SUMMARY MEMORADUM

TO: El Paso County Board of County Commissioners

FROM: Office of the County Attorney and Planning and Community Development

DATE: November 12, 2026

RE: File No. LCD 26-005: Ordinance No. 26-02 Requiring the Removal of Weeds and Brush Update of Ordinance Enforcement Procedures and Legal Remedies Pursuant to Colorado House Bill 26-1239

Project Description

Second reading of Ordinance No. 26-02: Requiring the Removal of Weeds and Brush, pursuant to C.R.S. § 30-15-401. Ordinance No. 26-02 updates and revises the requirements for enforcement procedures and legal remedies pursuant to Colorado House Bill 26-1239 and complies with State of Colorado requirements; repealing and replacing Ordinance No. 18-01. The first reading of Ordinance No. 26-02 was accepted by the Board of County Commissioners on October 22, 2026.

BACKGROUND

Effective August 12, 2026, Colorado House Bill 26-1239 updates and expands county enforcement authority regarding ordinance violations and available legal remedies to county courts. This legislation removes outdated statutory constraints and modernizes county court authority to address ordinance violations by establishing updated enforcement tools and eliminating legacy limitations that previously hindered local action. This ordinance does not require recommendation for approval by the Planning Commission but is subject to a first and second reading by the Board of County Commissioners.

The new legislation results in minimal changes to the internal enforcement procedures outlined in the ordinance. Most notable changes include:

- Clarifying that issuance of a notice of violation must be based on personal knowledge of a violation and competent evidence acquired during a reasonable investigation.
- Requiring the enforcement authority of the County to be added to notices of violation.

The authority of the courts is most impacted by HB 26-1239. The most notable changes include:

- Under the new statute, county courts are authorized to issue injunctions and enforcement orders.
- Establishment of statewide civil penalty structure with court ordered penalties up to $2,650 a day.
- Detailed statutory process for verified complaints, hearings, service, default judgements, and abatement orders.
- Alternative service methods such as posting and certified mail are acceptable if personal service is unsuccessful.
- Courts may enter default judgements if property owners fail to appear after proper service.

To comply with C.R.S. § 30-15-401, adoption Ordinance No. 26-02 is required.

ATTACHMENTS

Redlines of Ordinance No. 18-01 Requiring the Removal of Weeds and Brush

Clean version of Ordinance No. 26-02 Requiring the Removal of Weeds and Brush

Colorado House Bill 26-1239

~~EL PASO COUNTY~~
~~STATE OF COLORADO~~

~~EL PASO~~ ORDINANCE NO. ~~18-01~~ 26-02

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

ORDINANCE REQUIRING THE REMOVAL OF WEEDS AND BRUSH

WHEREAS, pursuant to ~~Section~~ C.R.S. § 30-15-401, ~~C.R.S.,~~ the Board of County Commissioners of El Paso County, Colorado ("Board") has the general enabling power to adopt ordinances for the control or licensing of those matters of purely local concern, and to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease; and

WHEREAS, C.R.S. § ~~Section~~ 30-15-401(1)(a)(I.5), ~~C.R.S., as amended by House Bill 13-1137,~~ specifically authorizes the adoption of ordinances and regulations to compel the removal of weeds and brush from property including lots, parcels, and tracts of land, except agricultural land currently in agricultural use as the term is defined in C.R.S. §~~Section~~ 39-1-102(1.6) ~~C.R.S.~~, within the unincorporated areas of El Paso County; and

WHEREAS, the Board has previously enacted Ordinance No. 18-01 requiring the removal of weeds and brush; and

WHEREAS, the Board has determined that changes to the ordinance are necessary in order to make its enforcement more efficient, effective, and timely~~,~~; and comply with Colorado House Bill 26-1239; and

WHEREAS, it is the opinion of the Board that in order to preserve the public health, safety and welfare of the citizens of El Paso County, the Board should take the following action.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of El Paso County, Colorado:

Section 1: Purpose.

The purpose of this Ordinance is to protect the public health, safety, and welfare of the citizens and residents of El Paso County, Colorado, by eliminating and controlling, to the extent possible, the growth and proliferation of weeds and brush within the county, which if not eliminated or controlled, can result in negative visual impact, incompatibility with existing land uses, fire hazards, traffic hazards, the clogging of drainage ways, obstruction of public access ways, alleys, and sidewalks, and other detrimental health and safety impacts.

Section 2: Authority and Effect.

2.1 This Ordinance is authorized pursuant to, inter alia, C.R.S. §§ 30-11-101, et seq., §§ 30-15-401, et seq., and §§ 29-20-101, et. seq.

2.2 Ordinance ~~06-03~~ No. 18-01, enacted ~~April 2, 2007,~~ November 21, 2017, is hereby repealed and replaced in whole by this Ordinance.

2.3 Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions undertaken by the County pursuant to previous regulations, provided that the violation is also a violation of this Ordinance.

Section 3: Applicability.

3.1 This Ordinance shall apply throughout the unincorporated area of El Paso County.

3.2 This Ordinance shall apply within the corporate limits of any incorporated town or city within El Paso County which elects by appropriate ordinance or resolution to have the provisions of this Ordinance apply therein and which enters into an intergovernmental agreement with El Paso County relating thereto.

3.3 This Ordinance shall apply only to residential property, lots, parcels, or tracts of less than two and one-half (2.5) acres.

3.4 This Ordinance shall not apply to property, lots and tracts of agricultural land currently in agricultural use as the term agricultural land is defined in C.R.S. §~~Section~~ 39-1-102(1.6). ~~C.R.S.~~

~~3.5. The County shall not compel the removal of weeds and brush upon any, lot or tract of land within the County during the time that a mortgage or deed of trust secured by the ,lot or tract of land is being foreclosed upon.~~

Section 4: Definitions.

Agricultural Land: any parcel of land presently classified as agricultural use by the El Paso County Assessor's Office, as defined and subject to the restrictions contained in C.R.S. § 39-1-102(1.6).

Alleged Violator: the owner of record, whether person, partnership, firm, corporation, governmental agency or other association of persons, any authorized agent or representative of the owner of record and any occupant of the premises or property upon which there is competent evidence to believe a violation of this Ordinance exists or has occurred.

Board: the Board of County Commissioners of El Paso County, Colorado.

County: the unincorporated areas of El Paso County, and the corporate limits of any incorporated town or city within El Paso County which elects by appropriate ordinance or resolution to have the provisions of this Ordinance apply therein and which enters into an intergovernmental agreement with El Paso County relating thereto.

Director: the Executive Director of the El Paso County Planning and Community Development Department ("PCD"), or his or her authorized designee.

~~**Owner:** the owner of record, whether person, partnership, firm, corporation, governmental agency, legal entity or other association of persons, or any authorized agent or representative of the owner of record, and any occupant of the premises or property.~~

Residential: zoned and/or used for residential purposes.

Weeds and Brush: any plant which:

a. ordinarily grows without cultivation;

b. is not grown for the purpose of landscaping or food production; and

c. attains a growth of nine inches (9") in or more in height, or grows or accumulates so as to become a fire, traffic, pedestrian, or other public health or safety hazard.

Weeds and Brush shall also include any vegetation that is growing in such locations that it obscures, obstructs, or otherwise impedes pedestrian or vehicular traffic along public access ways or that obscures, obstructs, or otherwise impedes sight vision along such public access ways, to the detriment of public health or safety.

Section 5: Unlawful Acts.

It shall be unlawful for any ~~owner~~ alleged violator to allow the accumulation and/or outgrowth of weeds and brush on any residential lot, parcel, or tract of land of less than two and one-half (2.5) acres, except agricultural land currently in agricultural use as the term agricultural land is defined in C.R.S. §~~Section~~ 39-1-102(1.6)~~, C.R.S.~~, within the County under such ~~owner's~~ alleged violator's control, possession, or ownership, or upon any alley~~, or~~ sidewalk, or public right of way immediately adjacent to such residential property, lot, parcel, or tract.

Section 6: Notice of Violation and Executive Determination.

6.1 A written notice of violation shall be issued by the Director or their designee based on personal knowledge of any violation and competent evidence acquired during a reasonable investigation. The notice shall be sent via first class mail to the alleged violator's mailing address as listed in the records of the El Paso County Assessor's Office and to the mailing address of the subject property, if one exists. ~~If probable cause exists, to believe that a violation of this Ordinance has occurred, a notice of violation shall be sent via first class mail to the owner's mailing address as listed in the records of the El Paso County Assessor's Office and to the mailing address of the property in question, if one exists.~~

6.2 The notice of violation shall specifically describe the nature of the violation, require the violation to be corrected within fourteen (14) calendar days after the date of the notice, and provide that the alleged violator may request additional time to correct the violation. The notice of violation may require that the violation be corrected within a period of time less than 14 days if the Director determines, in his or her sole discretion, that the violation presents an immediate risk to public health, safety, or welfare. The notice shall provide the remedies of the county under

Section 8, 9, 10, or 11 of this Ordinance, including any potential liens related to abatement costs. ~~The notice of violation shall specifically describe the nature of the violation and shall require that the violation be corrected within fourteen (14) calendar days after the date of the notice. The notice of violation may require that the violation be corrected within a period of time less than fourteen (14) days if the Director determines, in his or her sole discretion, that the violation presents an immediate risk to the public health, safety, or welfare.~~

~~6.3 The notice of violation shall provide that the owner may request additional time to correct the violation.~~

6.3~~4~~ If the violation is not corrected within the time period established in the notice of violation or approved extension of time, the Director may issue an executive determination to the ~~owner~~ alleged violator authorizing the County Attorney's Office to pursue remedies under Sections 9, 10, or 11 of this Ordinance, subject to appeal as set below

6.4~~5~~ ~~The Director shall mail the executive determination to the owner in the same manner as the notice of violation. The executive determination shall specify the nature of the violation and provide ten (10) calendar days from the date of the executive determination for the owner to request an appeal, at no cost to the alleged violator, to the Board prior to the County Attorney's Office pursuing remedies under Sections 9, 10, or 11 of this Ordinance.~~ The executive determination shall be mailed to the alleged violator in the same manner as the notice of violation. The executive determination shall specifically include a description of the violation, the remedies under Sections 8, 9, 10, or 11 of this Ordinance, and provide 10 ten days after the date of the executive determination for the alleged violator to request an appeal, at no cost to the alleged violator.

6.4~~5~~.1 The executive determination shall state that the ~~owner~~ alleged violator may appeal the Director's decision to the Board. The ~~owner~~ alleged violator must submit an appeal in writing to the Director. Any written appeal must be received by the Director within ten (10) calendar days after the date of the executive determination. Any such appeals received beyond ten (10) calendar days shall be deemed untimely.

