



**MORGAN COUNTY  
PLANNING AND BUILDING DEPARTMENT**

**November 9, 2020**

**TO: Morgan County Planning Commission**  
**DATE: MONDAY, November 9, 2020**  
**TIME: 7:00 P.M.**  
**PLACE: Assembly Room – Remote attendance via ZOOM**

**The County is abiding by the Social Distancing Requirements in Public Health Order 20-28 for this meeting. Due to limited space in the assembly room, remote attendance is encouraged. If you have any questions regarding attending the meeting, please contact Pam Cherry at 970-542-3526.**

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**AGENDA**

Roll Call  
Minutes of 10-13-2020  
Approval of Agenda

**NEW BUSINESS:**

- 1. Proposed Amendments to the Morgan County Zoning Regulations:**
  - a. Amendments to the Morgan County Zoning regulations regarding setback provisions.
  - b. Amendment to the Morgan County Zoning regulations regarding nuisance provisions.

**OTHER MATTERS:**

**ADJOURN:**

## Setback Revisions

1-420 **Encroachment:** A ~~n unauthorized~~ placement of a structure, building, part of a building, sign, or fence upon the land or easement of another, or into required ~~yards or~~ setbacks.

1-600 **Lot, Width:** The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; or the same distance measured at a point midway between the front and rear lot lines; or at the rear line of the required front ~~yardsetback, especially~~ on irregularly shaped lots.

**1-785 Setback:** The minimum horizontal distance required, in any given zoning district, to be maintained free of man-made structures between a property line and the nearest exterior point of a building or structure or between two uses or structures. The length of any required yard measured perpendicular to the lot line from the structure footprint (including any eaves or overhangs).

~~1-925 **Yard:** An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except for unenclosed steps to porches or as otherwise provided in these Regulations.~~

1-930 **YardSetback, Front:** The A yard distance extending across the full width of the lot between the front lot line and the nearest exterior point of a building or structure.~~line or point of the building.~~

1-935 **SetbackYard, Rear:** ~~A yard~~The distance extending across the full width of the lot between the rear lot line and the nearest exterior point of a building or structure.~~line or point of the building.~~

1-940 **SetbackYard, Side:** ~~A yard~~The distance extending from the front to the rear yard between the side lot and the nearest exterior point of a building or structure.~~line or point of the building or accessory building attached thereto.~~

## **2-110 Yards**

~~No part of a yard or loading area, or open space needed by any building or structure to meet the requirements of these Regulations shall be included in whole or in part in meeting the requirements of any other building or structure.~~

## **2-115 Reduction of Yards**

~~No yard or lot which comes under the jurisdiction of the Morgan County Subdivision Regulations, existing at the time of the adoption of these Regulations shall hereafter be reduced below the minimum dimensions or areas required unless by formal variance being granted. This also applies to structural design~~

## **3-570 Buildings**



(B)(2) No specific ~~yard, building or setback~~ setback or lot size requirements shall be imposed, other than those provided herein, in the PD provided that the spirit and intent of this section are complied with in the Final PD Plan. The Commission may determine that certain setbacks and spacing be required within all or a portion of a PD for safety reasons.

### 3-630 Minimum ~~Yards~~Setbacks

(A) Required Setbacks. No building, structure, or lot shall be developed, used, or occupied unless the minimum setback requirements in the district bulk requirements and other requirements under these Regulations are met. Unless otherwise expressly provided in these Regulations, setbacks shall be measured from the property line. For setbacks where the abutting road is an easement, the setback shall be measured from the centerline of the easement with the additional distances set forth in subsection C of this Section added to the required setback in Table 1, Appendix B. For section line road easements which have not been constructed by the County and have not been vacated pursuant to C.R.S. § 43-2-303, setbacks shall be measured from the section line which is the centerline of the easement, adding a distance of thirty (30) feet to the required setback in Table 1, Appendix B.

(B) Setbacks from state and federal highways are 75 feet from the right-of-way centerline.

(C) Setbacks from highways, county roads and all other streets and roads:

(1) Setbacks from Morgan County roads, which are identified and classified on the Morgan County Road Classification Map, shall be measured from the right-of-way centerline, as follows:

<u>Road Classification</u>	<u>Measurement from right-of-way centerline</u>
<u>Arterial</u>	<u>50 feet</u>
<u>Major collector</u>	<u>30 feet</u>
<u>Minor collector</u>	<u>30 feet</u>
<u>Local, numbered county roads</u>	<u>30 feet</u>

(D) Additional Setback Requirements.

