

Greeley City Council Agenda

Work Session

Tuesday, December 12, 2023 at 6:00 PM

City Council Chambers at City Center South, 1001 11th Avenue, Greeley, CO 80631
via Zoom at: <https://greeleygov.zoom.us/j/86148461863>

NOTICE:

City Council Work Sessions are held on the 2nd and 4th Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in-person meeting in Council Chambers.

City Council members may participate in this meeting via electronic means pursuant to their adopted policies and protocol.

Members of the public are also invited to view Council work sessions in person or remotely. **Work sessions do not include public input in any format. Public comment is only permitted at regular Council meetings on the 1st and 3rd Tuesdays of each month.**

Watch Meetings:



Meetings are open to the public and can be attended in person by anyone.



Meetings are livestreamed on YouTube at [youtube.com/CityofGreeley](https://www.youtube.com/CityofGreeley) as well as over the Zoom webinar. Public participation in the Zoom webinar only allows viewing the meeting.

For more information about this meeting or to request reasonable accommodations, contact the City Clerk's Office at 970-350-9740 or by email at cityclerk@greeleygov.com. Meeting agendas, minutes, and archived videos are available on the City's meeting portal at <https://greeleyco.portal.civicclerk.com/>



Mayor

John Gates

Councilmembers

Tommy Butler - Ward I

Deb DeBoutez - Ward II

Johnny Olson - Ward III

Dale Hall - Ward IV

Brett Payton - At-Large

Melissa McDonald - At-Large



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1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Reports from Mayor and Councilmembers
5. Update on Downtown Homelessness
6. Sign Code Discussion
7. Initiative 08-2023 Public Nuisances on Private Property
8. Scheduling of Meetings, Other Events
9. Adjournment



Work Session Agenda Summary

Title:

Appointment of Councilmembers to various Boards and Committees.

Background:

During this portion of the meeting any Councilmember may offer a summary of the Councilmember's attendance at assigned board/committee meetings and should include key highlights and points that may require additional decision and discussion by the full Council at this or a future Work Session.

Board/Committee	Meeting Day/Time	Assignment
--Team of 2-- Board/Commission Interviews	Monthly as Needed	Council Rotation
Water & Sewer Board	3 rd Wed, 2:00 pm	Gates
Youth Commission Liaison	4 th Mon, 6:00 pm	McDonald
Historic Preservation Loan Committee	As Needed	DeBoutez
Police Pension Board	Quarterly	McDonald
Employee Health Board	As Needed	DeBoutez
Airport Authority	3 rd Thur, 3:30 pm	Payton/Gates
Visit Greeley	3 rd Wed, 7:30 am	Butler
Upstate Colorado Economic Development	Last Wed, 7:00 am	Gates
Greeley Chamber of Commerce	4 th Mon, 11:30 am	Hall
Island Grove Advisory Board	1 st Thur, 3:30 pm	Butler
Weld Project Connect Committee (United Way)	As Needed	Olson
Downtown Development Authority	3 rd Thur, 7:30 am	Butler/DeBoutez
Transportation/Air Quality MPO	1 st Thur, 6:00 pm	Olson/Payton
Poudre River Trail	1 st Thur, 7:00 am	Hall
Interstate 25 Coalition	As Needed	Olson
Highway 85 Coalition	As Needed	Gates
Highway 34 Coalition	As Needed	Olson
National League of Cities Transportation and Infrastructure Services Committee	As Needed	Olson
CML Policy Committee (Council or Staff)	As Needed	Hall/Lee Gates alternate
CML Executive Board opportunity	As Needed	Hall
CML - Other opportunities	As Available/Desired	
Regional Opioid Council	As Needed	Gates



Work Session Agenda Summary

December 12, 2023

Key Staff Contact: Juliana Kitten, Assistant City Manager, Adam Turk, Police Chief

Title:

Update on Downtown Homelessness

Background:

This presentation is to provide an update to the Council related to the concerns brought to council during public comment at the Meeting on October 17, 2023. Several downtown business owners came to express two main concerns related to safety and people experiencing homelessness. Greeley Police department, Housing and Homeless Solutions and the Public Works department are bringing forth actions already started as well as others we are implementing during the first quarter of 2024.

The solutions are focused on collaboration across several departments, focused on meeting the current concerns, and on preventing a spike of concerns that typically occur once the cold weather shelter closes in April. Chief Adam Turk, Juliana Kitten and Paul Trombino have taken a multi-departmental strategy and have three main areas of focus. We have created a budget and funding options for these solution-focused activities.

The efforts that are already being implemented include community engagement and education. The Neighborhood Action Team met with bars and their security guards to learn more specifics and to ask them to please call 911. Greeley Police department now has two off-duty police officers dedicated to downtown bars from 9:00pm to 2:00am, Friday and Saturday nights through the end of 2023. Another solution focuses on outreach in downtown with the eight Downtown Ambassadors focused on street cleanup, coordinating with the outreach team, and maintaining positive relationships with businesses. A third solution, specifically for our unsheltered homeless in downtown, based on best practices learned in Milwaukee, is to master leasing to quickly obtain housing and services and then work closely with our new outreach team, the "public "ambassadors" and our police department to ensure new encampments do not pop up and become entrenched. We appreciate the Mayor and Council's support and attention.

Strategic Focus Area:



Housing For All



Safe and Secure Communities

Attachments:

1. Presentation



Update on Downtown Homelessness

Assistant City Manager Juliana Kitten, Chief Adam Turk, & Paul Trombino

Agenda



1. Why we are here tonight
2. Concerns expressed by some of the downtown business owners
3. Combined efforts to address

Downtown Business Owners Concerns



Two themes from our downtown business owners:

1. **People who are homeless:** Sleeping in front of businesses, accumulation of trash and debris
2. **People feeling unsafe:** Some examples include closing time, people are concerned about going to their car alone, having to hire additional staff so that there is never just one person working

Solutions – Combining Efforts Across Departments



Greeley Police Department (GPD), the Housing and Homeless Solutions Department, and Public Works are proposing the following solutions:

1. **Community engagement and education:** Neighborhood Action Team met with all the bars and security guards to go over expectations and the need to report incidents to the Greeley Police Department
2. **Actions implemented:** As of November 15th, 2023, GPD has assigned two off duty sworn officers dedicated to the downtown bars from 9:00 PM to 2:00 AM on Friday and Saturday nights through the end of 2023. Chief Turk is using the two off duty officers on weekends to patrol bars, streets, and alleys in a proactive manner

Solutions – Combining Efforts Across Departments



Lessons learned from Milwaukee:

1. Focused outreach on **downtown** (up to 34th street)
2. Master **lease** 25 apartments for one year, then person or voucher takes over the lease
3. Clients will be supported to **remain in housing** via the Transformational Homelessness Response Grant and community partners
4. To maintain service and early action eight “**Downtown Ambassadors**” (*current working title*) that are part the Public Works Department focused on downtown
 - Greeting everyone, immediately removing trash, calling outreach team to work with the homeless person in downtown, cleaning graffiti, talking to businesses daily



Summary of actions

GPD	Homeless and Housing	Public Works
Overtime police officers	Master leasing for 20 people from downtown	8 “Downtown Ambassadors”
Nov. 15 - Dec. 31 on busy bar nights. Two officers 9 PM – 2 AM \$8,700	One year of master leasing per person: \$1,200 rent x 12 months + \$1,200 deposit = \$15,600 \$15,600 x 20= \$312,000	Already budgeted



Thank you





Work Session Agenda Summary

December 12, 2023

Key Staff Contact: Brian McBroom, Community Development Director

Title:

Sign Code Discussion

Background:

At the request of the City Manager and the City Council, staff will make a short presentation of key regulations in the sign code pertaining to temporary signs and campaign signs. Since the Development Code was amended in 2021, council members have received concerns and questions from the community about these types of signs, especially those related to wind-driven signs such as ground kites.

Additionally, a code enforcement case involving a local business called Natural Wellness, and its use of signs on ground kites raised additional questions. The attached slides provide background, some key stats, a timeline of the Natural Wellness case, and some recommendations.

The purpose of this agenda item is to share key information, answer council questions, and receive feedback about the recommendations provided which would require amendments to the Development Code.

Strategic Focus Area:



Business Growth



Community Vitality



High-Performance Government



Quality of Life

Attachments:

1. Chapter 9-Sign Standards
2. Staff Presentation

CHAPTER 9. SIGN STANDARDS

Sec. 24-901. Intent and applicability.

a. *Intent.* The intent of the sign standards is to:

1. Create an attractive aesthetic environment in the City.
2. Enhance the quality and civic design of the community through the visual priority of buildings, streetscapes, open spaces, landscapes, and other investments in the public realm.
3. Ensure that signs preserve and contribute to the unique character of distinct places and districts.
4. Promote compatibility and tailor sign allowances to the particular location, street, and site.
5. Promote safety of pedestrians, motorists, or other users of the public rights-of-way with proper location, construction, design, operation, and maintenance of signs.
6. Improve economic viability by assuring that the City is a visually pleasant place to visit, conduct business, and live.
7. Provide effective identification and communication for businesses, public places, neighborhoods, institutions, and other community destinations without excessive competition for visual attention.
8. Protect property values and investments by minimizing adverse effects of signs on adjacent property.
9. Ensure that the constitutionally guaranteed right of free speech is protected through appropriate standards for signs as a way of public communication.
10. Encourage lawful nonconforming signs to come into full compliance with these regulations.

b. *Applicability.* The provisions in this chapter shall apply to all signs within the City.

1. *Permits.* All signs, including the replacement, repair, or major alteration of a sign, require a permit prior to installation unless specifically exempted by section 24-902. Fees for sign permits are as established in section 24-201.a of the Development Code. Community Development Department staff shall review sign applications for consistency with this chapter, and the Building Official shall be responsible for issuing sign permits.
2. *Change of copy.* Once a structure receives legally conforming status from the City, the sign copy may thereafter be changed without a permit. All other copy changes, such as painted signs or channel lettering, shall require a sign permit. Where a sign frame or structure has been approved as a changeable copy sign, subsequent changes of copy only shall not require a permit.
3. *Interpretation.* This chapter is not intended to and does not restrict speech on the basis of its content, viewpoint, or message. No part of this chapter shall be construed to favor commercial speech over non-commercial speech. Messages may be changed without the need for any approval or permit, provided that the size and structure of the sign are not altered. To the extent any provision of this chapter is ambiguous, the provision shall be interpreted not to regulate on the basis of the content of the message.
4. *Abandoned Signs.* Abandoned signs must be removed or covered upon determination of their abandonment. At the time that either a portion or all of a sign, sign frame, sign components, or sign supporting structure are no longer in use for a period of 90 consecutive days, the sign frame, sign

components, or sign supporting structure shall be brought into conformance by removal or the placement of a new permitted conforming sign, components and structure.

(Ord. No. 36, 2021 , § 4(app. A, § 4), 9-21-2021)

Sec. 24-902. Exempt signs.

The following signs are exempt from the sign permit process provided the sign meets all other applicable requirements of this chapter and any other applicable building and electrical code. Unless specifically noted, exempt signs do not count towards the sign allowance specified for applicable the zoning district.

Any sign beyond the limits of this section shall require a permit and be subject to other general sign limits and standards.

- a. *Required Signs.*
- b. *Temporary Signs.* Temporary signs associated with approved temporary uses under section 24-1297, provided that the schedule for display and removal of the signs is set out in the temporary use permit:
- c. *Construction Site Sign.* Up to three site signs per street frontage are allowed as follows:
 1. Construction site signs on H-A, C-D, and all residentially zoned properties shall not exceed seven square feet of sign area per face and five feet in height. Properties greater than two and one-half acres are allowed up to one 32-square-foot sign.
 2. Construction site signs on nonresidential zoned properties with less than two hundred 200 feet of lot frontage shall not exceed 24 square feet of sign area per face and eight feet in height;
 3. Construction site signs on nonresidential zoned properties greater than two hundred 200 feet and less than 500 feet of frontage shall not exceed 32 square feet of sign area per face and eight feet in height;
 4. Construction site signs on nonresidential zoned properties with greater than 500 feet of frontage shall not exceed 64 square feet per sign face and ten feet in height; and
 5. The sign may be displayed no more than 45 calendar days before and 45 calendar days after the completion of construction.
- d. *Cornerstone Sign.* A cornerstone may be up to a total of four square feet in size.
- e. *Directional On-premises Sign.* A property may have any number of directional on-premises signs sufficient to safely direct customers to key locations; however, each shall not exceed six square feet in size per face, nor five feet in height. Such signs shall not include the business name or logo but may include a single background color associated with the business.
- f. *Yard and Site Signs.* Yard signs and site signs are allowed in all zoning districts and are subject to the following provisions:
 1. The total cumulative sign area allowed for yard signs is as follows:

Table 24-9-1: Yard and Site Signs					
Lot Size	Less than ¼ acre	Over ¼ acre to 1 acre	Over 1 acre to 3 acres	Over 3 acres to 5 acres	Over 5 acres
Sign Allowance (cumulative square feet)	64 square feet	128 square feet	192 square feet	224 square feet	256 square feet

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(Supp. No. 2)

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2. No individual sign shall have a sign area that exceeds 32 square feet.
 3. Yard signs and site signs may be located on a property only with the consent of the property owner, authorized property manager, or legal tenant.
 4. In no event shall a yard sign or site sign be posted or displayed in a manner or location that limits sight visibility to the traveling public or in such a way that creates a vehicular or pedestrian traffic obstruction or hazard. If any yard sign exceeds six square feet, it is counted towards any applicable standards of section 24-902.c.
- g. *Flag.* Flags are allowed which do not exceed a maximum size of 150 square feet in size per flag. A total of 300 square feet flag area is allowed per property.
1. No part of any flag when fully extended shall protrude over any public right-of-way or property line in any direction.
 2. The freestanding maximum mounting height of flags shall be equal to or less than the maximum building height allowed in the zone district in which the flag is located or ten feet above the height of the principal structure on the premises, whichever is less.
 3. The flag pole for any individual flag over 100 square feet must be set back at least equal to the flag pole height from the property line.
- h. *Holiday Decoration.* Temporary decorations, lighting, or displays which are clearly incidental to and customarily and commonly associated with any national, state, local, religious, or commonly celebrated holiday shall be displayed not more than 60 days prior to the holiday and no more than 30 days after the holiday. The decorations may be of any type, number, size, location, illumination, or animation if the decorations are located so as not to conflict with traffic regulatory devices or create a traffic hazard.
- i. *Incidental Sign.* The combination of incidental signs shall not exceed one and one-half square feet in sign area per building entrance.
- j. *Interior Signs.* Signs within a building, or other signs interior to a development and not legible beyond the boundaries of the property on which they are located, and which are not intended to attract off-site attention, shall not be counted for the purpose of zoning regulations toward sign calculations.
- k. *Portable Sign.* One portable sign is allowed per storefront if it can meet all of the following conditions:
1. Is located within 20 feet of the principal public entrance to the tenant or occupant that displays the sign;
 2. Is no larger than six square feet per face and no greater than 48 inches in height;
 3. Is located outside of clear vision zones in section 24-301.d.2;
 4. Is in place only during hours of operation;
 5. Is not posted or displayed in a manner or location that limits sight visibility to the traveling public or in such a way that creates a vehicular or pedestrian traffic obstruction or hazard;
 6. Two immediately adjacent tenants or occupants may share a single sign, not to exceed the standards listed above; and
 7. Any portion of a portable sign located within the public right-of-way must be authorized by a right-of-way revocable sign permit from the City.
- l. *Public Sign.* Public signs may be of any type, number, area, height above grade, location, illumination, or animation required by the law, statute, or ordinance under which the signs are erected. Public signs,

government signs, and signs on public bus benches and/or shelters in the right-of-way shall not be subject to a right-of-way revocable sign permit. Signs on governmental property outside of the right-of-way shall require a right-of-way revocable sign permit.

