

Appendix A

Section 1. Chapter 10, Administrative Sanctions, of Title 1, General Provisions, and Chapter 1.33, Code Infraction Sanctions of Title 1, General Provisions as shown in Appendix B, shall be repealed and replaced by a new Chapter 10, Administrative Code Violation Sanctions to read as follows:

CHAPTER 10. ADMINISTRATIVE CODE VIOLATION SANCTIONS

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.

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.

Secs. 1-263—1-276. Reserved.

Section 2. Chapter 11, Parking Infraction Sanctions, of Title 1, General Provisions, as shown in Appendix B, shall be repealed and replaced by a new Chapter 11, Parking Infraction Sanctions to read as follows:

CHAPTER 11. Parking Infraction Sanctions.

Sec. 1-277. Enforcement and sanctions.

(a) The city manager shall by administrative rule designate those employees who are authorized to issue citations for parking infractions pursuant to this Code. These employees shall be designated as parking enforcement officers. All employees of the police department are designated parking enforcement officers.

(b) Any person who violates any ordinance designated as a parking infraction shall be penalized by a fine of not more than \$500.00 per violation and shall be required to pay all assessed costs and fees.

(c) The city manager shall by administrative rule designate those employees who shall specify by suitable schedules, the fees, costs and fees for violations of title 16, chapter 2, including any costs and fees for failing to respond in a timely manner. The designee may adopt schedules or procedures which authorize a reduction in fines for violations of title 16, chapter 2. The notice and procedures for parking infractions shall be as set forth in chapter 10 or title 2 of this code.

Sec. 1-278. Immobilization authority.

(a) Pursuant to section 16-601, the city has the authority to arrange for the removal, towing and storage of motor vehicles illegally parked or abandoned.

(b) When a driver, owner or person in charge of a vehicle has failed to respond to a citation issued pursuant to this Code, and has also failed to respond to an additional notice sent to the registered owner, parking enforcement officers are authorized to immobilize such vehicle for a period of 72 hours by installing on, or attaching to such vehicle, a device designed to restrict the normal movement of such vehicle.

(c) When a driver, owner or person in charge of vehicle has five or more unpaid citations issued pursuant to this Code, parking enforcement officers are authorized to immobilize such vehicle for a period of 72 hours by installing on, or attaching to such vehicle, a device designed to restrict the normal movement of such vehicle.

(d) Following immobilization of the vehicle, the parking enforcement officer shall conspicuously affix to such vehicle a notice, in writing, on a form provided by the parking services office, advising the owner, driver or person in charge of such vehicle, that such vehicle has been immobilized by the city for violation of one or more of the provisions of this Code, and that release from such immobilization may be obtained in a designated manner; that unless arrangements are made for the release of such vehicle within 72 hours the vehicle will be impounded at the direction of the parking enforcement officer, and that removing or attempting to remove the device before a release is obtained is unlawful.

(e) If the vehicle has remained immobilized for a period of 72 hours and release has not been obtained, the parking enforcement officer shall have the vehicle impounded pursuant to the provisions outlined in this Code.

(f) Parking restrictions that are otherwise applicable shall not apply while a vehicle is immobilized.

Secs. 1-279 – 1-290. Reserved.

Section 3. Chapter 12, Public Nuisance Violations, of Title 1, General Provisions, and Chapter 1.35, Good Neighbor Ordinance of Title 1, General Provisions, as shown in Appendix B, shall be repealed and replaced by a new Chapter 12, Chronic Public Nuisance Violations to read as follows:

Chapter 12. Chronic Public Nuisance Violations.

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.

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.

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.

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.

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.

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.

Section 4. Chapter 12, Administrative Hearing Officers, of Title 2, Administrative and General Government, as shown in Appendix B, be repealed and replaced by a new Chapter 12, Administrative Hearing Process to read as follows:

Chapter 12. Administrative Hearing Process

Article I. Generally.

Sec. 1-1026. Administrative process.

Where authorized in specific chapters within this Code, certain violations may be sanctioned administratively. The hearing on those violations shall be in the nature of an administrative proceeding as set forth in this chapter.

Sec. 2-1027. 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:

Abate means to bring to a halt, eliminate or, where that is not possible or feasible, to suppress, reduce, and minimize.

Administrative hearing officer means a person appointed by the city manager, who acts pursuant to this chapter, and who is authorized to hear administrative code violations, including public nuisance cases brought pursuant to chapter 11 of title 1.