For streams, creeks, and rivers, the minimum required setback is 50 feet from the bank high-water line. This section shall only apply to streams, creeks and rivers identified on the U.S.G.S. quadrangle map. For irrigation ditches, the minimum required setback is 75 feet from the centerline of the ditch. The setbacks in this subsection shall govern over any other setbacks established in these Regulations.

(E) Allowed Projections into Setbacks.

(1) Cornices, canopies, eaves, fireplaces, wing walls or similar architectural features may extend into a required ~~yard~~-setback **not more than three feet (3')**.

~~(1) Open fire escapes may extend into a required yard setback not more than six feet (6'); enclosed fire escapes not more than three feet (3').~~

(2) Open, unenclosed, uncovered porches at ground level may not extend into a required ~~front or rear yard~~-setback **not more than four feet (4')**. ~~All side yard requirements must be met.~~

(3) Open, unenclosed, uncovered patios, decks, and porches greater than two feet (2') above ground level shall not extend into a required ~~front or rear yard~~-setback **more than three feet (3')**. ~~All side yard setback requirements must be met.~~

~~The side yard along the street side of a reverse corner lot shall be not less than the front yard requirements for district in which the lot is located.~~

(4) No part of a yard setback required for a building shall be included as part of a yard-setback for another building.

#### (F) Exemptions to Setback Requirements

(1) Fences, screening, and buffering.

#### **3-645 Encroachment Other**

Except as provided by these Regulations or by agreement, encroachments are not permitted.

~~(A) All dwellings and structures shall be constructed in accord with all applicable County regulations.~~

~~(B) Underground housing may be allowed subject to meeting all applicable County regulations site plan approval. No underground construction shall be allowed to encroach within designated easements or required setbacks from adjoining property lines without County approval.~~

Other changes:

1. Appendix B, Table 1, "Structure Setback" should be revised to read "minimum setback".
2. "Front" under setbacks should be revised to read "Front (street)".
3. A new footnote should be added to "Front (street)" to read as follows: Front setbacks apply to all street frontages, including corner lots or double frontage lots.
4. Add a new footnote to the table that the setbacks in this table may be altered by the regulations in Sec. 3-630.



**MORGAN COUNTY, COLORADO  
BOARD OF COUNTY COMMISSIONERS**

**ORDINANCE NO. 2020 BCC \_\_\_\_\_**

**AN ORDINANCE PROHIBITING THE ACCUMULATION OF JUNK AND RUBBISH,  
WEEDS AND BRUSH, AND REQUIRING REMOVAL OF UNSAFE BUILDINGS**

**WHEREAS**, pursuant to C.R.S. § 30-15-401, the Board of County Commissioners of Morgan County has the general enabling power to adopt ordinances for the control or licensing of those matters of purely local concern, and to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease;

**WHEREAS**, C.R.S. § 30-15-401(1)(a)(I) authorizes the County to adopt ordinances and regulations to compel the removal of rubbish, including trash, junk, and garbage from lots and tracts of land within the unincorporated areas of Morgan County, except for industrial tracts of ten or more acres and agricultural land currently in agricultural use as the term agricultural land is defined in C.R.S. § 39-1-102(1.6), and from the alleys behind and from the sidewalk areas in front of such property;

**WHEREAS**, C.R.S. § 30-15-401(1)(a)(I.5) authorizes the County to adopt ordinances and regulations to compel the removal of weeds and brush from lots and tracts of land within the unincorporated areas of Morgan County, except for agricultural land currently in agricultural use as the term agricultural land is defined in C.R.S. § 39-1-102(1.6), and from the alleys behind and from the sidewalk areas in front of such property;

**WHEREAS**, C.R.S. § 30-15-401(1)(q) authorizes the County to adopt ordinances and regulations to compel the removal of unsafe buildings and structures within the unincorporated areas of the Morgan County;

**WHEREAS**, C.R.S. § 30-15-401(1)(a)(I) authorizes the County to adopt ordinances and regulations to compel the removal of rubbish, including trash, junk, and garbage, from lots and tracts of land within the unincorporated areas of Morgan County;

**WHEREAS**, pursuant to C.R.S. § 30-15-406, this ordinance was introduced and read before the Board of County Commissioners in a first reading on \_\_\_\_\_, 2020, and was published in full in the \_\_\_\_\_ on \_\_\_\_\_, 2020, both at least ten days prior to adoption; and

**WHEREAS**, the Board of County Commissioners find that this ordinance is necessary to preserve the public health, safety and welfare of the citizens of Morgan County.