6.4~~5~~.2 If no appeal is received within ten (10) calendar days after the date of the Director's executive determination, then the Director's executive determination shall be final and the County Attorney's Office may proceed

with litigation to seek remedies pursuant to Section 8, 9, 10, or 11 of this Ordinance.

Section 7: Appeal Hearing.

7.1 If the Director receives a timely appeal of his or her executive determination as set forth in Section 6, then the Director shall place the matter on the Board's next available land- -use hearing agenda which meets the requirements of Section 7.2 below.

7.2 The ~~owner~~ alleged violator shall be notified of the date, time, and place of the hearing via first class mail to the ~~owner's~~ alleged violator's mailing address as listed in the records of the El Paso County Assessor's Office and to the mailing address of the subject property, if one exists, no less than five (5) calendar days prior to the hearing.

7.3 At the hearing, the ~~owner~~ alleged violator shall have the opportunity to present evidence and testimony to show cause why further enforcement action should not be taken. The Board shall consider all such evidence and testimony, along with any presentation, evidence, or testimony offered by the Planning and Community Development Department or other County staff, in reaching its decision to affirm or overturn the decision to issue the executive determination.

7.4 At the conclusion of the appeal hearing, the Board may decide to overturn the decision to issue the executive determination or may affirm the decision and instruct the Director to proceed with one or more of the ~~enforcement mechanisms~~ remedies provided in Sections 8, 9, 10, and/or 11 ~~below~~of this Ordinance.

7.5 The Appeal Hearing shall not be considered a quasi-judicial or legislative action or matter under any circumstances.

Section 8: Criminal Prosecution.

8.1 Only the Board may authorize the initiation of a criminal prosecution for violations of this Ordinance in the County Court.

8.2 County C~~c~~ode E~~e~~nforcement O~~o~~fficers shall have the authority to issue citations or summonses and complaints for the purpose of enforcing this Ordinance.

8.3 Any person who violates this Ordinance commits a civil infraction ~~class 2 petty offense~~ punishable pursuant to C.R.S. § 30-15-402, and upon conviction thereof, shall be punished by a fine of two hundred and fifty dollars ($250) for the first offense, five hundred dollars ($500) for the second offense, and one thousand dollars ($1,000) for the third and subsequent offenses. This graduated fine schedule shall apply to repeat offenses committed by the same ~~owner~~ alleged violator with respect to the same lot, parcel, or tract of land.

8.4 The penalty assessment procedure provided in C.R.S. § 16-2-201 shall be followed in enforcing this Ordinance.

8.5 All fines and forfeitures collected by the court for the violation of this Ordinance shall be paid to the El Paso County Treasurer within thirty (30) days of receipt and shall be deposited into the General Fund of the County.

8.6 In addition to the penalties prescribed in Section 8.3 of this Ordinance, persons convicted of a violation of this Ordinance are subject to a surcharge in an amount fixed by statute that shall be paid to the clerk of the court by the defendant, as provided by C.R.S. § 30-15-402 (2)(a).

Section 9: Civil Injunction and Penalties.

The Board, or the Director through an executive determination, may refer violations of this Ordinance to the County Attorney's Office for the institution of an injunction, mandamus, abatement, civil penalties, or other appropriate action to prevent, enjoin, abate, or remove a violation as provided by C.R.S. § 30-15-401 (2)(d)(I),(II),(IV),(V), and (VI).

Section 10: County Removal of Weeds and Brush.

10.1 The Board, or the Director through an executive determination, may refer violations of this Ordinance to the County Attorney's Office for application to the courts for an administrative entry and seizure warrant for the removal of the weeds and brush pursuant to Section 11 of this Ordinance.

10.2 Upon obtaining an administrative entry and seizure warrant, the Director shall have the authority to remove the weeds and brush by and through County forces, contract, or otherwise. If the ~~owner~~ alleged violator fails to pay the cost of removal within ten (10) days after the Director mails an invoice for such cost, the whole cost

thereof, including ten percent (10%) for inspection and incidental costs in connection therewith, may be assessed upon the property, lots, parcels, and tracts from which such weeds and brush has been removed. Any assessment pursuant to this subsection 10.2 shall be a lien against such property, lot, parcel, or tract of land until paid and shall have priority based upon its date of recording

10.3 In case the assessment prescribed in subsection 10.2 above is not paid within thirty (30) calendar days from the date of removal of such weeds and brush by El Paso County, such assessment may be certified to the El Paso County Treasurer, who shall collect the assessment, together with a ten percent (10%) penalty for the cost of collection, in the same manner as other taxes are collected. The laws of the State of Colorado for assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes, shall apply to the collection of assessments pursuant to this subsection 10.3.

Section 11: Administrative Entry and Seizure Warrant.

11.1 No entry upon private property for the purpose of weeds and brush removal shall be made until an administrative entry and seizure warrant has been obtained from a court of competent jurisdiction.

11.2 A sworn or affirmed affidavit shall be prepared and submitted to the court which shall establish the factual basis for the warrant, including a ~~reasonably specific~~ description of the location of the property, a general list ~~or site plan~~ describing the weeds and brush to be removed from the property based on competent evidence acquired during a reasonable investigation, evidence that the ~~owner~~ alleged violator has received a notice of the violation and has failed to remove the weeds and brush within a reasonable prescribed period of time, and the proposed method of disposal of such weeds and brush. Said affidavit shall be accompanied by a copy of this Ordinance.

11.3 Within ~~ten (10)~~ thirty (30) calendar days following the date of issuance of an administrative entry and seizure warrant, ~~such warrant shall be executed in~~ the executing authority shall execute the warrant in accordance with directions by the issuing court, provide or mail first class a copy of such issued warrant ~~shall be provided or mailed first class~~ to the ~~owner~~ alleged violator, and submit to the Court ~~and~~ proof of the execution of ~~such~~ the warrant. ~~shall be submitted to the issuing court.~~

Section 12: Safety Clause.

The Board hereby finds, determines, and declares that this Ordinance is necessary for the health, safety, and welfare of the citizens of El Paso County, Colorado.

Section 13: Severability Clause.

If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be invalid, such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 14: Effective Date.

This Ordinance shall take effect on:

FIRST READING:

INTRODUCED, READ, AND ACCEPTED ON FIRST READING on _____, 2026, and ordered and published in the Colorado Springs Gazette.

ATTEST:

By: _____
Steve Schleiker
Clerk and Recorder

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By:_____
Carrie Geitner
Chair

SECOND READING:

INTRODUCED, READ, AND ADOPTED ON SECOND READING on _____, 2026, and ordered and published by title in the Colorado Springs Gazette.

ATTEST:

By: _____
Steve Schleiker
Clerk and Recorder

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By:_____
Carrie Geitner
Chair

CERTIFICATE OF PUBLICATION AND ADOPTION

I hereby certify that the foregoing Ordinance No. 26-02 was introduced, read, and accepted on the first reading at the regular meeting of the Board of County Commissioners of the County of El Paso on _____, 2026, and it was published ~~by reference to title only~~ in the Colorado Springs Gazette, a newspaper of general circulation published in El Paso County on _____, 2026. Ordinance No. 26-02 was adopted on the second and final reading at a regular meeting of the Board of County Commissioners of the County of El Paso on _____, 2026. Said Ordinance was published ~~by reference to title~~ on _____, 2026.

By: _____
Clerk to the Board
Clerk and Recorder's Office
El Paso County, Colorado

STATE OF COLORADO)
) SS.
COUNTY OF EL PASO)

Subscribed and sworn to before me this _____ day of _____, 2026.

_____
Notary Public

Commission expires: _____

ORDINANCE NO. 26-02

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

ORDINANCE REQUIRING THE REMOVAL OF WEEDS AND BRUSH

PLEASE NOTE: First Reading of Ordinance No. 26-02 was held on _____, and was published in the Colorado Springs Gazette on _____, and_____, and this Ordinance No. 26-02 will become effective thirty (30) days from publication of the Title.

ORDINANCE NO. 26-02

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

ORDINANCE REQUIRING THE REMOVAL OF WEEDS AND BRUSH

WHEREAS, pursuant to C.R.S. § 30-15-401, the Board of County Commissioners of El Paso County, Colorado ("Board") has the general enabling power to adopt ordinances for the control or licensing of those matters of purely local concern, and to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease; and

WHEREAS, C.R.S. § 30-15-401(1)(a)(I.5), specifically authorizes the adoption of ordinances and regulations to compel the removal of weeds and brush from property including lots, parcels, and tracts of land, except agricultural land currently in agricultural use as the term is defined in C.R.S. § 39-1-102(1.6) within the unincorporated areas of El Paso County; and

WHEREAS, the Board has previously enacted Ordinance No. 18-01 requiring the removal of weeds and brush; and

WHEREAS, the Board has determined that changes to the ordinance are necessary in order to make its enforcement more efficient, effective, and timely, and comply with Colorado House Bill 26-1239; and

WHEREAS, it is the opinion of the Board that in order to preserve public health, safety and welfare of the citizens of El Paso County, the Board should take the following action.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of El Paso County, Colorado:

Section 1: <u>Purpose.</u>

The purpose of this Ordinance is to protect public health, safety, and welfare of the citizens and residents of El Paso County, Colorado, by eliminating and controlling, to the extent possible, the growth and proliferation of weeds and brush within the

county, which if not eliminated or controlled, can result in negative visual impact, incompatibility with existing land uses, fire hazards, traffic hazards, the clogging of drainage ways, obstruction of public access ways, alleys, and sidewalks, and other detrimental health and safety impacts.

Section 2: Authority and Effect.

2.1 This Ordinance is authorized pursuant to, inter alia, C.R.S. §§ 30-11-101, et seq., §§ 30-15-401, et seq., and §§ 29-20-101, et. seq.

2.2 Ordinance No. 18-01, enacted November 21, 2017, is hereby repealed and replaced in whole by this Ordinance.

2.3 Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions undertaken by the County pursuant to previous regulations, provided that the violation is also a violation of this Ordinance.

Section 3: Applicability.

3.1 This Ordinance shall apply throughout the unincorporated area of El Paso County.

3.2 This Ordinance shall apply within the corporate limits of any incorporated town or city within El Paso County which elects by appropriate ordinance or resolution to have the provisions of this Ordinance apply therein and which enters into an intergovernmental agreement with El Paso County relating thereto.

3.3 This Ordinance shall apply only to residential property, lots, parcels, or tracts of less than two and one-half (2.5) acres.

3.4 This Ordinance shall not apply to property, lots and tracts of agricultural land currently in agricultural use as the term agricultural land is defined in C.R.S. § 39-1-102(1.6).

Section 4: Definitions.

Agricultural Land: any parcel of land presently classified as agricultural use by the El Paso County Assessor's Office, as defined and subject to the restrictions contained in C.R.S. § 39-1-102(1.6).

