

**PLANNING DEPARTMENT  
MEMORANDUM 14-07**

**DATE:** March 24<sup>th</sup>, 2014  
**TO:** Honorable Mayor Joyce Downing and City Council Members  
**FROM:** John Pick, City Manager *J.P.*  
Brook Svoboda, Director of Planning & Development *B.S.*  
**SUBJECT:** CB-1821 - Abatement of Nuisances by Court Order

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**BACKGROUND**

The proposed amendment to Chapter 9, Section 11, part 11 is at the request of Judge Cohen, the City's Municipal Judge. The intent of the amendment is to provide language that specifically authorizes the Court to order necessary abatement actions by the City in the event the defendant fails to comply with a court order and recover the expenses associated with the abatement. Currently, the Municipal Court has the implied authority to do so to enforce its court orders in the event of noncompliance, but the proposed ordinance makes the Court authority explicit.

**BUDGET/TIME IMPLICATIONS**

None

**RECOMMENDATION**

A motion to approve CB-1821 a bill for an ordinance to amend section 9-11-11 regarding abatement of nuisances by court order.

**STAFF REFERENCE**

Brook Svoboda, Director of Planning & Development    bsvoboda@northglenn.org    303.450.8937

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1821  
Series of 2014

\_\_\_\_\_  
Series of 2014

A BILL FOR AN ORDINANCE TO AMEND SECTION 9-11-11 REGARDING ABATEMENT OF NUISANCES BY COURT ORDER

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Section 9-11-11 of the Northglenn Municipal Code is amended to read as follows:

**Section 9-11-11. Abatement by Court Order.** The City of Northglenn may bring and maintain an action in any court of record, including the Northglenn Municipal Court, for the prevention, restraining, abatement or enjoining of any public nuisance; or in the alternative the City of Northglenn may abate any private or public nuisance after notice as provided by Section 9-11-9; or bring and maintain any other proceeding provided by ordinance. When judgment is rendered against any person for creating, keeping or maintaining any nuisance it shall be the duty of the Court before whom such judgment is had, to order the defendant in such suit, to forthwith abate the nuisance. THE COURT MAY ALSO SPECIFICALLY AUTHORIZE THE CITY TO TAKE ACTIONS NECESSARY TO ABATE THE NUISANCE IN ORDER TO ENFORCE THE COURT'S ORDER IF THE DEFENDANT FAILS TO COMPLY WITH A COURT ORDER, AND RECOVER THE EXPENSE OF SUCH ABATEMENT IN ACCORDANCE WITH SECTION 9-11-12 OF THE NORTHGLENN MUNICIPAL CODE. The order shall be entered upon the docket of the Court, and be made a part of the judgment and the cause.

INTRODUCED, READ AND ORDERED POSTED this \_\_\_\_ day of \_\_\_\_\_, 2014.

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JOYCE DOWNING  
Mayor

ATTEST:

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JOHANNA SMALL, CMC  
City Clerk

PASSED ON SECOND AND FINAL READING this \_\_\_\_ day of \_\_\_\_\_,  
2014.

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JOYCE DOWNING  
Mayor

ATTEST:

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JOHANNA SMALL, CMC  
City Clerk

APPROVED AS TO FORM:

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COREY Y. HOFFMANN  
City Attorney