Chapter 6-4

NUISANCES

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6-4-1: NUISANCES PROHIBITED

(A) It shall be unlawful for any person to create, cause or maintain any nuisance, or to permit any nuisance to exist upon or in connection with any premises owned by him or under his control.

(B) The following are hereby declared to be a nuisance:

(1) Anything or activity which unreasonably annoys or interferes with the use or enjoyment of public or private property or which constitutes a health or safety hazard.

(2) Anything declared to be a nuisance by any City ordinance or by the Statutes or regulations of the State.

(3) Any other thing or activity which under law constitutes nuisance.

(4) Any animal in violation of those provisions set forth in Section 6-2-11. (Ord. 1676, 9-3-98)

(C) Any use or the manner of use of any property which is declared a nuisance by this Section, shall be a nuisance subject to abatement under this Chapter notwithstanding the fact that such a use might otherwise be allowed under the City's Zoning, Land Use or Building Regulations.

6-4-2: ABATEMENT OF NUISANCES

(A) In addition to any other powers granted to the City by law to abate nuisances, any nuisance may be abated in accordance with the provisions of this Section.

(B) The City may maintain an action in a court of competent jurisdiction to enjoin or abate a nuisance.

(C) The City may prosecute any person maintaining or allowing a nuisance to exist in Municipal Court, and upon conviction the Court may enter an order on such items as it deems appropriate for the abatement of the nuisance in addition to any fine or jail sentence.

(D) The City may give notice in writing to any person responsible for the maintenance of a nuisance, which notice shall allow a reasonable time for such person to correct and eliminate the nuisance. If such person shall fail to correct or eliminate the nuisance by the time specified in the notice, the City may take action for the correction or elimination of the nuisance and shall have the right to enter upon private property for such purpose. The City may collect the cost of doing so in accordance with Section 6-4-3.

(E) The City may take all necessary steps, including the entry upon private property, to abate or eliminate a nuisance without notice, when such nuisance constitutes an immediate health or safety hazard. In those cases where time is permitting, the City shall take reasonable efforts to provide notice and obtain emergency abatement orders from the Municipal Court, or any court of proper jurisdiction, to such effect. In any instance in which emergency abatement procedures are taken, the costs incurred by the City may be collected in accordance with Section 6-4-3. (Ord. 1676, 9-3-98)

(F) The Code Enforcement Officer of the City shall be deemed a peace officer, as defined in Rule 203 of the Colorado Municipal Court Rules of Procedure, for the limited purpose of enforcing the provisions of this Chapter under the direction of the City Manager. The Code Enforcement Officer shall exercise the authority of a peace officer in the enforcement of these provisions, including the power to issue summons and complaints and initiate prosecution of violations thereof, and the power to abate nuisances in accordance with these provisions. (Ord. 1908, 6-13-2002)

6-4-3: COST OF ABATEMENT

(A) The City may recover all costs it incurs in abating any nuisance as provided in this Section.

(B) The City may maintain an action in a court of competent jurisdiction for costs incurred in abating a nuisance.

(C) The cost incurred shall be a lien upon the property affected which may be foreclosed by the City in accordance with law.

(D) The cost incurred by the City may be certified to the County Treasurer to be collected as other delinquent charges in a manner similar to property taxes. (Ord. 1086, 7-17-80)

(E) Costs which the City may recover include, but are not limited to, all out-of-pocket costs and expenses, costs attributable to City employee time and equipment use, reasonable attorney's fees and an overhead and administrative charge as set forth in the City of Montrose Regulations Manual. (Ord. 1992, 01-08-2004)