

**TOWN OF MEAD, COLORADO  
ORDINANCE NO. 785**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, AMENDING  
CHAPTER 7, ARTICLE 1 OF THE *MEAD MUNICIPAL CODE* GENERAL  
PROVISIONS, ADMINISTRATION AND ABATEMENT OF NUISANCES**

**WHEREAS**, the abatement of nuisances provisions in the *Mead Municipal Code* are antiquated and cumbersome.

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MEAD, COLORADO, AS FOLLOWS:**

**Section 1.** Section 7-1-20\_of the *MEAD Municipal Code* is hereby amended with the following definitions:

*Administrative officer* means the Mayor, the Town Clerk, the Chief of Police and/or the Code Enforcement Officer.

*Authorized inspector* means a police officer, code enforcement officer, or other Town personnel authorized to inspect and examine public or private property in the Town to ascertain the nature and existence of any nuisance. Authorized inspectors may issue notices of violations, give verbal direction and implement other enforcement actions under this section.

*Code Enforcement Officer* means any police officer(s) or employee(s) of the Town designated or authorized by the Town to enforce the provisions of this title.

**Section 2.** Section 7-1-50\_of the *MEAD Municipal Code* is hereby amended with the following additions:

**Sec. 7-1-50: Ascertainning Nuisances**

Whenever the pursuit of any trade, business or manufacture or the maintenance of any substance or condition of things shall, upon investigation, be considered by an Administrative Officer as dangerous to the health of any of the inhabitants of the Town, the same shall be considered a nuisance and shall be abated.

**Section 3.** Section 7-1-70\_of the *MEAD Municipal Code* is hereby amended as follows:

**Sec. 7-1-70 Filing Complaint and Compliance Procedures**

1. A person may make a complaint of the existence of a public nuisance to a police officer, the Code Enforcement Officer, a member of the Board of Trustees or the Town Clerk. Such complaint shall include, whenever possible, the nature of the public nuisance, the location, including the address, the name of the owner, occupant or manager of the property, the duration of the nuisance and the name and address of the complainant.
2. Upon verification of a defined nuisance, the Code Enforcement Officer may attempt to make personal contact with the occupant, landowner, or property manager to explain the nuisance and discuss a plan to bring the nuisance into compliance.
3. Any correspondence or conversations with the occupant, landowner or property manager shall be documented and pictures of the nuisance should be taken if possible to support the authorized inspector's observations of the violations.

**Section 4.** Section 7-1-80\_of the *MEAD Municipal Code* is hereby amended as follows:

**Sec. 7-1-80 Abatement of Nuisance**

- (a) Should any such nuisance, within or upon any public or private premises or as aforesaid, not be abated forthwith after the notice herein provided shall be given, the Town Manager or designee, and/or any designee appointed by the Town Board may declare the same to be a nuisance and order the code enforcement officer or Police Department to abate the same, which order shall be executed without delay.
- (b) The Code Enforcement Officer, police or designee who shall be duly authorized to abate any nuisance specified in this Article shall have the authority to engage the necessary assistance and incur the necessary expenses therefor.
- (c) The expense incurred by the Town in abating any nuisance may be recovered from the author thereof as set forth in this Chapter.

**Section 5.** Section 7-1-90\_of the *MEAD Municipal Code* is hereby amended as follows:

**Sec. 7-1-90 Right of Entry**

1. Authorized inspectors, with probable cause, shall have the right to enter in or upon any lot, house or other building or premises within the jurisdiction of the Town to examine and determine if there exists an actual or potential violation of the requirements of this chapter. In the event that the owner or occupant refuses entry after a request to enter has been made, the city is hereby empowered to seek assistance from the municipal court to obtain a search warrant for such entry.

2. Emergencies: If there is probable cause to believe that an apparent violation constitutes an immediate danger to public health or public safety, the authorized inspector, is authorized to enter upon the subject private property, without giving prior notice, and may take any and all measures necessary to abate the violation and/or restore the property.

3. It is unlawful for any owner or occupant of the building or premises to deny entry to any authorized inspector, when conditions exist under section (2) or when entry is made pursuant to a lawful search warrant.

4. Authorized inspectors, police officers and code enforcement officers who lawfully perform duties in good faith under this section shall be free from any action or liability on account thereof.

**Section 6.** Section 7-1-110\_of the *MEAD Municipal Code* is hereby amended as follows:

**Sec. 7-1-110 Notice to Abate**

Unless a specific provision of this Code states otherwise, when a public nuisance does not require summary abatement, an administrative officer may prepare and serve a notice to abate on the owner, manager, occupant or possessor of any property which constitutes the public nuisance or the person conducting or maintaining the business, occupation, operation or activity which constitutes the public nuisance.

**(1) Notice.** The authorized inspector, upon the discovery of any nuisance on public or private property in the Town shall notify the owner and/or occupant of the property of the nature of the nuisance and direct the owner and/or occupant to abate the nuisance within the time specified in the notice.