Default judgment means an order made by the administrative hearing officer finding liability for a Code violation because respondent failed to appear at a hearing, stipulate to a finding of liability, or otherwise defend against a notice of violation.

Indigent means one of the following, either of which must be proven by credible written evidence, including tax returns, W-2 statements, or eligibility statements from a social service agency:

(1) Total household income is at or below 135 percent of the poverty level as determined by the U.S. Department of Health and Human Services; and liquid assets are equal to or less than \$1,500.00; or

(2) Total household income is up to 25 percent above the current federal poverty guidelines as published in the Federal Register; liquid assets are equal to or less than \$1,500.00; and reasonable monthly expenses equal or exceed monthly income.

Motor vehicle or vehicle means any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways or a low-speed electric vehicle; except that the term "motor vehicle" or "vehicle" does not include electrical assisted bicycles, low-power scooters, wheelchairs, or vehicles moved solely by human power. For the purposes of this chapter, the terms "motor vehicle" and "vehicle" shall include a trailer.

Respondent means a person or legal entity receiving a notice of an administrative code violation.

Restorative justice means practices that emphasize repairing the harm caused to the community by public nuisances and other Code violations. Restorative justice practices include neighbor or community conferences, and other similar practices.

Trailer means any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and which is generally and commonly used to carry and transport property over the public roadways.

Useful Public Service means any work that is beneficial to the public and involves a minimum of direct supervision or other public cost.

Article II. Administrative Hearing Officers

Sec. 2-1028 Administrative hearing officers and parking referees.

(a) The city manager is authorized and empowered to appoint one or more administrative hearing officers to hear certain municipal ordinance violations designated as code infractions and to act as an administrative hearing officer in any other situation as provided for in this Code and as directed by the city manager. The administrative hearing officer shall be an attorney licensed to practice law in the state.

(b) The city manager is authorized and empowered to appoint one or more parking referees to hear certain municipal ordinance violations designated as parking infractions. The parking referee shall be an attorney licensed to practice law in the state.

(c) Administrative support shall be provided to the administrative hearing officer and the parking referee by the appropriate city personnel as determined by the city manager.

Article III. Procedures for Administrative Code Violations

Sec. 2-1029. General procedures for hearings before administrative hearing officer.

(a) The administrative hearing officer is authorized to adopt rules and procedures governing conduct of hearings in accordance with the provisions of this chapter. The city council manager shall approve all such rules and procedures prior to their adoption by the administrative hearing officer. A copy of the rules and procedures shall be maintained by the city clerk.

(b) Hearings held before the administrative hearing officer shall be informal, but in the administrative hearing officer's discretion may be conducted in the manner provided for the hearing of cases by the municipal court. There shall be no right to a trial by jury. The burden of proof in hearings shall be on the city, by a preponderance of the evidence.

(c) There shall be no discovery in Code violation cases and other administrative matters, except that, upon request, prior to the hearing, each party will be allowed to examine any documents, photos, videos and other evidence the other party intends to present at the hearing. Each party will be entitled to receive a list of witnesses the other party intends to present at the hearing.

(d) All proceedings under this section shall be governed by the Colorado Rules of Civil Procedure and the State Administrative Procedure Act, except that where the Rules or the Act conflicts with the provisions of this Code, the Code shall control.

(e) Code violations may include actions affecting the use, possession, and enjoyment of real property. Accordingly, the city may file and 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.

(f) Respondents in a Code violation case may include the property itself, any person owning or claiming any legal or equitable interest or right of possession in the property, tenants and occupants at the property, and managers and agents for any person claiming a legal or equitable interest in the property. Any person holding any legal or equitable interest or right of possession in the property who has not been named as a party respondent may intervene. No other parties may intervene. None of these parties shall be deemed necessary or indispensable parties under the Colorado Rules of Civil Procedure.

(g) Code violation cases shall be commenced by providing respondent with a notice of violation.

(h) In all Code violation cases, personal service upon respondent is preferred. Personal service may be made by city personnel. In the event that personal service cannot be made at the location of the violation, the notice of violation may be served upon a respondent by posting a copy of the same in some prominent place on the real property location of the violation, and sending a copy to the owner, tenant, agent, and/or all other persons known to have an interest in the real property by first class mail, at the address shown on the county property portal, at the last-known address given by said person, or at the address listed upon any government-issued identification document bearing the photograph of said person presented to any law enforcement officer or code compliance inspector. Service shall be deemed completed seven calendar days after the copy of the notice of violation is mailed, whether or not the notice is actually received.

