Title 8

HEALTH AND SANITATION

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Chapter 8.06
TREES AND VEGETATION

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8.06.010 Definitions.
The following definitions will be applicable throughout this chapter:
“Agent” means any person other than an owner, in charge of or having the control and supervision of the premises. An occupant or tenant of the premises, except hotels, apartment houses, office buildings and other multi-unit dwellings and business buildings, shall, for all purposes, be considered an Agent.
“ANSI Standards” means the safety requirements for pruning, repairing, maintaining and removing trees and brush, as promulgated by the American National Standards Institute, and the use by Tree Contractors of equipment in such operations.
“City of Lakewood” means the municipality of Lakewood, Colorado.
“Department” means the Community Resources of the City of Lakewood.
“Director” means the Director of the Community Resources Department or designee.
“License” means the License issued pursuant to this chapter.
“Licensee” means a Tree Contractor holding a License issued pursuant to this chapter.
“Owner” means the recorded owner of property as shown by the records of the Clerk and Recorder of Jefferson County.
“Parks Manager” means the manager of the City’s Parks Division or designee.
“Person” means any individual, firm, partnership, association, corporation, company or organization.
“Public Way” means and includes all streets within the City of Lakewood as defined in Section 1.04.010 of this code and all public rights-of-way and easements, walkways and sidewalks, public roads, public alleys, public drainage ways, public parks, medians and open space. It shall not include utility easements on private property not located within any other public way or privately-owned ditch canals or easements.
8.06.010

“Reciprocal License” means a license issued by a jurisdiction other than the City of Lakewood subsequent to passing a test for acceptable arboricultural performance practices standards, as mutually agreed upon among the City of Lakewood and such other jurisdictions.

“Tree” means a single or multi-stemmed woody plant that attains a minimum mature height of fifteen feet (15’) with a minimum mature trunk diameter of one inch (1”) measured at six inches (6”) above the ground.

“Tree Contractor” means any person who performs for hire any tree or shrub maintenance or removal service within the City of Lakewood.

“Vegetation” means and includes any tree, shrub, vine, weed, grass or herbaceous plant.

8.06.020 Authorization for Tree Maintenance, Trimming, Planting and Similar Activities.

The Parks Manager is authorized to trim, spray, remove, plant and protect vegetation and to trim, spray and remove weeds upon the public way.

8.06.030 Rules and Regulations.

A. The Director is authorized to promulgate such reasonable rules and regulations as may be necessary or proper for the following purposes:

1. To protect and promote the enhancement of vegetation within the City of Lakewood;
2. To regulate all aspects of the tree service business directly affecting public health and safety and requiring the use of such safety appliances, apparatuses and equipment reasonably necessary for the protection of workers engaged in such work performed within the City of Lakewood;
3. To set out standards for arboricultural practices to be used within the City of Lakewood by Tree Contractors; and
4. To address insect and disease infestations that threaten the health of trees within the City of Lakewood.

B. Copies of such rules and regulations shall be on file in the City Parks Division office and available for public inspection during regular business hours.

8.06.040 Damage or Destruction – Notice; Repair or Replacement.

Any person who damages or destroys any vegetation within any public way City of Lakewood shall promptly notify the City of Lakewood of such fact and, within a reasonable time as specified by the Parks Manager, repair or replace such vegetation with comparable materials approved by the Parks Manager. If the person fails or refuses to repair or replace such damaged or destroyed vegetation, the City of Lakewood may undertake the repair or replacement and charge the person the cost thereof plus an administrative fee as determined by the Department for inspection and incidental expenses. In the event the person fails to pay the cost incurred by the City of Lakewood to repair or replace the damaged vegetation, the City of Lakewood may recover the same, including any administrative or attorney fees, in an action at law in a court of competent jurisdiction.

(Lakewood 07-27-2019)
8.06.050 Prohibition of Trees and Vegetation.