- m. *Subdivision or Multifamily Entry Signs.* Detached wall signs or monument signs that are located within 40 feet of a street intersection that provides entry into a subdivision or multifamily complex, provided that they are no greater than 20 square feet in sign area, including all sign faces, and not greater than six feet in height. Two residential complex identification signs are allowed per intersection.
- n. *Vehicle Signs.* It shall not be a violation of this chapter if the vehicle to which a sign is mounted, painted, or otherwise affixed is used for travel between home and work or is temporarily parked away from the business premises while being used to provide the business' services or products, or as personal transportation for the vehicle operator. A parked vehicle that contains or displays signs is allowed when;
 - 1. The sign does not extend more than one foot above the roofline of the vehicle;
 - 2. The vehicle is not illuminated or does not have flashing signs;
 - 3. The vehicle is licensed and operable; and
 - 4. The vehicle is in use or legally parked.
- o. *Wind-Driven Devices.* The following devices, which are designed to move with wind or forced air, are allowed as follows, provided that signs are not affixed to the device:
 - 1. *Pennant.* A pennant flag may be a maximum of one square foot per flag face, and pennant lines shall be no longer than the front lot line or exceed the height of the building. For residentially zoned properties, pennants are allowed for open house events only three days per year. For commercial and industrial zoned properties, pennants are allowed on a single property for any length of time, provided they are maintained and in good condition.
 - 2. *Ground Kite.* Ground kites are allowed only in commercial or industrial zoned properties as follows:
 - (a) Ground kites shall be affixed to the ground and shall not exceed two feet wide and eight feet tall.
 - (b) One ground kite is allowed for every 25 feet of lot frontage.
 - 3. *Sky Dancer.* Sky dancer devices are allowed only in commercial and industrial zoned properties as follows:
 - (a) Sky dancers shall be affixed to the ground and shall not exceed two feet wide and eight feet tall.
 - (b) One sky dancer is allowed for every 50 feet of lot frontage, with a maximum of three for each property.
 - 4. *Wind Signs.* Wind signs cannot be used in combination on a property, unless approved in advance with a temporary sign permit.
- p. *Window Sign.* A window sign is allowed but shall not exceed 25 percent of the glass surface of individual window panes visible from the public right-of-way.

(Ord. No. 36, 2021 , § 4(app. A, § 4), 9-21-2021)

Sec. 24-903. Prohibited signs.

Except for signs within buildings and not legible or intended to attract the attention of persons outside the building, or signs interior to a development, the following signs are declared to be a public nuisance and are prohibited in all zoning districts of the City. They must be removed unless determined to be legally nonconforming except as provided in section 24-907.

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- a. *Exposed incandescent, high-intensity exposed light bulbs.* The use of exposed light bulbs independently or as a sign or portion of a sign visible from any property line on which the sign is located is prohibited.
 - b. *Flashing, animated or imitating signs, including signs that have moving, blinking, chasing, scrolling, or other animation effects.* Signs either inside (including but not limited to: open signs and electronic display signs, etc.) or outside of a building and which are legible from a public right-of-way must be removed except as follows:
 - 1. Time and temperature messaging, which changes its message instantly and does not change copy more frequently than every once every three seconds;
 - 2. Electronic message boards used by the City or other public agency to address a health, safety, or welfare matter; or
 - 3. Electronic message boards which do not change copy more frequently than every once every 30 seconds as otherwise permitted in this chapter.
 - c. *Imitating sign.* Regardless of any clear safety concerns are present.
 - d. *Off-premises signs,* except as follows:
 - 1. Temporary real estate signs which are located on a common area outlot, approved by the property owners association; and
 - 2. When two or more adjacent landowners co-locate signs on a single sign structure or on a shared property line through a legally binding agreement. For purposes of this provision, the combined lot frontage is used to determine the number of signs allowed.
 - e. *Nongovernmental signs on public utilities.* No sign may be attached to utility poles or other public structures within the public right-of-way, except as specifically authorized by the City.
 - f. *Roof signs.*
 - g. *Right-of-way signs.* Except as otherwise permitted elsewhere in this chapter, no signs other than regulatory signs are allowed in the public right-of-way, except as provided by a right-of-way revocable sign permit.
 - 1. In addition to all other enforcement authority available to the City, the City may also remove or cause to be removed any illegal or unauthorized sign from the public right-of-way without notice to any party. The cost of removal as may be assessed by the City is the responsibility of the owner of the sign or, if unknown, the property owner.
 - 2. The City shall have the authority to dispose of all unauthorized or illegal signs removed from the public right-of-way without notice to the owner of such signs. The cost of removing and storing of removed signs as may be assessed by the City shall be the sole responsibility of the owner of the sign.

(Ord. No. 36, 2021 , § 4(app. A, § 4), 9-21-2021)

Sec. 24-904. Standards applicable to all signs.

- a. *General Standards.*
 - 1. With the exception of real estate, election, ideological, and prohibited activities signs, signs shall not be permitted unless there is a primary structure on the parcel.
 - 2. All signs shall comply with the adopted building and electrical codes, Model Traffic Code, Historic Preservation, and other codes and ordinances as adopted by the City. All electric signs shall comply with and bear independent testing laboratory labels. In the event of any conflict between any of these codes or ordinances and this chapter, the more restrictive provision shall apply.

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3. No person may damage, destroy, trim or remove any trees or shrubs located within the public right-of-way for increasing visibility of a sign. The Director may authorize this work through an approved use by special review, site plan, or any other land use zoning permit.
 4. All signs shall be designed to be consistent and compatible with the character of the principal buildings to which the signs relate, including the use of similar or complementary colors and materials in the design and construction of signs and their surroundings.
- b. *Sign Lighting.* Signs may be internally illuminated, backlit, or illuminated by down-lighting or by ground-mounted light fixtures that illuminate only the sign face and base and shall conform to the following:
1. Illuminated signs on the C-D, H-A, and all residentially zoned properties or illuminated signs on commercial or industrial zoned properties immediately adjacent to residentially zoned properties shall either have an opaque background and translucent letters or letters without background lighting;
 2. In no case shall sign lighting create more than one-tenth (0.1) foot-candle impact on habitable residential uses in residentially zoned areas;
 3. Neon lighting shall only be permitted within the lettering or logo of a sign;
 4. Illumination of the sign face by down-lighting or ground-mounted light fixtures shall not exceed 50 foot-candles as measured on the sign face; and
 5. Flashing or strobe lighting shall not be permitted, whether used as part of a sign or to draw attention to a site or location.
- c. *Construction and Maintenance Standards.*
1. All signs and sign parts, portions, and materials shall be manufactured, assembled, and erected in compliance with all applicable state, federal, and City regulations and the adopted building and electrical codes.
 2. All signs, including those exempt from sign permits, shall be maintained and kept in good repair, and in conformance with the original sign permit. A sign that is maintained and kept in good repair shall meet the following criteria:
 - (a) All sign supports, braces, guy wires, anchors, and related screening are kept in repair, in a proper state of preservation, including as may be required by section 24-803.d, General screening.
 - (b) There is no evidence of deterioration, including chipped or peeling paint, rust, corrosion, fading, discoloration, broken or missing sign faces, text, logos, graphics, or other elements of the sign.
 - (c) There are no missing, flickering, or inoperative lights that create a perception of deterioration or abandonment of the sign.
 3. Where repairs involve a nonconforming sign, the provisions of section 24-907 shall also apply.
 4. Any non-maintained sign shall be repaired or replaced within 15 calendar days following notification from the City. Noncompliance with such notice shall constitute a nuisance subject to enforcement actions.
 5. Signs, their structures and supports, and related screening shall be constructed of materials normally and typically intended to be used for such items.

(Ord. No. 36, 2021 , § 4(app. A, § 4), 9-21-2021)

Sec. 24-905. Permitted sign allowances.

This section provides allowances and standards for specific types of permitted signs.

a. *Awning Sign.*

1. Awning signs greater than 25 percent of the exterior surface of the awning shall be permitted as and count to the wall sign allowance.
2. The entire surface of the awning shall be considered the sign.
3. The entire illuminated exterior area of an internally illuminated sign shall be included in the calculation of the sign area.
4. Any portion of an awning sign projecting over the public right-of-way must obtain a right-of-way revocable sign permit.

b. *Canopy Sign.*

1. If the canopy is attached to a building, all or a portion of the available wall sign allowance may be transferred to the canopy, subject to setback provisions.
2. If the canopy is a freestanding structure, all or a portion of the available freestanding sign allowance may be transferred to the canopy, subject to setback provisions and height.

c. *Electronic Messaging Display (EMD).*

1. EMD signs are allowed only in the C-L, C-H, I-L, I-M, I-H, and PUD zone districts, and for institutional uses in any district. EMD signs require a site plan review subject to the process and criteria in section 24-207. An EMD sign in the C-L zone district or for institutional uses in any residential district is limited in hours of operation from 6:00 a.m. to 10:00 p.m.
2. The area of the EMD shall not exceed 50 percent of a sign face.
3. The EMD shall contain static messages only, with changes only occurring instantly, through dissolve or fade transitions, or with the use of other subtle transitions and frame effects. No message, image, change, or transition shall have the appearance or optical illusion of movement, including any illumination, flashing, scintillating or varying of light intensity.
4. The displayed message shall not change more frequently than once per 30 seconds.
5. The EMD shall have automatic dimmer software or solar sensors to control brightness for nighttime viewing. The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety or welfare. Lighting from the message module shall not exceed 600 nits (candelas per square meter) between dusk and dawn as measured from the sign's face.
6. Applications for sign permits containing an electronic display shall include the manufacturer's specifications and initial nit (candela per square meter) rating and dimming method.
7. All existing electronic message displays that contain an electronic changeable copy module which does not comply with the provisions of this section shall be made to conform to the duration of copy provisions upon the effective date of the ordinance approving such provisions.
8. Any premise that contains an outdoor electronic message display shall not be allowed any temporary signs (per section 24-905.i).

d. *Freestanding and Monument Signs.* Table 24-9-2 provides the allowance for permitted freestanding signs:

Table 24-9-2: Freestanding and Monument Sign Allowance		
	R-H, C-L, and Institutional Uses in any Residential District	C-H, I-L, I-M, I-H

Size	33 s.f. Plus 1 s.f. for each 1' setback over 50', up to a maximum of 150 s.f.	50 s.f. Plus 1 s.f. for each 1' setback over 50', up to maximum of 250 s.f.
Height	6'	12' plus 0.26' for each 1' setback over 50', up to a maximum of 25'
Quantity		
< 200' of frontage	1 freestanding sign in place of one allowed wall sign; OR Allocate a percentage of the wall sign allowance to a freestanding sign, provided the cumulative wall and freestanding sign size does not exceed the maximum allowed for either category.	
200'—499' of frontage	1 free standing sign	
500'+ of frontage	2 free standing signs	

1. Freestanding signs in the H-A, C-D, R-E, R-L, R-M, and R-MH are only allowed through section 24-902, Exempt signs.
2. All freestanding signs shall have a base covering at least 25 percent of the sign width, unless there is less than two feet clearance from the bottom of the sign.
3. Where two or more property owners share a common lot line, the property owners may combine the lot frontage for the purpose of sharing a freestanding sign on or near the common lot line.
4. If a lot has more than one street frontage, such as with corner lots, up to two cumulative lot frontages may be used to determine the maximum number of signs.
5. Noncontiguous lot frontage is calculated separately.

e. *Projecting Wall Sign.*

1. A projecting sign shall not be higher than the top of the wall or the bottom of the roof eave.
2. A projecting sign must have eight feet clearance from grade and may not extend more than four feet from the building wall except where the sign is an integral part of an approved canopy or awning.
3. A projecting sign is included in the total wall sign allowance.
4. A projecting sign over public right-of-way must obtain a revocable sign permit.

f. *Wall Signs.* Table 24-9-3 provides the allowance for permitted wall signs:

Table 24-9-3: Permitted Wall Sign Allowance			
Zone District	Principal Building Frontage	Secondary Building Frontage	Maximum Area per Sign
H-A, C-D, R-E, R-MH, R-L and R-M	N/A	N/A	N/A
R-H	.25 s.f.	N/A	40 s.f., plus 1 s.f. for each 1' setback over 50', up to maximum 150 s.f.
C-L	1 s.f.	.5 s.f.	

C-H and I-L	1.5 s.f.	1 s.f.	60 s.f., plus 1 s.f. for each 1' setback over 50', up to maximum 200 s.f.
I-M and I-H	2 s.f.	1 s.f.	90 s.f., plus 1 s.f. for each 1' setback over 50', up to maximum 250 s.f.

1. No wall sign may be attached to or displayed against any parapet wall that does not extend at least 75 percent of the perimeter of the roof enclosed by the parapet. No sign shall exceed the height of the parapet wall. This standard does not apply to an existing building as of the date of the adoption of the Code.
 2. No wall sign may extend above the roof-line of a building except as permitted on a parapet wall.
 3. No wall sign may be displayed on the wall of a mechanical room or penthouse or other such enclosed space which is not habitable by the occupants of the building.
 4. No sign, including any light-box or other structural part, shall exceed a depth of 20 inches.
- g. *Public and Institutional Uses.* Nonresidential institutional and public uses allowed in residential districts shall comply with the R-H zoning district sign standards. Public schools are encouraged to comply with the same standards as other public or institutional uses.
- h. *Planned Unit Development (PUD).* The provisions in this chapter shall be used to guide signs within Planned Unit Development (PUD) requests. Proposed PUD development may include a specific and coordinated sign plan with standards that address size, height, design, lighting, color, materials, location and method of construction of all signs planned within the PUD. Absent a specific sign plan, the City shall apply sign standards closest to the zone district the PUD land uses represent. The City Council may impose alternate standards relating to signs if it is determined that there are commensurate design trade-offs proposed for signs through the procedures and criteria in section 24-205.
- i. *Temporary Signs.*
1. Temporary signs shall be allowed per tenant in addition to the amount of permanent signs that is otherwise permitted. Except for signs exempt from permits in section 24-902, temporary signs shall require a temporary sign permit according to the standards of this section.
 2. The total amount of temporary signs shall not exceed 33 square feet in all residential zones and C-L zones or 50 square feet in all other commercial and industrial zones.
 3. Temporary signs shall be allowed for any individual commercial or industrial use for no more than a total of 60 days in any calendar year.
 4. If more than one temporary sign is proposed, each sign will count towards the total calendar year allowance (i.e., 3 signs for 20 days = 60 days). The total sign area for all signs shall not exceed the total amount of temporary sign allowance.
 5. Temporary signs associated with a temporary use under the provisions of section 24-405, Temporary uses shall be limited to the duration of the temporary use, not to exceed more than 90 days in any calendar year. The temporary sign permit may be extended for up to an additional 30 days, provided the Community Development Director has granted an extension of the associated temporary use.
 6. Any property that contains an outdoor electronic messaging display shall not be permitted to have an additional temporary sign allowance.

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7. Balloons, inflatable signs and other inflatable objects containing text and/or graphics, which have a total visible area (individually or combined) that does not exceed 33 square feet shall be considered a temporary sign and shall require a sign permit. Balloons that do not contain text and/or graphics shall not require a sign permit. No balloon, inflatable sign, or other inflatable objects shall exceed the height of the principal building on the site, shall not extend over the public right-of-way when fully extended, shall not impede pedestrian or vehicular traffic.
 8. Searchlights or beacons shall be considered temporary signs, shall require a sign permit, and are allowed a maximum of three days per calendar year. Searchlights or beacons shall not be placed or used in such a way that impedes pedestrian or vehicular traffic, or results in light or glare at grade.

(Ord. No. 36, 2021 , § 4(app. A, § 4), 9-21-2021)

Sec. 24-906. Historic signs.

