



Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE:	August 17, 2020
SUBJECT:	Public Hearing – (First Reading) Ordinance No. 2020-182, an Ordinance Amending Articles I, II, III, V And VI of Chapter 7 of the Johnstown Municipal Code Concerning Nuisances
ACTION PROPOSED:	Approve Ordinance No. 2020-182
ATTACHMENTS:	1. Ordinance No. 2020-182, an Ordinance Amending Articles I, II, III, V And VI of Chapter 7 of the Johnstown Municipal Code Concerning Nuisances
PRESENTED BY:	Avi Rocklin, Town Attorney, and Brian Phillips, Chief of Police

AGENDA ITEM DESCRIPTION:

For consideration is Ordinance No. 2020-182, Ordinance Amending Articles I, II, III, V and VI of Chapter 7 of the Johnstown Municipal Code Concerning Nuisances (“Ordinance”). The proposed Ordinance arises from a request by the Johnstown Police Department to revise the nuisance provisions in the Johnstown Municipal Code to set forth more streamlined procedures.

The current nuisance provisions are somewhat dated and contemplate the involvement of the Town Council in the procedure. For example,

- Section 7.3, regarding the general declaration of nuisances, provides that: *In the event that any nuisance within or upon any private premises or grounds is not abated forthwith after the notice . . . the Board of Trustees may declare the same to be a nuisance and order the Chief of Police to abate the same; and*
- Section 7.43, regarding the accumulation of refuse, provides that: *Whenever the Board of Trustees shall direct, the Town Clerk shall immediately thereafter notify any owner of property, his or her agent or any person having charge of such property, in writing, that an order has been made by the Board of Trustees requiring the removal of any accumulated refuse from such property or premises within thirty (30) days after service of notice. If such property owner, agent or person having charge of such property shall not remove such refuse in accordance with the requirement of such order, the Board of Trustees may order that such refuse be removed by the Town Clerk or other agent of the Board of Trustees and assess the cost thereof against the property or premises.*

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The proposed revisions are intended to simplify the process. Among others, the proposed revisions contain the following terms:

- Removes Town Council from the process, except for consideration of an appeal of an assessment;
- Allows an “Authorized Inspector,” defined as the Town Manager, a police officer, code enforcement officer, or other Town personnel authorized by the Town Manager, to declare and require abatement of nuisances;
- Sets forth simplified and explicit procedures for service of a notice to abate a nuisance along with a general timeline for abatement;
- Creates an appeal process whereby a person challenging a notice to abate may file an appeal with the Town Manager and then, if the Town Manager’s decision is disputed, with the Municipal Court;
- Allows the Town to abate nuisances that are not abated by the property owner and recover the cost of the abatement as well as an administrative fee;
- Provides for the imposition of a lien to collect unrecovered assessments;
- Allows the Town to cite a person into Municipal Court in addition to or in lieu of a requirement to abate the nuisance; and
- Designates the Town Council as the local advisory board pursuant to the Colorado Noxious Weed Act, §§ 35-5.5-101, *et seq.*

LEGAL ADVICE:

The Town Attorney drafted Ordinance No. 2020-182 with comments from Town Staff.

FINANCIAL ADVICE :

Not Applicable

RECOMMENDED ACTION: Approve Ordinance No. 2020-182, Ordinance Amending Articles I, II, III, V And VI of Chapter 7 of the Johnstown Municipal Code Concerning Nuisances.

SUGGESTED MOTION:

For Approval

I move to approve Ordinance No. 2020-182, Ordinance Amending Articles I, II, III, V And VI of Chapter 7 of the Johnstown Municipal Code Concerning Nuisances on first reading.

For Denial

I move to deny approval of Ordinance No. 2020-182, Ordinance Amending Articles I, II, III, V And VI of Chapter 7 of the Johnstown Municipal Code Concerning Nuisances.

Reviewed and Approved for Presentation,

Town Manager

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