(i) No party must, but any party may be represented by an attorney. The city may be represented by the city attorney's office or by those other city personnel authorized to do so by the director of community development. The director of community development shall ensure that any such other personnel authorized to represent the city have received appropriate training.

(j) If respondent appears at the hearing and all elements of an alleged Code violation are proven by a preponderance of the evidence, the administrative hearing officer shall find respondent liable, and enter an appropriate order. If the respondent is found liable, the administrative hearing officer shall assess the appropriate fines, fees, or costs.

(k) If respondent appears at the hearing and any element of an alleged Code violation is not proven by a preponderance of the evidence, the administrative hearing officer shall dismiss the case.

(l) The city may voluntarily stipulate to any remedy deemed appropriate by the parties. Approval of the administrative hearing officer to all stipulations is required.

(m) If respondent fails to appear at the hearing, all elements of a Code violation are deemed proven, the administrative hearing officer shall find respondent liable, and enter a default judgment, including the assessment of appropriate fines, fees, or costs.

Sec. 2-1030. Filing of action or notice of violation.

Any action before the administrative hearing officer shall run in the name of the city against a respondent.

Sec. 2-1031. Execution of process.

Service of any paper, including a notice of violation or subpoena, may be executed as provided in this chapter or, if no provision is made, as provided in the Colorado Rules of Civil Procedure.

Sec. 2-1032. Motions.

(a) The administrative hearing officer may accept motions in his discretion.

(b) Motions must generally comply with the Colorado Rules of Civil Procedure.

(c) Motions for post-hearing relief or relief from an order of the administrative hearing officer must generally comply with the Colorado Rules of Civil Procedure.

(d) All motions for post-hearing relief or relief from an order must be filed with the administrative hearing officer no later than 15 calendar days following the entry date of the order.

Sec. 2-1033. Order of administrative hearing officer.

(a) At the completion of any hearing held under the provisions of this chapter, or upon presentation of a stipulation, the administrative hearing officer shall enter an order either:

(1) Dismissing the case; or

(2) Making a finding of liability, based upon:

a. A stipulation entered into by the parties;

b. A default judgment; or

c. The evidence presented at the hearing.

(b) The order shall also assess:

(1) Fines as established in chapter 10 of title 1 of this Code; and/or

(2) Other legal and equitable relief deemed just and proper by the administrative hearing officer, including abatement pursuant to chapter 10 of title 1 of this Code and/or injunction.

(c) A finding of liability entered by the administrative hearing officer shall constitute a final action that will only be stayed pending a motion for reconsideration.

Sec. 2-1034 Stipulations.

(1) If a property is brought into compliance by the compliance date set forth on the notice of violation, respondent's appearance at the hearing may be waived, the fine may be waived, and only fees and costs assessed in an amount set in accordance with chapter 2 of this title, if the following conditions are met:

a. Respondent agrees to plead liable for the Code violation, and signs a stipulation setting forth the liable plea, which stipulation shall be filed with the administrative hearing officer prior to or at the time set for the hearing;

b. Respondent pays the fine and all fees and costs assessed as directed by 5:00 p.m. two business days before the hearing unless agreed upon in writing by the city; and

c. The city may agree to continue the hearing on one or all violations and may agree to enter into one or more stipulations for each case number. A fee is assessed per stipulation in an amount set in accordance with chapter 2 of title 1.

(2) If respondent signs a stipulation but fails to meet either of the conditions set forth under subsection (1)(c) of this section, respondent must appear at the scheduled hearing or be subject to entry of default judgment. In that event, the stipulation may be admitted into evidence at the hearing at the discretion of the administrative hearing officer.

Sec. 2-1035. Abatement; emergency abatement.

(a) If the administrative hearing officer determines that the Code violation should be abated by the city, the administrative hearing officer shall issue an order for abatement by the city of the violation, charged to the owner of the property. A copy of such order shall be served on the owner of the property pursuant to this chapter.

(b) Within 45 calendar days of the date that the property is abated pursuant to an abatement order, the city shall serve notice to the owner of the property of the following:

(1) The abatement action has taken place;

(2) The owner has been charged a reasonable amount for the abatement, together with an administrative fee set in accordance with chapter 2 of Title 1, plus 20 percent of the costs for abating the violation, inspections, and other expenses, to cover the city's costs for performing the abatement and to encourage citizen compliance with the Code; and

(3) That the owner has the right to move the administrative hearing officer for reconsideration of the abatement charges.

