.C. is amended to read as follows:

"The authority and power to provide for final interpretation of the provisions of this Code and to hear appeals provided for hereunder is vested in the Building and Property Committee of the City Council of the City of Las Animas. The Building Official shall be an ex officio member of and shall act as Secretary to said Board. The Board may adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the appellant with a copy to the Building Official. Copies of all rules or regulations adopted by the Board shall be delivered to the Building Official who shall make them freely accessible to the public."

(e) Section 203 entitled "Violations" of the U.D.B.C. is amended to read as follows:

"No person, firm or corporation, whether as owner, agent, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, rent, use, occupy or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code or any order issued by the Building Official hereunder. Any person convicted of violating the provisions of this Section shall be punished as prescribed in Section 1-6 of the Las Animas Municipal Code."

(f) Section 301 entitled "General" of the U.D.B.C. is hereby amended by the addition of the following new definitions:

- "Building Official" means and includes the director of the Las Animas Public Works Department or his authorized representative.
- "Misdemeanor" means and includes a Class 1 Municipal Offense.
- "Health officer" means and includes the Director or Acting Director of the Bent County Nursing Service and the health officer's authorized representatives.
- "Fire Marshal" means and includes the Chief of the Las Animas/Bent County Fire Protection District and his authorized representatives.
- "Legislative body of this jurisdiction" means the City Council of the City of Las Animas.
- "This jurisdiction" means the City of Las Animas, a municipal corporation."

(g) Section 302 entitled "Dangerous Building" of the U.D.B.C. is hereby modified by amending the first and introductory paragraph thereof to read as follows and by the addition of the following subsection 19:

"For purposes of this Code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, limb, health, safety, property, or general welfare of the public, neighborhoods, or adjoining property, or its occupants are endangered or injuriously affected:

"19. Whenever any building or structure because of inadequate maintenance, dilapidation, decay, damage, lack of compliance with building or housing codes, or other cause, tends to depress adjoining property values."

(h) Subsection 3.1 of Section 401.2 entitled "Notice and Order" of the U.D.B.C. is hereby amended to read as follows:

"If the Building Official has determined that the building or structure must be repaired, the order shall require that (i) all required permits be secured therefor and the work physically commenced within such time (not to exceed sixty [60] days from the date of the order) and completed within such time as the Building Official shall determine is reasonable under all of the circumstances, and (ii) if the repairs are not commenced and/or completed within the times specified in the order, the building or structure must be demolished within ninety (90) days after the expiration of the applicable times specified in the order."

(i) Section 401.3 entitled "Service of Notice and Order" of the U.D.B.C. is hereby amended to read as follows:

"The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner or, if unknown or unable to be served within the City, the order and notice shall be posted on the property and a copy thereof mailed by first class mail, postage prepaid, to the record owner at his last known address as shown in the records of the Bent County Assessor; and one (1) copy thereof shall be mailed by first class mail, postage prepaid, to each of the following if known to the Building Official or disclosed from the Bent County Assessor's records: the occupant of the property; the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the Building Official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed on him by the provisions of this Section or any other Section of this Code."

(j) Section 401.4 entitled "Method of Service" of the U.D.B.C. is hereby amended to read as follows:

"Method of Service. Service of the notice and order 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, to each such person at their address as it appears on the records of the Bent County Assessor. If no address of any such person so appears or is not 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 building 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 Code. Service by certified mail in the manner herein provided shall be effective on the date of mailing."

(k) Section 404.2 entitled "Compliance" of the U.D.B.C. is hereby amended to read as follows:

"Whenever such notice is posted, the Building Official shall include a notification thereof in the notice and order issued by him under Section 401.2, reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and a Certificate of Occupancy issued pursuant to the provisions of the International Building Code. Any person who shall be convicted of a violation of this Section shall be punished as prescribed in Section 1-6 of the Las Animas Municipal Code."

(l) Section 601.3 entitled "Reporting" of the U.D.B.C. is hereby amended to read as follows:

"The proceedings at the hearing shall also be reported by a certified reporter if requested by any party thereto in writing delivered to the Secretary of the Board at least five (5) days prior to the hearing. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefor. Such fees may be established by the Board, but shall in no event be greater than the direct cost involved plus fifteen percent (15%) for expenses directly incurred."