- a. Notwithstanding any other provisions of this chapter, a historic sign may be kept, used, owned, maintained, and displayed subject to the following provisions:
 1. The sign has been designated as a historic landmark by the Greeley Historic Preservation Commission (HPC) and
 2. The sign is structurally safe or is capable of being made structurally safe while maintaining its historic character. All structural repairs and restoration of the sign to its original condition shall be made within 365 calendar days of designation of the sign as a historic landmark and shall be subject to approval by the HPC prior to any work commencing.
- b. All signs that have been designated as historic landmarks shall be exempt from section 24-901.b.4 relating to abandoned signs if the sign continues to meet all of the requirements of this section.
- c. For the purposes of this section, if a historic sign has been moved from its original site, such sign shall no longer be considered a historic sign unless specifically so considered by the HPC. If such a sign is moved, a new sign permit shall be required for the new location.
- d. Words, symbols, or "ghost signs" that are painted, engraved or carved into a building and that no longer relate to the use or occupant of the building shall not be counted as a sign.

(Ord. No. 36, 2021 , § 4(app. A, § 4), 9-21-2021)

Sec. 24-907. Nonconforming signs.

- a. A legal nonconforming sign or sign structure may continue to exist until one of the following conditions occurs:
 1. The sign has been abandoned and not reestablished for 90 consecutive days or longer.
 2. Other than for routine maintenance involving spot repainting, cleaning, or light bulb replacement that does not make substantial improvements, if repairs involve nonconforming sign alterations other than allowed in 24-904.c, compliance with all provisions of this chapter shall be required.
 3. Changing the copy of an off-premises sign and nonconforming signs shall not be considered a change requiring compliance with this chapter unless there is a change to the size; a change, or removal of, a support structure or frame, or a portion thereof, whether replacing such structure or frame or not, and/or a change in the orientation of the sign.

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- b. Lawfully nonconforming signs which are nonconforming due to size are included in the total sign allowance for the property as follows:
 - 1. If the excess signs are in the wall sign the amount greater than the allowed is considered a transfer to the freestanding sign allowance and the freestanding sign allowance is thereby reduced proportionally.
 - 2. If the nonconforming sign is freestanding, no transfer is allowed to the wall.
 - c. Two or more legal, nonconforming, freestanding signs on the same lot may be combined into one new legal nonconforming sign. In this event, the maximum size of this new sign shall be 125 percent of the maximum size specified in section 24-905.d for the particular location and type of sign. This provision shall be utilized only one time per property.
 - d. The Director may approve alternative compliance nonconforming sign proposals one time per property as long as the proposed alternative reduces all elements of the sign nonconformance, by at least 50 percent. This one-time provision may be used to address all nonconforming signs on the site or for only one nonconforming sign type on the site.
 - e. Temporary signs, window signs, and dilapidated signs shall not be considered legal nonconforming signs.
- (Ord. No. 36, 2021 , § 4(app. A, § 4), 9-21-2021)

Sec. 24-908. Sign measurements and interpretation.

- a. *Sign Area.* The area of a sign is measured by determining the total sign face, which includes the backing and the frame of the sign.
 - 1. The area of a sign shall be measured utilizing a single, continuous rectilinear perimeter of not more than 12 straight lines, the extreme limits of writing, representation, lines, emblems, or figures contained within all modules, together with any air space, materials or colors forming an integral part or background of the display or materials used to differentiate such sign from the structure against which the sign is placed. For replacement of existing signs, the applicant may choose to utilize an exact calculation of sign area in lieu of this requirement.
 - 2. A freestanding sign area and its support structure may be equal in size to one and one-half times the maximum-sized sign allowance at that location. The base of a monument sign shall not be counted as part of the calculation, provided that:
 - (a) The base does not account for more than one-third of the combined area of the sign face and the base; and
 - (b) At least 60 percent of the bottom edge of the sign, including its supports and structure, has contiguous contact with the ground. Where the base has an unusual shape, such as circular or diamond-shaped, the bottom of the base shall be determined by measuring at a point that is one-third of the distance from the ground to the top of the base; and
 - (c) Any portion of the base that contains a sign will be counted, with the exception of a numeral address that is clearly incidental to the sign.
 - 3. The area of a sign which has multiple sign faces not parallel to the right-of-way, such as V-shaped, triangles, or cubes, shall be calculated using the total of all faces which may be viewed at the same time from the public right-of-way or adjacent property.
 - 4. All writing, representations, emblems, or figures forming an integral part of a display used on an awning to identify, direct or attract the attention of the public shall be considered to be a sign for the purposes of measurement.

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5. Internally illuminated awning signs that are translucent, with backlighting, shall include the entire area of the awning in the calculation of the sign area. (See also section 24-905.a.)
- b. *Sign Height.* The height of a sign shall be determined by measuring the vertical distance from the adjacent grade to the highest point of the sign or sign structure. For purposes of this section, "grade" as a point of measure shall mean either of the following, whichever yields a greater sign height:
1. The elevation of the highest ground surface within a five-foot horizontal distance from the leading edge of the sign, when there is less than a ten-foot difference between the highest and lowest ground surfaces within a five-foot horizontal distance from said sign; or

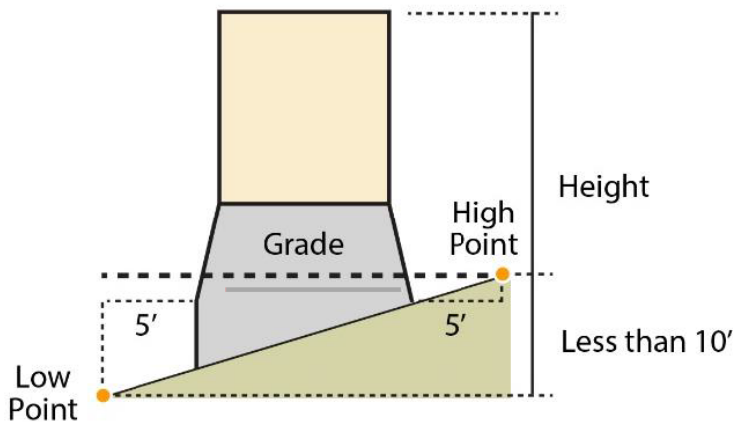


Figure 24-9-1: Sign height — Grade change of ten feet or less.

2. An elevation ten feet higher than the lowest ground surface within a five-foot horizontal distance from the leading edge of the sign, when there is greater than a ten-foot difference between the highest and lowest ground surface within a five-foot horizontal distance from said sign.

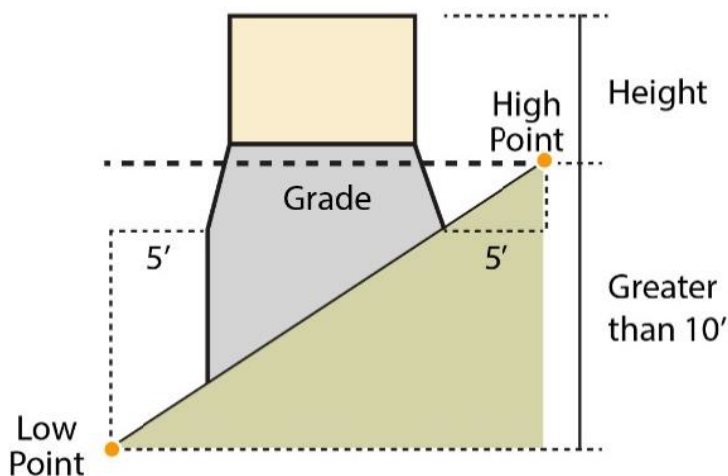


Figure 24-9-2: Sign height — Grade change more than ten feet.

- c. **Orientation.** The principal orientation of any sign shall be determined by the Director in accordance with the intent and standards of this chapter, street classification, and the following:
1. The orientation of a freestanding sign is to the nearest public right-of-way to which it is perpendicular or parallel;
 2. The orientation of a wall sign is to the nearest street with the highest traffic volume;
 3. The orientation of a projecting wall sign is to the nearest street with the highest traffic volume and to which the sign is most nearly perpendicular;
 4. The orientation of all other signs, including canopy signs, shall be to the nearest public right-of-way.
- d. **Sign Setbacks.** Sign setbacks are the minimum distance required between the apparent centerline of the right-of-way and any portion of a sign or sign structure. Where the property is adjacent to a frontage road, the centerline of the highway to the leading edge of the sign is used to determine setback (i.e., frontage road is disregarded for calculation of the setback).

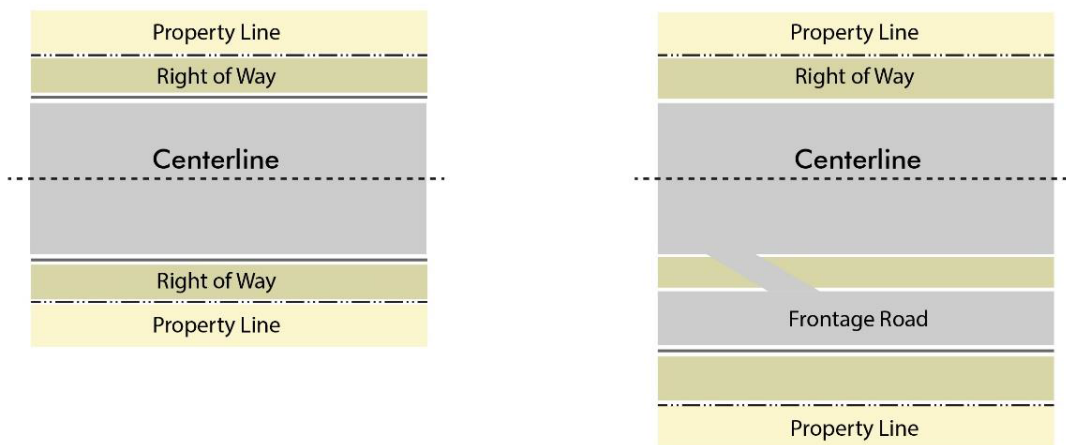


Figure 24-9-3: Sign setbacks from centerline.

(Ord. No. 36, 2021 , § 4(app. A, § 4), 9-21-2021)

Sec. 24-909. Relief from standards.

- a. **Alternative Compliance.** Conditions may exist where strict compliance is impractical or impossible, or where maximum achievement of the intent of this chapter can only be obtained through alternative compliance. Alternative compliance to the sign standards in this chapter shall be authorized according to the process and criteria in section 24-208, Alternative compliance, and are supplemented by this section.
1. Requests for alternative compliance may be accepted in association with a sign permit, based on one or more of the following criteria:
 - (a) Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical, or improved environmental quality would result from alternative compliance.
 - (b) Space limitations, unusually shaped lots, and prevailing practices in the surrounding neighborhood may justify alternative compliance for infill sites and for improvements and redevelopment in older neighborhoods.

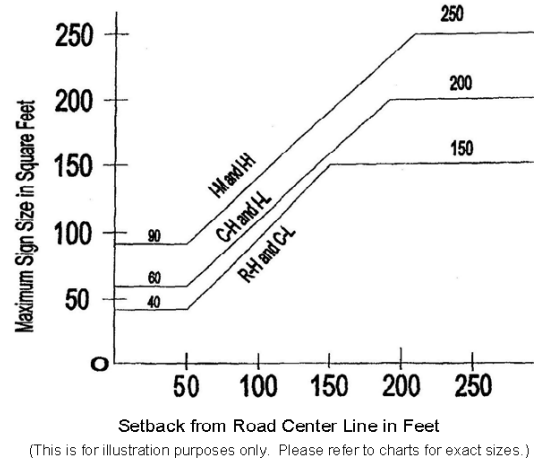
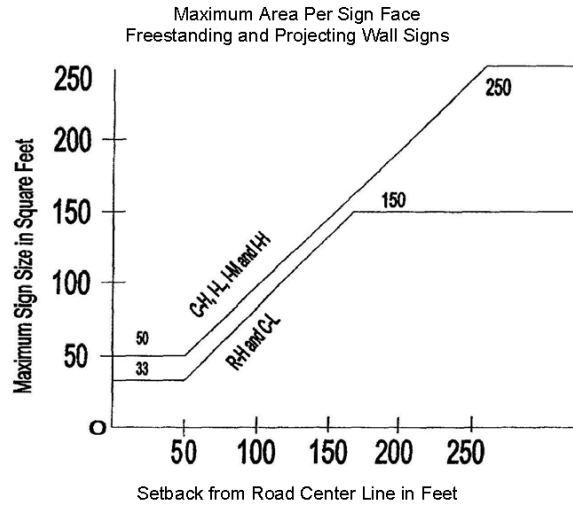
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- (c) Safety considerations make alternative compliance necessary.
 - (d) The proposed alternative is aesthetically more complementary to the site, better fits into the context of the area, improves the overall architectural appeal of the area and/or meets or exceeds the design objectives as described in the City's Comprehensive Plan. Where there is a strong architectural theme established in an area, the proposed alternative shall be consistent with or complementary to that theme. In an existing area where there is no established theme, the proposed alternative shall provide an architectural theme consistent with the Comprehensive Plan and improve the quality of development in the area.
2. Application for alternative compliance shall include the following information:
- (a) Written description of the conditions provided in section 24-909.a.1 above, which apply to the subject property;
 - (b) The applicant shall submit a sign plan consisting of a written statement addressing the proposal and the review criteria of this section and section 24-208, along with dimensioned graphic plans identifying the following items for all signs on the property:
 - (1) Written and graphic illustration of the proposed alternative, including areas of departure from code standards;
 - (2) Sign style, type, location, size (area), and height for wall and freestanding signs;
 - (3) Materials and colors for all signs and support structures;
 - (4) Sign illumination devices and brightness levels, if applicable
- b. *Variance.* Variances to the dimensional standards established in this chapter shall be authorized according to the process and criteria in section 24-209, Variances, and are supplemented by this section. Variances to any other provision of this chapter shall not be permitted.
- 1. In addition to the criteria in section 24-209, the Zoning Board of Appeals shall consider the following additional factors for sign variances:
 - (a) Historic value as determined by the Historical Preservation Commission;
 - (b) Architectural integrity;
 - 2. Sign variances shall not be transferable to a new location on the property unless first approved in writing by the Director that the changed location on the site substantially complies with the conditions of the original variance. Changes to a sign that received a variance, with the exception of changes in sign text or copy that do not result in any structural changes to the sign, shall require compliance with all applicable provisions of this Code.
 - 3. Any sign variance which was in effect and applied to an installed sign still in place prior to the adoption of this Code may be continued under the provisions of that variance until a change to a sign is requested, at which time a new variance shall be applied for, or the sign shall comply with all applicable provisions of this chapter.

(Ord. No. 36, 2021 , § 4(app. A, § 4), 9-21-2021)

Sec. 24-910. Sign chart.

Sign Chart*

Zoning District	Type of Sign Allowed	Max. total amount awning, wall & projecting wall signage allowed per linear foot of wall	Max. Sign Face Area for Awning and Wall Signs	Maximum Freestanding Sign Height	Maximum Size for Freestanding Signs	Number of Freestanding Signs
C-D, H-A, R-L, R-E, R-MH, R-M	See section 9.02	See section 24-902	See section 24-902	See section 24-902	See section 24-902	See section 24-902
R-H	Freestanding, wall and awning	.25 s.f.	See section 24-905	6 ft.	See subsection 24-905.d	1 sign where lot frontage is greater than or equal to 200 ft., but less than 500 ft.
C-L	Freestanding, wall and awning	1 s.f., plus an additional 0.5 s.f. (for secondary building frontage)	See section 24-905	6 ft.	See subsection 24-905.d	2 signs where lot frontage is greater than 500 ft.
C-H, I-L	Freestanding, wall, projecting wall and awning	1.5 s.f., plus an additional 1 s.f. (for secondary building frontage)	See section 24-905	See subsection 24-905.d	See subsection 24-905.d	2 signs where lot frontage is greater than 500 ft.
I-M & I-H	Freestanding, wall, projecting wall and awning	2 s.f., plus an additional 1 s.f. (for secondary building frontage)	See section 24-905	See subsection 24-905.d	See subsection 24-905.d	2 signs where lot frontage is greater than 500 ft.
* This chart summarizes key signage allowances; see specific code sections for code details and/or exceptions.						