(c) If the owner does not move for reconsideration of the abatement charges, the costs of abatement shall become final and shall be collected in accordance with this chapter.

(d) If the owner moves for reconsideration, and the abatement charges are upheld by the administrative hearing officer, the costs of abatement shall become final and shall be collected.

(e) If the city determines that a Code violation is a cause of imminent danger to the public health, safety, or welfare, the city may request an ex parte emergency abatement order from the administrative hearing officer, without providing notice to the owner.

(1) If the administrative hearing officer determines that the city has proven that such order is reasonably necessary to avoid imminent danger to the public health, safety, or welfare and that the violation should be abated, he shall issue an order for emergency abatement.

(2) An emergency abatement request by the city shall be reviewed by the administrative hearing officer within 2 business days.

(3) The purpose of an emergency abatement order shall be to temporarily abate an alleged repeated or chronic violation pending the final determination of the violation at a hearing. An emergency abatement order may be issued by the administrative hearing officer pursuant to the provisions of this section even if the effect of such order is to change, rather than preserve, the status quo.

Sec. 2-1036. Self-referral.

Any property owner who leases property for rent within the city may register a complaint with the code compliance office regarding conditions on the tenant-occupied property which are not in compliance with this Code. Any property owner who self-refers in this manner will not receive a notice of violation for that property for a 30-day period, provided that the property owner has provided the city with a copy of a valid lease which states that the tenant and property owner have agreed that property maintenance is the obligation of the tenant. In addition, the property owner shall provide written evidence to the code compliance office demonstrating that the property owner has previously made the tenant aware of the violation and of the tenant's obligation to correct the violation. A property owner may only self-refer once per violation per property per lease period.

Sec. 2-1037. Fees and costs designated.

(a) In the administrative hearing officer's discretion, a docket fee may be assessed against any respondent who pleads liable, who enters into a stipulation or settlement agreement or who, after a hearing, is found liable of a code violation. Docket fees shall be set in accordance with section chapter 2 of title 1 of this Code.

(b) Docket fees shall be in addition to any other reasonable hearing costs or other fees designated by the administrative hearing officer, this Code, or other applicable law.

(c) The costs assessed pursuant to this section may include:

(1) Costs for copies of papers, photos, videos, or other evidence reasonably obtained for use in the case.

(2) Witness fees, mileage for witnesses, and fees for the service of process.

(3) Any item specifically authorized by this Code to be included as part of the costs.

(4) On proper motion of the city and at the discretion of the administrative hearing officer, any other reasonable and necessary costs incurred by the city which are directly the result of the code violations or the prosecution of the action.

Sec. 2-1038. Payment of fines, fees and costs.

In any case where a respondent is found liable of a code violation, the administrative hearing officer shall order that respondent pay fines, fees and costs within the limits declared by this chapter, and:

(1) If any amount ordered paid by the administrative hearing officer is not paid on or before the due date for payment, a late payment fee shall be added to the amount owed. A late payment fee may only be assessed once per case.

(2) If the respondent cannot pay the full amount, the respondent shall pay an additional time payment fee and set a payment plan. In addition, there may be assessed against a respondent a late payment fee each time a payment is not received on or before the due date. If the respondent does not have the financial resources to pay an additional time payment fee or a late penalty fee, the administrative hearing officer may waive or suspend an additional time payment fee or late payment fee.

(3) If any amount ordered paid by the administrative hearing officer, including a late payment fee, is not paid on or before the due date for payment, interest on such amount, excluding the late payment fee, shall accrue at the rate established by C.R.S. § 39-21-110.5.

(4) All amounts due and unpaid, including accrued interest and any late payment fee, shall be paid upon notice and demand and may be collected by the city by any legal means. Where the Code violation involves property and the owner of the property is the respondent, the city may obtain a lien against the property. The lien shall have priority over all liens, except general taxes and prior special assessments. If respondent fails to pay the lien for 30 calendar days, the lien may be certified by the director of finance to the county treasurer to be placed upon the tax list for the current year, to be collected in the same manner as other taxes are collected, with a ten percent penalty to defray the cost of collection, as provided by state law.

