

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
COUNTY OF GILPIN**

**AN ORDINANCE PROVIDING FOR THE ABATEMENT AND REMOVAL OF
UNSAFE BUILDINGS WITHIN THE UNINCORPORATED PORTIONS OF THE
COUNTY OF GILPIN**

WHEREAS, the Board of County Commissioners is authorized under C.R.S. 30-15-401(1)(q) to adopt an ordinance to provide for and compel the removal and abatement of unsafe buildings as defined herein, and;

WHEREAS, it is the finding and determination of this Board that providing a mechanism for the removal and abatement of unsafe buildings within unincorporated portions of Gilpin County, is in the interest of the health, safety and welfare of all residents of and visitors to the County of Gilpin;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GILPIN, AS FOLLOWS:

I. DEFINITIONS.

1. **Unsafe Buildings.**

For purposes of this ordinance, an unsafe building is defined as any dilapidated building, which is unused by the owner, or uninhabited because of deterioration or decay, which condition constitutes a fire hazard, or subjects adjoining property to danger of damage by storm, soil erosion, or rodent infestation, or which becomes a place frequented by trespassers and transients seeking a temporary hideout or shelter, except that structures or buildings located upon land subject to the Colorado Mined Land Reclamation Act, and defined as "affected land" under Section 34-32-103 (1.5), C.R.S., shall be exempt from the provisions of this ordinance.

2. **Legal Occupant.**

A legal occupant of the building is an individual occupying the property under lease or by written or oral agreement of the owner.

II. NOTIFICATION OF VIOLATION.

1. Upon building department inspection and determination that a building or structure is unsafe, the County shall provide written notice of the same and the requirements for abatement to the property owner of record as identified

on the Gilpin County tax records or by records maintained in the office of the Gilpin County Clerk and Recorder. The County shall also post notice in a prominent place on the subject property.

2. The Notification shall include:
 - (1) A description of the property;
 - (2) Requirements for abatement including the time period in which abatement must occur;
 - (3) The reinspection date for verification of abatement;
 - (4) A statement of the right to appeal the determination; and
 - (5) The time in which any written appeal must be filed.
3. The abatement period shall be 90 days unless it is determined that a lesser time is appropriate and justified by reason of unique or dangerous circumstances (e.g. imminent and immediate danger of collapse of the building).
4. Notification shall specify that upon failure of the owner or occupant of the building or structure to abate in accordance with the notice, the County may remove the building or structure and assess the entire costs of such removal to the owner, as more particularly detailed hereafter.

III. APPEAL.

1. The property owner or legal occupant of the building may appeal a County determination that an unsafe building exists to the Board of County Commissioners. Any appeal shall be made to the Community Development Department in writing within the time period specified in the notice for abatement of the unsafe building or structure.
2. In the event a timely appeal is filed, any further abatement action by County shall be stayed pending completion of the County appeal proceeding. The Community Development Director ("Director") shall schedule a hearing before the Board of County Commissioners to consider the appeal at the earliest available time for which adequate notice of the appeal may be given. Adequate notice shall be no less than 10 days and not more than 30 days.
3. The Director shall notify the party requesting the appeal of the hearing date and time as soon as reasonably possible after the hearing is scheduled. The Director shall also notify adjacent property owners, any known occupants of the property, and any other known interested members of the public in advance of the hearing.

4. At the appeal hearing, the Board of County Commissioners shall take testimony from the Director, the property owner, any legal occupant of the property, and any other witnesses whose testimony would be relevant to the issues. Based upon the evidence taken at the hearing, the Board may affirm, reverse, or modify the determination of the Director as set forth in the notice of violation. An order of the Board of County Commissioners requiring that a dangerous building or structure be abated shall be the final administrative decision in this matter and shall be appealable only in accordance with C.R.C.P. 106 (a)(4).

IV. ABATEMENT BY COUNTY.

1. In the event the responsible party fails to comply with the County's requirements for abatement, the Director may request that the Board of County Commissioners authorize County personnel or contractors to remove the dangerous building or structure. In the event abatement is undertaken by the County, such abatement may be accomplished through the use of County staff or by contract with a private party and may include impoundment of any property removed as part of the abatement action. Any property impounded shall be stored at the expense of the property owner.