Alleged Violator: the owner of record, whether person, partnership, firm, corporation, governmental agency or other association of persons, any authorized agent or representative of the owner of record and any occupant of the premises or property upon which there is competent evidence to believe a violation of this Ordinance exists or has occurred.

Board: the Board of County Commissioners of El Paso County, Colorado.

County: the unincorporated areas of El Paso County, and the corporate limits of any incorporated town or city within El Paso County which elects by appropriate ordinance or resolution to have the provisions of this Ordinance apply therein and which enters into an intergovernmental agreement with El Paso County relating thereto.

Director: the Executive Director of the El Paso County Planning and Community Development Department ("PCD"), or his or her authorized designee.

Residential: zoned and/or used for residential purposes.

Weeds and Brush: any plant which:

a. ordinarily grows without cultivation;

b. is not grown for the purpose of landscaping or food production; and

c. attains a growth of nine inches (9") in or more in height, or grows or accumulates so as to become a fire, traffic, pedestrian, or other public health or safety hazard.

Weeds and Brush shall also include any vegetation that is growing in such locations that it obscures, obstructs, or otherwise impedes pedestrian or vehicular traffic along public access ways or that obscures, obstructs, or otherwise impedes sight vision along such public access ways, to the detriment of public health or safety.

Section 5: <u>Unlawful Acts.</u>

It shall be unlawful for any alleged violator to allow the accumulation and/or outgrowth of weeds and brush on any residential lot, parcel, or tract of land of less than two and one-half (2.5) acres, except agricultural land currently in agricultural

use as the term agricultural land is defined in C.R.S. § 39-1-102(1.6), within the County under such alleged violator's control, possession, or ownership, or upon any alley, sidewalk, or public right of way immediately adjacent to such residential property, lot, parcel, or tract.

Section 6: Notice of Violation and Executive Determination.

6.1 A written notice of violation shall be issued by the Director or their designee based on personal knowledge of any violation and competent evidence acquired during a reasonable investigation. The notice shall be sent via first class mail to the alleged violator's mailing address as listed in the records of the El Paso County Assessor's Office and to the mailing address of the subject property, if one exists.

6.2 The notice of violation shall specifically describe the nature of the violation, require the violation to be corrected within fourteen (14) calendar days after the date of the notice, and provide that the alleged violator may request additional time to correct the violation. The notice of violation may require that the violation be corrected within a period of time less than 14 days if the Director determines, in his or her sole discretion, that the violation presents an immediate risk to public health, safety, or welfare. The notice shall provide the remedies of the county under Section 8, 9, 10, or 11 of this Ordinance, including any potential liens related to abatement costs.

6.3 If the violation is not corrected within the time period established in the notice of violation or approved extension of time, the Director may issue an executive determination to the alleged violator authorizing the County Attorney's Office to pursue remedies under Sections 9, 10, or 11 of this Ordinance, subject to appeal as set below

6.4 The executive determination shall be mailed to the alleged violator in the same manner as the notice of violation. The executive determination shall specifically include a description of the violation, the remedies under Sections 8, 9, 10, or 11 of this Ordinance, and provide 10 ten days after the date of the executive determination for the alleged violator to request an appeal, at no cost to the alleged violator.

6.4.1 The executive determination shall state that the alleged violator may appeal the Director's decision to the Board. The alleged violator must submit an appeal in writing to the Director. Any written appeal must be received by

the Director within ten (10) calendar days after the date of the executive determination. Any such appeals received beyond ten (10) calendar days shall be deemed untimely.

6.4.2 If no appeal is received within ten (10) calendar days after the date of the Director's executive determination, then the Director's executive determination shall be final and the County Attorney's Office may proceed with litigation to seek remedies pursuant to Section 8, 9, 10, or 11 of this Ordinance.

Section 7: Appeal Hearing.

7.1 If the Director receives a timely appeal of his or her executive determination as set forth in Section 6, then the Director shall place the matter on the Board's next available land-use hearing agenda which meets the requirements of Section 7.2 below.

7.2 The alleged violator shall be notified of the date, time, and place of the hearing via first class mail to the alleged violator's mailing address as listed in the records of the El Paso County Assessor's Office and to the mailing address of the subject property, if one exists, no less than five (5) calendar days prior to the hearing.

7.3 At the hearing, the alleged violator shall have the opportunity to present evidence and testimony to show-cause why further enforcement action should not be taken. The Board shall consider all such evidence and testimony, along with any presentation, evidence, or testimony offered by the Planning and Community Development Department or other County staff, in reaching its decision to affirm or overturn the decision to issue the executive determination.

7.4 At the conclusion of the appeal hearing, the Board may decide to overturn the decision to issue the executive determination or may affirm the decision and instruct the Director to proceed with one or more of the remedies provided in Sections 8, 9, 10, and/or 11 of this Ordinance.

7.5 The Appeal Hearing shall not be considered a quasi-judicial or legislative action or matter under any circumstances.

Section 8: Criminal Prosecution.

8.1 Only the Board may authorize the initiation of a criminal prosecution for violations of this Ordinance in the County Court.

8.2 County Code Enforcement Officers shall have the authority to issue citations or summonses and complaints for the purpose of enforcing this Ordinance.

8.3 Any person who violates this Ordinance commits a civil infraction punishable pursuant to C.R.S. § 30-15-402, and upon conviction thereof, shall be punished by a fine of two hundred and fifty dollars ($250) for the first offense, five hundred dollars ($500) for the second offense, and one thousand dollars ($1,000) for the third and subsequent offenses. This graduated fine schedule shall apply to repeat offenses committed by the same alleged violator with respect to the same lot, parcel, or tract of land.

8.4 The penalty assessment procedure provided in C.R.S. § 16-2-201 shall be followed in enforcing this Ordinance.

8.5 All fines and forfeitures collected by the court for the violation of this Ordinance shall be paid to the El Paso County Treasurer within thirty (30) days of receipt and shall be deposited into the General Fund of the County.

8.6 In addition to the penalties prescribed in Section 8.3 of this Ordinance, persons convicted of a violation of this Ordinance are subject to a surcharge in an amount fixed by statute that shall be paid to the clerk of the court by the defendant, as provided by C.R.S. § 30-15-402 (2)(a).

Section 9: Civil Injunction and Penalties.

The Board, or the Director through an executive determination, may refer violations of this Ordinance to the County Attorney's Office for the institution of an injunction, mandamus, abatement, civil penalties, or other appropriate action to prevent, enjoin, abate, or remove a violation as provided by C.R.S. § 30-15-401 (2)(d)(I),(II),(IV),(V), and (VI).

Section 10: County Removal of Weeds and Brush.

10.1 The Board, or the Director through an executive determination, may refer violations of this Ordinance to the County Attorney's Office for application to the

courts for an administrative entry and seizure warrant for the removal of the weeds and brush pursuant to Section 11 of this Ordinance.

10.2 Upon obtaining an administrative entry and seizure warrant, the Director shall have the authority to remove the weeds and brush by and through County forces, contract, or otherwise. If the alleged violator fails to pay the cost of removal within ten (10) days after the Director mails an invoice for such cost, the whole cost thereof, including ten percent (10%) for inspection and incidental costs in connection therewith, may be assessed upon the property, lots, parcels, and tracts from which such weeds and brush has been removed. Any assessment pursuant to this subsection 10.2 shall be a lien against such property, lot, parcel, or tract of land until paid and shall have priority based upon its date of recording

10.3 In case the assessment prescribed in subsection 10.2 above is not paid within thirty (30) calendar days from the date of removal of such weeds and brush by El Paso County, such assessment may be certified to the El Paso County Treasurer, who shall collect the assessment, together with a ten percent (10%) penalty for the cost of collection, in the same manner as other taxes are collected. The laws of the State of Colorado for assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes, shall apply to the collection of assessments pursuant to this subsection 10.3.

Section 11: <u>Administrative Entry and Seizure Warrant.</u>

11.1 No entry upon private property for the purpose of weeds and brush removal shall be made until an administrative entry and seizure warrant has been obtained from a court of competent jurisdiction.

11.2 A sworn or affirmed affidavit shall be prepared and submitted to the court which shall establish the factual basis for the warrant, including a description of the location of the property, a general list describing the weeds and brush to be removed from the property based on competent evidence acquired during a reasonable investigation, evidence that the alleged violator has received a notice of the violation and has failed to remove the weeds and brush within a reasonable prescribed period of time, and the proposed method of disposal of such weeds and brush. Said affidavit shall be accompanied by a copy of this Ordinance.

11.3 Within thirty (30) calendar days following the date of issuance of an administrative entry and seizure warrant, the executing authority shall execute the

warrant in accordance with directions by the issuing court, provide or mail first class a copy of such issued warrant to the alleged violator, and submit to the Court proof of the execution of the warrant.

Section 12: Safety Clause.

The Board hereby finds, determines, and declares that this Ordinance is necessary for the health, safety, and welfare of the citizens of El Paso County, Colorado.

Section 13: Severability Clause.

If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be invalid, such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 14: Effective Date.

This Ordinance shall take effect on:

FIRST READING:

INTRODUCED, READ, AND ACCEPTED ON FIRST READING on _____, 2026, and ordered and published in the Colorado Springs Gazette.

ATTEST:

By: _____
Steve Schleiker
Clerk and Recorder

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By:_____
Carrie Geitner
Chair

SECOND READING:

INTRODUCED, READ, AND ADOPTED ON SECOND READING on _____, 2026, and ordered and published by title in the Colorado Springs Gazette.

ATTEST:

By: _____
Steve Schleiker
Clerk and Recorder

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By:_____
Carrie Geitner
Chair

CERTIFICATE OF PUBLICATION AND ADOPTION

I hereby certify that the foregoing Ordinance No. 26-02 was introduced, read, and accepted on the first reading at the regular meeting of the Board of County Commissioners of the County of El Paso on _____, 2026, and it was published in the Colorado Springs Gazette, a newspaper of general circulation published in El Paso County on _____, 2026. Ordinance No. 26-02 was adopted on the second and final reading at a regular meeting of the Board of County Commissioners of the County of El Paso on _____, 2026. Said Ordinance was published on _____, 2026.

By: _____
Clerk to the Board
Clerk and Recorder's Office
El Paso County, Colorado

STATE OF COLORADO)
) SS.
COUNTY OF EL PASO)

Subscribed and sworn to before me this _____ day of _____, 2026.

_____
Notary Public

Commission expires: _____

ORDINANCE NO. 26-02

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

ORDINANCE REQUIRING THE REMOVAL OF WEEDS AND BRUSH

PLEASE NOTE: First Reading of Ordinance No. 26-02 was held on _____, and was published in the Colorado Springs Gazette on _____, and_____, and this Ordinance No. 26-02 will become effective thirty (30) days from publication of the Title.