**NOW THEREFORE** be it ordained by the Morgan County Board of County Commissioners as follows:

**Section 1.     **Prohibition on Accumulation of Junk and Rubbish****

**A. Purpose**

The purpose of this Section is to protect the public health, safety, and welfare of the citizens and residents of Morgan County, Colorado, by eliminating and controlling, to the extent possible, the accumulation of rubbish within the County, which, if not eliminated or controlled, can result in visual blight, attractive nuisances, incompatibility with existing land uses, hazardous or toxic substances being deposited in unapproved sites, attraction of disease-infested rodents and other vermin, fire or other hazards, and air, noise and water pollution.

**B. Applicability**

This Section shall apply to all land within unincorporated Morgan County, including all individual properties and adjacent alleys or rights-of-way, except industrial tracts of ten (10) or more acres in industrial zoned districts (LI and HI) and agricultural land currently in use as agricultural land as that term is defined in C.R.S. § 39-1-102(1.6). This Section does not apply to identified and operating junk yards or currently allowed pursuant to the County's Zoning Regulations.

**C. Definitions**

1. *Agricultural land* means any parcel of land presently classified as agricultural use by the Morgan County Assessor's Office, as defined by and subject to the restrictions contained in C.R.S. § 39-1-102(1.6).
2. *Inoperable vehicle* means any vehicle in which the engine, wheels or other essential parts have been removed, altered, damaged or allowed to deteriorate so that the vehicle cannot be driven, or a vehicle which is not currently licensed or registered or otherwise may not be legally operated on highways of the state.
3. *Junk and Rubbish* means any trash, garbage, litter, refuse, debris, lawn or garden waste, newspapers, magazines, rubber, glass, scrap metal or alloys, used lumber or crates, used pipe or pipe fittings, bottles, plastic or paper containers or packaging, rags or cloth, remnant construction or demolition materials, vehicle parts, derelict vehicles, abandoned or junk equipment, used tires, used appliances or furniture, oil, carcasses of dead animals, or any object otherwise likely to injure any person or create a traffic hazard, or any other object which has been discarded or abandoned or is or obsolete as to make it unusable in its existing condition.
4. *Owner* means the owner of record, whether person, partnership, firm, corporation, governmental agency, or other association of persons, or any authorized agent or representative of the owner of record, and any occupant or tenant of the premises or property.

**D. Unlawful Acts**

It is unlawful for any owner to cause or permit junk or rubbish to be left or accumulated in or upon any yard, garden, lawn, outbuilding or premises upon any parcel or sidewalk or alley of any parcel in the County unless otherwise specified herein.

**E. Rubbish Containers**

Rubbish containers shall be provided by the owner of the premises. Rubbish containers shall be of a kind suitable to contain all trash and garbage collected and shall have a tight-fitting lid. Collection of garbage in plastic garbage bags of twenty (20) gallon capacity or larger is allowed during the 30-day accumulation period prior to collection by a licensed waste hauler and/or disposal at the County landfill.

**F. Illegal Dumping**

It is unlawful for any person to discard or abandon any junk or rubbish upon premises not owned or occupied by the person without the consent of the owner thereof, and the waste material so deposited without consent shall be deemed to have been discarded and abandoned.

**G. Inoperable Vehicles**

A maximum of one (1) inoperative vehicle per parcel is allowed in residential, mobile home and agriculture (parcels 20 acres or less) zones. A maximum of three (3) inoperative vehicles is allowed in the Agriculture Zone (parcels larger than 20 acres), A/B, C, LI and HI zones unless otherwise allowed or restricted by special permit. Vehicles in excess of these numbers are not allowed unless they are stored in a private enclosed garage or storage shed and fully screened so as to prevent such vehicles from being viewed from a public road or area. Vehicles in excess of the allowed numbers may be allowed if the Planning Administrator determines that they are economically necessary for a bona fide farming or ranching operation.