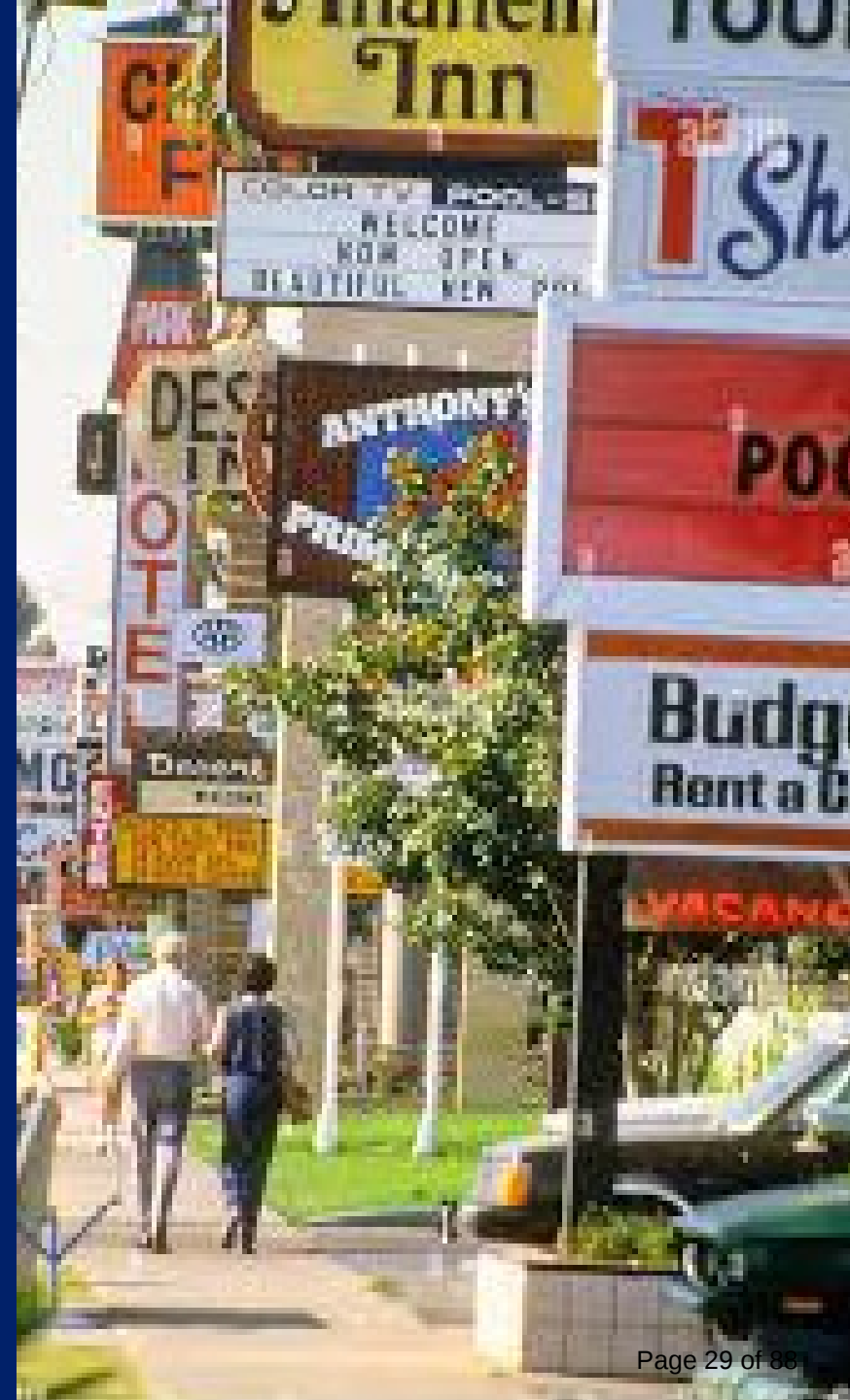
(Ord. No. 36, 2021 , § 4(app. A, § 4), 9-21-2021)

Secs. 24-911—24-1000. Reserved.



Sign Code

**Brian K. McBroom, Director of
Community Development**



Agenda



- Area of Focus - Temporary Signs and Political Signs
- Sign enforcement statistics
- Natural Wellness Case
- Recommendations

Area of Focus



- Political signs subject to overall site signage limitations
- Exempt Signs – Development Code Sec. 24-902
- Wind-Driven Devices – Sec. 24-902.o
 - Separation requirements
 - No time limits
 - “Signs” not permitted on devices

Sign Regulations



- Create attractive aesthetic environment
- Enhance quality and civic design of community
- Promote safety
- Ensure constitutional right of free speech
 - Content neutral regulation
 - Time, place and manner restrictions

Overall Sign Enforcement Context

- Total Sign Violations:
 - 2020 – 4 2021 – 16 2022 – 216 2023 79 (YTD)
 - Most closed w/ voluntary compliance (255 out of 289)
- Most were proactive (264 out of 289)
- 29 cases related to ground kite–type temporary signs
- 2023 Administrative Hearing – Natural Wellness

Natural Wellness Case

12/10/2019	10/1/2021	12/1/22 & 12/5/22	1/6/2023 & 1/20/2023	3/24/2023
Sign Code update presented to Planning Commission	Effective date of Chapter 9, "Signs," adopted by Ordinance No. 36, 2021	Courtesy Warning and then Notice of Violation issued for a sign on a ground kite	Administrative Hearings	City prevailed at a reconsideration hearing

Lessons Learned

- March 24, 2023: Administrative Hearing held that the City's intent in Sec. 24-902 was to prohibit "signs" on wind driven devices
- Hearing officer noted that the code language in Sec. 24-902 is "***unnecessarily confusing and ultimately should be re-written to clear up any ambiguities.***"
- Clarifying language makes sense – rules should be clear and easy to understand

Recommendations

- No recommended changes to political sign regulations
- Immediate Updates to Temporary Sign Regulations
- Audit of Entire Sign Code – 2024 Q2, then
- Any Needed Amendments – 2024 Q3/Q4
- Small Business Outreach via Code Inspection Team
 - Small businesses rely heavily on temporary signs

Team

- Buxton Demers, Code Compliance Manager
- Bobbier Cranston, Assistant City Attorney
- Don Threewit, Interim Deputy Director of Community Development

Questions/Input/Direction

- **What other questions/concerns do you have about current regulations?**
- **Do the recommendations make sense?**
- **Other direction?**
- **Next steps**



Work Session Agenda Summary

December 12, 2023

Key Staff Contact: Brian McBroom, Community Development Director

Title:

Initiative 08-2023 Public Nuisances on Private Property

Background:

At the May 9, 2023, City Council meeting, Council Initiative 08-2023 was created at the request of Councilwoman DeBoutez related to the city's management of public nuisances on private property. Specifically, Councilwoman DeBoutez asked staff to review and consider bringing back to council a municipal code amendment.

The attached slides provide a summary of the city's current regulatory tools, the legal framework within which the city must operate, and a listing of several opportunities for improvement towards reducing public nuisances on probate property.

Staff's key desired outcomes of this agenda item is whether there is City Council consensus to proceed with a public nuisance code amendment and if there is City Council support for the other opportunities outlined by staff.

Strategic Focus Area:



Business Growth



Community Vitality



High-Performance Government



Housing For All



Infrastructure and Mobility



Quality of Life



Safe and Secure Communities

Attachments:

1. Chapter 5- Refuse and Litter Control
2. Chapter 7- Vacant and Abandoned Buildings
3. Chapter 10-Administrative Code Violation Sanctions
4. Chapter 12- Chronic Public Nuisance Violations
5. Ft. Collins Public Nuisance Ordinance
6. Staff Presentation

CHAPTER 5. REFUSE AND LITTER CONTROL

Sec. 12-269. Refuse accumulations; duty of owner.

- (a) It is the duty of every person, whether owner, agent or tenant of any building, premises or vacant lot, including, but not limited to, any place of business, hotel, restaurant, residence or any other establishment, at all times, to maintain the premises in a clean and orderly condition, permitting no deposit or accumulation of refuse or litter other than what is ordinarily attendant upon the use for which such premises are legally intended. Nothing in this section shall prohibit the placement of trash, garbage or refuse containers for pick-up on public rights-of-way for one 24-hour period within a seven-day period.
- (b) All refuse and debris remaining as a result of the demolition or repair of any buildings or the erection and completion of any buildings shall be removed following substantial completion of the work. Any such accumulation shall constitute a Code infraction and a violation of this environmental sanitation code.

(Prior Code, § 13-133(part); Code 1994, § 9.16.120; Ord. No. 19, 1988, § 1(part), 5-17-1988; Ord. No. 43, 1994, § 2, 11-1-1994; Ord. No. 56, 1994, § 1, 12-20-1994; Ord. No. 46, 2006, § 1, 10-17-2006)

Sec. 12-270. Placing refuse or litter on premises prohibited; unhealthful or nuisance materials.

It is unlawful to deposit or place any refuse or litter in such a manner that the same is or tends to become a nuisance or in such manner that the same endangers or tends to endanger the public health. No person shall, in any manner, throw, place, scatter, deposit or bury any refuse or litter in or upon any public or private property.

(Prior Code, § 13-137; Code 1994, § 9.16.170)

Sec. 12-271. Throwing or sweeping refuse.

It is unlawful for refuse of any kind or nature whatsoever to be thrown or swept into any street, sidewalk, gutter, sewer, intake, alley, vacant lot or other property.

(Prior Code, § 13-138; Code 1994, § 9.16.180)

Sec. 12-272. Interference with refuse containers and contents.

No person shall molest, remove, handle or otherwise disturb any refuse containers, bags, brackets or contents for servicing by the collectors, provided that this section does not apply to the owner, occupant, lessee or tenant of the residence or dwelling so placing the containers and contents.

(Prior Code, § 13-139; Code 1994, § 9.16.190)

Sec. 12-273. Violations.

A violation of this chapter shall be punishable pursuant to chapter 10 of title 1 of this Code.

Secs. 12-274—12-293. Reserved.

CHAPTER 7. VACANT AND ABANDONED BUILDINGS

Sec. 12-383. Legislative intent.

The city council finds and determines that the existence of dilapidated buildings and properties within the city present significant hazards to the health, safety and welfare of the citizens of the city. When vacant and abandoned properties appear to be dilapidated, it has a negative impact on the community and creates areas of blight in the city. Vacant and abandoned buildings that are not properly boarded, secured and kept with a basic level of property maintenance can create unsafe and unsanitary conditions and be a fire hazard.

(Ord. No. 32, 2022 , § 6(app. A, § 6), 9-6-2022)

Sec. 12-384. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Basic level of property maintenance requires that the building is secure, that the use of materials to properly board a building and to minimize the appearance of abandonment, including painting or treatment of any window and door coverings to match the building, that care of vegetation on the property is maintained and that the property is in compliance with all other requirements in this Code.

Building means a structure that is used or intended for use as a residence or for commercial, industrial or business purposes.

Vacant or abandoned building means any building that has not been lawfully occupied for 60 days, demonstrates signs of neglect and has been wholly or partially boarded up and does not show any evidence of ongoing or substantial construction activity pursuant to a valid building permit.

(Ord. No. 32, 2022 , § 6(app. A, § 6), 9-6-2022)

Sec. 12-385. Declaration of public nuisance.

A vacant and abandoned building that does not meet the basic level of property maintenance is declared to be a public nuisance.

(Ord. No. 32, 2022 , § 6(app. A, § 6), 9-6-2022)

Sec. 12-386. Duty of property owners and agents.

It is the duty of every person, whether owner or agent of a vacant or abandoned building, including, but not limited to, any place of business, hotel, restaurant, residence or any other establishment, to secure the building and maintain a basic level of property maintenance, so that it appears to be in a clean and orderly condition.

(Ord. No. 32, 2022 , § 6(app. A, § 6), 9-6-2022)

Sec. 12-387. Violations.

A violation of this chapter shall be punishable as administrative code violation pursuant to chapter 10 or title 1 of this Code.

(Ord. No. 32, 2022 , § 6(app. A, § 6), 9-6-2022)

Secs. 12-388—12-407. Reserved.

CHAPTER 10. ADMINISTRATIVE CODE VIOLATION SANCTIONS¹

Sec. 1-261. Penalties.

- (a) In addition to fees and costs assessed by the administrative hearing officer, a respondent found liable for each violation of this Code shall pay a fine of not more than \$1,000.00, pursuant to the fine schedule below.
 - (1) Administrative code violations other than for chronic public nuisance violations.
 - a. The fine for a first violation shall be not less than \$100.00.
 - b. The fine for a second violation within 24 months shall be not less than \$250.00.
 - c. The fine for a third or subsequent violation within 24 months shall be not less than \$500.00.
 - (2) Any repeat violation that occurs less than 12 months from the date of a finding of liability shall cause the full amount of the fine that may have been suspended under subsection (a) of this section to be automatically reinstated in full, at the request of the city.
- (b) In addition to fees and costs assessed by the administrative hearing officer and a fine, a respondent found liable for a violation of this Code shall pay the costs of any abatement action performed by the city ordered by the administrative hearing officer pursuant to section 2-1035.
- (c) Costs may include all reasonable costs, direct or indirect, which the city has proved were incurred in connection with code violations.
- (d) For the purposes of assessing sanctions for repeated or chronic violations pursuant to this chapter or chapter 11 of this title, the term "violation" includes each violation at a property or by the same owner, agent, contractor, or tenant regardless of property location within the city.
- (e) The administrative hearing officer may require respondent to perform a certain number of hours of community or useful public service, participate in a restorative justice program, or participate in relevant classes, in addition to any other penalty authorized by this Code.

(Ord. No. 32, 2022 , § 1(app. A, § 1), 9-6-2022)

Sec. 1-262. Each day of administrative code violation is separate violation.

Each respondent is liable for a separate administrative code violation for each and every day during any portion of which any violation of any provision of this Code is committed, continued or permitted by a respondent, and shall be penalized accordingly at the request of the city.

(Ord. No. 32, 2022 , § 1(app. A, § 1), 9-6-2022)

¹Ord. No. 32, 2022 , § 1(app. A, § 1) and (app. B, § 1), adopted Sept. 6, 2022, repealed Ch. 10 and enacted a new chapter as set out herein. The former Ch. 10, §§ 1-260—1-265, pertained to administrative sanctions and derived from §§ 1.33.010—1.33.035 of the 1994 Code; Ord. No. 10, 2007, § 1, adopted March 6, 2007; Ord. No. 48, 2006, § 1, adopted Oct. 17, 2006; Ord. No. 47, 2007, § 1, adopted Aug. 21, 2007; Ord. No. 04, 2008, § 1, adopted Feb. 5, 2008; Ord. No. 26, 2008, § 1, adopted July 1, 2008; Ord. No. 6, 2009, § 1, adopted April 7, 2009; Ord. No. 40, 2011, § 1, adopted Dec. 6, 2011; and Ord. No. 20, 2012, § 1, adopted June 5, 2012.

Secs. 1-263—1-276. Reserved.

CHAPTER 12. CHRONIC PUBLIC NUISANCE VIOLATIONS¹

Sec. 1-291. Purpose; cooperative compliance efforts.

The purpose of this chapter is to promote the health, safety and welfare of the residents of the city by encouraging and promoting compliance with this Code. In furtherance of this policy, the city shall provide enforcement mechanisms to reduce chronic violations of the Code as further outlined in this chapter.