**(2) Service.** The written notice to abate shall be served by an authorized inspector of the Town by:

a. Personally delivering a copy of the notice to the owner, or any person over 18 years of age being a member of the family or cohabitant of the owner of the property described in the notice if the owner also resides at the property;

b. Personally delivering a copy of the notice to the nonowner occupant or resident of the property described in the notice and mailing by certified mail a copy of the notice to the last known address of the owner as reflected in the Weld County assessor records;

c. If the property is unoccupied, by mailing a copy of the notice by certified mail to the last known address of the owner of the property described in the notice as reflected in the Weld County assessor record, and by posting a copy of the notice in a conspicuous place at the unoccupied premises.

d. If notice is served by certified mail and the recipient fails to sign for the mailing or the mailing is returned without being served, a copy of the notice can be sent through regular mail.

e. If personal service cannot be accomplished, notice shall be given by posting the premises, if possible; or if not possible, by posting such notice at the Mead Town Building or by posting in 3 public places within the Town of Mead, pursuant to *Section 1-3-60*.

f. The owner and/or occupant duly served with notice of a nuisance may protest such designation no later than 24 hours before the expiration of the final date to abate the nuisance named in the notice to abate. The protest must be filed in writing with the Town Manager or Town Clerk's office.

g. In the event the owner and/or occupant protests the Town manager or designee's decision, such person has the right to appeal the decision solely regarding the legal issue of the existence of a nuisance. Such protest must be filed in writing with the Municipal Court within 48 hours of the decision of the Town manager or designee.

h. Upon the discovery of any nuisance on public or private property within the Town that poses an imminent danger of damage or injury to or loss of life, limb, property or health, the authorized inspector may give notice, verbally or in writing, that it shall be abated by the Town, unless properly abated by the owner or occupant within twenty four (24) hours, or such less time as the authorized inspector believes is reasonable.

i. In the case of any such nuisance in or upon any street avenue, alley, sidewalk, highway or public place in the Town, the code enforcement officer or other authorized inspector may abate the same forthwith without such notice being given.

**Section 7.** Section 7-1-120 of the *MEAD Municipal Code* is hereby deleted in its entirety.

**Section 8.** Section 7-1-130\_of the *MEAD Municipal Code* is hereby amended as follows:

**Section 7-1-130. - Assessment and collection of costs of abatement.**

(a) If the Town abates a nuisance violation, the Town shall assess the actual cost of abatement, plus applicable administrative costs against the owner and/or occupant of the property or premises.

(b) Within ten (10) days after abatement of the violation, the owner or occupant of the property will be notified of the costs of abatement, including administrative costs. The Town Clerk shall prepare a statement stating the date of performance of the work, the nature of the work and demanding payment of the actual

cost of abatement and collection plus fifteen percent (15%) of the abatement costs for inspection and other additional administrative costs. The costs enumerated in this statement shall be a first and prior lien upon the property relating back to the date upon which the abatement was performed. The Town Clerk shall send by certified mail, return receipt requested, a copy of the statement to the owner of the premises at his or her last known address. Any such owner may file objections to such assessment within ten (10) days from the date said notice is sent; said objections shall be filed with the Town Clerk. The Town Clerk shall issue notice to said owner, by certified mail, return receipt requested, of the date the Board of Trustees will hold a public hearing to review the assessment. If no protest is filed, then the charges shall become due and payable on the date set forth in the notice, which date shall be after the expiration of the time in which to file a protest. Failure of said owner to file objections shall result in said assessment becoming a permanent lien on the property.

(c) In the event the owner or occupant protests the Board of Trustees's decision, such person has the right to appeal the decision to the Municipal Court within ten (10) days of the decision.

(d) If the amount due is not paid within ten (10) days of: (a) the decision of the Town manager or designee, (b) expiration of the time to file an appeal, (c) the decision of the Board of Trustees, and/or (d) order of the Municipal Court upholding the assessment under this section, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. The Town Clerk on or before thirty (30) days after said assessment hearing shall certify to the County Treasurer said assessment which is to be levied on said lot, parcel and tract. The County Treasurer shall collect the assessment, together with a ten-percent penalty for cost of collection, in the same manner as other taxes are collected. The laws of the State for assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes, shall apply to the collection of such assessments.

**Section 9. Effective Date.** This ordinance shall be published and become effective as provided by law.

**Section 10. Severability.** If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

**Section 11. Repealer.** All ordinances or resolutions and motions of the Board of Trustees of the Town of MEAD or parts thereof, in conflict with this ordinance are to the extent of such conflict hereby superseded and repealed, provided that such repealer shall not repeal the

repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution or motion thereby.

**INTRODUCED, READ, PASSED, ADOPTED THIS 12TH DAY OF OCTOBER, 2015.**

**ATTEST:**

**TOWN OF MEAD**

By *Linda Blackston*  
Linda Blackston, Town Clerk

By *Gary Shields*  
Gary Shields, Mayor

