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AN ORDINANCE

AMENDING SECTION 9.80.070 OF THE LAKEWOOD MUNICIPAL CODE RELATING TO SUMMARY ABATEMENT OF NUISANCES BY THE ADDITION OF A NEW SUBSECTION SETTING FORTH AN APPEAL PROCEDURE

WHEREAS, the City of Lakewood is a home rule city of the State of Colorado with the authority to regulate the abatement of nuisances in furtherance of the public health and safety; and,

WHEREAS, it is necessary to amend the City's current summary abatement procedure in order to clearly set forth an appeal procedure.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Section 9.80.070 of the Lakewood Municipal Code is amended by the addition of a new subsection 9.80.070 C to read as follows:

9.80.070 Summary abatement authorized.

A. Each and every condition of rubbish, junk, weeds, or nuisance mentioned, declared or defined by any ordinance of the city is prohibited, and the City Manager, Police Chief or their designee is authorized, in his discretion, to cause the same to be summarily abated in such manner as he may direct subject to the limitations of subsection (B) of this section.

B. Upon authorization by the City Manager, Police Chief or their designee, if any rubbish, junk, weeds, or nuisance is a cause of imminent danger to the public health, safety or welfare, any such rubbish, junk, weeds or nuisance may be summarily abated by action of the City Manager, Police Chief, or their designee, and costs of abatement shall be charged to the landowner. Action for summary abatement shall be taken only where the City Manager, the Police Chief, or their designee determines that there is imminent danger to the public health, safety or welfare which cannot await abatement by any other means available under this chapter.

C. Notwithstanding anything to the contrary in this Chapter 9.80, the collection of abatement costs and method of appeal shall be pursuant to the following procedure:

1. After abatement, the City shall send a Notice and Demand for Payment by certified mail to the last known address of the property owner. The Notice and Demand for Payment shall state the reason for the Notice and Demand, the date that abatement of the property occurred, and the amount of the costs of abatement owed by the property owner.

2. The Notice and Demand for Payment shall state, and it shall be the law, that the property owner may appeal the Notice and Demand for Payment by filing a request for an appeal within fourteen (14) days of mailing of the Notice and Demand for Payment. Requests for appeal shall be filed with the City Clerk. Appeals shall be heard by a hearing officer duly appointed by the City. Appeals from decisions of the hearing officer shall be to Jefferson County District Court.

3. Payment of the amount set forth in the Notice and Demand for Payment shall be made to the City within thirty (30) days of mailing the Notice and Demand for Payment or such time as any appeal reaches final judgment. Failure to pay the amount owed in the time specified shall result in the amount owed being certified to the Treasurer of Jefferson County, and said amount owed shall be collected in the same manner as a real estate tax upon the property. The City may collect said amount in an action at law.

SECTION 2. This ordinance shall take effect thirty (30) days after final publication.

Bob Murphy, Mayor

ATTEST:

Margy Greer, City Clerk

Approved as to form:

City Attorney _____

Date _____