HOUSE BILL 26-1239

BY REPRESENTATIVE(S) Goldstein and Richardson, Bacon, Hamrick, Nguyen, Phillips, Stewart K., McCluskie, Paschal, Ricks;
also SENATOR(S) Mullica, Marchman, Roberts, Coleman.

CONCERNING MODIFICATIONS TO A COUNTY'S ENFORCEMENT AUTHORITY IN CONNECTION WITH PROPERTY IN THE COUNTY.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 13-6-105, **amend** (1) introductory portion and (1)(f)(II); and **add** (1)(f)(II.5) as follows:

13-6-105. Specific limits on civil jurisdiction.

(1) The county court has no civil jurisdiction except THE JURISDICTION that IS specifically conferred upon it by law. In particular, ~~it~~ THE COUNTY COURT has no jurisdiction over the following matters:

(f) Original proceedings for the issuance of injunctions, except:

(II) As required to enforce restrictive covenants on residential property and to enforce section 6-1-702.5; ~~and~~

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(II.5) AS PROVIDED IN SECTIONS 30-15-401, 30-28-124, AND 30-28-209; AND

SECTION 2. In Colorado Revised Statutes, 30-15-401, **amend** (1) introductory portion, (1)(a)(I), (1)(a)(I.5)(A), (1)(a)(I.5)(C), and (1)(q); and **add** (2)(d) as follows:

30-15-401. General regulations - definitions.

(1) In addition to ~~those~~ THE powers granted by sections 30-11-101 and 30-11-107 and by parts 1, 2, and 3 of this article 15, the board of county commissioners may adopt ordinances for control or licensing of ~~those~~ matters THAT ARE of purely local concern AND that are described in the following enumerated powers:

(a) (I) (A) To provide for and compel the removal of rubbish, including trash, junk, and garbage, from ~~lots and tracts of land~~ PROPERTY within the county except ~~industrial tracts of ten or more acres and~~ agricultural land currently in agricultural use as the term agricultural land is defined in section 39-1-102 (1.6), ~~C.R.S.,~~ and from ~~the alleys behind and from the sidewalk areas in front of such property at such time~~ ANY PUBLIC RIGHT OF WAY IMMEDIATELY ADJACENT TO THE PROPERTY TO THE EXTENT THE CONDITION IS CAUSED BY THE PROPERTY OWNER OR OCCUPANT OR ORIGINATES FROM THE PROPERTY, upon such notice, and in such manner as the board of county commissioners may prescribe by ordinance, including removal performed by the county upon notice to and failure of the property owner to remove ~~such~~ THE rubbish, and to assess the reasonable cost ~~thereof~~ OF THE REMOVAL OF THE RUBBISH, including ~~five~~ TEN percent for inspection and other incidental costs in connection ~~therewith~~ WITH THE COST OF THE COUNTY'S REMOVAL OF THE RUBBISH, upon the ~~lots and tracts~~ PROPERTY from which ~~such~~ THE COUNTY HAS REMOVED THE rubbish. ~~has been removed~~ Ordinances passed by a board of county commissioners for the removal of rubbish pursuant to this ~~sub-subparagraph (A) shall~~ SUBSECTION (1)(a)(I)(A) MUST include provisions for applying for and exercising an administrative entry and seizure warrant issued by a county or district court ~~having~~ THAT HAS jurisdiction over the property from which THE COUNTY WILL REMOVE THE rubbish. ~~shall be removed.~~ Any assessment pursuant to this ~~sub-subparagraph (A) shall be~~ SUBSECTION (1)(a)(I)(A) IS a lien against ~~such lot or tract of land~~ THE PROPERTY until paid and ~~shall have~~ HAS priority

over all other liens except general taxes and prior special assessments. In A case ~~such~~ WHEN THE assessment is not paid within a reasonable time AS specified by ordinance, ~~it may be certified by~~ the clerk AND RECORDER OR COUNTY ATTORNEY MAY CERTIFY THE NONPAYMENT to the county treasurer, who shall collect the assessment, together with a ten percent penalty for the cost of collection, in the same manner as other taxes are collected. The laws of this state for assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes, ~~shall~~ apply to the collection of assessments BY THE COUNTY TREASURER pursuant to this ~~sub-subparagraph (A)~~ SUBSECTION (1)(a)(I)(A).

(B) A county court or district court ~~having~~ THAT HAS jurisdiction over property from which THE COUNTY WILL REMOVE rubbish ~~shall be removed~~ pursuant to the ordinances authorized by ~~sub-subparagraph (A) of this subparagraph (I)~~ SUBSECTION (1)(a)(I)(A) OF THIS SECTION shall issue an administrative entry and seizure warrant for the COUNTY'S removal of ~~such~~ THE rubbish. ~~Such~~ THE COURT SHALL ISSUE THE warrant ~~shall be issued~~ upon A COUNTY'S presentation ~~by a county~~ TO THE COURT of ordinance provisions ~~which~~ THAT meet the requirements of ~~sub-subparagraph (A) of this subparagraph (I)~~ SUBSECTION (1)(a)(I)(A) OF THIS SECTION and a sworn or affirmed affidavit stating the factual basis for ~~such~~ THE warrant, evidence that the property owner has received notice of the violation and has failed to remove the rubbish within a reasonable prescribed period, ~~of time~~ a general description of the location of the property ~~which~~ THAT is the subject of the warrant, a general list of any rubbish to be removed from ~~such~~ THE property, and the proposed disposal or temporary impoundment of ~~such~~ THE rubbish, whichever the court deems appropriate. Within ~~ten~~ THIRTY days following the date of THE COURT'S issuance of an administrative entry and seizure warrant pursuant to ~~the provisions of~~ this ~~sub-subparagraph (B), such~~ SUBSECTION (1)(a)(I)(B), THE EXECUTING AUTHORITY SHALL EXECUTE THE warrant ~~shall be executed~~ in accordance with THE ISSUING COURT'S directions, ~~by the issuing court,~~ PROVIDE OR MAIL a copy of ~~such~~ THE issued warrant ~~shall be provided or mailed~~ to the property owner, and SUBMIT TO THE COURT proof of the execution of ~~such~~ THE warrant, including a written inventory of any property impounded by the executing authority. ~~shall be submitted to the court by the executing authority.~~

(I.5) (A) To provide for and compel the removal of weeds and brush from ~~lots and tracts of land~~ PROPERTY within the county except agricultural land currently in agricultural use as the term agricultural land is defined in

section 39-1-102 (1.6), ~~C.R.S.,~~ and from ~~the alleys behind and from the sidewalk areas in front of such property at such time,~~ ANY PUBLIC RIGHT OF WAY IMMEDIATELY ADJACENT TO THE PROPERTY TO THE EXTENT THE CONDITION IS CAUSED BY THE PROPERTY OWNER OR OCCUPANT OR ORIGINATES FROM THE PROPERTY, upon such notice, and in such manner as the board of county commissioners may prescribe by ordinance, including removal performed by the county upon notice to and failure of the property owner to remove ~~such~~ THE weeds and brush, and to assess the reasonable cost ~~thereof~~ OF THE REMOVAL OF THE WEEDS AND BRUSH, including ten percent for inspection and other incidental costs in connection ~~therewith~~ WITH THE COUNTY'S REMOVAL OF WEEDS AND BRUSH, upon the property from which ~~such~~ THE COUNTY HAS REMOVED weeds ~~have been removed~~ AND BRUSH. Ordinances passed by a board of county commissioners for the removal of weeds and brush pursuant to this ~~sub-subparagraph (A) shall~~ SUBSECTION (1)(a)(I.5)(A) MUST include provisions for applying for and exercising an administrative entry and seizure warrant issued by a county or district court ~~having~~ THAT HAS jurisdiction over the property from which THE COUNTY WILL REMOVE weeds and brush. ~~shall be removed.~~ Any assessment ASSESSED BY THE COUNTY pursuant to this ~~sub-subparagraph (A) shall be~~ SUBSECTION (1)(a)(I.5)(A) IS a lien against ~~such~~ THE property until paid and ~~shall have~~ HAS priority based on its date of recording. ~~A county shall not compel the removal of weeds and brush pursuant to this sub-subparagraph (A) upon any lot or tract of land within the county during such time that a mortgage or deed of trust secured by the lot or tract of land is being foreclosed upon~~

(C) A county court or district court ~~having~~ THAT HAS jurisdiction over property from which THE COUNTY WILL REMOVE weeds and brush ~~shall be removed~~ pursuant to the ordinances authorized by ~~sub-subparagraph (A) of this subparagraph (I.5)~~ SUBSECTION (1)(a)(I.5)(A) OF THIS SECTION shall issue an administrative entry and seizure warrant for the COUNTY'S removal of ~~such~~ THE weeds and brush. ~~Such~~ THE COURT SHALL ISSUE THE warrant ~~shall be issued~~ upon A COUNTY'S presentation ~~by a county~~ TO THE COURT of ordinance provisions ~~which~~ THAT meet the requirements of ~~sub-subparagraph (A) of this subparagraph (I.5)~~ SUBSECTION (1)(a)(I.5)(A) OF THIS SECTION and a sworn or affirmed affidavit stating the factual basis for ~~such~~ THE warrant, evidence that the property owner has received notice of the violation and has failed to remove the weeds and brush within a reasonable prescribed period, ~~of time~~ a general description of the location of the property ~~which~~ THAT is the subject of the warrant, and the proposed

disposal of ~~such~~ THE weeds and brush. Within ~~ten~~ THIRTY days following the date of THE COURT'S issuance of an administrative entry and seizure warrant pursuant to ~~the provisions of~~ this ~~sub-subparagraph (C) such~~ THIS SUBSECTION (1)(a)(I.5)(C), THE EXECUTING AUTHORITY SHALL EXECUTE THE warrant ~~shall be executed~~ in accordance with directions by the issuing court, PROVIDE OR MAIL a copy of ~~such~~ THE issued warrant ~~shall be provided or mailed~~ to the property owner, and SUBMIT TO THE COURT proof of the execution of ~~such~~ THE warrant. ~~shall be submitted to the court by the executing authority~~

(q) (I) To provide for and compel the removal OR SECURING of any building or structure, except for a building or structure on affected land subject to the "Colorado Mined Land Reclamation Act", as the term "affected land" is defined in ~~section 34-32-103 (1.5), C.R.S.,~~ SECTIONS 34-32-103 (1.5) AND 34-32.5-103 (1), or on lands subject to the "Colorado Surface Coal Mining Reclamation Act", pursuant to article 33 of title 34, ~~C.R.S.,~~ the condition of which presents a substantial danger or hazard to public health, safety, or welfare, or any dilapidated building of whatever kind ~~which~~ THAT is unused by the owner, or uninhabited because of deterioration or decay, which condition constitutes a fire hazard, or subjects adjoining property to danger of damage by storm, soil erosion, or rodent infestation, or ~~which~~ THAT becomes a place frequented by trespassers and transients seeking a temporary hideout or shelter, at such time, upon such notice, and in such manner as the board of county commissioners may prescribe by ordinance, including the removal OR SECURING performed by the county upon notice to and failure of the property owner to remove ~~such~~ OR SECURE THE building or structure, and to assess the whole cost of ~~such~~ THE removal OR SECURING, including incidental costs and a reasonable fee for inspection ~~which fee~~ THAT shall not exceed ~~five~~ TEN percent of the total amount due in connection ~~therewith~~ WITH THE REMOVAL OR SECURING OF THE BUILDING OR STRUCTURE, upon the property from which such building or structure has been removed OR SECURED. ORDINANCES PASSED BY A BOARD OF COUNTY COMMISSIONERS FOR THE REMOVAL OR SECURING OF ANY BUILDING OR STRUCTURE PURSUANT TO THIS SUBSECTION (1)(q)(I) MUST INCLUDE PROVISIONS FOR THE COUNTY APPLYING FOR AND EXERCISING AN ADMINISTRATIVE ENTRY AND SEIZURE WARRANT ISSUED BY A COUNTY OR DISTRICT COURT THAT HAS JURISDICTION OVER THE PROPERTY FROM WHICH THE BUILDING IS REMOVED OR SECURED.