V. COLLECTION OF ABATEMENT COSTS/ASSESSMENT LIEN.

1. Any abatement costs incurred by County, including any storage costs, may be assessed as follows:
 - a. An invoice for reasonable costs of abatement plus inspection fee of 5% of the cost shall be mailed to the property owner of record. Payment of the invoice shall be due within 60 days from the date of the bill. Any invoice remaining unpaid after 60 days shall bear interest at the rate of 18% per annum until paid in full.
 - b. In the event an invoice shall remain unpaid after 60 days, the Director, through the County clerk, may certify the invoice to the County Treasurer who shall thereupon collect the assessment in the same manner as other taxes are collected.

VI. PENALTY.

1. Any property owner failing to comply with an abatement order issued by the Board of County Commissioners shall be deemed to be in violation of this Ordinance and such violation shall constitute a Class Two infraction. Upon conviction of a violation of this ordinance, punishment shall be a fine of not more than \$1,000 dollars.
2. Enforcement Personnel.

Pursuant to C.R.S. 30-15-402.5(1), the Gilpin County Community Development Director and the Gilpin County Building Inspector are hereby designated to issue summons or citation for violation of this ordinance.

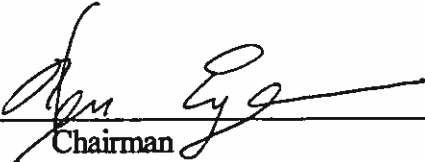
VII. ADDITIONAL REMEDIES.

In addition to any other remedy, legal or equitable, which may be available under the terms of the ordinance, County may institute an action for mandatory injunctive relief to compel any responsible party to remove and abate an unsafe building, and/or County may institute legal action for collection of any abatement costs incurred by County.

Introduced and read this 17th day of April, 2001, and ordered published in full in a newspaper of general circulation published in the County of Gilpin at least 10 days prior to reading.

ADOPTED ON SECOND READING, this 19th day of JUNE, 2001, by a vote of 2 to 0.

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF GILPIN**

BY 
Chairman

Attest:

Sharon E. Cate
Deputy County Clerk

CERTIFICATION

Deputy

The ~~_____~~ *→* Gilpin County ^{*Deputy*} Clerk, hereby certifies that the above and foregoing ordinance was adopted on first reading by the Board of County Commissioners of the County of Gilpin, and that the ordinance was thereafter published in full in the Cental City Register Call on the 17th day of April, 2001, and that the ordinance was duly adopted on final reading after such publication at a regular meeting of the Board of County Commissioners held on the 19th day of June, 2001.



(County seal)

Deputy
GILPIN COUNTY CLERK

Sharon E. Cate
Clerk

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that an unsafe building exists, to the Board of County Commissioners. Any appeal shall be made to the Community Development Department in writing within the time period specified in the notice for abatement of the unsafe building or structure.

In the event a timely appeal is filed, any further abatement action by County shall be stayed pending completion of the County appeal proceeding. The Community Development Director ("Director") shall schedule a hearing before the Board of County Commissioners to consider the appeal at the earliest available time for which adequate notice of the appeal may be given. Adequate notice shall be no less than 10 days and not more than 30 days.

The Director shall notify the party requesting the appeal of the hearing date and time as soon as reasonably possible after the hearing is scheduled. The Director shall also notify adjacent property owners, any known occupants of the property, and any other known interested members of the public in advance of the hearing.

At the appeal hearing, the Board of County Commissioners shall take testimony from the Director, the property owner, any legal occupant of the property, and any other witnesses whose testimony would be relevant to the issues. Based upon the evidence taken at the hearing, the Board may affirm, reverse, or modify the determination of the Director as set forth in the notice of violation. An order of the Board of County Commissioners requiring that a dangerous building or structure be abated, shall be the final administrative decision in this matter and shall be appealable only in accordance with C.R.C.P. 106 (s)(4).

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Applicant: Gilpin County
Docket #: Ordinance 01-01
Date: June 19, 2001
Time: 10:00 am
Place: Gilpin County Court House, 203 Eureka Street, Central City, CO
Susan C. Allen
Susan C. Allen /s/
Susan C. Allen, Administrative Services Director
County of Gilpin
State of Colorado
Published May 18, 2001
Published in the Weekly Register-Call

NOTICE OF PUBLIC HEARING

Notice is hereby given for a public hearing before the Gilpin County Board of County Commissioners (BOCC) to receive public input regarding second reading of an ordinance to provide for and compel the removal and abatement of unsafe buildings. The complete ordinance follows:

DEFINITIONS.

Unsafe Buildings.

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