(Ord. No. 32, 2022 , § 3(app. A, § 3), 9-6-2022)

Sec. 1-292. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Chronic public nuisance property means a parcel of real property or a unit within a complex for which activities have resulted in a conviction of or finding of liability for public nuisance violations, against a person or business owning or occupying the property two times within a 12-month period, or three times within an 18-month period. For the purposes of counting only, multiple violations occurring on the same day count as one violation.

Chronic public nuisance violator means a person or business who or which has been convicted of or found liable for two public nuisance violations within a 12-month period, or three public nuisance violations within an 18-month period. For the purposes of counting only, multiple violations occurring on the same day shall be counted as one violation. A chronic public nuisance violator can be a property owner, agent, or tenant.

Public nuisance violation means a conviction or finding of liability under any nontraffic laws of the city, county, or the state, that harms the health, safety, or welfare of the residents of the city.

(Ord. No. 32, 2022 , § 3(app. A, § 3), 9-6-2022)

Sec. 1-293. Penalties.

- (a) Chronic public nuisance violations, shall be subject to a fine of not less than \$1,000.00 and the property and violator will be placed on the chronic public nuisance databases. When a property or violator is currently designated a chronic public nuisance, any subsequent violations shall be subject to a fine of not less than \$1,000.00.

(Ord. No. 32, 2022 , § 3(app. A, § 3), 9-6-2022)

¹Ord. No. 32, 2022 , § 3(app. A, § 3) and (app. B, § 3), adopted Sept. 6, 2022, repealed Ch. 12 and enacted a new chapter as set out herein. The former Ch. 12, §§ 1-291—1-298, pertained to public nuisance violations and derived from §§ 1.35.010—1.35.040, 1.35.070, 1.35.100, 1.35.140 and 1.35.150 of the 1994 Code, and Ord. No. 6, 2009, § 2, adopted April 7, 2009.

Sec. 1-294. Chronic public nuisance databases.

(a) *Chronic public nuisance violator database.*

- (1) *Maintenance of database.* The city shall maintain a database of the name of any property owner, agent or tenant who has been declared a chronic violator pursuant to section 1-295. The database shall be available to the general public.
- (2) *Removal from database.* The city shall remove the name of a property owner, agent, or tenant from the chronic violator database when the city learns or is notified that the property owner, agent, or tenant has not been convicted or found liable for any public nuisance violations within 12 months of placement on the database.

(b) *Chronic public nuisance property database.*

- (1) *Maintenance of database.* The city shall maintain a database of the addresses of each property parcel or unit within complexes that has been declared to be a chronic public nuisance property pursuant to section 2-1045. The database shall be available to the general public.
- (2) *Removal from database.* The city shall remove the address from the database when the city learns or is notified of one of the following events:
 - a. That the parcel or unit has not been the location of a conviction or finding of liability for any public nuisance violations within 12 months of the placement on the database; or
 - b. That the parcel or unit has been transferred in a documented transaction, subject to the requirements outlined in section 2-1048.

(Ord. No. 32, 2022 , § 3(app. A, § 3), 9-6-2022)

Sec. 1-295. Action against chronic public nuisance violator/chronic public nuisance property.

An action against a chronic violator or chronic violation property shall be in the nature of an administrative proceeding. All issues of fact and law in such actions shall be heard by the administrative hearing officer pursuant to procedures set forth in chapter 12 of title 2 of this Code. Because such actions may affect the marketability of real property, the city may record with the county clerk and recorder a notice of lis pendens against the real property involved to fully inform and protect the interests of any bona fide innocent third-party purchaser.

(Ord. No. 32, 2022 , § 3(app. A, § 3), 9-6-2022)

Sec. 1-296. Remedies under other laws unaffected.

Nothing in this chapter shall be construed as limiting the city or any other person from pursuing any other remedies available at law or in equity, including referral to the county district attorney for consideration of charges pursuant to C.R.S. § 16-13-301 et seq.

(Ord. No. 32, 2022 , § 3(app. A, § 3), 9-6-2022)

ORDINANCE NO. 136, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
REPEALING AND REENACTING ARTICLE IX OF CITY CODE CHAPTER 20
CONCERNING PUBLIC NUISANCES
AND MAKING CONFORMING CHANGES TO CITY CODE SECTION 19-3

WHEREAS, in 2000, the City Council adopted Ordinance No. 28, 2000, to add Article IX to Chapter 20 of the Code (“Article IX”) to establish a process for abating public nuisances by the City filing a civil action in Municipal Court asking the Court to issue civil orders requiring the property owner or others responsible to abate the public nuisance; and

WHEREAS, the aim and focus of Article IX was primarily to add an enforcement tool to those already available to address nuisances on privately-owned properties, such as noise violations, rubbish accumulation, tall weeds and grass, inoperable motor vehicle, and similar activities that affected the health, safety, and welfare of nearby properties and the public in general; and

WHEREAS, the intent was to use this enforcement tool for those properties having chronic-public-nuisance problems that were not being resolved by the then existing enforcement tools; and

WHEREAS, there have not been any significant amendments to Article IX since 2000, so the only tool it currently provides is the civil abatement process; and

WHEREAS, since 2000 the City’s population has grown from just over 118,000 to over 170,000 and with this growth has come increased crime, including a significant increase in the number, severity, and dangerousness of activities on and conditions of privately-owned properties that threaten and harm the health, safety, and welfare of nearby properties, neighborhoods, and the public in general; and

WHEREAS, these more recent problematic activities and conditions have included the occurrence of more serious crimes, such as unlawful drug use, firearm violations, assaults, harassment, human wastes, and similar offenses; and

WHEREAS, Article IX has proven ineffective in preventing or abating these activities and conditions on properties due to its narrow scope, its lack of alternative enforcement tools, and because it has proven difficult to apply and use administratively as an enforcement tool; and

WHEREAS, City staff has researched what other communities experiencing nuisance problems similar to those the City has been experiencing have used as enforcement tools to prevent and abate these newer types of nuisances; and

WHEREAS, based on that research, City staff is recommending this Ordinance to expand the type of enforcement tools the City may use, to expand the type of activities and conditions on

properties that constitute nuisance activities, and to provide enforcement processes that are administratively easier to use; and

WHEREAS, Chief Municipal Judge Jill Hueser has also reviewed the provisions of this Ordinance pertaining to the rules of procedure to be used by the Municipal Court in the civil abatement process and, pursuant to Section 1 of Charter Article VII, she has recommended to City Council that it adopt these provisions; and

WHEREAS, the Council has determined, and now finds, that the adoption of this Ordinance is necessary for the health, safety, and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Article IX of Chapter 20 of the Code of the City of Fort Collins is hereby repealed and reenacted to read as follows:

ARTICLE IX. PUBLIC NUISANCES

Division 1. General

Sec. 20-110. Legislative purpose.

The abatement of local public nuisances for the protection of public health, safety, and welfare is a matter of purely local and municipal concern. The purpose of this Article is to eliminate public nuisances. The remedies provided in this Article are designed to eliminate public nuisances by removing property from a condition or conditions that either create an immediate need for abatement to protect the public health, safety, or welfare, or lead to consistent and repeated violations of state or municipal law. Another purpose of this Article is to require persons owning, leasing, or otherwise in control of property to be vigilant in preventing public nuisances on and in their property, to make them responsible for the use of their property by themselves, occupants, and trespassers, and to otherwise deter public nuisances.

Sec. 20-111. Definitions.

Unless the context clearly requires otherwise, the following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

Abandoned property means a property over which the person owning, leasing, or otherwise in control of the property, or the agent of such person, no longer asserts control due to death, incarceration, or any other reason, and which property is either unsecured or subject to occupation by trespassers or other unauthorized individuals.

Abate means to bring to a halt, eliminate, prevent, or, where that is not reasonably practicable, to suppress, mitigate, or reduce.

Abatement agreement means a written contract between the City and a person owning or leasing a property on which there is a public nuisance or that has become a chronic nuisance property, or the agent of such person, in which contract the person agrees to timely take all corrective actions to abate the public nuisance or chronic nuisance property and to prevent them from reoccurring as agreed in the contract. Such corrective actions may include, without limitation and as applicable:

1. Effective tenant screening, leasing, and rule enforcement;
2. Implementing physical improvements for crime prevention;
3. Providing security for the property;
4. Evicting persons responsible for the nuisance activity;
5. Pursuing other remedies available under any lease or other agreement applicable to the property;
6. Promptly reporting nuisance activities to law enforcement; and
7. Regular cleaning, maintenance, and repair of the property and the buildings located on it.

Agent means any person legally authorized to act on behalf of or in place of the owner or lessee of a property, which may include, without limitation, a person providing property management services, a trustee, conservator, and personal representative.

Building means a structure with the capacity to contain, and is designed for the shelter of, humans, animals, or personal property of any kind. *Building* shall include, without limitation, any house, office building, store, warehouse, or any other residential or nonresidential structure of any kind, whether or not such structure is permanently affixed to the ground upon which it is situated, and any trailer, semi-trailer, trailer coach, mobile home, or other vehicle designed or used for occupancy by persons for any purpose.

Chronic nuisance property means:

1. A property where three (3) or more nuisance activities have occurred within a ninety (90) day period or seven (7) or more nuisance activities have occurred within a one (1) year period, with each activity occurring on a separate day, but this shall not include a property on which is more than one (1) residential unit that are all under common ownership;
2. A property that is more than one (1) residential unit that are all under common ownership where six (6) or more nuisance activities have occurred within a ninety

- (90) period or ten (10) or more nuisance activities have occurred within a one (1) year period, with each activity occurring on a separate day.
3. A property where two (2) or more nuisance activities involving drug-related activity have occurred within a thirty (30) day period, with each activity occurring on a separate day; or
4. Any abandoned property where any number of nuisance activities have occurred or exist.

Code enforcement officer means an individual appointed by the chief of police pursuant to Code § 2-503(b)(2) to enforce the provisions of this Article and City police officers authorized to enforce the Code as provided in § 2-503(b)(1).

Drug-related activity means any activity at a property which is an offense under Part 4 in Article 18 of C.R.S. Title 18, which offenses include, without limitation, the unlawful manufacture, cultivation, growth, production, delivery, sale, storage, possession, use, or giving away of any controlled substance and possession of drug paraphernalia.

Lessee means a person having a possessory interest in a property under an oral or written lease agreement.

Municipal Court or *Court* means the Municipal Court of the City as established in Article VII, Section 1 of the Charter.

Municipal judge means any judge of the Fort Collins Municipal Court appointed by the City Council as provided in Article VII, Section 1 of the Charter.

Notice to abate means a written notice issued by a code enforcement officer as provided in § 20-113.

Nuisance activity means any of the following violations and nuisances occurring or existing on a property and committed by any person, including, without limitation, by an owner, lessee, agent, occupant, or trespasser:

1. Disorderly conduct - Code § 17-124.
2. Social host and underage use or possession of alcohol or marijuana - Code § 17-168.
3. Unreasonable noise - Code § 17-129.
4. Nuisance gatherings - Code §§ 17-131 and 17-132.
5. Camping on private property - Code § 17-182.
6. Violations of the 2021 International Fire Code – Code §§ 9-1 and 9-2.
7. Marijuana cultivation - Code § 12-142.
8. Dwelling unit occupancy limits - § 3.8.16 of the Fort Collins Land Use Code.
9. Animal violations - Divisions 4 and 5 of Code Chapter 4.
10. Hazardous waste disposal - Code § 12-21.
11. Hemp violations - Code §§ 12-22 and 12-23.
12. Abandoned refrigerators and similar items - Code § 17-81.

13. Discharging weapons - Code § 17-101.
14. Throwing of missiles - Code § 17-102.
15. Bodily waste - Code § 17-103.
16. Disturbing the peace - Code § 17-121.
17. Harassment - Code § 17-126.
18. Open container - Code § 17-141.
19. Public nudity - Code § 17-142.
20. Inhaling toxic vapors - City Code § 17-162.
21. Underage possession or use of alcohol - Code § 17-167.
22. Use and possession of marijuana - City Code § 17-191.
23. Use of alcohol for cannabinoid extraction from marijuana - Code § 17-194.
24. Air pollution nuisances - City Code § 20-1.
25. Noise violations - Article II of Code Chapter 20.
26. Exterior property maintenance nuisances - Article III of Code Chapter 20.
27. Weeds, unmowed grasses, refuse, rubbish, outdoor furniture, and outdoor storage nuisances - Article IV of Code Chapter 20.
28. Inoperable motor vehicle violations - Division 2 in Article VI of Code Chapter 20.
29. Parking and vehicle storage nuisances - Article VIII of Code Chapter 20.
30. Care and protection of trees, shrubs, and other vegetation - Division 3 in Article II of Code Chapter 27.
31. Assault - Code § 17-21.
32. Criminal mischief - Code § 17-39.
33. Littering - Code § 17-41.
34. Interference with public officers - Code § 17-63
35. Resisting arrest - Code § 17-64.
36. Theft – Code § 17-36.
37. Activities on the property causing the obstruction of adjacent highways, streets, sidewalks, or any other public place for the passage of individuals or vehicles so as to violate § 17-128 or §§ 1202, 1203, or 1204 of the Fort Collins Traffic Code as adopted in § 28-16.
38. Violations of Open Fire and Burning Restrictions – Article II of Code Chapter 9.
39. Violations of the 2021 International Building Code – Code §§ 5-26(a) and 5-27.
40. Violations of the 2021 International Residential Code – Code §§ 5-26(c) and 5-30.
41. Violations of the 2021 International Property Maintenance Code – Code §§ 5-46 and 5-47.
42. Violations of the Rental Housing Standards – Article VI, Division 1 of Code Chapter 5.
43. Criminal offenses against persons - Article 3 of Title 18 of the Colorado Revised Statutes (C.R.S.), except not including sexual assault defined in C.R.S. § 18-3-402 and stalking defined in C.R.S. § 18-3-602.
44. Crimes of arson - Part 1 of Article 4 in C.R.S. Title 18.
45. Crimes of robbery - Part 3 of Article 4 in C.R.S. Title 18.
46. Theft - C.R.S. § 18-4-401.
47. Crimes against children - Part 4 of Article 6 in C.R.S. Title 18.
48. Harboring a minor - C.R.S. § 18-6-601.
49. Contributing to the delinquency of a minor - C.R.S. § 18-6-701.

50. Crimes related to prostitution - Part 2 of Article 7 in C.R.S. Title 18.
51. Crime of public indecency - C.R.S. § 18-7-301.
52. Crime of indecent exposure - C.R.S. § 18-7-302.
53. Crimes related to child prostitution - Part 4 of Article 7 in C.R.S. Title 18.
54. Resisting arrest - C.R.S. § 18-8-103.
55. Obstructing a police officer, firefighter, etc. - C.R.S. § 18-8-104.
56. Disorderly conduct - C.R.S. § 18-9-106.
57. Harassment - C.R.S. § 18-9-111.
58. Cruelty to animals - C.R.S. § 18-9-202.
59. Unlawful ownership of dangerous dog - C.R.S. § 18-9-204.5.
60. Crimes related to firearms and weapons - Part 1 of Article 12 in C.R.S. Title 18.
61. Unlawful discarding or abandonment of iceboxes, motor vehicle, and similar items - C.R.S. § 18-13-106.
62. Hazardous waste violations - C.R.S. § 18-13-112.
63. Providing tobacco products to underage persons - C.R.S. § 18-13-121.
64. Underage possession and use of alcohol and marijuana - C.R.S. § 18-13-122.
65. Crimes related to controlled substances, marijuana, and other substances - Part 4 of Article 18 in C.R.S. Title 18.
66. Crimes related to burglary and related offenses – Part 2 of Article 4 in C.R.S. Title 18.

Occupant means a person occupying, residing in, or using a property with the consent of the owner or lessee, or of their agent, as applicable, which shall include, without limitation, *invitees*, *licensees*, and *social guests* as these words and term are defined in the Colorado Premises Liability Act.

Owner means a person having a fee title ownership interest in a property.