**H. Notice of Violation and Time to Correct**

If probable cause exists to believe that a violation of this Section has occurred, a notice of violation shall be personally served and sent via first-class mail, return receipt requested, to the owner's mailing address as listed in the records of the Morgan County Assessor's Office and to the mailing address of the property in question, if one exists.

Any owner with accumulations of junk or rubbish shall have a total of ten (10) days upon the date of the notice of violation to remove and properly dispose of said articles from said property unless provided otherwise herein. This time may be reduced to as few as three (3) days if the accumulation presents an immediate danger to health or safety of the public.

The notice of violation shall refer the owner to this Section and shall specify the remedies available to the County in cases where the owner fails or refuses to abate such junk or rubbish before the time specified in the notice.

**I. County Abatement**

Once the time for appeal and the time allowed for removal of the junk or rubbish by the owner has passed, in event of failure or refusal of any owner of real property to dispose of junk and rubbish as set forth herein, the proper officials of the County are given power to remove any such junk or rubbish and impose the entire cost thereof, plus five percent (5%) for inspection and expense will be assessed against said real property in violation of this Section.

**J. Administrative Entry and Seizure Warrant**

No entry upon private property for the purpose of abating such junk or rubbish shall be made until an administrative entry and seizure warrant has been obtained from the Morgan County Court or Morgan County District Court. The application for an administrative entry and seizure warrant shall consist of:

1. A copy of the written notice to the property owner, including evidence that the property owner received such notice, such as a post office return receipt or an affidavit of personal service;
2. Evidence that the property owner has not complied with the notice; and
3. A sworn or affirmed affidavit stating:
  - a. The factual basis for the warrant;
  - b. A description of the location of the property;
  - c. A general list of any rubbish to be removed; and
  - d. The proposed disposal or impoundment of the junk or rubbish to be removed.

Within ten (10) days following the date of the issuance of the administrative entry and seizure warrant, the warrant shall be executed in accordance with the issuing court's directions, and a copy of the issued warrant shall be provided or mailed to the property owner. Following execution of the warrant, proof of the execution shall be submitted to the issuing court. Such proof shall include a written inventory of any property temporarily impounded.

**K. Notice and Hearing on Assessment**

The County shall send by registered mail a notice to the owner of any real



property that assessment has been made against the real property for the cost of inspection, removal, storage or impoundment, and related expense for failure to comply with this Section. Any such owner may pay any such amount due within thirty (30) days from the date said notice is received. Failure of owner to pay any such amount due shall result in the assessment becoming a permanent lien on real property, and said assessment, together with ten percent (10%) added for the cost of collection, shall be certified by the County Clerk to the Morgan County Treasurer for collection.

**L. Criminal Penalty**

Nonexclusive of other remedies available to the County under this Section, County code enforcement officers shall have the authority to issue citations or summonses and complaints for the purpose of enforcing this Section. Any person who violates this Section commits a class 2 petty offense, and, upon conviction thereof, shall be punished by a fine of two hundred and fifty dollars (\$250) per day for the first action leading to conviction, five hundred dollars (\$500) per day for the second action leading to conviction, and one thousand dollars (\$1,000) per day for the third action leading to conviction and all subsequent actions. For purposes of calculating the fine, each day beyond that which was provided by the notice of violation as the date for removal of the junk or rubbish, as modified by any appeal, shall constitute a separate offense. This graduated fine schedule shall apply to repeat offenses committed by the same owner with respect to the same lot, parcel, or tract of land.

In addition to the penalties prescribed by this Section, persons convicted of a violation of this Section are subject to a surcharge in an amount fixed by statute that shall be paid to the clerk of the court by the defendant, as provided by C.R.S. § 30-15-402(2)(a).

**Section 2. Prohibition on Accumulation of Weeds and Brush**

**A. Purpose**

The purpose of this Section is to protect the public health, safety, and welfare of the citizens and residents of Morgan County, Colorado, by eliminating and controlling, to the extent possible, the growth and proliferation of weeds and brush within the County, which, if not eliminated or controlled, can result in negative visual impact, incompatibility with existing land uses, fire and traffic hazards, the clogging of drainage ways, obstructions of public access and other detrimental health and safety impacts.