(II) Any assessment pursuant to this ~~paragraph (q) shall be~~

SUBSECTION (1)(q) IS a lien against ~~such~~ THE property until paid. If ~~such~~ THE assessment is not paid within a reasonable time as specified by ordinance, ~~it may be certified by~~ the clerk and recorder OR COUNTY ATTORNEY MAY CERTIFY THE NONPAYMENT to the county treasurer, who shall collect the assessment, together with a ten percent penalty for the cost of collection, in the same manner as other taxes are collected.

(III) A COUNTY COURT OR DISTRICT COURT THAT HAS JURISDICTION OVER PROPERTY FROM WHICH A BUILDING OR STRUCTURE IS REMOVED OR SECURED PURSUANT TO THE ORDINANCES AUTHORIZED BY SUBSECTION (1)(q)(I) OF THIS SECTION SHALL ISSUE AN ADMINISTRATIVE ENTRY AND SEIZURE WARRANT FOR THE REMOVAL OR SECURING OF THE BUILDING OR STRUCTURE. THE COURT SHALL ISSUE THE WARRANT UPON A COUNTY'S PRESENTATION OF ORDINANCE PROVISIONS THAT MEET THE REQUIREMENTS OF THIS SUBSECTION (1)(q)(III) AND A SWORN OR AFFIRMED AFFIDAVIT STATING THE FACTUAL BASIS FOR THE WARRANT, EVIDENCE THAT THE PROPERTY OWNER HAS RECEIVED NOTICE OF THE VIOLATION AND HAS FAILED TO REMOVE OR SECURE THE BUILDING OR STRUCTURE WITHIN A REASONABLE PRESCRIBED TIME, A GENERAL DESCRIPTION OF THE LOCATION OF THE PROPERTY THAT IS THE SUBJECT OF THE WARRANT, A GENERAL DESCRIPTION OF THE BUILDING OR STRUCTURE TO BE REMOVED FROM PROPERTY OR SECURED, AND THE PROPOSED DISPOSAL OR TEMPORARY IMPOUNDMENT OF REMNANTS OF THE BUILDING OR STRUCTURE, WHICHEVER THE COURT DEEMS APPROPRIATE. WITHIN THIRTY DAYS FOLLOWING THE DATE OF THE COURT'S ISSUANCE OF AN ADMINISTRATIVE ENTRY AND SEIZURE WARRANT PURSUANT TO THIS SUBSECTION (1)(q)(III), THE EXECUTING AUTHORITY SHALL EXECUTE THE WARRANT IN ACCORDANCE WITH DIRECTIONS BY THE ISSUING COURT, PROVIDE OR MAIL A COPY OF SUCH ISSUED WARRANT TO THE PROPERTY OWNER, AND SUBMIT TO THE COURT PROOF OF THE EXECUTION OF THE WARRANT, INCLUDING A WRITTEN INVENTORY OF ANY PROPERTY IMPOUNDED BY THE EXECUTING AUTHORITY.

(2) (d) IN ADDITION TO ANY OTHER REMEDIES PROVIDED BY LAW, A COUNTY MAY ENFORCE ORDINANCES ENACTED PURSUANT TO SUBSECTIONS (1)(a)(I), (1)(a)(I.5), (1)(a)(V)(A), AND (1)(q) OF THIS SECTION AS FOLLOWS:

(I) TO PROCEED WITH AN ACTION PURSUANT TO SUBSECTION (2)(d)(II) OF THIS SECTION, THE COUNTY SHALL PROVIDE WRITTEN NOTICE TO THE PROPERTY OWNER OF THE VIOLATION AND THE TIME IN WHICH THE VIOLATION MUST BE REMEDIED. THE WRITTEN NOTICE MUST DESCRIBE ANY

POTENTIAL ENFORCEMENT AUTHORITY OF THE COUNTY, INCLUDING ANY POSSIBLE LIENS DUE TO ABATEMENT COSTS.

(II) IF, AFTER THE COUNTY HAS GIVEN WRITTEN NOTICE TO THE PROPERTY OWNER AS DESCRIBED IN SUBSECTION (2)(d)(I) OF THIS SECTION, THE PROPERTY OWNER FAILS TO ABATE THE VIOLATIONS DESCRIBED IN THE NOTICE, THE PROPERTY OWNER VIOLATING THE COUNTY ORDINANCE SHALL, AT THE REQUEST OF THE COUNTY, BE SUBJECT TO THE IMPOSITION OF, BY ORDER OF THE COUNTY OR DISTRICT COURT, A CIVIL PENALTY OF NOT LESS THAN ONE HUNDRED DOLLARS OR MORE THAN TWO THOUSAND SIX HUNDRED FIFTY DOLLARS PER DAY OF THE VIOLATION. THE CIVIL PENALTY MUST BE IN ACCORDANCE WITH THE COUNTY ORDINANCE. EACH DAY THAT A VIOLATION OCCURS IS DEEMED A SEPARATE OFFENSE AND THE PENALTY CONTINUES UNTIL THE VIOLATION IS REMEDIED. UNTIL PAID, ANY CIVIL PENALTY ORDERED BY THE COUNTY OR DISTRICT COURT AND ASSESSED PURSUANT TO THIS SUBSECTION (2)(d)(II) IS, AS OF RECORDING, A LIEN AGAINST THE PROPERTY ON WHICH THE VIOLATION HAS BEEN FOUND TO EXIST. IN CASE THE ASSESSMENT IS NOT PAID WITHIN THIRTY DAYS, THE CLERK AND RECORDER OR COUNTY ATTORNEY MAY CERTIFY THE LACK OF PAYMENT TO THE COUNTY TREASURER, WHO SHALL COLLECT THE ASSESSMENT, TOGETHER WITH A TEN PERCENT PENALTY FOR THE COST OF COLLECTION, IN THE SAME MANNER AS OTHER TAXES ARE COLLECTED. THE LAWS OF THIS STATE FOR ASSESSMENT AND COLLECTION OF GENERAL TAXES, INCLUDING THE LAWS FOR THE SALE AND REDEMPTION OF PROPERTY FOR TAXES, APPLY TO THE COLLECTION OF ASSESSMENTS PURSUANT TO THIS SUBSECTION (2)(d)(II). ANY LIEN PLACED AGAINST THE PROPERTY PURSUANT TO THIS SUBSECTION (2)(d)(II) MUST BE RECORDED WITH THE CLERK AND RECORDER OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED.

(III) THE MINIMUM CIVIL PENALTY THAT THE COURT MAY IMPOSE FOR A VIOLATION OF A COUNTY BUILDING CODE OR AMENDMENT THERETO IS ONE HUNDRED DOLLARS PER VIOLATION, AND THE MAXIMUM CIVIL PENALTY IS TWO THOUSAND SIX HUNDRED FIFTY DOLLARS PER VIOLATION. THE PRESUMPTIVE MAXIMUM PENALTY FOR A FIRST VIOLATION IS FIVE HUNDRED DOLLARS. THE PRESUMPTIVE MAXIMUM PENALTY FOR A SECOND VIOLATION IS ONE THOUSAND DOLLARS. THE PRESUMPTIVE MAXIMUM PENALTY FOR A THIRD OR SUBSEQUENT VIOLATION IS TWO THOUSAND SIX HUNDRED FIFTY DOLLARS. THE COURT MUST SPECIFY THE BASIS FOR THE CIVIL PENALTY ON THE RECORD. IN CASES WHERE SUFFICIENT AGGRAVATING FACTORS ARE PRESENT, THE COURT MAY IMPOSE A PENALTY THAT IS HIGHER

THAN THE PRESUMPTIVE MAXIMUM. THE COURT MUST BASE THE DETERMINATION OF THE APPROPRIATE CIVIL PENALTY FOR A VIOLATION OF A COUNTY BUILDING CODE OR AMENDMENT THERETO ON THE FOLLOWING FACTORS:

(A) THE IMPACT OF THE VIOLATION ON PUBLIC HEALTH, SAFETY, AND WELFARE;

(B) THE IMPACT OF THE VIOLATION ON NEIGHBORING PROPERTIES;

(C) THE VIOLATOR'S WILLINGNESS TO COMPLY WITH OR DEMONSTRATED DISREGARD FOR THE APPLICABLE LAWS;

(D) THE VIOLATOR'S ABILITY TO COMPLY WITH THE APPLICABLE LAWS;

(E) WHETHER THE VIOLATION IS THE USE OF THE PROPERTY FOR ACTIVITIES PROHIBITED IN THE PROPERTY'S ZONE DISTRICT;

(F) WHETHER MULTIPLE VIOLATIONS EXIST ON THE PROPERTY;

(G) PRIOR VIOLATIONS BY THE VIOLATOR ON THE PROPERTY; AND

(H) ANY OTHER RELEVANT FACTORS DETERMINED BY THE COURT.