(5) The administrative hearing officer may waive all or a portion of the fines, fees, or costs if the administrative hearing officer determines respondent to be indigent.

(6) All fines, fees, and costs ordered paid by the administrative hearing officer shall be collected by the director of finance and deposited in the general fund of the city.

Sec. 2-1039. Record of administrative proceedings.

A record of hearing or other administrative proceedings shall be made by recording and shall be maintained by the administrative hearing officer. The record shall contain the name of the respondent, the date of the appearance before the administrative hearing officer, the case number, the date, place and type of alleged Code violation and the findings, rulings and orders of the administrative hearing officer. The records and recordings regarding proceedings before the administrative hearing officer shall be maintained by the city clerk's office and shall be retained for 35 calendar days following the final order of the administrative hearing officer if no appeal is filed. In the event an appeal is filed, the records and recordings shall be maintained until final resolution of the matter.

Sec. 2-1040. Default Judgment

If respondent fails to respond to a notice of violation or fails to appear at the hearing on the violation, a default judgment may be entered without proceeding with the hearing in the amount of the maximum administrative fine, plus any costs and fees assessed by

the administrative hearing officer. The administrative hearing officer may issue any other order authorized by this chapter.

Sec. 2-1041. Judicial review of administrative hearing officer's decisions.

(a) The order or action of the administrative hearing officer shall be considered the city's final action and may only be judicially reviewed pursuant to Rule 106 of the Colorado Rules of Civil Procedure.

(b) When an appellant desires to stay an order or judgment of the administrative hearing officer, a bond to the city must be executed in the amount of the fine, fee, and/or costs ordered by the administrative hearing officer in such form and with sureties qualified as may be designated by the administrative hearing officer.

Sec. 2-1042. Failure to comply with orders of administrative hearing officer.

Failure to comply with any order issued by the administrative hearing officer shall constitute a criminal violation of this Code and a respondent who fails to comply may be subject to prosecution before the municipal court and be penalized pursuant to chapter 9 of title 1 of this Code.

Article IV. Procedure for Parking Infractions

Sec. 2-1043. Notice and procedure for parking violations.

(a) If any motor vehicle is found parked, standing, or stopped in violation of the parking ordinances or rules promulgated by the city, the vehicle may be affixed with a penalty assessment citation ("citation").

(1) The citing parking enforcement officer shall note the vehicle license plate number and any other information concerning the motor vehicle that will identify it and, if the driver is not present, shall conspicuously affix the citation to the motor vehicle.

(2) The citation shall include information about the particular parking, standing or stopping violation that has occurred at that time and place, set forth the amount of the penalty assessment, state the procedure for payment of the penalty assessment, the method by which the alleged violation may be protested, and notice of procedures to collect delinquent assessments.

(b) Any person charged with a parking infraction for which a citation may be issued and for which payment of a fine may be made to the parking services office shall have the option of paying such fine within the date, time and at a place specified in the citation.

(1) Payment of a citation by the person to whom the citation is served shall constitute an acknowledgment by such person of his violation of the Code as stated in such citation.

(2) Payment of the prescribed fine shall be deemed a complete satisfaction for the violation, and the city, upon accepting the prescribed fine, shall upon request issue a receipt acknowledging payment thereof. Checks tendered and accepted, and on which payment is received, shall be deemed sufficient receipt.

(3) Parking citations may be paid or appealed electronically, via mail or in person at the location identified on the citation.

(c) If the driver or owner of a motor vehicle charged with a violation of any parking, standing or stopping provision of this Code fails to respond to a citation affixed to the vehicle, the city shall send, at the cost of the owner, another notice 30 days from the

infraction date by mail to the registered owner of the vehicle to which the original notice was affixed, warning him that payment of the citation is past due and, in addition, in the event such notice is disregarded for a period of 30 days from the date of mailing, the vehicle is subject to immobilization and the procedures described in this chapter.

(d) The parking services office shall adopt procedures for the collection of delinquent parking violations, which may include the engagement of collection services. The owner shall additionally pay any associated collection costs, fees and/or commissions for these collection services.

(e) Any person cited for a violation of a parking infraction who believes that such citation has been issued in error shall have the right to contest the validity of the citation.

(1) The first appeal of a citation must occur within 15 days of the citation to the parking services office. Where the parking services office finds that the violation has not been established, the citation shall be dismissed. Where the parking services office finds that the violation has been established, the parking services office shall uphold the citation and order the registered owner of the vehicle to pay the applicable fines, penalty and costs within seven days of the date of the decision of the parking services office.