(m) Section 603.3 entitled "Penalties" of the U.D.B.C. is hereby amended to read as follows:

"Any person who refuses without lawful excuse to attend any hearing or to produce material evidence in his or her possession or under his or her control as required by any subpoena served upon such person as provided for herein shall be deemed to have violated this Code and upon conviction shall be punished as prescribed in Section 1-6 of the Las Animas Municipal Code."

(n) Section 605.8 entitled "Effective Date of Decision" of the U.D.B.C. is hereby amended to read as follows:

"The effective date of decision shall be stated therein. The decision may be reviewed by the District Court, Sixteenth Judicial District, under Rule 106(a)(4), Colorado Rules of Civil Procedure. Petition for review shall be filed within thirty (30) days after the effective date of the decision."

(o) Section 701.1 entitled "General" of the U.D.B.C. is hereby amended to read as follows:

"After any order of the Building Official or the Building Board of Review made pursuant to this Code shall have become final, no person to whom any such order is directed shall fail,

neglect or refuse to obey any such order. Any person who shall be convicted of violating this Section shall be punished as prescribed in Section 1-6 of the Las Animas Municipal Code."

(p) Item 1 of Section 701.3 entitled "Failure to Commence Work" of the U.D.B.C. is hereby amended to read as follows.

"1. The Building Official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

**"DANGEROUS BUILDING DO NOT OCCUPY  
It is a violation of the Uniform Code for the Abatement of Dangerous Buildings  
to occupy this building or to remove or deface this notice.**

Building Official"

(q) Section 801.1 entitled "Procedure" of the U.D.B.C. is hereby amended to read as follows:  
"When any work of repair or demolition is to be done pursuant to Section 701.3, Item 3 of this Code, the Building Official may issue a request therefor, and the work may be accomplished by City personnel or by private contract under the direction of said Director. Plans and specifications therefor may be prepared by said Director, or he may employ such architectural and engineering assistance on a contract basis as he may deem reasonably necessary. If any part of the work is to be accomplished by private contract, standard Public Works contractual procedures shall be followed."

(r) Section 801.2 entitled "Costs" of the U.D.B.C. is hereby deleted.

(s) Section 802.1 entitled "General" of the U.D.B.C. is hereby amended to read as follows:  
"The City Council may annually budget funds to defray the costs and expenses which may be incurred by the City in doing or causing to be done the necessary work of repair or demolition of dangerous buildings. Said funds shall be designated Repair and Demolition Fund and shall be expended and paid upon the request of the Director of Public Works."

(t) Section 802.2 entitled "Maintenance of Funds" of the U.D.B.C. is hereby deleted.

(u) Section 905.1 entitled "General" of the U.D.B.C. is hereby amended to read as follows:

"The City Council may thereupon order that said charge shall be made a personal obligation of the property owner, or assess said charge against the property involved, or order that said charge be both a personal obligation and assessment. Upon recording in the Bent County Clerk and Recorder's office a statement under oath of the City Clerk or the City Clerk's designee showing the cost of repairs or demolition and describing the land, such costs and interest thereon at the rate of ten percent (10%) per annum shall be and constitute a perpetual lien on the land having priority over all other liens except general tax liens. Such lien shall remain in full force and effect until such costs and interest have been paid in full. The remedies of the City hereunder shall be cumulative."

(v) Section 909 entitled "Report to Assessor and Tax Collector: Addition of Assessment to Tax Bill" of the U.D.B.C. is hereby amended to read as follows:

"After confirmation of the report, certified copies of the assessment shall be given to the City Clerk.

(w) Section 910 entitled "Filing Copy of Report with County Auditor" of the U.D.B.C. is hereby amended to read as follows:

"The City Clerk shall file a certified copy of the assessment with the Bent County Treasurer with a warrant for the collection of same. The description of the parcels reported shall be those used for the same parcels on the Bent County Assessor's map books for the current year."

(x) Section 911 entitled "Collections of Assessment: Penalties for Foreclosure" of the U.D.B.C. is hereby amended to read as follows:

"The amount of the assessments, penalties and interest shall be collected in the same manner as special assessments for local improvements are collected pursuant to Sections 6-13 of the Las Animas Municipal Code, and shall be subject to the same penalties, procedure and sale in case of delinquency as special assessments for local improvements. All ordinances applicable to the collection and enforcement of assessments for local improvements and municipal taxes shall be applicable to such assessments."

