


PLANNING AND DEVELOPMENT DEPARTMENT MEMORANDUM
#07-2020

DATE: April 13, 2020
TO: Honorable Mayor Meredith Leighty and City Council Members
THROUGH: Heather Geyer, City Manager 
FROM: Brook Svoboda, Director of Planning and Development 
SUBJECT: CB-1943 – Abatement Procedures for Significant and Recurring Nuisances

PURPOSE

To consider an ordinance amending Article 11, of Chapter 9 of the Municipal Code as it relates significant and recurring nuisances.

BACKGROUND

The proposed ordinance defines recurring and significant nuisances, establishes specific streamlined time frames for the court process, and eliminates the protest provision for properties that are deemed a significant and recurring nuisance.

Recurring and Significant Nuisances are defined as follows:

- (1) *a property on which activity constituting a nuisance under this Code is observed on three (3) or more occasions during any sixty (60) day period; or*
- (2) *the nature of nuisance activity on the property results in a substantial threat to the health, safety and welfare of the occupants of the property and/or neighboring properties.*

Noticing for Abatement: This amendment prescribes expedited time frames for carrying out abatements and eliminates protest provisions under the code.

Court Process: A case would be brought to the court in 14 days of issuance of a summons and complaint, with the disposition of the case occurring within 28 days of serving the complaint. If the City petitions the court to abate the property, the court shall schedule a hearing on the abatement with 21 days of filing the petition so long as the defendant has received notice of the petition 14 days prior to the hearing.

STAFF RECOMMENDATION

Staff recommends approval of CB-1943 on second reading.

BUDGET/TIME IMPLICATIONS

This request has no budgetary impacts. If approved on second reading, the ordinance will take effect five days following publication.

STAFF REFERENCE

If Council members have any comments or questions they may contact Brook Svoboda, Director of Planning and Development, at 303.450.8937 or bsvoboda@northglenn.org.

CB-1943 – Abatement Procedures for Significant and Recurring Nuisances

SPONSORED BY: MAYOR LEIGHTY

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1943
Series of 2020

Series of 2020

A BILL FOR AN ORDINANCE AMENDING ARTICLE 11 OF CHAPTER 9 OF THE NORTHGLENN MUNICIPAL CODE BY THE ADDITION OF A NEW SECTION 9-11-13 CREATING ABATEMENT PROCEDURES FOR RECURRING AND SIGNIFICANT NUISANCES

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

Section 1. Article 11 of Chapter 9 of the Northglenn Municipal Code is amended the addition of a new Section 9-11-13 to read as follows:

Section 9-11-13. Recurring and Significant Nuisances.

(a) A recurring and significant nuisance shall be deemed to exist under the following circumstances:

(1) a property on which activity constituting a nuisance under this Code is observed on three (3) or more occasions during any sixty (60) day period; or

(2) the nature of nuisance activity on the property results in a substantial threat to the health, safety and welfare of the occupants of the property and/or neighboring properties.

(b) Notice of significant nuisance shall be provided in accordance with Section 9-11-7. The time for abatement shall be no longer than three (3) days but may be no more than one (1) day pursuant to Section 9-11-7(b)(1). The owner or occupant receiving notice under this Section shall not be entitled to protest the notice as provided in Section 9-11-7.

(c) When the City institutes an enforcement action pursuant to this Article, such action shall be subject to an expedited process as follows:

(1) If the City issues a summons and complaint pursuant to Section 9-11-9(a)(3)(B), the first appearance for the defendant must be held within fourteen (14) days of the date of service of the summons and complaint. Disposition of the complaint, including trial, shall occur within twenty-eight (28) days of the date of service of the summons and complaint.

(2) If the City abates the nuisance pursuant to Section 9-11-11, any hearing on the petition to abate the nuisance shall occur within twenty-one (21) days of the filing of the petition with the Municipal Court, so long as the notice of the hearing was served on the defendant at least fourteen (14) days prior to the hearing.

INTRODUCED, READ AND ORDERED POSTED this 9th day of March,
2020.


MEREDITH LEIGHTY
Mayor

ATTEST:



JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this _____ day of _____,
2020.

MEREDITH LEIGHTY
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:



COREY Y. HOFFMANN
City Attorney