

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 6.08 OF THE MANITOU SPRINGS MUNICIPAL CODE CONCERNING ABATEMENT OF NUISANCES THAT POSE AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY AND WELFARE

WHEREAS, the owner of private property is responsible for abating conditions of nuisance on private property, including the accumulation of rubbish, garbage or debris for a period of longer than seven consecutive days;

WHEREAS, in the event the owner of private property fails to remedy any condition of nuisance, the City may, after notice to the owner pursuant to Section 6.08.050 of the Manitou Springs Municipal Code, enter upon the property to abate the nuisance, assessing as a lien against the property the costs of such abatement;

WHEREAS, the City Council recognizes that certain nuisance conditions, including the widespread accumulation of debris after a large-scale natural disaster such as a flood or storm, can pose imminent threats to the health, safety and welfare of the public at large and require immediate action by the City to abate and remedy such conditions; and

WHEREAS, the City Council desires to provide for the immediate abatement by the City in emergency situations of any nuisance condition that the City determines to be an immediate danger to public health, safety or property as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANITOU SPRINGS, COLORADO, THAT:

Section 1: Section 6.08.010(A)(1) of the Manitou Springs Municipal Code is hereby amended to read as follows:

The accumulation or storage, other than by the city at the city's maintenance and material storage facility, of garbage, rubbish or debris that injures or endangers the comfort, repose, health or safety of any person, is offensive to the senses, interferes with, obstructs, or renders dangerous for passage on any public or private street, sidewalk, alley or right-of-way, tends to or could depreciate the value of property of any persons, or is accumulated or stored for a period longer than seven consecutive days;

Section 2: A new Section 6.08.060 is hereby added to the Manitou Springs Municipal Code to read as follows:

6.08.060 – Imminent danger to health, safety or property.

A. Upon the discovery of any condition of nuisance within the city that poses an imminent danger of loss of, or damage or injury to, life, limb, property or health, the city may, upon the city administrator's authorization, cause the conditions to be immediately abated and remedied by the city.

B. The authorized official, upon presentation of proper credentials or identification, in the case of an occupied building or premises, or possession of the credentials in the case of an unoccupied building or premises, may enter into any building or premises within the city for the purposes of immediately abating any condition of nuisance that poses an imminent danger of loss of, or damage or injury to, life, limb, property or health.

C. Notice of the abatement by the city shall be given within five (5) days after the abatement and according to the procedures detailed in Section 6.08.050, except that the notice shall additionally explain that the property contained hazards requiring immediate remedy, that the property has already been cleaned, and that the property owner has ten (10) days from the date of the notice to petition the city's assessment against the property of costs for the abatement.

Section 3: If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4: The repeal or modification of any provision of Manitou Springs Municipal Code by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 5: This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 6: This ordinance shall take effect five (5) days after final approval and publication.

Passed on First Reading and Ordered Published this 16th day of April 2013.

/s/ Donna Kast
City Clerk

A Public Hearing will be held at the May 7, 2013 City Council meeting. The Council Meeting will be held at 7:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published April 18, 2013 (in full)
City's Official Website and City Hall

Passed on Second Reading and Ordered Published this 7th day of May 2013.

Approved: /s/ Marc A. Snyder
Mayor and City Council

Attest: /s/ Donna Kast
City Clerk

Published May 9, 2013 (in full)
City's Official Website and City Hall