(y) Section 912 entitled "Repayment of Repair and Demolition Fund" of the U.D.B.C. is hereby amended to read as follows:

"All money collected in payment of the charge or assessment or from the sale of the property at foreclosure sale shall be paid to the City Clerk, who shall credit same to the Repair and demolition Fund."

### **Section 3. Conflict with other ordinances.**

In any case where a provision of the Uniform Code for the Abatement of Dangerous Buildings or this Chapter is found to be in conflict with any other provision of this Code, or any secondary code adopted thereby, that provision which establishes the higher or more restrictive standard for the promotion and protection of the health, safety and welfare of the people shall prevail.

### **Section 4. Severability.**

If any part, section, subsection, sentence, clause or phrase of this Chapter or of the Uniform Dangerous Building Code is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter or of the Uniform Dangerous Building Code.

### **Section 5. Offenses; criminal penalties; permit revocation; other enforcement.**

(a) It shall be unlawful and a Class 1 Municipal Offense for any person to knowingly violate, disobey, omit, neglect, refuse or fail to comply with or resist the enforcement of any provision of this Chapter or the Uniform Dangerous Building Code, and, upon conviction thereof, the punishment therefor shall be a fine of not more than three hundred dollars (\$300.00) or imprisonment for not more than ninety (90) days, or both such fine and imprisonment.

(b) It shall be unlawful and a Class 1 Municipal Offense for any person to refuse or fail to timely comply with any order issued by the Building Official or other designated building inspector pursuant to the provisions of this Chapter or the Uniform Dangerous Building Code, and, upon conviction thereof, the punishment therefor shall be a fine of not more than three hundred dollars (\$300.00) or imprisonment for not more than ninety (90) days, or both such fine and imprisonment.

(c) It shall be unlawful and a Class 1 Municipal Offense for any person to knowingly make any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to any requirement of this Chapter or the Uniform Dangerous Building Code, and, upon conviction thereof, the punishment therefor shall be a fine of not more than three hundred dollars (\$300.00) or imprisonment for not more than ninety (90) days, or both such fine and imprisonment.

(d) Any permit issued pursuant to the provisions of this Chapter or the Uniform Dangerous Buildings Code may be suspended, terminated or revoked by the Building Official for:

- (1) Any of the reasons stated in Subsection 105.6 of the Uniform Building Code, or
- (2) Any material violation of the terms of said permit or requirements applicable thereto.

(e) In the event that any owner or occupant of premises within the City shall refuse entry to the Building Official or any building inspector, or if any premises are locked and the Building Official or any building inspector has been unable to obtain permission of the owner or occupant to enter, the Municipal Court is authorized to issue a search warrant authorizing such entry in accordance with the procedures set forth in the Colorado Municipal Court Rules.

(f) In the event that any owner or occupant of premises within the City, or any licensed contractor or any permittee, shall fail or refuse to comply with any provisions of this Chapter, the Uniform Dangerous Building Code or any permits issued thereunder, the City may initiate an action for injunctive relief in any court of competent jurisdiction to compel compliance with this Chapter, the Uniform Code for the Abatement of Dangerous Buildings or permit.

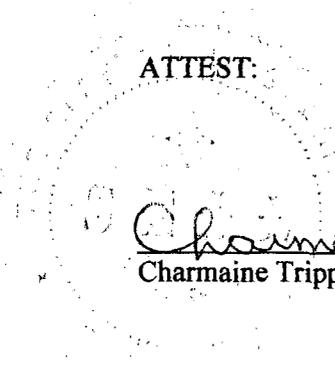
(g) A dangerous building is hereby declared to be a public nuisance. It shall be unlawful and a Class 1 Municipal Offense for any person to own, keep, maintain, use or occupy a dangerous building.

(h) The enforcement remedies set forth in this Section and in this Code, the Uniform Code for the Abatement of Dangerous Buildings, the Uniform Housing Code and the Uniform Building Code are hereby expressly declared to be cumulative, and the exercise of any one (1) or more of them is not dependent upon the exercise of any other remedy, nor does the exercise of any one (1) or more of them constitute any bar or limitation to the exercise of any other.

READ, EXECUTED AND PASSED as an emergency ordinance on this 8th day of August, 2006.

ATTEST:

CITY OF LAS ANIMAS, COLORADO

  
*Charmaine Tripp*  
Charmaine Tripp, City Clerk

*Lawrence Sena*  
Lawrence Sena, Mayor