Person means any individual, corporation, association, firm, joint venture, estate, trust, business trust, syndicate, fiduciary, partnership, limited partnership, limited liability company, and body politic and corporate, and all other groups and combinations.

Property means a contiguous parcel, tract, lot, or other area of land established or described by plat, subdivision, or metes and bounds description in common ownership which is permitted by law to be used, occupied, or designed to be occupied by one (1) or more buildings or uses. *Property* also means any building, or individual residential unit within a building, located on an any such area of land, that is in common ownership, but shall not include such land, buildings, and residential units owned by the Board of Governors of the Colorado State University System or utilized by Colorado State University for the housing of students or faculty or for other educational purposes.

Public nuisance or *nuisance* means any repeated or continuing nuisance activity, or combination of nuisance activities, occurring or existing on a property that creates an unreasonable risk of harm or is injurious to the public health, safety, or welfare, to include, without limitation, a nuisance activity, or combination of nuisance activities, that unreasonably injures, damages, annoys,

inconveniences, or disturbs the peace of any member of the public of normal sensibility with respect to their comfort, health, repose, or safety, or with respect to the free use and comfortable enjoyment of their property or of sidewalks, streets, or other public spaces near and around the offending property.

Relative means an individual related by consanguinity within the third degree as determined by common law, a spouse, or an individual related to a spouse within the third degree as so determined and includes an individual in a step or adoptive relationship within the third degree.

Residential unit means any building or portion of a building designed, occupied, or intended for occupancy as separate quarters for the exclusive use of one or more individuals for living, sleeping, cooking, and sanitary purposes.

Trespasser means a person who enters or remains on the property of another person without that other person's consent.

Sec. 20-112. Entry of property and abatement of public nuisance.

(a) A code enforcement officer with probable cause to believe a public nuisance exists on a property may enter onto it without a warrant to inspect and abate any existing public nuisance and prevent the nuisance from recurring provided the same may be accomplished without entering a building on the property, entering the curtilage of a residential building on the property, or entering an area of the property enclosed by a privacy fence or similar enclosure. If the suspected public nuisance is within a building, the curtilage of a residential building, or enclosed by a privacy fence or similar enclosure, a code enforcement officer may enter such areas only with the consent of the owner, lessee, agent, or occupant, as applicable, or after obtaining a warrant as provided in subsection (c) of this Section.

(b) If entry is refused by the owner, lessee, agent, or occupant, as applicable, or they cannot be located after a reasonable effort, the code enforcement officer shall either personally serve the owner, lessee, agent, or occupant, as applicable, if they are located or, if not located, post on the property in a conspicuous location a written notice of intention to inspect and abate not sooner than twenty-four (24) hours after the time specified in such notice. The notice shall state that the owner, lessee, agent, or occupant, as applicable, has the right to refuse entry, and if such entry is refused, inspection and abatement may be made only upon issuance of a search warrant by a municipal judge, or by a judge of any other court having jurisdiction.

(c) After the expiration of the twenty-four-hour period from the serving or posting of the notice of intent to inspect and abate, the code enforcement officer may appear before a municipal judge or a judge of any other court having jurisdiction and, upon a showing of probable cause by written affidavit, obtain a search warrant entitling the code enforcement officer to enter the building, curtilage area, or fenced area, as applicable, to inspect the property, abate any nuisance, and prevent the nuisance occurring again. Upon presentation of the search warrant and proper credentials to any persons in possession of the property, or possession of the warrant in the case of an unoccupied property, the code enforcement officer may enter the building, the curtilage

area, or fenced area, as applicable, and may use such reasonable force as may be necessary to gain entry to inspect the property, abate any nuisance, and prevent the nuisance occurring again.

(d) It is unlawful for any owner, lessee, agent, or occupant of the building or on the property to deny entry to a code enforcement officer or to resist reasonable force used by such officer acting pursuant to a search warrant issued pursuant to this Section.

(e) Whenever a public nuisance exists on a property that constitutes an emergency immediately threatening the life or safety of any person or other exigent circumstance exists, a code enforcement officer may enter any building on the property or any other portion of the property without a search warrant as reasonably necessary to abate the public nuisance constituting the emergency and prevent it from occurring again, and the code enforcement officer may use such reasonable force as is necessary to enter the building or onto the property to do so.

Sec. 20-113. Notice to abate.

(a) Upon discovering a public nuisance, a code enforcement officer may issue and serve a notice to abate on the owner or lessee, as applicable, or their agent, directing them to remove and abate the nuisance from the property within the time specified in the notice as follows:

(1) Within twenty-four (24) hours of the issuance of the notice if the nuisance poses an imminent and substantial risk of damaging other property (including personal property of any other person), injuring any individual, or threatening the public health or safety; or

(2) Within seven (7) days for all other public nuisances, or such longer period of time as the code enforcement officer determines is appropriate if, based on the facts and circumstances, the nuisance could not reasonably be abated within seven (7) days.

(b) If the owner, lessee, or agent, as applicable, fails to abate the nuisance within the time stated in the notice to abate, the code enforcement officer may remove or abate the nuisance from the property without delay as provided in § 20-112 or take such other action or actions as are authorized in this Article.

(c) Except as required for issuing a citation for a misdemeanor offense under § 20-125 and a civil infraction under § 20-130, a code enforcement officer and the City may take enforcement action to abate a public nuisance as authorized in this Article and any other provisions of this Code without first serving or posting a notice to abate.

(d) The code enforcement officer may serve the notice to abate by any of the following methods:

(1) Personal service of the notice to the owner, lessee, or agent, as applicable;

(2) Mail a copy of the notice by first class mail to the last known address of the owner as reflected in the records of the Larimer County Treasurer;

- (3) Mail a copy of the notice by first class mail to the owner, lessee, or agent at their last known address(es) within the City's records or as found in other publicly available records; or
 - (4) Post a copy of the notice in a conspicuous place at the entrance of the property or entrance of any buildings on the property.
- (e) The notice to abate shall include:
- (1) A description of the public nuisance;
 - (2) The date by which the nuisance must be abated;
 - (3) A statement that if the nuisance is not abated within the time specified in the notice, the City may take any enforcement action authorized in this Article;
 - (4) A statement that, if the City abates the nuisance at its cost, it will be entitled to recover its actual internal and external costs plus interest as provided in § 20-118; and
 - (5) A statement that, if the City's cost of abatement is not paid, a lien shall attach to the property as provided in § 20-118 until such cost and accrued interest is paid in full.

Sec. 20-114. Remedies under other laws unaffected.

Nothing in this Article shall be construed as limiting or forbidding the City or any other person from pursuing any other remedies available at law or in equity concerning a public nuisance on a property.

Sec. 20-115. Limitation of actions.

- (a) Actions under this Article concerning a public nuisance shall be commenced no later than one (1) year after: (i) the public nuisance or the last in a series of acts or omissions, or combination of both, constituting the public nuisance occurs, or (ii) the notice to abate is served or posted as provided in § 20-113, whichever is later.
- (b) Actions under this Article concerning a chronic nuisance property shall be commenced no later than one (1) year after: (i) the last nuisance activity occurs that causes the property to be a chronic nuisance property, or (ii) the notice of chronic nuisance property is served as provided in § 20-135, whichever is later.
- (c) These limitations shall not be construed to limit the introduction of evidence of acts or omissions that occurred more than one (1) year before such limitation period for the purpose of establishing the existence of a public nuisance, existence of a chronic nuisance property, when relevant to show a pattern of conduct, or for any other purpose.

Sec. 20-116. Effect of property conveyance.

When fee title to a property is conveyed from one (1) person to another or a property is leased or subleased from one (1) person to another, any nuisance activity that occurred or is existing on the property at the time of the conveyance, lease, or sublease which could be used under this Article to prove that a public nuisance exists regarding such property or that the property is a chronic nuisance property, shall not be so used unless a reason for the conveyance, lease, or sublease was to avoid the property being subject to an enforcement action under this Article. It shall be a rebuttable presumption that a reason for the conveyance, lease, or sublease was to avoid the property being the subject of an enforcement action under this Article if: (1) the property was conveyed, leased, or subleased for less than fair market value; (2) the property was conveyed, leased, or subleased to an entity or entities controlled directly or indirectly by the person conveying, leasing, or subleasing the property; or (3) the property was conveyed, leased, or subleased to a relative(s) of the person making the conveyance, lease, or sublease or to any entity or entities controlled directly or indirectly by a relative(s) of the person making the conveyance, lease, or sublease .

Sec. 20-117. Municipal Court jurisdiction.

Pursuant to Article XX, Section 6, and Article VI, Section 1 of the Colorado Constitution, and Article VII, Section 1 of the Charter, the Municipal Court is hereby granted the jurisdiction, duties and powers to hear and decide all causes arising under this Article, and to provide the remedies specified in this Article and in any other applicable provisions of the Code.

Sec. 20-118. Assessment, collection, and lien for abatement costs.

(a) If the City acts under § 20-112, an abatement agreement, or Division 5 of this Article to abate a public nuisance, chronic nuisance property, or any nuisance activity on a property, the owner of the property shall be liable to the City for the City's total internal and external costs incurred in the abatement. The City's internal costs shall be set and assessed under a written schedule of fees approved by the City Manager, which fees shall be based on a reasonable estimate of the City's direct and indirect internal costs to abate a nuisance, as amended from time to time. External costs shall include all amounts the City paid a vendor or contractor to assist in the abatement.

(b) After the abatement is completed, the City shall send the owner of the property an invoice itemizing and totaling the City's internal and external costs for the abatement. The invoice shall be mailed by first class mail addressed to the owner at the address of the property abated and to the last known address of the owner as reflected in the records of the Larimer County Treasurer. The invoice shall also be mailed by first class mail to any known agent of the owner at their last known address(es) within the City's records or as found in other publicly available records. The total costs so invoiced shall be paid to the City by the owner or their agent within forty-five (45) days of the date of the invoice. If not paid when due, the total assessed cost shall accrue interest at the rate of eight percent (8%) compounded annually.

(c) The City's assessed total cost of abatement, as stated in the invoice sent under this Section, plus the interest accruing thereon, shall be deemed a perpetual lien imposed upon the property from the date such assessed cost became due until paid and shall have priority over all other liens, except general taxes and prior special assessment liens. The Financial Officer, or their designee, is authorized to thereafter certify to the Larimer County Treasurer the list of delinquent assessments so billed, giving the name of the owner as it appears of record, the number of the lot and block and the amount of the assessment plus interest accrued to that date. The certification shall be the same in substance and form as required for the certification of other taxes. The County Treasurer, upon receipt of such certified list, is hereby authorized to place it upon the tax list for the current year and to collect the assessment and interest in the same manner as general property taxes are collected together with any charges as may by law be made by the County Treasurer and all laws of the state for the assessment and collection of general taxes, including the laws for the sale of property for unpaid taxes and the redemption thereof, shall apply to and have full force and effect for the collection of all such assessments and interest.

(d) If the offending property is not subject to taxation or for any other reason, the City may elect alternative means to collect the amounts due pursuant to this Article, including the commencement of a judicial action at law or in equity, to include, without limitation, commencement of a civil action in Larimer County District Court to judicially foreclose the lien and, after judgment, pursue such remedies as are provided by law.

Sec. 20-119. Presumption and owner responsibility.

Any person who has possession or control of a property as an owner, lessee, agent, or occupant where any nuisance activity exists or has occurred shall be presumed under this Article to be the person causing or allowing the nuisance activity unless the circumstances and evidence clearly indicate otherwise. Notwithstanding this presumption and any other provision of this Article, nothing herein shall be construed to release the owner of a property on which there is a public nuisance or that has become a chronic nuisance property from the legal obligations and responsibilities they have under this Article and any other laws to prevent their property from becoming a public nuisance or chronic nuisance property and to abate any nuisance activity occurring or existing on their property.

Sec. 20-120. Strict Liability.

All misdemeanor offenses under this Article and the civil infraction under § 20-130 shall be strict liability offenses requiring no culpable mental state of any type or degree.

Sec. 20-121. Proof of nuisance activities.

In any criminal proceeding under this Article, the City shall have the burden of proving beyond a reasonable doubt that any alleged nuisance activity occurred on the property, including proving all the elements of the offense constituting the nuisance activity except as hereafter provided. In any civil proceeding under this Article, the City shall have the burden of proving by a preponderance of the evidence that any alleged nuisance activity occurred on the property, including proving all the elements of the offense constituting the nuisance activity except as

hereafter provided. However, the City shall not be required in either case to prove that a person was cited, held liable for, or convicted in municipal or any state court for the civil or criminal charge underlying that nuisance activity. If, however, a person is held liable for or convicted of the civil or criminal charge underlying the alleged nuisance activity and such decision is final, that decision shall be deemed by the Municipal Court as conclusive evidence the nuisance activity occurred and the City need only prove the nuisance activity occurred on the property.

Sec. 20-122. Mitigating factor.

If the owner, lessee, agent, or occupant who is a party-defendant in an action under this Article was the victim of or person harmed by the nuisance activity or activities that form the basis for the public nuisance on the property or for the property becoming a chronic nuisance property, the court may take this fact into consideration as a mitigating factor in determining such party's liability or guilt in such action, but only if the court also finds that: (i) the party or someone acting on their behalf promptly reported the nuisance activity or activities to the proper law enforcement agency; and (ii) at the time the activity or activities occurred, the party, or owner or lessee of the property, had reasonably effective means in place to prevent such activity or activities from occurring on the property or to manage them if prevention is not reasonably practicable. These means may include, without limitation, security cameras, security services, fencing, on-site personnel, and any other services, equipment, or facilities that have as their function to prevent, in whole or part, nuisance activities from occurring or existing on the property.

Reserved Sec. 20-123 through Sec. 20-124

Division 2. Criminal Action

Sec. 20-125. Misdemeanor Violation.

(a) It shall be a violation of this Article and a misdemeanor offense subject to the penalties of § 1-15 of this Code for any person to:

(1) Fail to remove and abate the public nuisance from the property within the time specified in the notice to abate after being served with the notice to abate as provided in § 20-113; or

(2) Interfere with or prevent, or attempt to interfere with or prevent, a code enforcement officer, other City employee, or City contractor from abating any public nuisance as authorized under this Article.

(b) Each and every day during which any public nuisance continues to exist on a property after the time period for abatement as stated in the notice to abate, shall be deemed a separate offense and prosecutable and punishable as a separate offense.

Reserved Sec. 20-126 through Sec. 20-129

Division 3. Civil Infraction

Sec. 20-130. Penalty assessment.

(a) In lieu of issuing a citation for a misdemeanor violation under § 20-125, a code enforcement officer may issue a civil penalty assessment notice for a civil infraction to any person for failing to abate the public nuisance from the property within the time specified in the notice to abate after being served with the notice to abate as provided in § 20-113.

(b) The civil penalty assessment notice shall be a summons and complaint containing identification of the person cited, description of the public nuisance to be abated, and the applicable civil penalty assessment as set forth below in subsection (f), a requirement that the person pay the assessment or appear in Municipal Court to answer the charge as set forth in the summons and complaint and a waiver of the right to a trial on the offense specified on the summons and complaint.

(c) If the person issued a civil penalty assessment notice chooses to acknowledge their liability, they may pay the specified assessment by mail or in person at the Municipal Court within the time specified in the notice. If they choose not to acknowledge their liability, they may appear as required in the notice. Upon trial, if the person is found liable, the civil penalty assessment imposed shall not be less than the amount set forth in the civil penalty assessment notice but not more than three thousand dollars (\$3,000), as determined by the court, and court costs may be assessed in addition to the penalty assessment.

(d) Civil infractions under this Section shall be enforced and tried in Municipal Court in accordance with the Rules for Civil Infractions in Article V of Code Chapter 19.

(e) Each and every day during which any public nuisance continues to exist on a property after the time period for abatement as stated in the notice to abate shall be deemed a separate civil infraction and prosecutable and punishable as a separate infraction for a penalty assessment under this Section.