**B. Applicability**

The Section shall apply to land within unincorporated Morgan County, including all individual properties and adjacent alleys or rights-of-way, except agricultural land currently in use as agricultural land as that term is defined in C.R.S. § 39-1-

102(1.6).

**C. Definitions**

1. *Agricultural land* means any parcel of land presently classified as agricultural use by the Morgan County Assessor's Office, as defined by and subject to the restrictions contained in C.R.S. § 39-1-102(1.6).
2. *Owner* means the owner of record, whether person, partnership, firm, corporation, governmental agency, or other association of persons, or any authorized agent or representative of the owner of record, and any occupant of the premises or property.
3. *Weeds and brush* means:
  - a. Any plant or vegetation which:
    - i. Ordinarily grows without cultivation;
    - ii. Is not growth for the purpose of landscaping or food production; and
    - iii. Attains a growth of six (6) inches in or more in height, or grows or accumulates so as to become a fire, traffic, pedestrian, or other public health or safety hazard; or
  - b. Any plant which has been designated as a noxious weed by the Board of County Commissioners, including without limitation:
    - i. Leafy Spurge (*Euphorbia esula* L.);
    - ii. Russian Knapweed (*Centaurea repens* L.);
    - iii. Spotted Knapweed (*Centaurea maculosa* Lam.);
    - iv. Diffuse Knapweed (*Centaurea diffusa* Lam.);
    - v. Canada Thistle (*Cirsium arvense* [L.] Scop.);
    - vi. Musk Thistle (*Carduus nutans* L.);
    - vii. Field Bindweed (*Convolvulus arvensis* L.);
    - viii. Volunteer Rye (*Secale cereale* L.); and
    - ix. Jointed Goatgrass (*Aegilops Cyndrica* Host.).

**D. Unlawful Acts**

It shall be unlawful for any owner to allow the accumulation and/or outgrowth of weeds and brush on any land within unincorporated Morgan County under such owner's control, possession or ownership, or upon any alley or sidewalk unless otherwise specified herein. It shall therefore be the duty of all persons owning or occupying any property within the County to suppress weeds by appropriate chemical or mechanical means.

**E. Notice of Violation and Time to Correct**

If probable cause exists to believe that a violation of this Section has occurred, a notice of violation shall be personally served and sent via first-class mail, return receipt requested, to the owner's mailing address as listed in the records of the Morgan County Assessor's Office and to the mailing address of the property in question, if one exists.

Any owner with accumulations of weeds or brush shall have a total of ten (10) days upon the date of the notice of violation to remove and properly dispose of said articles from said property unless provided otherwise herein. This time may be reduced to as few as three (3) days if the accumulation presents an immediate danger to health or safety of the public.

The notice of violation shall refer the owner to this Section and shall specify the remedies available to the County in cases where the owner fails or refuses to abate such weeds or brush before the time specified in the notice.

**F. County Abatement**

Once the time for appeal and the time allowed for removal of the weeds or brush by the owner has passed, in event of failure or refusal of any owner of real property to dispose of weeds or brush as set forth herein, the proper officials of the County are given power to remove any such weeds or brush and impose the entire cost thereof, plus ten percent (10%) for inspection and expense will be assessed against said real property in violation of this Section.

**G. Administrative Entry and Seizure Warrant**

No entry upon private property for the purpose of abating such junk or rubbish shall be made until an administrative entry and seizure warrant has been obtained from the Morgan County Court or Morgan County District Court. The application for an administrative entry and seizure warrant shall consist of:

1. A copy of the written notice to the property owner, including evidence that the property owner received such notice, such as a post office return receipt or an affidavit of personal service;
2. Evidence that the property owner has not complied with the notice; and
3. A sworn or affirmed affidavit stating:
  - a. The factual basis for the warrant;
  - b. A description of the location of the property;
  - c. A general list of any weeds or brush to be removed; and
  - d. The proposed disposal method of the weeds or brush to be

removed.

Within ten (10) days following the date of the issuance of the administrative entry and seizure warrant, the warrant shall be executed in accordance with the issuing court's directions, and a copy of the issued warrant shall be provided or mailed to the property owner. Following execution of the warrant, proof of the execution shall be submitted to the issuing court.