A. The Director is hereby authorized to prohibit or place a moratorium on the planting of new and existing tree species where it has been determined that an eminent health issue due to insect, disease or structural problems has been identified.

B. Tree species that constitute a nuisance to the public as determined by the City of Lakewood include, but may not be limited to, cotton-bearing Cottonwoods, Siberian Elms, Russian Olives and Female Box Elders. Native cotton-bearing Cottonwood trees and female Box Elder trees, as well as any other species of tree, are not considered nuisance trees if, historically, such trees were used to create a buffer between land uses.

C. The Parks Manager is authorized to enforce any and all quarantines on plant material imposed by State and Federal Governments.


8.06.060 Firewood Prohibitions.

In the event of a disease or insect infestation, the City of Lakewood is authorized to prohibit the import or export into or out of the City of Lakewood, or the storing or selling within the City of Lakewood, of any tree species, including firewood, in order to limit the spread of such disease or insect infestation. Any prohibited species will be identified on the City of Lakewood’s website at Lakewood.org. Any violation of such prohibitions is hereby deemed unlawful and subject to criminal penalties under this Code.


8.06.070 Insect, Disease and Structural Inspections; Deficiency.

A. The Parks Manager is authorized and empowered to inspect any vegetation upon any property within the City of Lakewood, whether public or private, and to take such samples of vegetation as may be necessary or desirable, to determine whether any disease or insect infestation exists. Inspections may also be made to determine whether trees are structurally deficient and capable of causing significant damage to private or public property.

B. Where any such inspection reveals the existence of diseases or insects capable of causing an epidemic spread, epidemic insect infestation or imminent structural deficiency, the Parks Manager shall notify the owner in writing of the condition and the corrective action required. Such notice shall require the corrective action to be completed within thirty (30) days after the owner’s receipt of the notice.


8.06.080 Projection into Public Way.

A. Where any vegetation upon private property projects into or encroaches upon any public way in such a manner as to visually or physically impair, obstruct or endanger pedestrian or vehicular traffic or to present a potential hazard or potential damage to public or private property, the Parks Manager may give written notice to the owner requiring the removal, trimming or other treatment of such vegetation. Such notice shall require the corrective action to be completed within thirty (30) days after the owner’s receipt of the notice.

B. The clearance height of any vegetation over sidewalks and walkways shall be not less than eight feet (8') measured vertically from the walk to the first foliage. The clearance height of vegetation over public streets and public alley ways shall be not less than sixteen and one-half feet (16½') measured vertically from any point in the street to the first foliage.
C. The Parks Manager is authorized to prohibit plantings on private property in locations that will, at maturity, encroach upon the public way as set forth in this section.  

8.06.090  Sight Distance Triangle.
A. No vegetation shall exist within the sight triangle, as defined in the City of Lakewood’s Transportation Engineering Design Standards.  
B. The Transportation Engineering Design Standards define additional areas in which sight distance triangle criteria apply.  
C. The Parks Manager is authorized to prohibit planting within the sight triangle where deemed inappropriate pursuant the Transportation Engineering Design Standards.  

8.06.100  Correction Notice; Noncompliance.
A. Where a violation of this chapter exists and correction is required, the Parks Manager shall give written correction notice to the owner of the premises upon which the violation is located, requiring such owner to remove, trim or otherwise treat such vegetation within thirty (30) days after the owner’s receipt of the notice.  
B. If conditions set out in the written correction notice have not been corrected within thirty (30) days after the owner’s receipt of such notice, the Parks Manager shall issue a final written notice, sent by certified mail, informing the owner that the City of Lakewood may engage a contractor to enter the premises and make the required corrections and that the costs therefor, including all administrative fees, may be assessed against the owner.  
C. Should the owner refuse or fail to comply with the terms of the correction notices, the City of Lakewood is hereby authorized to solicit a contractor to enter the premises and remove, treat or dispose of, or otherwise care for, vegetation in order to make the required corrections. The costs therefor, including all administrative fees, may be assessed against the owner in the form of a property lien.  