(f) The code enforcement officer shall designate in the penalty assessment notice the amount of the civil penalty assessment according to the following schedule:

- (1) For the first infraction at a property, a penalty assessment of two hundred and fifty dollars (\$250);
- (2) For a second infraction at a property within a sixty (60) day period, a penalty assessment of five hundred dollar (\$500);
- (3) For a third infraction at a property within a one hundred and twenty (120) day period, a penalty assessment of one thousand dollars (\$1,000); and

- (4) For a fourth and any subsequent infraction at a property within a one (1) year period, a penalty assessment of two thousand dollars (\$2,000) for each infraction.

Reserved Sec. 20-131 through 20-134

Division 4. Chronic Nuisance Property

Sec. 20-135. Notices for chronic nuisance property.

(a) Upon discovery that a property will become a chronic nuisance property if one more nuisance activity occurs on the property within the requisite time period, a code enforcement officer may issue and serve a written warning notice in the same manner provided for a notice to abate in § 20-113(d). Issuance of this warning notice shall not be a prerequisite to any proceedings under this Division 4.

(b) Upon discovery that a property has become a chronic nuisance property, a code enforcement officer shall issue and serve a notice of chronic nuisance property as provided in subsection (d) of this Section.

(c) The notice of chronic nuisance property is a lawful order. Each directive in it is a separate lawful order, and failure to obey any directive is subject to the penalties set forth in § 20-137.

(d) The notice of chronic nuisance property shall be deemed properly served if personally served on the owner of the property or sent by first class mail to the owner at the owner's address as stated in the records of the Larimer County Treasurer. If the notice is returned as undeliverable, the notice shall be deemed properly served if it is thereafter posted in a conspicuous place on the property. The notice shall contain the following information:

- (1) the street address or a legal description sufficient for identification of the property;
- (2) a factual description of the nuisance activities that have occurred on the property, including the dates of the nuisance activities;
- (3) a statement that the property owner must respond to the notice within ten (10) days of the date of the owner's receipt of the notice or date of the posting, whichever is later, with a written plan to abate the nuisance activities;
- (4) a statement that the owner's requirement to provide a written plan to abate the nuisance is a lawful order, and that failure to provide a written plan and enter into an abatement agreement as described below in § 20-136 could subject the owner to criminal and civil penalties as provided in § 20-137;
- (5) a warning that, if the owner does not respond, as required, or if the nuisance activity is not voluntarily abated to the satisfaction of the code enforcement officer, the City may file a civil action to abate the property as a chronic nuisance property under the provisions of Division 5 in this Article; and

(6) a statement that the cost of future enforcement at the property as a result of nuisance activities shall be billed to the property owner and could become a lien against the property if not paid as provided in § 20-118.

Sec. 20-136. Agreement to abate chronic nuisance property.

(a) An owner issued a notice of chronic nuisance property pursuant to § 20-135 shall, within ten (10) days of such receipt or date of the posting, whichever is later, contact the code enforcement officer who issued the notice or other contact individual designated in the notice and enter into an abatement agreement with the City to eliminate the conditions, behaviors, or activities which constitute the nuisance activity at the property.

(b) If the owner does not timely respond to the notice under subsection (a) of this Section, or the owner does timely respond but the City and owner are unable to agree to an abatement agreement within thirty (30) days of the date of the notice, the City may proceed to abate the nuisance activities using any of the processes and remedies provided for in this Article or to cite the owner for a misdemeanor violation under § 20-137.

(c) If the owner fails to comply with any of the terms and conditions of the written abatement agreement entered into with the City under this Section, the City may file a civil action in Municipal Court or Larimer County District Court to enforce the abatement agreement in accordance with its terms and conditions.

Sec. 20-137. Misdemeanor Violation.

Any property owner who fails to obey any notice of chronic nuisance property issued by the code enforcement officer under § 20-135 to timely abate a chronic nuisance property or to timely enter into an abatement agreement as provided in § 20-136, is guilty of a misdemeanor and subject to the penalties set forth in § 1-15(a) of this Code. Each day's continuation of a violation or failure to comply is a separate offense.

Reserved Section 20-138 through Section 20-139.

Division 5. Civil Abatement Action

Sec. 20-140. Civil action to abate a public nuisance or chronic nuisance property.

If a public nuisance has not been abated within the time period stated in the notice to abate as provided under § 20-113, or if the property owner does not timely respond to the notice of chronic nuisance property as provided in § 20-135, or if the owner does timely respond but the City and owner are unable to agree to a written abatement agreement within thirty (30) days of the date of the notice as provided in § 20-136, the City may abate the public nuisance or chronic nuisance property using the following procedures and other provisions of this Division 5:

(a) The City Attorney shall initiate the civil action in Municipal Court to have the public nuisance or chronic nuisance property declared as such by the court and for an order enjoining the public nuisance or chronic nuisance property and authorizing its restraint, removal, termination, or abatement.

(b) The action shall be commenced by filing a verified complaint, which may be accompanied by a motion for a temporary abatement order as provided in § 20-141. The action shall be conducted under and governed by the Colorado Rules of Civil Procedure as provided in § 19-3(b) except as otherwise provided in this Article. The burden shall be upon the City to prove the existence of the public nuisance or chronic nuisance property by a preponderance of the evidence and the party-defendant(s) shall have the burden to establish any affirmative defense by a preponderance of the evidence. The rules for discovery and disclosure in this civil proceeding shall be those in Rules 316, 326, 331, and 332 of the Colorado Rules of County Court Civil Procedure and not the rules for discovery and disclosure in the Colorado Rules of Civil Procedure. In addition, no party-defendant may file any counterclaim, cross claim, third-party claim, or set-off of any kind in any action under this Division 5.

(c) The party-defendant(s) to an action commenced under this Section and the person(s) liable for the remedies in this Section may include:

- (1) The property itself;
- (2) Any person owning or claiming any legal or equitable interest in the property;
- (3) All lessees and occupants of the property;
- (4) All managers and agents for any person claiming a legal or equitable interest in the property;
- (5) Any person committing, conducting, promoting, facilitating, or aiding in the commission of the public nuisance or chronic nuisance property; and
- (6) Any other person whose involvement may be useful to abate the public nuisance or chronic nuisance property, prevent it from recurring, or to carry into effect the Municipal Court's orders.

None of these parties shall be deemed necessary or indispensable parties in the action. Any person holding a legal or equitable interest in the property who has not been named as a party-defendant may intervene in the action as a party-defendant. No other person may intervene.

(d) The summons, complaint and, if applicable, the motion for temporary abatement, filed with Municipal Court under this Section may be served by a code enforcement officer.

(e) The civil action under this Division 5 shall be heard by the Municipal Court on all factual and legal issues without a jury.

Sec. 20-141. Abatement orders.

(a) *Issuance and effect of temporary and permanent abatement orders.* The issuance of temporary or permanent abatement orders under this Article shall be governed by the provisions of Rule 65 of the Colorado Rules of Civil Procedure, pertaining to temporary restraining orders, preliminary injunctions and permanent injunctions, except to the extent otherwise provided in this Article, in which event the provisions of this Article shall control. Temporary abatement orders provided for in this Article shall go into effect immediately when served upon the property or party against whom they are directed. Permanent abatement orders shall go into effect as determined by the Municipal Court. No bond or other security shall be required of the City upon the issuance of any temporary abatement order or permanent abatement order.

(b) *Form and scope of abatement orders.* Every abatement order under this Article shall set forth the reasons for its issuance; shall be reasonably specific in its terms; shall describe in reasonable detail the acts and conditions authorized, required or prohibited; shall be narrowly tailored to address the particular kinds of acts or omissions that form the basis of the public nuisance; and shall be binding upon the property, the parties to the action, their attorneys, agents and employees, and any other person named as a party-defendant in the public nuisance action and served with a copy of the order.

(c) *Substance of abatement orders.* Temporary and permanent abatement orders entered under this Article may include:

- (1) Orders requiring any party-defendant to abate the public nuisance or chronic nuisance property;
- (2) Orders authorizing code enforcement officers to take reasonable steps to abate the public nuisance or chronic nuisance property and prevent it from recurring, considering the nature and extent of acts and omissions causing the public nuisance;
- (3) Orders requiring certain named individuals to stay away from the property at all or specific times;
- (4) Orders reasonably necessary to access, maintain, or safeguard the property; and/or
- (5) Orders reasonably necessary to abate the public nuisance or chronic nuisance property and/or preventing them from occurring or recurring; provided, however, that no such order shall require the seizure of, the forfeiture of title to, or the temporary or permanent closure of a property, or the appointment of a special receiver to protect, possess, maintain, or operate a property.

(d) *Temporary abatement orders.*

- (1) The purpose of a temporary abatement order shall be to temporarily abate an alleged public nuisance or chronic nuisance property pending the final determination of a public nuisance or chronic nuisance property. A temporary abatement order may be issued by the

Municipal Court pursuant to the provisions of this Section even if the effect of such order is to change, rather than preserve, the status quo.

(2) At any hearing on a motion for a temporary abatement order, the City shall have the burden of proving that there are reasonable grounds to believe that a public nuisance occurred in or on the property or the property is a chronic nuisance property and, in the case of a temporary order granted without notice to the property owner, that such order is reasonably necessary to avoid some immediate, irreparable loss, damage, or injury to the public interest or any other person or property.

(3) At any hearing on a motion for a temporary abatement order or a motion to vacate or modify a temporary abatement order, the Municipal Court shall temper the rules of evidence and admit hearsay evidence unless the court finds that such evidence is not reasonably reliable and trustworthy. The Municipal Court may also consider the facts alleged in the verified complaint.

(e) *Permanent abatement orders.*

(1) At the trial on the merits of a civil action commenced under this Division, the City shall have the burden of proving by a preponderance of the evidence that a public nuisance is occurring or existing on the property, or the property is a chronic nuisance property. The Colorado Rules of Evidence shall govern the introduction of evidence at all such trials.

(2) Where the existence of a public nuisance or chronic nuisance property is established in a civil action under this Division after a trial on the merits, the Municipal Court shall enter a permanent abatement order requiring the party-defendant(s) to abate the public nuisance or chronic nuisance property and take specific steps to prevent the same from occurring or recurring on the property or in using the property.

Sec. 20-142. Motion to vacate or modify temporary abatement orders.

(a) *General.* When a temporary abatement order against a property owner is in effect, such property owner may file a motion to vacate or modify said order. Any motion filed under this Subsection (a) shall state specifically the factual and legal grounds upon which it is based, and only those grounds may be considered at the hearing. The Municipal Court shall vacate the order if it finds by a preponderance of the evidence that there are no reasonable grounds to believe that a public nuisance was committed in or on the property or that the property is a chronic nuisance property. The court may modify the order if it finds by a preponderance of the evidence that such modification will not be detrimental to the public interest and is appropriate, considering the nature and extent of the alleged public nuisance or chronic nuisance property.

(b) *Continuance of hearing.* Except for good cause shown by any party, the Court shall not grant a continuance of any hearing set under this Section unless all the parties so stipulate.

(c) *Consolidation of hearing with other proceedings.* If all parties so stipulate, the Municipal Court may order the trial on the merits to be advanced and tried with the hearing on these motions.

Section 20-143. Civil Penalty.

(a) The Municipal Court may impose upon the property owner a civil penalty in the amount of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000.00) per day, payable to City, for each day the courts finds that a public nuisance continued to exist on the property after the time period for the required abatement as stated in the notice to abate provided under § 20-113 or for each day the court finds the property continued to exist as a chronic nuisance property after the property owner does not timely respond to the notice of chronic nuisance property as provide in § 20-135, or the owner does timely respond but the City and owner are unable to agree to a written abatement agreement within thirty (30) days of the date of the notice as provide on § 20-136.

(b) In establishing the amount of any civil penalty requested, the Municipal Court may consider, without limitation, any of the following factors:

- (1) The action or inaction taken by the owner to mitigate or correct the nuisance activities at the property;
- (2) Whether the nuisance activities at the property were repeated or continuous;
- (3) The magnitude or gravity of the nuisance activities;
- (4) The level of cooperation of the owner with the City;
- (5) The cost incurred by the City in investigating and correcting, or attempting to correct, the public nuisance at the property or the chronic nuisance property;
- (6) The disturbance of neighbors; and
- (7) Whether the nuisance activities continued on the property after the City provided the notice to abate under § 20-113 or the notice of chronic nuisance property under § 20-135.

Sec. 20-144. Civil judgment.

In any action under this Division in which a public nuisance or chronic nuisance property is established, in addition to the other remedies provided in this Division, the Municipal Court may impose a separate civil judgment on every party-defendant who committed, conducted, promoted, facilitated, permitted, failed to prevent or otherwise let happen any public nuisance in or on the property or for the property to become a chronic nuisance property. This civil judgment shall be for any civil penalties awarded to the City under § 20-143 and to reimburse the City for the City's internal and external costs, as set in the City Manager's approved schedule of fees as provided for in § 20-118(a), the City has incurred and will incur in pursuing the remedies under this Article against the property, which shall include, without limitation, the City's reasonable attorney fees and costs.

Sec. 20-145. Misdemeanor violation and entry order.

(a) The remedies provided in this Division shall be civil and remedial in nature except that, if any person knowingly fails or refuses to abide by a temporary or permanent abatement order issued by the Municipal Court under the provisions of this Division, such person shall be guilty of a misdemeanor and, upon conviction, shall be punished by the penalties provided in § 1-15 of this Code.

(b) In any action filed under the provisions of this Division, if any party-defendant fails, neglects, or refuses to comply with an order of the Municipal Court, the court may, upon the motion of the City, in addition to or in the alternative to the remedy of contempt and the possibility of criminal prosecution, permit the City to enter upon the property to abate the public nuisance or chronic nuisance property, take steps to prevent it from occurring again, and perform such other acts required of any party-defendant in the court's orders.

Sec. 20-146. Stipulated alternative remedies.

(a) The City and any party-defendant to an action under this Division may voluntarily stipulate to orders and remedies, temporary or permanent, that differ from those provided in this Division.

(b) The Municipal Court may accept such stipulations for alternative remedies and may make such stipulations an order of the court, enforceable as an order of the court.

Section 3. That Section 19-3(b) of the City Code is hereby amended to read as follows:

Sec. 19-3. Rules of procedure.

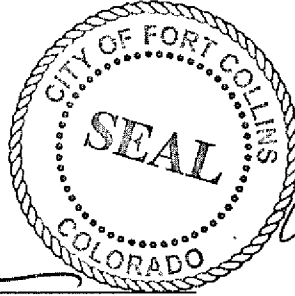
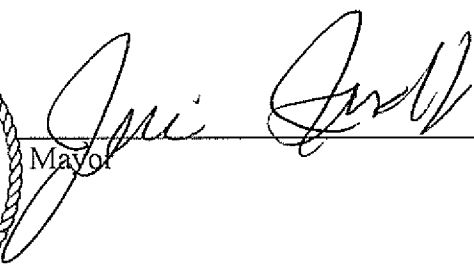
....

(b) The Colorado Rules of Civil Procedure, as amended, shall govern the procedures in Municipal Court in all civil actions for a cause arising under the Charter, Code and City ordinances and as needed for the Municipal Court to determine whether it has jurisdiction over a cause in a civil action, but not for actions for violations, offenses and infractions of the Charter, Code and City ordinances which are to be governed by the procedures established in Subsection (a) of this Section. In addition, the rules for discovery and disclosure in civil abatement actions under Division 5 in Article IX of Code Chapter 20 shall be those in Rules 316, 326, 331, and 332 of the Colorado Rules of County Court Civil Procedure and not the rules for discovery and disclosure in the Colorado Rules of Civil Procedure. References to the district court in the Colorado Rules of Civil Procedure and references to the county court in the Colorado Rules of County Court Civil Procedure shall be deemed to refer to the Municipal Court.