#### **H. Notice and Hearing on Assessment**

The County shall send by registered mail a notice to the owner of any real property that assessment has been made against the real property for the cost of inspection, removal, storage or impoundment, and related expense for failure to comply with this Section. Any such owner may pay any such amount due within thirty (30) days from the date said notice is received. Failure of owner to pay any such amount due shall result in the assessment becoming a permanent lien on real property, and said assessment, together with ten percent (10%) added for the cost of collection, shall be certified by the County Clerk to the Morgan County Treasurer for collection.

#### **I. Criminal Penalty**

Nonexclusive of other remedies available to the County under this Section, County code enforcement officers shall have the authority to issue citations or summonses and complaints for the purpose of enforcing this Section. Any person who violates this Section commits a class 2 petty offense, and, upon conviction thereof, shall be punished by a fine of two hundred and fifty dollars (\$250) per day for the first action leading to conviction, five hundred dollars (\$500) per day for the second action leading to conviction, and one thousand dollars (\$1,000) per day for the third action leading to conviction and all subsequent actions. For purposes of calculating the fine, each day beyond that which was provided by the notice of violation as the date for removal of the weeds or brush, as modified by any appeal, shall constitute a separate offense. This graduated fine schedule shall apply to repeat offenses committed by the same owner with respect to the same lot, parcel, or tract of land.

In addition to the penalties prescribed by this Section, persons convicted of a violation of this Section are subject to a surcharge in an amount fixed by statute that shall be paid to the clerk of the court by the defendant, as provided by C.R.S. § 30-15-402(2)(a).

### **Section 3. Removal of Unsafe Buildings and Structures**

#### **A. Purpose**

The purposes of this Section is to protect the public health, safety, and welfare of the citizens and residents of Morgan County, Colorado, by eliminating and



controlling, to the extent possible, the existence of unsafe or abandoned buildings which, if not repaired or removed, can result in fire hazards, attractive nuisances, rodent infestations, and other detrimental health and safety impacts.

**B. Applicability**

The Section shall apply to land within unincorporated Morgan County, except for buildings or structures located on affected land as that term is defined in the Colorado Mined Land Reclamation Act, C.R.S. § 34-32-103(1.5) and lands subject to the Colorado Surface Coal Mining Reclamation Act, C.R.S. § 34-33-101, *et seq.*

**C. Definitions**

1. *Owner* means the owner of record, whether person, partnership, firm, corporation, governmental agency, or other association of persons, or any authorized agent or representative of the owner of record.
2. *Unsafe building or structure* means:
  - a. Any building or structure where the condition of which presents a substantial danger or hazard to public health, safety, or welfare; or
  - b. Any building which is materially dilapidated and unused by the owner or uninhabited because of deterioration or decay; and
    - i. Which condition constitutes a substantial fire hazard; or
    - ii. Which condition subjects adjoining property owners to danger of damage by storm, soil erosion, or rodent infestation; or
    - iii. Which becomes a place frequented by trespassers or transients seeking a temporary hideout or shelter.

**D. Unlawful Acts**

It shall be unlawful for any owner to maintain or permit any unsafe building or structure within unincorporated Morgan County, as that term is defined herein. It shall therefore be the duty of all persons owning any abandoned structure within the County to board up or otherwise secure from entry for public health and safety reasons any such building at risk of becoming an unsafe building or structure.

**E. Notice of Violation and Time to Correct**

If probable cause exists to believe that a violation of this Section has occurred, a notice of violation shall be personally served and sent via first-class mail, return receipt requested, to the owner's mailing address as listed in the records of the

Morgan County Assessor's Office and to the mailing address of the property in question, if one exists.

Any owner of a dangerous building or structure shall have a total of thirty (30) days upon the date of the notice of violation to repair or remove the dangerous building or structure from said property unless provided otherwise herein. This time may be reduced to as few as ten (10) days if the building or structure presents an immediate danger to health or safety of the public.

The notice of violation shall refer the owner to this Section and shall specify the remedies available to the County in cases where the owner fails or refuses to abate such weeds or brush before the time specified in the notice.

**F. County Abatement**

Once the time for appeal and the time allowed for removal of a dangerous building or structure by the owner has passed, in event of failure or refusal of any owner of real property to remove or demolish the unsafe building or structure as set forth herein, the proper officials of the County are given power to remove any such building or structure and impose the entire cost thereof, plus five percent (5%) for inspection and expense will be assessed against said real property in violation of this Section.