8.06.110  License – Application.
A. License Required.  
1. No person, other than an individual on his or her own property, shall engage in any tree maintenance, or shrub maintenance or removal, within the City of Lakewood without a License.  
2. No person shall engage in any tree removal under a contractual arrangement within the City of Lakewood without a License.  
3. Any person holding a valid, current, Reciprocal License from another Denver metropolitan area municipality must obtain a License and pay the fee, but is not required to be tested, to operate as a Tree Contractor within the City of Lakewood.  
B. Application. Any person required to obtain a License shall apply for a License on forms furnished by the City of Lakewood. The City of Lakewood will not accept any application that is not complete in every detail.  
C. Requirements. To obtain a License, each applicant must pass the test required for the issuance of a Reciprocal License, which the City of Lakewood shall administer, and must provide to the City of Lakewood a certificate of insurance showing proof of the coverages required under this chapter.
D. Fee. Each applicant and every Licensee shall pay an annual fee as determined by the City of Lakewood.
E. Renewal. Each License shall be valid for one (1) calendar year and must be renewed annually.


8.06.120 Insurance.
A. Requirements. Each Licensee shall procure and maintain, for the duration of the License, the following minimum insurance coverages:
   1. Commercial General Liability insurance of at least one million dollars ($1,000,000) per occurrence for bodily injury and/or property damage.
   2. Comprehensive automobile liability insurance, including statutory personal injury protection and uninsured motorist coverage, for all motor vehicles, whether owned, non-owned or hired, used in performance of the Licensee’s business, of no less than a combined single limit of five hundred thousand dollars ($500,000).
   3. Worker’s Compensation insurance in compliance with Colorado law.
B. Nonrenewal. Licensees shall provide to the City of Lakewood by certified mail, return receipt requested, a minimum of thirty (30) days prior written notice of cancellation of, or any material change in, any insurance policy required under this chapter, which notice shall identify the License.


8.06.130 License Denial, Suspension or Revocation.
A. The Parks Manager may suspend, revoke or refuse to issue a License if a Licensee or License applicant has had its license suspended or revoked in another state or city, has refused to provide the Parks Manager with requested information, or has provided false information on the license application.
B. The Parks Manager may suspend or revoke a License if it is determined that the Licensee no longer meets the requirements of this chapter or the Licensee or employees of the Licensee have engaged in any fraudulent or illegal practices. Licenses may be suspended immediately if insurance is allowed to lapse.
C. An applicant who is denied a License shall be notified of the denial and the grounds therefor. An applicant may appeal any denial to the City Manager in writing within ten (10) days of receipt of a notice of denial. The decision of the City Manager shall be final.
D. Any applicant denied a License shall not be allowed to reapply for a License for at least thirty (30) days after the denial becomes final.


8.06.140 Standards
All Licensees shall adhere to ANSI Standards, and failure to do so may result in suspension or revocation of the License.

8.06.150 **Regulation – Pesticides.**


8.06.160 **Vehicles and Equipment**

All vehicles operated by any Licensee for the transportation of any personnel or equipment shall have the Licensee’s name and phone number displayed on both sides of the vehicle as follows:

A. In plain, legible figures and letters not less than three inches (3”) in height; and

B. Kept in such a condition as to permit the same to be readily distinguished and read. (Ord. O-2019-25 § 1, 2019).

8.06.170 **Unlawful Acts**

It is unlawful for any Licensee to violate or neglect or refuse to comply with any provision of this chapter or the rules and regulations promulgated by the Director pursuant to Section 8.06.030 of this chapter. (Ord. O-2019-25 § 1, 2019).
Chapter 8.12

WOOD BURNING

Sections:
8.12.010 Definitions.
8.12.030 Woodburning-Prohibition.
8.12.040 Exemption.
8.12.050 Inspections.

8.12.010 Definitions.
The following words and phrases have the following meanings unless the context clearly indicates otherwise:

“Barbeque devices” means devices that are utilized solely for the purpose of cooking food.