(IV) IN ADDITION TO THE CIVIL PENALTIES ORDERED BY A COURT PURSUANT TO SUBSECTION (2)(d)(II) OF THIS SECTION, THE COUNTY ATTORNEY MAY BRING AN ACTION IN THE COUNTY COURT OR DISTRICT COURT THAT HAS JURISDICTION OVER THE PROPERTY FOR AN ORDER ENJOINING THE VIOLATION, ORDERING THE VIOLATION'S RESTRAINT, REMOVAL, TERMINATION, OR ABATEMENT BY THE PROPERTY OWNER, AND AUTHORIZING ABATEMENT BY THE COUNTY OR ITS AGENT. IN BRINGING THAT ACTION, THE COUNTY ATTORNEY SHALL FILE A VERIFIED COMPLAINT. THE COURT SHALL REVIEW THE VERIFIED COMPLAINT AND SCHEDULE A HEARING ON THE REQUEST FOR AN ABATEMENT ORDER, INJUNCTION, OR OTHER APPROPRIATE REMEDY AND DIRECT THE ISSUANCE OF A SUMMONS STATING THE TIME, DATE, AND PLACE OF THE PRELIMINARY HEARING, WHICH THE COURT SHALL SCHEDULE NO LATER THAN THIRTY DAYS AFTER THE COUNTY ATTORNEY FILES THE COMPLAINT. THE COUNTY ATTORNEY MUST SERVE THE SUMMONS AND COMPLAINT ON THE PROPERTY OWNER IN ACCORDANCE WITH

APPLICABLE RULES OF CIVIL PROCEDURE AT LEAST TEN DAYS PRIOR TO THE HEARING. IF THE COUNTY'S REASONABLE EFFORTS TO PERSONALLY SERVE THE SUMMONS AND COMPLAINT ARE UNSUCCESSFUL, THE COUNTY MAY POST THE SUMMONS AND COMPLAINT ON THE PROPERTY AND MAIL THE SUMMONS AND COMPLAINT, CERTIFIED MAIL AND RETURN RECEIPT REQUESTED, TO THE PROPERTY OWNER'S ADDRESS IN THE RECORDS OF THE COUNTY ASSESSOR AS A MEANS OF PROVIDING ALTERNATIVE SERVICE. IF THE COUNTY PROVIDES ALTERNATIVE SERVICE, THE COUNTY MUST PROVIDE THE ALTERNATIVE SERVICE AT LEAST TEN DAYS PRIOR TO THE PRELIMINARY HEARING. AT THE TIME, DATE, AND PLACE STATED IN THE SUMMONS, THE COURT SHALL REVIEW AND CONSIDER THE REQUEST FOR RELIEF PROVIDED FOR IN THIS SUBSECTION (2)(d)(IV), ANY STATEMENT OF THE COUNTY IN SUPPORT OF THE RELIEF PROVIDED FOR IN THIS SUBSECTION (2)(d)(IV), AND ANY STATEMENT AND EVIDENCE PRESENTED BY THE PROPERTY OWNER, IF PRESENT. ON THE DATE AND AT THE TIME SET FOR THE HEARING, IF THE PROPERTY OWNER FAILS TO APPEAR, AND IF THE COUNTY PROVES THAT PROPER SERVICE WAS MADE ON THE PROPERTY OWNER, THE COURT MAY GRANT THE RELIEF AS REQUESTED BY THE COUNTY. A PROPERTY OWNER'S FAILURE TO APPEAR ON ANY DATE SET FOR A PRELIMINARY HEARING HELD PURSUANT TO THIS SUBSECTION (2)(d)(IV) IS GROUNDS FOR THE COURT TO ENTER A DEFAULT JUDGMENT THEREON AGAINST A NONAPPEARING PROPERTY OWNER. FOR GOOD CAUSE SHOWN, AND PRIOR TO ENFORCEMENT, THE COURT MAY SET ASIDE AN ENTRY OF DEFAULT AND THE JUDGMENT ENTERED THEREON.

(V) IF THE COUNTY ABATES THE VIOLATION PURSUANT TO AN ORDER OF A COURT, THE ACTUAL COSTS OF ABATEMENT, PLUS TEN PERCENT OF THE ABATEMENT COSTS FOR INSPECTION AND OTHER INCIDENTAL COSTS OF ABATEMENT ARE A LIEN AGAINST THE PROPERTY UNTIL PAID AND HAVE PRIORITY OVER ALL OTHER LIENS EXCEPT GENERAL TAXES AND PRIOR SPECIAL ASSESSMENTS. IF THE ASSESSMENT IS NOT PAID WITHIN THIRTY DAYS, THE COUNTY ATTORNEY OR COUNTY CLERK MAY CERTIFY THE NONPAYMENT TO THE COUNTY TREASURER, WHO SHALL COLLECT THE ASSESSMENT, TOGETHER WITH A TEN PERCENT PENALTY FOR THE COST OF COLLECTION, IN THE SAME MANNER AS OTHER TAXES ARE COLLECTED. THE LAWS OF THIS STATE FOR ASSESSMENT AND COLLECTION OF GENERAL TAXES, INCLUDING THE LAWS FOR THE SALE AND REDEMPTION OF PROPERTY FOR TAXES, APPLY TO THE COLLECTION OF ASSESSMENTS PURSUANT THIS SUBSECTION (2)(d)(V).

(VI) FOR PURPOSES OF SUBSECTION (2)(d)(II) OF THIS SECTION,

"PROPERTY OWNER" DOES NOT INCLUDE A STATE AGENCY.

SECTION 3. In Colorado Revised Statutes, 30-15-402, **amend** (1) as follows:

30-15-402. Violations - penalty - surcharges - victim and witness assistance - brain injury trust fund.

(1) EXCEPT FOR A TRAFFIC OFFENSE, any person who violates any county ordinance adopted BY THE BOARD OF COUNTY COMMISSIONERS pursuant to this part 4 commits a civil infraction ~~or, in the case of traffic offenses, commits a traffic infraction,~~ and, upon conviction ~~thereof~~ OF THAT INFRACTION, shall be punished by a fine of not more than one thousand dollars for each separate violation. IN THE CASE OF A TRAFFIC OFFENSE, THE PERSON THAT COMMITS A TRAFFIC INFRACTION, UPON CONVICTION OF THAT INFRACTION, SHALL BE PUNISHED BY A FINE IN ACCORDANCE WITH APPLICABLE COUNTY OR STATE LAW. If authorized by the county ordinance, AN ARRESTING LAW ENFORCEMENT OFFICER MAY FOLLOW the penalty assessment procedure provided in section 16-2-201 ~~may be followed by any arresting law enforcement officer~~ for any such violation. As part of ~~said~~ THE county ordinance authorizing the penalty assessment procedure FOR A VIOLATION OF A COUNTY ORDINANCE ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS PURSUANT TO THIS PART 4, the board of county commissioners may adopt a graduated fine schedule for ~~such~~ THE violations. ~~Such~~ THE graduated fine schedule may provide for increased penalty assessments for repeat offenses by the same individual. In the case of county traffic ordinance violations, the provisions of sections 42-4-1701 and 42-4-1703, and sections 42-4-1708 to 42-4-1718 ~~shall~~ apply; except that the fine or penalty for a violation charged and the surcharge thereon if authorized by county ordinance ~~shall be~~ IS paid to the county.

SECTION 4. In Colorado Revised Statutes, **amend** 30-28-124 as follows:

30-28-124. Penalties and enforcement.

(1) (a) It is unlawful to erect, construct, reconstruct, ~~or~~ alter, OR USE any building or structure OR USE ANY LAND in violation of any regulation in, or of any provisions of, any zoning resolution OR ORDINANCE, or any amendment thereof, enacted or adopted by the board of county

commissioners under the authority of this part 1. Any person, firm, or corporation ~~violating~~ THAT VIOLATES any such regulation, provision, or amendment thereof, or any provision of this part 1 ~~commits a civil infraction~~ SHALL, AT THE REQUEST OF THE COUNTY, BE SUBJECT TO THE IMPOSITION, BY ORDER OF THE COUNTY OR DISTRICT COURT, OF A CIVIL PENALTY OF NOT LESS THAN ONE HUNDRED DOLLARS OR MORE THAN TWO THOUSAND SIX HUNDRED FIFTY DOLLARS. Each day ~~during which such illegal erection, construction, reconstruction, or alteration continues shall be~~ THAT A VIOLATION OCCURS IS deemed a separate offense AND THE CIVIL PENALTY CONTINUES TO ACCRUE UNTIL THE VIOLATION IS REMEDIED.

(b) (I) ~~It is unlawful to use any building, structure, or land in violation of any regulation in, or of any provision of, any zoning resolution, or any amendment thereto, enacted or adopted by any board of county commissioners under the authority of this part 1. Any person, firm, or corporation violating any such regulation, provision, or amendment commits a civil infraction. Each day during which such illegal use of any building, structure, or land continues shall be deemed a separate offense.~~

(II) ~~Whenever~~ TO PURSUE A VIOLATION PURSUANT TO THIS SUBSECTION (1)(b)(II), a county zoning official authorized pursuant to section 30-28-114 WHO has personal knowledge of any violation of this ~~paragraph (b), he or she~~ SUBSECTION (1)(b)(II) BASED ON COMPETENT EVIDENCE ACQUIRED DURING A REASONABLE INVESTIGATION shall give written notice to the violator to correct the violation within ten days after the date of the notice. ~~Should~~ IF the violator ~~fail~~ FAILS to correct the violation within the ten-day period, ~~the~~ ANY DESIGNATED COUNTY zoning official may ISSUE, OR request that the sheriff of the county OR THE COUNTY ATTORNEY issue, a summons and complaint to the violator stating the nature of the violation with sufficient particularity to give notice of the charge to the violator. The summons and complaint ~~shall~~ MUST require that the violator appear in county OR DISTRICT court at a definite time and place stated ~~therein~~ IN THE SUMMONS AND COMPLAINT to answer and defend the charge.

(III) ~~One copy of said summons and complaint shall be served upon the violator by the sheriff of the county in the manner provided by law for the service of a criminal summons. One copy each shall be retained by the sheriff and the county zoning official, and one copy shall be transmitted by the sheriff to the clerk of the county court.~~

(IV) THE COLORADO RULES OF CIVIL PROCEDURE APPLY TO DISTRICT COURT PROCEEDINGS AND THE COLORADO COUNTY COURT RULES OF CIVIL PROCEDURE APPLY TO COUNTY COURT PROCEEDINGS.

(c) It is the responsibility of the county attorney to enforce the provisions of this subsection (1); ~~In the event that~~ EXCEPT THAT IF there is ~~no~~ NOT A county attorney or ~~in the event that~~ IF the board of county commissioners deems it appropriate, the board of county commissioners may appoint the district attorney of the judicial district to perform ~~such~~ THE enforcement duties in lieu of the county attorney.