(2) The decision of the parking services office may be appealed to the parking referee within seven days of parking services decision to uphold the citation. Where it has been established that a violation was committed by a preponderance of the evidence, the parking referee shall uphold the citation and order the registered owner of the vehicle to pay the applicable fines, penalties and costs as ordered by parking referee within 45 days. Such costs may include administrative costs as determined by the city manager. A copy of such order shall be issued to the registered owner of the vehicle.

Sec. 2-1044. Responsibilities of person who receives citation; liability of vehicle owner.

(a) *Person receiving citation.* Any person who receives a citation shall respond to such citation within the date, time and at a place specified in the citation by either paying the fine set forth in the citation or exercising the dispute options set forth in the citation.

(b) *Vehicle owner.* If the owner of a vehicle subject to a citation has not responded to the citation within the date, time and at a place specified in the citation, the owner shall be subject to the fines and fees established in accordance with this Code.

(c) *Owner liable.* The registered owner of a vehicle at the time the violation occurred shall be liable for all unpaid fines and fees.

Article V. Procedure for Chronic Public Nuisance Violations

Sec. 2-1045. Declaration and procedures for chronic public nuisance violations.

(a) The administrative hearing officer shall declare a property owner, agent, or tenant a chronic public nuisance violator or a property a chronic public nuisance property if:

(1) At hearing, the city establishes the number and time period of public nuisance violations required by this chapter 12 of title 1; or

(2) The property owner, business, agent, or tenant fails to appear at a hearing, notice of which was served pursuant to this chapter; or

(3) The property owner, agent, or tenant stipulates to the declaration.

(b) Upon declaration, the administrative hearing officer shall order:

(1) Placement on the database described in section 1-294; and

(2) Payment of fines, fees and costs unless the city and the owner, business, agent, or tenant stipulates to orders and remedies, emergency or permanent, that are different from those provided in this chapter or chapter 10 and chapter 12 of title 1.

Sec. 2-1046. Affirmative defenses.

If the subject parcel of real property or unit within a complex is leased and the public nuisance violations were committed by tenants or occupants of the parcel or unit, it shall be a defense to an action described in section 1-295, that the owner or agent of the subject parcel or unit has:

(1) Evicted, or attempted to evict by commencing and pursuing with due diligence appropriate court proceedings, all of the tenants or occupants who committed the public nuisance violations;

(2) Considering the nature and extent of the public nuisance violations, undertaken and pursued with due diligence reasonable means to avoid a recurrence of similar violations on the subject parcel or unit; or

(3) Self-referred pursuant to this chapter; however, self-referral is only an affirmative defense if the violation reported is the same violation as the public nuisance violation.

Sec. 2-1047. Limitation of actions.

Actions under this chapter shall be filed no later than 365 days after the last in the series of public nuisance violations occurs. However, this limitation shall not be construed to prevent the introduction of evidence of any public nuisance violations regardless of the date of occurrence at a hearing for the purpose of showing a pattern of conduct or for any other purpose.

Sec. 2-1048. Effect of property conveyance.

When title to a parcel of real property or a unit within a complex is conveyed, any public nuisance violation existing at the time of the conveyance that could be used under this chapter to prove that the parcel or unit is a chronic violation property shall not be so used unless a reason for the conveyance was to avoid such declaration. Further, if a parcel or unit had been declared a chronic violation property prior to the time of the conveyance, it shall be removed from the database unless a reason for the conveyance was to obtain removal from the database. It shall be a rebuttable presumption that a reason for the conveyance was to avoid such declaration or obtain removal from the database if:

(1) The parcel or unit was conveyed for less than fair market value;

(2) The parcel or unit was conveyed to an entity controlled directly or indirectly by the person or entity conveying the parcel or unit; or

(3) The parcel or unit was conveyed to a relative of the person conveying the parcel or unit.

Secs. 2-1049—2-1057. Reserved.

Section 5. Sections 12-414 of Chapter 8, Inoperable Vehicles, of Title 12, Public Health and Environmental Control, shall be amended to read as follows:

Sec. 12-414. Removal of inoperable vehicles.

If an inoperable vehicle or unlicensed vehicle is not removed or properly stored following the ~~issuance of a summons~~ notice of violation by the city manager or designee, the city manager or designee may arrange for summary removal of the inoperable vehicle as provided in ~~the title 14~~ title 16 of this Code.