“Fireplace” means a hearth, fire chamber or similarly prepared place and a chimney.

“Fireplace insert” means any woodburning device designed to be installed in an existing fireplace which meets the Phase III wood stove standard, as such term is defined in this section.

“High pollution day” means a period of time designated as a high pollution day by the Colorado Department of Health.

“Phase III wood stove” means any woodburning device that meets the most stringent standards adopted by the Air Quality Control Commission pursuant to Section 25-7-106.3(1), C.R.S., or any nonaffected woodburning device that is approved by the Commission.

“Sole source of heat” means one or more solid fuel burning devices which constitute the only source of heating in a private residence. No solid fuel burning device or devices shall be considered to be the sole source of heat if the private residence is equipped with a permanently installed furnace or heating system utilizing oil, natural gas, electricity, or propane.

“Solid fuel burning device” means a device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes, without limitation, solid fuel burning stoves, fireplaces or wood stoves of any nature, solid fuel burning cooking stoves, combination fuel furnaces or boilers which burn solid fuel, or any other device used for the burning of solid combustible material. Solid fuel burning devices do not include barbeque devices or natural gas-fired fireplace logs. (Ord. O-92-61 § 1 (part), 1992).

On or after January 1, 1993, any new or remodeled fireplace to be installed shall be one of the following:
A. A gas appliance;
B. An electric device; or
C. A fireplace or fireplace insert that meets the most stringent emissions standards for wood stoves established by the Air Quality Control Commission, or any other clean burning device that is approved by the Air Quality Control Commission. (Ord. O-92-61 § 1 (part), 1992).

8.12.030 Woodburning-Prohibition.
A. It is unlawful for any person to operate a solid fuel burning device during a high pollution day unless an exemption has been granted pursuant to Section 8.12.040. It is the duty of all persons owning or operating a solid fuel burning device to be aware of any declaration of a high pollution day by the Colorado Department of Health.
B. At the time of the declaration of a high pollution day, the City Manager shall allow three hours for the burndown of existing fires in solid fuel burning devices prior to the initiation of enforcement. (Ord. O-92-61 § 1 (part), 1992).

8.12.040 Exemption.
A. It is an affirmative defense to a charge of burning on a high pollution day that a person:
   1. Was utilizing an appliance listed in Section 8.12.020; or
   2. Has been granted a temporary exemption.
B. The city manager may grant such exemptions according to the following standards:
   1. A person shall demonstrate economic need by providing proof of eligibility for energy assistance according to economic guidelines established by the United States Office of Management and Budget under the Low-income Energy Assistance Program (L.E.A.P.), as administered by Jefferson County.
   2. A person applying for an exemption must provide a sworn statement that he relies on a solid fuel burning device installed prior to December 1, 1986, as the sole source of heat.
C. An exemption granted under this section shall be valid for one year from the date it is granted. (Ord. O-94-16 § 20, 1994; Ord. O-92-61 § 1 (part), 1992).

8.12.050 Inspections.
For the purpose of determining compliance with the provisions of this chapter, city inspectors are authorized to make inspections of all air contamination sources, including solid fuel burning devices which are being operated on high pollution days, but only consistent with the constitutional rights of the owner or occupant of the premises. If any person refuses or restricts entry and free access to a city inspector to any part of a premise, or refuses to allow an inspection, the inspectors shall seek from the municipal court of the City of Lakewood a search warrant authorizing an inspector to enter the premises and conduct an inspection. (Ord. O-94-16 § 21, 1994; Ord. O-92-61 § 1 (part), 1992).
Chapter 8.14
GARBAGE, TRASH AND REFUSE STORAGE AND DISPOSAL

Sections:
8.14.020 Requirement to provide containers.
8.14.040 Disposal at approved site.
8.14.090 Costs and expenses.