(d) THE MINIMUM CIVIL PENALTY THAT THE COURT MAY IMPOSE FOR A VIOLATION OF A COUNTY ZONING ORDINANCE OR RESOLUTION OR AMENDMENT THERETO IS ONE HUNDRED DOLLARS PER VIOLATION, AND THE MAXIMUM CIVIL PENALTY IS TWO THOUSAND SIX HUNDRED FIFTY DOLLARS PER VIOLATION. THE PRESUMPTIVE MAXIMUM PENALTY FOR A FIRST VIOLATION IS FIVE HUNDRED DOLLARS. THE PRESUMPTIVE MAXIMUM PENALTY FOR A SECOND VIOLATION IS ONE THOUSAND DOLLARS. THE PRESUMPTIVE MAXIMUM PENALTY FOR A THIRD OR SUBSEQUENT VIOLATION IS TWO THOUSAND SIX HUNDRED FIFTY DOLLARS. THE COURT MUST SPECIFY THE BASIS FOR THE CIVIL PENALTY ON THE RECORD. IN CASES WHERE SUFFICIENT AGGRAVATING FACTORS ARE PRESENT, THE COURT MAY IMPOSE A PENALTY THAT IS HIGHER THAN THE PRESUMPTIVE MAXIMUM. THE COURT MUST BASE THE DETERMINATION OF THE APPROPRIATE CIVIL PENALTY FOR A VIOLATION OF A COUNTY ZONING ORDINANCE OR RESOLUTION, OR AMENDMENT THERETO, ON THE FOLLOWING FACTORS:

(I) THE IMPACT OF THE VIOLATION ON PUBLIC HEALTH, SAFETY, AND WELFARE;

(II) THE IMPACT OF THE VIOLATION ON NEIGHBORING PROPERTIES;

(III) THE VIOLATOR'S WILLINGNESS TO COMPLY WITH OR DEMONSTRATED DISREGARD FOR THE APPLICABLE LAWS;

(IV) THE VIOLATOR'S ABILITY TO COMPLY WITH THE APPLICABLE LAWS;

(V) WHETHER THE VIOLATION IS THE USE OF THE PROPERTY FOR ACTIVITIES PROHIBITED IN THE PROPERTY'S ZONE DISTRICT;

(VI) WHETHER MULTIPLE VIOLATIONS EXIST ON THE PROPERTY;

(VII) PRIOR VIOLATIONS BY THE VIOLATOR ON THE PROPERTY; AND

(VIII) ANY OTHER RELEVANT FACTORS DETERMINED BY THE COURT.

(e) IF THE COURT FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT A VIOLATION OF ANY REGULATION OR PROVISION OF A ZONING ORDINANCE OR RESOLUTION, OR AMENDMENT THERETO, AS ENACTED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS, HAS OCCURRED, THE COURT SHALL ORDER THE VIOLATOR TO PAY A CIVIL PENALTY IN AN AMOUNT ALLOWED PURSUANT TO THIS SUBSECTION (1). THE PENALTY IS PAYABLE IMMEDIATELY BY THE VIOLATOR TO THE COUNTY AS DESIGNATED IN THE ZONING ORDINANCE OR RESOLUTION, OR AMENDMENT THERETO.

(f) UNTIL PAID, ANY CIVIL PENALTY ORDERED BY THE COURT AND ASSESSED PURSUANT TO THIS SUBSECTION (1) IS, AS OF RECORDING, A LIEN AGAINST THE PROPERTY ON WHICH THE VIOLATION HAS BEEN FOUND TO EXIST. IF THE ASSESSMENT IS NOT PAID WITHIN THIRTY DAYS, THE CLERK AND RECORDER OR COUNTY ATTORNEY MAY CERTIFY THE NONPAYMENT TO THE COUNTY TREASURER, WHO SHALL COLLECT THE ASSESSMENT, TOGETHER WITH A TEN PERCENT PENALTY FOR THE COST OF COLLECTION, IN THE SAME MANNER AS OTHER TAXES ARE COLLECTED. THE LAWS OF THIS STATE FOR ASSESSMENT AND COLLECTION OF GENERAL TAXES, INCLUDING THE LAWS FOR THE SALE AND REDEMPTION OF PROPERTY FOR TAXES, APPLY TO THE COLLECTION OF ASSESSMENTS PURSUANT TO THIS SUBSECTION (1). ANY LIEN PLACED AGAINST THE PROPERTY PURSUANT TO THIS SUBSECTION (1) MUST BE RECORDED WITH THE CLERK AND RECORDER OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED.

(g) FOR PURPOSES OF THIS SUBSECTION (1), "PERSON" DOES NOT INCLUDE A STATE AGENCY.

(2) (a) ~~In case~~ IF any building or structure is or is proposed to be erected, constructed, reconstructed, altered, or used, or any land is or is proposed to be used, in violation of any regulation or provision of any zoning ORDINANCE OR resolution, or amendment thereto, enacted or adopted by any board of county commissioners under the authority granted by this part 1, the county attorney of the county in which ~~such~~ THE building, structure, or land is situated, in addition to other remedies provided by law,

may institute an injunction, mandamus, abatement, or other appropriate action ~~or proceeding~~ IN COUNTY OR DISTRICT COURT to prevent, enjoin, abate, or remove ~~such~~ THE unlawful erection, construction, reconstruction, alteration, or use. ~~In the event that~~ IF there is ~~no~~ NOT A county attorney or ~~in the event~~ IF that the board of county commissioners deems it appropriate, the board of county commissioners may appoint the district attorney of the judicial district to perform ~~such~~ THE enforcement duties in lieu of the county attorney.

(b) IN ADDITION TO THE CIVIL PENALTIES ALLOWED PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE COUNTY ATTORNEY MAY BRING AN ACTION IN THE COUNTY COURT OR DISTRICT COURT THAT HAS JURISDICTION OVER THE PROPERTY FOR AN ORDER ENJOINING THE VIOLATION, ORDERING THE VIOLATION'S RESTRAINT, REMOVAL, TERMINATION, OR ABATEMENT BY THE PROPERTY OWNER, AND AUTHORIZING ABATEMENT BY THE COUNTY OR ITS AGENT OR TO ENJOIN THE PROPOSED USE OF THE LAND. IN BRINGING THAT ACTION, THE COUNTY ATTORNEY SHALL FILE A VERIFIED COMPLAINT. THE COURT SHALL REVIEW THE VERIFIED COMPLAINT AND SCHEDULE A HEARING ON THE REQUEST FOR AN ABATEMENT ORDER, INJUNCTION, OR OTHER APPROPRIATE REMEDY PROVIDED FOR PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION AND DIRECT THE ISSUANCE OF A SUMMONS STATING THE TIME, DATE, AND PLACE OF THE PRELIMINARY HEARING, WHICH THE COURT SHALL SCHEDULE NO LATER THAN THIRTY DAYS AFTER THE COUNTY ATTORNEY FILES THE COMPLAINT. THE COUNTY SHALL SERVE THE SUMMONS AND COMPLAINT ON THE PROPERTY OWNER IN ACCORDANCE WITH THE APPLICABLE RULES OF CIVIL PROCEDURE AT LEAST TEN DAYS PRIOR TO THE PRELIMINARY HEARING. IF THE COUNTY'S REASONABLE EFFORTS TO PERSONALLY SERVE THE SUMMONS AND COMPLAINT ARE UNSUCCESSFUL, THE COUNTY MAY POST THE SUMMONS AND COMPLAINT ON THE PROPERTY AND MAIL THE SUMMONS AND COMPLAINT, CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE PROPERTY OWNER'S ADDRESS IN THE RECORDS OF THE COUNTY ASSESSOR AS AN ALTERNATIVE MEANS OF PROVIDING SERVICE. IF THE COUNTY ATTORNEY PROVIDES ALTERNATIVE SERVICE, THE COUNTY MUST PROVIDE THE ALTERNATIVE SERVICE AT LEAST TEN DAYS PRIOR TO THE PRELIMINARY HEARING. AT THE TIME, DATE, AND PLACE STATED IN THE SUMMONS, THE COURT SHALL REVIEW AND CONSIDER THE REQUEST FOR AN ABATEMENT ORDER, INJUNCTION, OR OTHER APPROPRIATE REMEDY PROVIDED FOR PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION, ANY STATEMENT AND EVIDENCE PRESENTED BY THE COUNTY IN SUPPORT THEREOF, AND ANY STATEMENT AND EVIDENCE PRESENTED BY THE

PROPERTY OWNER, IF PRESENT. ON THE DATE AND AT THE TIME SET FOR THE HEARING, IF THE PROPERTY OWNER FAILS TO APPEAR, AND IF THE COUNTY PROVES THAT PROPER SERVICE WAS MADE ON THE PROPERTY OWNER, THE COURT MAY GRANT THE RELIEF AS REQUESTED BY THE COUNTY. A PROPERTY OWNER'S FAILURE TO APPEAR ON ANY DATE SET FOR A PRELIMINARY HEARING HELD PURSUANT TO THIS SUBSECTION (2)(b) IS GROUNDS FOR THE COURT TO ENTER A DEFAULT AND JUDGMENT THEREON AGAINST A NONAPPEARING PROPERTY OWNER. FOR GOOD CAUSE SHOWN, AND PRIOR TO ENFORCEMENT, THE COURT MAY SET ASIDE AN ENTRY OF DEFAULT AND THE JUDGMENT ENTERED THEREON.

(c) IF THE COUNTY ABATES THE VIOLATION PURSUANT TO AN ORDER OF A COURT, THE ACTUAL COSTS OF ABATEMENT, PLUS TEN PERCENT OF THE ABATEMENT COSTS FOR INSPECTION AND OTHER INCIDENTAL COSTS OF ABATEMENT, IS A LIEN AGAINST THE PROPERTY UNTIL PAID AND HAS PRIORITY OVER ALL OTHER LIENS EXCEPT GENERAL TAXES AND PRIOR SPECIAL ASSESSMENTS. IF THE ASSESSMENT IS NOT PAID WITHIN A REASONABLE TIME SPECIFIED BY THE ZONING RESOLUTION, THE COUNTY ATTORNEY OR COUNTY CLERK MAY CERTIFY THE NONPAYMENT TO THE COUNTY TREASURER, WHO SHALL COLLECT THE ASSESSMENT, TOGETHER WITH A TEN PERCENT PENALTY FOR THE COST OF COLLECTION, IN THE SAME MANNER AS OTHER TAXES ARE COLLECTED. THE LAWS OF THIS STATE FOR ASSESSMENT AND COLLECTION OF GENERAL TAXES, INCLUDING THE LAWS FOR THE SALE AND REDEMPTION OF PROPERTY FOR TAXES, APPLY TO THE COLLECTION OF ASSESSMENTS PURSUANT TO THIS SUBSECTION (2)(c) OF THIS SECTION.

