

APPENDIX A
ORDINANCE AMENDING TITLE 12, CHAPTER 7
GREELEY MUNICIPAL CODE

Section 1. Chapter 7, Vacant and Abandoned Buildings, of Title 12, Public Health and Environmental Control, shall be amended to read as follows:

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. The purpose of this chapter is to mitigate the blighting impacts of a neglected property and to rehabilitate the property for the protection of the health, safety, and general welfare of the municipality.

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: Abatement means to abate the property pursuant to code section 2-1035 by making the neglected or derelict property compliant with the Code and all rules and regulations adopted pursuant to the Code. The closing or boarding up a building that is found to be neglected or derelict is not an abatement.

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.

Neighborhood nuisance means a property that is a danger to the public health, safety or welfare, is structurally unsafe or unsanitary, is not provided with adequate safe egress, constitutes a fire hazard, otherwise dangerous to human life, or in relation to the existing use constitutes a danger to the public health, safety or welfare. Factors to determine whether a property is a neighborhood nuisance include: prior Code violations, vacant or abandoned, maintained grounds, sound interior, vandalism or other destructive activity, location of property to school, park or recreation center, length of time conditions have existed and any other relevant factors the city determines.

Not lawfully occupied means property is unoccupied or uninhabited; property that is posted as unsafe; property that is occupied or inhabited in violation of the Code; or property that is occupied by trespassers or transients seeking temporary hiding or shelter.

Vacant or Abandoned Building means any building, structure or property or portion thereof, including but not limited to, all accessory or appurtenant structures, such as garages, sheds or storage facilities, that meets one of the following circumstances:

1. The property 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;
2. The property is not lawfully occupied for 90 days and does not meet the basic level of property maintenance requirements;
3. The property is not lawfully occupied and has been in violation of any provision of the city code or state law on three occasions within a two-year period; or
4. The property is not lawfully occupied and the tax on the premises has been due and unpaid for a period of at least one year.

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 or more buildings or uses. Property also means any building, or individual residential unit within a building.

Unsafe means the conditions of the property or building create a serious hazard to the health or safety of the occupants or of the public.

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.~~

Sec. 12-385. Neglected or derelict property unlawful.

Neglected or derelict property means that one of the following circumstances exist on the property:

1. The property is unsafe; or
2. The property is vacant or abandoned as defined in section 12-384; or
3. The property is a neighborhood nuisance as defined in section 12-384.

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.

Sec. 12-387. Administrative actions for enforcement and abatement.

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

(b) An emergency abatement may be ordered by the administrative hearing officer in accordance with sec. 2-1035 if a violation is an imminent hazard to life, health, property or public welfare.

(c) An owner shall submit a remedial plan, in a form acceptable to the city, within 30 days of the date of the notice of violation. The remedial plan must include all work necessary to abate the violation and deadlines for completing all work in the remedial plan. If a remedial plan is not provided or if the owner fails to comply with the remedial plan, the administrative hearing officer may issue an order for abatement in accordance with section 2-1035.

Sec. 12-388. Posting of no trespass, other warning and notice signs.

Upon or after issuing a notice of violation, the city may post a sign near each possible access point to the property prohibiting trespassing and warning the public of danger. The city may require a notice of owner or agent sign on the property. The city may require the owner post no trespass, other warning and notice signs in compliance with this section.

Secs. ~~12-388~~ 12-389 – 12-407. Reserved.