As used in this chapter:
"Code Enforcement Supervisor" means the person, or such person’s designee, empowered by the City of Lakewood to supervise the Code Enforcement Unit of the Police Department and to enforce the provisions of this Chapter and the Zoning Ordinance.
"Garbage" means waste material resulting from the preparation, cooking, consumption, handling, storage or sale of food.
"Owner" means any person possessing title to any real estate, residence, apartment building, store, building or premises within the city.
"Person" means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust, or its manager, officer or employee.
"Refuse" means solid or liquid waste, except hazardous waste, whether putrescible or non-putrescible, combustible or noncombustible, organic or inorganic, including by way of illustration and not limited to, waste and materials commonly known as trash, garbage, debris or litter, animal carcasses, offal or manure, paper, ashes, cardboard, cans, yard trimmings, glass, rags, discarded clothes or wearing apparel of any kind, or any other discarded object.
"Tenant" means any person leasing, renting, or otherwise occupying, without possessing title, any real estate, residence, apartment building, store, building or premises within the city.
"Trash" means combustible refuse, including but not limited to paper, cartons, boxes, barrels, tree branches, yard trimmings, dead plant material, wood or upholstered furniture or bedding, or other similar substances or materials and noncombustible material including but not limited to metals, tin or aluminum cans, metal furniture, dirt, rock, pieces of concrete, glass crockery or other mineral waste. (Ord. O-2015-4 § 1, 2015; Ord. O-2002-38 §1, 2002; Ord. O-94-79 § 1, 1994; Ord. O-93-60 §§ 1, 2, 1993; Ord. O-93-2 § 1 (part), 1993).

8.14.020 Requirement to provide containers.
A. It shall be the duty of every owner or tenant where garbage, trash or refuse is generated to provide and at all times maintain in good order and repair container(s) for such garbage, trash or refuse. Said owner or tenant shall provide containers of such size and number as defined herein so that all garbage, trash or refuse generated from the property can be accommodated in such containers without overflowing.
B. Garbage, trash or refuse containers shall be either a commercial type dumpster with a lid or a residential type garbage container with the following design:
   1. Not more than ninety-gallon capacity;
   2. Watertight;
   3. Composed of a solid and durable grade of metal or plastic or similar and suitable material, such as fiberglass or rubber;
   4. Suitable handle or handles on the outside;
   5. Tight-fitting insect and rodent resistant cover.
C. Plastic trash bags may be used in lieu of a container provided they have a closing mechanism to prevent the emission of odors and are of sufficient thickness and strength to contain the refuse, trash or garbage without tearing and ripping under normal handling.
D. If plastic trash bags at any location are repeatedly subject to tearing or ripping by animals or other causes, then after notice by the city to the owner or tenant, the use of plastic trash bags shall be prohibited at that location and garbage, trash or refuse containers meeting the requirements of subsection (B) of this section shall be used.
E. Anything to the contrary notwithstanding, the owner of any multifamily residence consisting of three or more units per lot, or any entity which owns common areas that serve three or more units per lot, or the owner of any commercial or industrial zoned property, shall provide a commercial type dumpster for the occupants of the unit after notification from the Code Enforcement Supervisor to so provide said dumpster. The Code Enforcement Supervisor will notify the owner or entity only after the Code Enforcement Supervisor has reasonable cause to order such action. Reasonable cause shall include but not be limited to the following:
   1. An excessive number of containers or bags are used to store garbage, trash or refuse generated from any property under separate ownership. More than eight containers or bags per property shall constitute an excessive number;
   2. The existence of a filled container or bag that weighs more than fifty pounds;
   3. Insects, rodents, other animals, or odor problems are in evidence;
   4. Spillage or leakage is in evidence;