**G. Administrative Entry and Seizure Warrant**

No entry upon private property for the purpose of abating such unsafe building or structure shall be made until an administrative entry and seizure warrant has been obtained from the Morgan County Court or Morgan County District Court. The application for an administrative entry and seizure warrant shall consist of:

1. A copy of the written notice to the property owner, including evidence that the property owner received such notice, such as a post office return receipt or an affidavit of personal service;
2. Evidence that the property owner has not complied with the notice; and
3. A sworn or affirmed affidavit stating:
  - a. The factual basis for the warrant;
  - b. A description of the location of the property;
  - c. A description of the unsafe building or structure to be removed; and
  - d. The proposed disposal method of the unsafe building or structure to be removed.

Within ten (10) days following the date of the issuance of the administrative entry and seizure warrant, the warrant shall be executed in accordance with the issuing court's directions, and a copy of the issued warrant shall be provided or mailed to the property owner. Following execution of the warrant, proof of the execution shall be submitted to the issuing court.

#### **H. Notice and Hearing on Assessment**

The County shall send by registered mail a notice to the owner of any real property that assessment has been made against the real property for the cost of inspection, removal, storage or impoundment, and related expense for failure to comply with this Section. Any such owner may pay any such amount due within thirty (30) days from the date said notice is received. Failure of owner to pay any such amount due shall result in the assessment becoming a permanent lien on real property, and said assessment, together with ten percent (10%) added for the cost of collection, shall be certified by the County Clerk to the Morgan County Treasurer for collection.

#### **I. Criminal Penalty**

Nonexclusive of other remedies available to the County under this Section or by statute, including seeking the initiation of any public nuisance action by the district attorney pursuant to Article 13 of Title 16 of the Colorado Revised Statutes, County code enforcement officers shall have the authority to issue citations or summonses and complaints for the purpose of enforcing this Section. Any person who violates this Section commits a class 2 petty offense, and, upon conviction thereof, shall be punished by a fine of two hundred and fifty dollars (\$250) per day for the first action leading to conviction, five hundred dollars (\$500) per day for the second action leading to conviction, and one thousand dollars (\$1,000) per day for the third action leading to conviction and all subsequent actions. For purposes of calculating the fine, each day beyond that which was provided by the notice of violation as the date for removal of the unsafe building or structure, as modified by any appeal, shall constitute a separate offense. This graduated fine schedule shall apply to repeat offenses committed by the same owner with respect to the same unsafe building or structure.

In addition to the penalties prescribed by this Section, persons convicted of a violation of this Section are subject to a surcharge in an amount fixed by statute that shall be paid to the clerk of the court by the defendant, as provided by C.R.S. § 30-15-402(2)(a).

**Section 4. Additional Remedies.** The remedies provided in this Section shall be cumulative and in addition to any other federal, state or local remedy, criminal or civil, which may be available. Nothing contained herein shall be construed to preclude prosecution under any other applicable statute, ordinance, rule, order or regulation.

**Section 5. Severability.** Should any section, clause, sentence, or part of this ordinance be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair or invalidate the ordinance as a whole or any part thereof other than the part so declared to be invalid.

**Section 6. Safety Clause.** The Board of County Commissioners hereby finds, determines and declares that this ordinance is necessary for the immediate preservation of the public welfare, health and safety.

**Section 7. Effective Date.** Pursuant to C.R.S. § 30-15-405, this ordinance shall become effective thirty days after publication following adoption.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**BOARD OF COUNTY COMMISSIONERS  
MORGAN COUNTY, COLORADO**

\_\_\_\_\_  
Mark A. Arndt, Chairman

\_\_\_\_\_  
James P. Zwetzig, Commissioner

\_\_\_\_\_  
Jon J. Becker, Commissioner

I hereby attest that the first reading of this ordinance took place on \_\_\_\_\_, 2020. This ordinance was published in full in the \_\_\_\_\_ on \_\_\_\_\_, 2020. If amendments were made to this ordinance subsequent to introduction and prior to adoption, such amendments shall be re-published in full. If this ordinance was adopted without amendment, it is to be republished by title only.

**ATTEST:**

\_\_\_\_\_  
Susan Bailey, County Clerk and Recorder