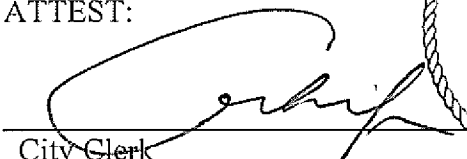
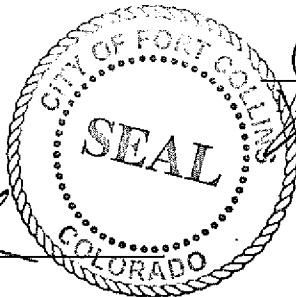
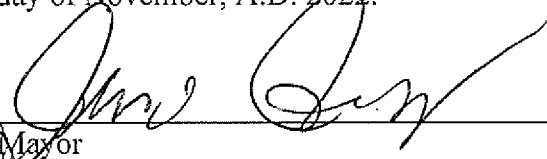
(c) The Municipal Court shall liberally construe, administer and apply these adopted rules of procedure as applicable in each civil action to secure the just, speedy and inexpensive determination of that civil action. In these civil actions, the Municipal Court shall be

vested with the full authority to provide civil remedies, including, without limitation, equitable, injunctive and declaratory relief and to award costs and attorney fees to the full extent permitted by law. It shall also have the power in those actions to compel the attendance of witnesses, to punish for contempt of court and to enforce any award of equitable, declaratory or injunctive relief through its contempt power in accordance with the applicable provisions of the Colorado Rules of Civil Procedure, as amended. This Section is not intended to create any new causes of action in the Municipal Court, nor to provide procedures or relief beyond those contemplated by Rule 106(a)(4) of the Colorado Rules of Civil Procedure to actions undertaken strictly within the sphere of matters that are of the City's local or municipal concern.

Introduced, considered favorably on first reading and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

ATTEST:    Mayor

Passed and adopted on final reading this 15th day of November, A.D. 2022.

ATTEST:    Mayor



Public Nuisances on Private Property

City Council Work Session December 12, 2023

Adam Turk, Chief of Police

Bobbier Cranston, Assistant City Attorney

Brian McBroom, Community Development Director



Overview



- Council Initiative 08-2023 – May 2023
- Key Property Nuisance Issues
- Current Regulatory Tools
- Legal Framework
- Enhancing Our Regulations
- Recommendations: A Shift in Approach
- Discussion/Feedback/Direction

Examples of Problem Properties



- What is a “public nuisance”?
 - Conviction or finding of liability under any nontraffic laws of the city, county, or the state, that harms the health safety, or welfare of the residents of the city
- What is a "chronic public nuisance"?
 - Per code, means a parcel of real property or a unit within a complex for which activities have resulted in **a conviction of or finding of liability** for public nuisance violations, against a person or business owning or occupying the property **two times within a 12-month period, or three times within an 18-month period**. For the purposes of counting only, multiple violations occurring on the same day count as one violation.
- Chronic Public Nuisance Properties of Record
 - 1700 6th Ave
 - 1758 6th Ave
 - 1802 27th Street

Current Regulatory Tools

- Municipal Code - Public Nuisance
 - **TITLE 1, CHAPTER 12. - CHRONIC PUBLIC NUISANCE VIOLATIONS**
 - Adopted September 6, 2022
 - Prior Code – Good Neighbor Ordinance – 2009
- Other Relevant Municipal Code Chapters
 - **TITLE 12, CHAPTER 5. - REFUSE AND LITTER CONTROL**
 - TITLE 1, CHAPTER 10. - ADMINISTRATIVE CODE VIOLATION SANCTIONS
 - **TITLE 12, CHAPTER 7 – Vacant & Abandoned Buildings – Adopted February 21, 2023**
 - Sec. 1-262. - Each day of administrative code violation is separate violation
- **International Property Maintenance Code**
 - New opportunity
- Enforcement Mechanisms
 - Standard code enforcement due process with enhanced fines
 - **City Charter caps maximum violation at \$1,000**
 - Law enforcement protocols related to criminal conduct

Legal Framework

- State and Federal Law Limitations
- General Police Powers for a Municipality (CRS 31-15-401)
 - City may declare nuisances and abate
 - City shall provide notice to property owner
 - City may place lien on property for unpaid fines and costs
- Right of Entry
 - Limited access under the law

Other Examples

- **No Requirement of Conviction or Finding of Liability**
 - Prove Nuisance Activity at Hearing
- Legislative Direction to Municipal Court/Hearing Officer
 - Civil Infraction – Proof by a Preponderance of the Evidence
 - Misdemeanor Offense – Proof Beyond a Reasonable Doubt
 - Clarity for Right of Entry Orders
- Lower Threshold to Establish **Chronic** Nuisance Property
 - **3 or more Nuisance Activities in 90 days or 7 or more in 1 year**
 - **2 or more Drug Activities in 30 days**
 - **Any Nuisance Activity at an Abandoned Property**
- Additional Mitigating Factors – Victim, Self-Report of Nuisance Activity, Reasonable Means to Prevent Nuisance Activity
- Quicker Abatement Process
- More Proactive with Quicker Improvement

Recommendations

- Ordinance Modifications based on other examples
 - Improved process for right of entry
 - Quicker timelines for chronic nuisance properties
 - Amendments possible in January
- More aggressive nuisance abatement with costs assessed
- Increased cumulative fines via daily citations
- Expanded use of the Property Maintenance Code
- Ability to charge owners with criminal offenses in serious/urgent cases
- Development of an “early warning system”

Key Staff

- Neighborhood Building Blocks Team
 - Sgt. Andrew Bird
 - Bobbier Cranston
 - Buxton Demers
 - Ken Haring
 - Bob Fries
 - Will Jones
 - Don Threewit
- Chief Turk
- Brian McBroom



**Brian
McBroom**

**Director of
Community
Development**

**Brian.McBroom@
Greeleygov.com**

Questions & Direction





Work Session Agenda Summary

Title

Scheduling of Meetings, Other Events

Summary

During this portion of the meeting the City Manager or City Council may review the attached Council Calendar or Work Session Schedule regarding any upcoming meetings or events.

Attachments

Council Meetings and Other Events Calendar

Council Meeting and Work Session Schedule

Status Report of Council Initiatives and Related Information

December 11, 2023 - December 17, 2023

December 2023						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

January 2024						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Monday, December 11

 **5:30pm - 8:00pm Community Workshop - Update/Feedback on State Climate Plan** (Greeley Rec Center 651 10th Ave Greeley CO 80631) - Council Master Calendar

Tuesday, December 12

 **6:00pm - City Council Work Session Meeting** (R_CCS_Council Chambers - WiFi Ready) - Council Master Calendar 



Wednesday, December 13

 **4:30pm - 5:30pm Front Range Passenger Rail Webinar** (<https://bit.ly/FRPRPublicWebinar>) - Council Master Calendar

Thursday, December 14

 **11:00am - 2:00pm Holiday Luncheon- sponsored by City Council** (Double Tree Hotel) - Council Master Calendar

Friday, December 15

Saturday, December 16

Sunday, December 17

December 18, 2023 - December 24, 2023

December 2023						
Su	Mo	Tu	We	Th	Fr	Sa
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24	25	26	27	28	29	30
31						

January 2024						
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28	29	30	31			

Monday, December 18

Tuesday, December 19

6:00pm - City Council Meeting (R_CCS_Council Chambers - WiFi Ready; R_CCS_Council Chambers Overflow Room 103) - Council Master Calendar ↻



Wednesday, December 20

7:30am - Visit Greeley (Butler) (902 7th Ave Greeley) ↻

2:00pm - 5:00pm Water & Sewer Board (Gates) ↻

Thursday, December 21

7:30am - 8:30am Downtown Development Authority (DeBoutez/Butler) (802 9th St #100, Greeley, CO 80631) ↻

3:30pm - 4:30pm Airport Authority (Clark/Payton) ↻

Friday, December 22

Saturday, December 23

Sunday, December 24

December 25, 2023 - December 31, 2023

December 2023						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
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17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

January 2024						
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28	29	30	31			

Monday, December 25

11:30am - 12:30pm Greeley Chamber of Commerce (Hall) ↻

Tuesday, December 26

6:00pm - City Council Work Session Meeting - Cancelled
(R_CCS_Council Chambers - WiFi Ready) - Council Master Calendar ↻



Wednesday, December 27

7:00am - 8:00am Upstate Colorado Economic Development
(Gates/Hall) (Upstate Colorado Conference Room) - Council Master
Calendar ↻

Thursday, December 28

Friday, December 29

Saturday, December 30

Sunday, December 31

January 1, 2024 - January 7, 2024

January 2024						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

February 2024						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

Monday, January 1

Tuesday, January 2

 **6:00pm - City Council Meeting** (R_CCS_Council Chambers - WiFi Ready; R_CCS_Council Chambers Overflow Room 103) - Council Master Calendar 

Wednesday, January 3

Thursday, January 4

 **7:30am - Poudre River Trail (Hall)** 

 **3:30pm - IG Adv. Board (Butler)** 

 **6:00pm - 8:30pm North Front Range MPO Meeting (Olson/Payton)** 

Friday, January 5

 **8:30am - 12:30pm Tentative Council and Economic Development Orientation and Tour** (Start at (City Hall) 1000 10th Street Greeley CO 80631 and Visit Various Locations throughout the City of Greeley) - Council Master Calendar

Saturday, January 6

Sunday, January 7

City Council Meeting Scheduling 2023/2024			
	12/5/2023		
	This schedule is subject to change		
Date/Type	Description	Sponsor Presenter/Director or Project Manager	Placement/Time
December 12, 2023 Council Work Session	Update on Downtown Homelessness	Juliana Kitten/Adam Turk	Work Session
	Sign Regulation and Enforcement	Brian McBroom	Work Session
	Initiative 08-2023 Public Nuisance Order	Brian McBroom/Doug Marek	Work Session
December 19, 2023 Council Meeting	Minutes- Dec 5 CC, Dec 12 WS	Heidi Leatherwood	Consent
	Consideration of a resolution to approve WEX Fuel Change Order	Paul Trombino	Consent
	Consideration of a resolution to approve Ice Haus Roof Change Order	Paul Trombino	Consent
	Consideration of a Resolution Approve the Transformational Homelessness Response Grant Award	Juliana Kitten	Consent
	Resolution to appoint Deputy Chief Jason Edwards to the Weld County E-911 Authority Board	Adam Turk	Consent
	PH & 2nd Rdg - 1318 47th Ave PUD	Brian McBroom/Jeff Woeber	Regular
	PH & 2nd Rdg - Triple Creek PUD	Brian McBroom/Michael Franke	Regular
	PH & 2nd Rdg Ord - Triennial Review	Heidi Leatherwood/Sarah Jacobsen	Regular
December 26, 2024 Council Work Session	CANCELLED due to Holiday/Christmas Week		
	Proclamation - GFOA Certificate of Achievement - Financial Reporting (tentative)	Mayor	Intro
	Minutes- Dec 19 CC	Heidi Leatherwood	Consent
	Consideration of a Resolution- Designating posting sites for City Council meeting notices	Heidi Leatherwood	Consent
	Consideration of a Resolution - Designating Posting Sites for Boards and Commissions	Heidi Leatherwood	Consent
January 09, 2024 Council Work Session	16th Street Project Update	Paul Trombino/John Hall	Work Session
	Claims Reserve Fund	John Goodson	Work Session
	Current School District IGA Overview	Brian McBroom	Work Session
January 02, 2024 Council Meeting	Proclamation - Black History Month (tentative)	Mayor	Intro
	Minutes- Jan 2 CC, Jan 9 WS		
	Boards & Commissions Appointments	Heidi Leatherwood	Regular
January 23, 2024 Council Work Session	Potential City of Greeley Polling	Kalen Myers	Work Session
	2022 Finance Audit Update	Debbie Reid	Work Session
	Finance Department Update	Debbie Reid	Work Session
	Executive Session West Greeley Planning Project	?	Work Session
February 1, 2024 - February 2, 2024 Council Retreat	Held at AIMS Welcome Center; 8 a.m. -5 p.m.	CCO/CMO	
February 06, 2024 Council Meeting	Proclamation - Youth Art Month (tentative)	Mayor	Intro
	Minutes - Jan 16 CC; Jan 23 WS	Heidi Leatherwood/Sarah Jacobsen	Consent
	Year-end Financial Report	Robert Miller/Rhodney Rhodes	
February 13, 2024 Council Work Session	Small Business Land Use Center	Brian McBroom	Work Session

City Council Meeting Scheduling 2023/2024			
	12/5/2023		
	This schedule is subject to change		
Date/Type	Description	Sponsor Presenter/Director or Project Manager	Placement/Time
February 20, 2024 Council Meeting	Minutes - Feb 6 CC; Feb 13 WS		
	Boards & Commissions Appointments	Heidi Leatherwood	Regular
February 27, 2024 Council Work Session			
	Executive Session - City Council Appointee Feedback Session	Noel Mink	
February 29, 2023	State of the City	CMO	

Greeley City Council

Status Report of Council Initiatives

Initiative No.	Council Member Initiating	Council Request	Council Meeting or Work Session Date Requested	Next Steps & Schedule	Anticipated Deliverable & Date (Report, Council Presentation, etc.)	Assigned to:
15-2021	Olson	Formation of a committee for implementation of a funding strategy for the 35th and 47th interchanges.	December 7, 2021 Council	•Next grant application expected May 2023	Pending outcome of federal grant application submitted	Paul Trombino
03-2023	Butler	Campaign Contribution Limits	February 7, 2023 Council Meeting	•CCO/CAO to come back to Council at a work session regarding the process •CCO/CAO report to Council in May •Waiting on CAO to provide final report to send out	•Nov 28 Work Session •CAO to Draft an ordinance and schedule to bring it back to a Council Meeting	Doug Marek/ Heidi Leatherwood
04-2023	Hall	Pumpkin Ridge - Bridge	March 7, 2023 Council Meeting	•PW report provided to Council on March 24, 2023. Neighborhood meeting planned on June 29, 2023. •Included Raymond's 9/1/2023 Council Update	Bridge over creek along the Sheep Draw Trail in Pumpkin Ridge area – The information below is up-to-date. Public Works staff are working on alternatives to connect the Pumpkin Ridge Neighborhood to the Sheep Draw Trail and we are having a neighborhood public meeting on December 13th, 2023. As a result, this item is still ongoing and not complete.	PW
08-2023	DeBoutez	Public Nuisance Ordinance	May 9, 2023 Council Work Session	•Updated in mid-July with research and draft ordinance at Council Work Session	•December 12, 2023, Work Session	Doug Marek Brian McBroom
11-2023	Clark/Butler	Artificial turf and landscape standards	August 1, 2023 Council Meeting	•Come back to Council with a draft ordinance	Council consensus: Staff to bring back minor updates to the front yard landscaping regulations for consideration Late first quarter	Brian McBroom

1-2020	Hall	Follow-up on the Poudre River Trail-Narrows Project	August 1, 2023 Council Meeting	•The grant application, which will be submitted in October, will complete baseline river modeling in addition to an alternative alignment analysis which will also look at the existing alignment, with high level cost estimates for each alternative. The scope will also include a 30% design of the preferred alignment. Working with existing consultants, we've established an estimated cost for the design process to get to a 30% of roughly \$150,000. •Unless a new alignment comes out of the design process, utilizing the existing alignment or an alternative on the north side of the river identified by past studies will likely exceed \$2 million to completed design/permitting and	•NAT is pursuing a State Trails Planning grant to complete a 30% design for the Narrows section of the trail. If funded by the grant, which will be awarded in late 2023 or early 2024, design work could begin in early-to-mid 2024.	Paul Trombino/Diana Frick
12-2023	Butler	Funding Options Regading the Greeley-Evans Transit	October 3 Council	Staff to bring back information for funding and ridership of the Greeley Evans Transit	•Create a report	Paul Trombino