A. Garbage, trash and refuse containers and plastic trash bags must be stored within ten (10) feet of the building or within a concealed area not closer than 25 feet from the street.
B. Garbage, trash and refuse containers and plastic trash bags may be placed at curbside in front of a single-family dwelling or multiple family dwelling for collection purposes for a period not to exceed forty-eight (48) consecutive hours each week.
C. When placed for collection, garbage, trash and refuse containers, plastic trash bags and recyclable materials shall not be placed on the sidewalk or in the street, or in such a manner as to impair or obstruct pedestrian, bicycle or vehicular traffic.
D. Except when placed curbside for trash pickup, all garbage, trash and refuse containers, including commercial type dumpsters and residential type containers, shall be placed on private property and shall not extend onto the public right of way. All commercial type dumpsters shall be placed on an improved all-weather surface, such as gravel at least 3/4-inch thick and 3-inches depth, hot mix asphalt or concrete paving, and shall not interfere with vehicle or pedestrian travel and shall not obstruct the sight triangle. (Ord. O-2015-4 § 3, 2015; Ord. O-2005-5 § 1, 2005; Ord. O-2002-38 § 1, 2002).
A no-charge public way permit must be obtained prior to the placement of a temporary roll-off dumpster in the public right of way. The applicant must comply with the terms set forth on the permit. Temporary roll-off dumpsters shall not be permitted in the public right of way for more than thirty (30) days unless due cause for an extension of time can be demonstrated. (Ord. O-2002-38 § 1, 2002).

It shall be the duty of every owner to remove or cause to be removed garbage, trash or refuse at least once per week or at more frequent times as necessary to prevent an accumulation in excess of the capacity of containers to store such material, unless such material is being used in a compost pile. (Ord. O-2002-38 § 1, 2002).

8.14.040 Disposal at approved site.
All garbage, trash or refuse shall be disposed of by delivery to a state approved sanitary landfill or an approved solid waste collection and transfer facility. (Ord. O-2002-38 § 1, 2002).

The ordinance codified in this chapter may be enforced in Lakewood Municipal Court or by any other method of enforcement approved by the City Attorney. If this chapter is enforced in Municipal Court, the provisions of Sections 8.14.060, 8.14.070, 8.14.080 and 8.14.090 shall not apply. (Ord. O-2002-38 § 1, 2002; Ord. O-93-2 § 1 (part), 1993).

A. The owner or tenant of any property which is in violation of this chapter shall be given written notice to abate the violation within seventy-two hours after service of the notice. Such notice shall be sent to the owner or tenant by first class mail, postage prepaid, together with posting the notice on the property.
B. The notice to the property owner or tenant shall direct the owner or tenant to remove the garbage, trash or refuse within seventy-two hours after service of the notice. The notice shall contain:
1. The location of and a description of the violation;
2. A demand that the owner or tenant remove the garbage, trash or refuse within seventy-two hours after service or delivery of the notice;
3. A statement that the owner's or tenant's failure to remove the garbage, trash or refuse within seventy-two (72) hours after service or delivery of the notice may result in abatement by the city, in addition to any other available remedies, and the costs of such abatement, together with an additional administrative fee of at least one hundred eight dollars ($108.00), for inspection and incidental costs, may be assessed as a lien against the property pursuant to the terms of this chapter, and collected in the same manner as real estate taxes against the property;
4. A statement that if the costs of abatement plus the administrative fee for inspection and incidental costs is not paid to the city within thirty days after notice to the property owner of costs owed to the city, the amount owed will be certified to the County Treasurer and an additional administrative fee of at least one hundred eight dollars ($108.00), for a total of at least two hundred sixteen dollars ($216.00) in administrative fees, will be assessed for administrative and other incidental costs incurred in certifying said amount to the County Treasurer; and
5. A statement that the owner or tenant may make written demand to the Code Enforcement Supervisor for an administrative abatement hearing before the Municipal Court, provided the written demand is made within seventy-two hours after service of the notice, and provided the written demand for a hearing contains the owner’s current address and a telephone number where such person can be reached between the hours of 8a.m. and 5p.m., Monday through Friday. Written demand for a hearing shall be sent to the Code Enforcement Supervisor, City of Lakewood, 480 South Allison Parkway, Lakewood, Colorado 80226-3127.