Section 6. Chapter 7, Junk and Abandoned Vehicles, of Title 12, Public Health and Environmental Control, shall be repealed and replaced by a new Chapter 7, Vacant and Abandoned Buildings, to read as follows:

~~Chapter 7. Junk and Abandoned Vehicles.~~

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.

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.

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. 12-386. 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. Violations.

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

Secs. 12-388 – 12-407. Reserved.

Section 7. Sections 16-669, 16-684 and 16-685 of Chapter 2, Parking Infractions, of Title 16, Vehicles and Traffic, shall be amended to read as follows:

Sec. 16-669. 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:

Abandoned vehicle means:

- (1) Any vehicle left unattended on private property for a period of 24 hours or longer without the consent of the owner or lessee of such property or owner's or lessee's legally authorized agent;
- (2) Any vehicle left unattended on public property, including any portion of a street or highway right-of-way, within the city for a period of 72 hours or longer;
- (3) Any vehicle left unattended on public property, including any portion of a street or highway right-of-way, within the city that is not registered or does not have a license plate with a current registration sticker attached thereto in violation of C.R.S. §§ 42-3-121 and 42-3-114, except as provided for in C.R.S. § 42-3-103;
- (4) Any vehicle left unattended on public property, including any portion of a street or highway right-of-way, within the city that is in a disabled or inoperable condition. A vehicle shall be deemed to be in a disabled or inoperable condition if it is junked; wrecked; wholly or partially dismantled; missing essential parts; unable to perform the functions or purposes for which it was originally manufactured; or which, due to any mechanical failure or any damage, is inoperable under its own power; or
- (5) A motor vehicle fitted with an immobilization device that is on public property for a period of 72 hours or longer.

Designee means the employees designated by the city manager through administrative rule.

Motor vehicle or *vehicle* means any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways or a low-speed electric vehicle; except that the term does not include electrical assisted bicycles, low-power scooters, wheelchairs, or vehicles moved solely by human power. For the purposes of this chapter, the term motor vehicle and vehicle shall include trailer.

Parking enforcement officers means any city employee who has been authorized by the city manager to enforce any of the parking violations set forth in this Code. All employees of the city police department are designated parking enforcement officers.

Pickup camper means a camper body capable of being loaded or unloaded from or to the bed of a pickup truck.

Trailer means any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and

which is generally and commonly used to carry and transport property over the public highways.

Sec. 16-684. Abandoned and unattended vehicles unlawful.

(a) It is unlawful for any person to abandon any vehicle upon public property or upon private property other than his own.

(b) It is unlawful for any person to leave any vehicle which he owns or controls unattended within any portion of a street or highway right-of-way within the city for a period of 72 hours or more.

(c) Nothing in this chapter shall limit the authority of a parking enforcement officer to ~~move~~ remove, tow or impound a vehicle as authorized in this title.

Sec. 16-685. Authority to remove, tow or impound vehicles.

(a) Any vehicle, attended or unattended, standing upon any portion of a street or highway right-of-way within the city in such a manner as to constitute a hazard or obstruction to traffic or to roadway maintenance shall be ~~impounded~~ removed, towed or impounded as authorized in article XVIII of chapter 1 of this title.

(b) Any vehicle that is abandoned vehicle, inoperable, illegally or improperly stored, unlawful, commercial or oversized parked in an area zoned residential and pursuant to this Code may be removed, towed or impounded as authorized in article XVIII of chapter 1 of this title after notice to the owner by a police officer or parking enforcement officer as follows:

(1) Notice shall be conspicuously affixed to the vehicle by leaving it under the windshield wiper or otherwise attached to such vehicle.

(2) The notice shall state the date and time the notice was attached to the vehicle.

(3) The notice shall order the removal of the vehicle from the location after 72 hours of notice.

(4) The notice shall indicate that if the vehicle is still parked in violation of this Code, that it may be removed, towed or impounded after 72 hours from the date of the notice and the vehicle owner will be liable for the expenses.

(c) During or after a snow ~~emergency~~ storm or roadway improvement or maintenance project, the director of public works, or his designee, may direct that any vehicle illegally parked upon a properly signed and posted snow removal or sweeping route or within a roadway improvement or maintenance project area, may be towed to either the nearest legal parking area or be impounded in the same manner as prescribed for an abandoned vehicle in article XVIII of chapter 1 of this title.