If the owner or tenant of property in violation of this chapter fails or refuses to remove the garbage, trash or refuse as directed within the time permitted, and has not made written demand for an administrative abatement hearing, the Code Enforcement Supervisor may then cause the garbage, trash or refuse to be removed by city employees or private contractor. (Ord. O-2015-4 § 5, 2015; Ord. O-2002-38 § 1, 2002; Ord. O-94-79 § 3 (part), 1994).


A. Upon receipt of a written demand by the property owner for an administrative abatement hearing, the Code Enforcement Supervisor shall notify the Municipal Court and a hearing shall be held within seven days after receipt of the demand. Notice of the hearing date and location shall be mailed to the owner at the address listed in the written demand.

B. At the administrative abatement hearing the Municipal Court shall hear such statements and consider such evidence as the Code Enforcement Supervisor, Code Enforcement officers, the owner or tenant of the property, or any other witness, shall offer which is relevant to the violation. The property owner or tenant and the Code Enforcement Supervisor may be represented by legal counsel at such hearing. The Municipal Court shall make written findings of fact based upon the evidence offered at the hearing regarding the violation and shall determine whether the garbage, trash or refuse shall be removed. The Municipal Court shall within three days after the hearing issue a written order stating their findings and conclusions. If the Municipal Court finds a violation exists, the order shall direct the owner or tenant of the property to remove the garbage, trash or refuse. The written order shall be mailed to the property owner or tenant by first class mail, postage prepaid.

C. If an order issued by the Municipal Court directing an owner to remove the garbage, trash or refuse has not been complied with within seventy-two hours after its issuance, the Code Enforcement Supervisor may cause the garbage, trash or refuse to be removed by the city employees or private contractor and all costs associated with such removal shall be charged to the owner or tenant of the property.

D. Any property owner or tenant who fails to comply with such an order may be charged with the costs and expenses incurred in the removal of the garbage, trash or refuse. Costs and expenses shall include costs of removal, inspection fees, postal charges, attorney fees to enforce or collect such costs, legal expenses, and any other costs or expenses incurred by the city as a result of the enforcement of this chapter.

E. The order of the Municipal Court shall be a final decision and may be appealed to the District Court pursuant to Colorado Rules of Civil Procedure 106. The city shall be considered to be a party to every proceeding before the Municipal Court.
F. A record of hearings before the Municipal Court shall be kept, whether by electronic transcription, secretarial minutes or otherwise, and such records shall be kept in the custody of the Clerk of the Municipal Court for a period of one year following the date of the hearing and shall be made available for transcription as may be required. The costs of any transcription shall be paid by the person or entity requesting the transcription. (Ord. O-2015-4 § 6, 2015; Ord. O-2002-38 § 1, 2002; Ord. O-94-79 § 3 (part), 1994).

8.14.090  Costs and expenses.

A. The owner or tenant shall be liable for and pay and bear all fees, costs and expenses of the removal of the garbage, trash or refuse as set forth in Section 8.14.080(D), including reasonable attorney's fees for costs of collection, which costs and expenses may be collected by the city in any action at law, referred for collection by the City Attorney on a contingency basis, in his discretion, collected in connection with an action to abate a nuisance, or assessed against the property as hereinafter provided.

B. The notice required in Section 8.14.060 shall in addition to the requirements of that section, state that if the garbage, trash or refuse is not removed within the time stated in the notice, the cost of such removal together with an additional administrative fee of at least one hundred eight dollars ($108.00) for inspection and incidental costs, may be assessed as a lien against the property pursuant to the terms of this chapter, and collected in the same manner as real estate taxes against the property. The notice shall further state that if the cost of garbage, trash or refuse removal plus the administrative fee for inspection and incidental costs is not paid to the city within thirty days, the amount owed will be certified to the County Treasurer as set forth in subsections (D) and (E) of this section, and an additional fee of at least one hundred eight dollars ($108.00), for a total administrative fee of at least two hundred sixteen dollars ($216.00), will be assessed for administrative and other incidental costs incurred in certifying said amount to the County Treasurer. If the owner or tenant is not personally served with a copy of such notice, then a copy of such notice shall be mailed by first class mail, postage prepaid, to the owner or tenant of such property as shown upon the tax rolls of Jefferson County, Colorado, at the address of such owner as therein shown.

C. If after the expiration of the period of time provided for in the notice, or as extended by the Code Enforcement Supervisor for good cause, costs or expenses are incurred by or on behalf of the city in the removal of the garbage, trash or refuse, or in connection with such removal, and the costs are not otherwise collected, then the Code Enforcement Supervisor may thereafter certify the legal description of the property upon which such work was done, together with the name of the owner thereof as shown by the tax rolls of Jefferson County, Colorado, together with a statement of the work performed, the date of performance, and the costs thereof.

D. The Code Enforcement Supervisor shall mail a notice to the owner of the premises as shown by the tax rolls, at the address shown upon the tax rolls, notifying the owner that work has been performed pursuant to this chapter, stating the date of performance of the work, the nature of the work and demanding payment of the costs thereof, together with a fee of at least one hundred eight dollars ($108.00) for inspection and other incidental costs in connection therewith. Such notice shall state that if said amount is not paid within thirty days of mailing the notice, it shall become an assessment on and a lien against the property of the owner, describing the same, and will be certified as an assessment against such property in the amount set forth in subsection (B) of this section, together with an additional administrative fee of at least one hundred eight dollars ($108.00) for administrative and other incidental costs incurred
in certifying said amount to the County Treasurer, and the above-mentioned assessments will be collected in the same manner as a real estate tax upon the property.

E. If the Code Enforcement Supervisor does not receive payment within the period of thirty days following the mailing of such notice, the Code Enforcement Supervisor shall certify to the County Treasurer the whole cost of such work, including an additional administrative fee of at least one hundred eight dollars ($108.00), for a total administrative fee of at least two hundred sixteen dollars ($216.00). The amount certified shall be the total amount owing for inspection costs, administrative costs, attorney fees, and other incidental costs in connection therewith (as set forth in subsections (B) and (D) of this section) upon the lots and tracts of land upon which the garbage, trash or refuse was removed or eradicated. The County Treasurer shall collect the assessment in the same manner as other taxes are collected.

F. Each such assessment shall be a lien against each lot or tract of land until paid and shall have priority over other liens except general taxes and prior special assessments.

G. The minimum amount of such inspection, administrative and incidental costs which shall be certified to the Treasurer of Jefferson County as an assessment shall be at least two hundred sixteen dollars ($216.00).

H. The amount of such inspection, administrative and incidental costs which shall be certified to the Treasurer of Jefferson County as an assessment for a second violation on the same property within a time period of twenty-four months may be up to three hundred fifty-two dollars ($352.00).

I. The amount of such inspection, administrative and incidental costs which shall be certified to the Treasurer of Jefferson County as an assessment for a third violation or more on the same property within a time period of twenty-four months may be up to five hundred fourteen dollars ($514.00).

J. Notwithstanding the foregoing, any owner or tenant responsible for any garbage, trash or refuse which has been removed or abated by the city, and for which the owner or tenant have paid the city the costs of removal or abatement, shall be subject to an inspection and administrative charge of at least one hundred sixty-two dollars ($162.00) for a second violation of the chapter within twenty-four months, in addition to the costs of removal or abatement. A third violation within twenty-four months shall subject the owner or tenant to an inspection and administrative charge of at least two hundred seventy dollars ($270.00), in addition to the costs of removal or abatement. (Ord. O-2015-4 § 7, 2015; Ord. O-2004-47 §§ 3-9, 2004; Ord. O-2003-32 §§ 3-9, 2003; Ord. O-2002-38 § 1, 2002; Ord. O-94-79 § 3 (part), 1994).