(3) (a) IT IS UNLAWFUL TO ERECT, CONSTRUCT, RECONSTRUCT, ALTER, OR USE ANY BUILDING OR STRUCTURE OR USE ANY LAND IN VIOLATION OF ANY REGULATION IN, OR OF ANY PROVISIONS OF, ANY ZONING ORDINANCE OR RESOLUTION, OR ANY AMENDMENT THEREOF, ENACTED OR ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS UNDER THE AUTHORITY OF THIS PART 1. ANY PERSON, FIRM, OR CORPORATION THAT VIOLATES ANY SUCH REGULATION, PROVISION, OR AMENDMENT THEREOF, OR ANY PROVISION OF THIS PART 1 COMMITS A CIVIL INFRACTION, AND UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF UP TO THREE THOUSAND DOLLARS FOR EACH SEPARATE VIOLATION, ACCORDING TO THE FINE SCHEDULE ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS. THE FINE SCHEDULE MAY INCLUDE GRADUATED FINES AND MAY PROVIDE INCREASED CIVIL PENALTIES FOR REPEAT OFFENSES BY THE SAME

INDIVIDUALS. EACH DAY DURING WHICH SUCH ILLEGAL ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, OR USE OCCURS IS DEEMED A SEPARATE OFFENSE, AND THE CIVIL PENALTY CONTINUES TO ACCRUE UNTIL THE VIOLATION IS REMEDIED.

(b) (I) TO PURSUE A VIOLATION PURSUANT TO THIS SUBSECTION (3), A COUNTY ZONING OFFICIAL AUTHORIZED PURSUANT TO SECTION 30-28-114 WHO HAS PERSONAL KNOWLEDGE OF ANY VIOLATION OF SUBSECTION (3)(a) OF THIS SECTION BASED ON COMPETENT EVIDENCE ACQUIRED DURING A REASONABLE INVESTIGATION SHALL GIVE WRITTEN NOTICE TO THE VIOLATOR TO CORRECT THE VIOLATION WITHIN TEN DAYS AFTER THE DATE OF THE NOTICE. IF THE VIOLATOR FAILS TO CORRECT THE VIOLATION WITHIN THE TEN-DAY PERIOD, ANY DESIGNATED ZONING PERSONNEL MAY ISSUE, OR REQUEST THAT THE SHERIFF ISSUE A SUMMONS AND COMPLAINT TO THE VIOLATOR, STATING THE NATURE OF THE VIOLATION WITH SUFFICIENT PARTICULARITY TO GIVE NOTICE OF THE CHARGE TO THE VIOLATOR. THE SUMMONS AND COMPLAINT MUST REQUIRE THAT THE VIOLATOR APPEAR IN COUNTY COURT AT A DEFINITE TIME AND PLACE STATED IN THE SUMMONS AND COMPLAINT TO ANSWER AND DEFEND THE CHARGE.

(II) DESIGNATED ZONING PERSONNEL OR THE SHERIFF SHALL SERVE ONE COPY OF A SUMMONS AND COMPLAINT ISSUED PURSUANT TO SUBSECTION (3)(b)(I) OF THIS SECTION. THE DESIGNATED ZONING PERSONNEL OR THE SHERIFF MAY PERSONALLY SERVE THE SUMMONS AND COMPLAINT ON THE VIOLATOR AS SET FORTH IN THE COUNTY COURT RULES OF CIVIL PROCEDURE. IF THE DESIGNATED ZONING PERSONNEL OR THE SHERIFF'S REASONABLE EFFORTS TO PERSONALLY SERVE THE SUMMONS AND COMPLAINT ON THE PROPERTY OWNER ARE UNSUCCESSFUL, THE COUNTY MAY POST THE SUMMONS AND COMPLAINT ON THE PROPERTY AND MAIL THE SUMMONS AND COMPLAINT TO THE PROPERTY OWNER'S ADDRESS LISTED IN THE RECORDS OF THE COUNTY ASSESSOR. SERVICE IS COMPLETE UPON MAILING THE SUMMONS AND COMPLAINT. THE OFFICE SERVING THE SUMMONS AND COMPLAINT SHALL RETAIN ONE COPY OF EACH AND SHALL TRANSMIT ONE COPY OF EACH TO THE CLERK OF THE COUNTY COURT.

(c) IT IS THE RESPONSIBILITY OF THE COUNTY ATTORNEY TO ENFORCE THE PROVISIONS OF THIS SUBSECTION (3); EXCEPT THAT IF THERE IS NOT A COUNTY ATTORNEY OR IF THE BOARD OF COUNTY COMMISSIONERS DEEMS IT APPROPRIATE, THE BOARD OF COUNTY COMMISSIONERS MAY APPOINT THE DISTRICT ATTORNEY OF THE JUDICIAL DISTRICT TO PERFORM THE

ENFORCEMENT DUTIES IN LIEU OF THE COUNTY ATTORNEY.

(d) IF THERE IS A CONFLICT BETWEEN THIS SUBSECTION (3) AND THE RULES OF CIVIL INFRACTIONS, THIS SUBSECTION (3) CONTROLS.

(e) FOR PURPOSES OF THIS SUBSECTION (3), "PERSON" DOES NOT INCLUDE A STATE AGENCY.

(4) THE COUNTY ATTORNEY HAS THE DISCRETION TO DETERMINE WHETHER TO PURSUE THE REMEDIES SET FORTH IN SUBSECTIONS (1), (2), OR (3) OF THIS SECTION, OR ANY COMBINATION THEREOF, OR ANY OTHER REMEDIES AVAILABLE AT LAW OR IN EQUITY. NONE OF THESE REMEDIES ARE INTENDED TO BE MUTUALLY EXCLUSIVE.

SECTION 5. In Colorado Revised Statutes, **amend** 30-28-209 as follows:

30-28-209. Penalties and enforcement.

(1) (a) It is unlawful to erect, construct, reconstruct, or alter any building or structure OR USE ANY BUILDING OR STRUCTURE in a manner that results in a violation of any regulation in, or of any provisions of, the area building code, or any amendment thereof, enacted or adopted by the board of county commissioners under the authority of this part 2. Any person, firm, or corporation violating any such regulation, provision, or amendment thereof, or any provision of this part 2, ~~commits a civil infraction~~ SHALL, UPON REQUEST BY THE COUNTY, BE SUBJECT TO THE IMPOSITION, BY ORDER OF THE COUNTY COURT OR THE DISTRICT COURT, OF A CIVIL PENALTY OF NOT LESS THAN ONE HUNDRED DOLLARS OR MORE THAN TWO THOUSAND SIX HUNDRED FIFTY DOLLARS. Each day during which such illegal erection, construction, reconstruction, or alteration continues ~~shall be~~ IS deemed a separate offense AND THE CIVIL PENALTY CONTINUES TO ACCRUE UNTIL THE VIOLATION IS REMEDIED. NOTHING IN THIS SUBSECTION (1)(a) PROHIBITS THE USE OF ANY BUILDING OR STRUCTURE IN VIOLATION OF AN OTHERWISE APPLICABLE BUILDING CODE WHERE THE USE COMPLIES WITH ANY BUILDING CODE THAT WAS IN EFFECT AT THE TIME THE BUILDING OR STRUCTURE WAS ERECTED, CONSTRUCTED, RECONSTRUCTED, OR ALTERED.

(b) (I) ~~It is unlawful to use any building or structure in violation of any regulation in, or of any provision of, the area building code, or any~~

~~amendment thereto, enacted or adopted by any board of county commissioners under the authority of this part 2. Any person, firm, or corporation violating any such regulation, provision, or amendment thereof commits a civil infraction. Each day during which such illegal use of any building or structure continues shall be deemed a separate offense. Nothing in this subsection (1)(b)(I) prohibits the use of any building or structure in violation of an otherwise applicable building code where the use complies with any building code that was in effect at the time the building or structure was erected, constructed, reconstructed, or altered.~~

(II) ~~Whenever~~ TO PURSUE A VIOLATION PURSUANT TO THIS SUBSECTION (1)(b)(II), a county building inspector authorized pursuant to sections 30-28-114 and 30-28-205, or any inspector employed by an intergovernmental entity created in accordance with the requirements of part 2 of article 1 of title 29, ~~C.R.S.,~~ who exercises the functions of a county building inspector WHO has personal knowledge of any violation of the requirements of ~~subparagraph (I) of this paragraph (b), he or she~~ THIS SUBSECTION (1)(b)(II) BASED ON COMPETENT EVIDENCE ACQUIRED DURING A REASONABLE INVESTIGATION shall give written notice to the violator to correct the violation within ten days after the date of the notice. ~~Where~~ IF the violator fails to correct the violation within the ten-day period, the county building inspector may ISSUE, OR request that the sheriff of the county OR THE COUNTY ATTORNEY issue, a summons and complaint to the violator stating the nature of the violation with sufficient particularity to give notice of the charge to the violator. The summons and complaint ~~shall~~ MUST require that the violator appear in county OR DISTRICT court at a definite time and place stated therein to answer and defend the charge.

(III) ~~One copy of the summons and complaint shall be served upon the violator by the sheriff of the county in the manner provided by law for the service of a criminal summons. One copy each shall be retained by the sheriff and the county building inspector, and one copy shall be transmitted by the sheriff to the clerk of the county court.~~

(IV) THE COLORADO RULES OF CIVIL PROCEDURE APPLY TO DISTRICT COURT PROCEEDINGS AND THE COLORADO COUNTY COURT RULES OF CIVIL PROCEDURE APPLY TO COUNTY COURT PROCEEDINGS.

(c) It is the responsibility of the county attorney to enforce the provisions of this subsection (1); ~~Where~~ EXCEPT THAT IF there is ~~no~~ NOT A

county attorney or ~~in the event that~~ IF the board of county commissioners deems it appropriate, the board may appoint the district attorney of the judicial district in which the building or structure is located to perform such enforcement duties in lieu of the county attorney.

(d) THE MINIMUM CIVIL PENALTY THAT THE COURT MAY IMPOSE FOR A VIOLATION OF A COUNTY BUILDING CODE OR AMENDMENT THERETO IS ONE HUNDRED DOLLARS PER VIOLATION, AND THE MAXIMUM CIVIL PENALTY IS TWO THOUSAND SIX HUNDRED FIFTY DOLLARS PER VIOLATION. THE PRESUMPTIVE MAXIMUM PENALTY FOR A FIRST VIOLATION IS FIVE HUNDRED DOLLARS. THE PRESUMPTIVE MAXIMUM PENALTY FOR A SECOND VIOLATION IS ONE THOUSAND DOLLARS. THE PRESUMPTIVE MAXIMUM PENALTY FOR A THIRD OR SUBSEQUENT VIOLATION IS TWO THOUSAND SIX HUNDRED FIFTY DOLLARS. THE COURT MUST SPECIFY THE BASIS FOR THE CIVIL PENALTY ON THE RECORD. IN CASES WHERE SUFFICIENT AGGRAVATING FACTORS ARE PRESENT, THE COURT MAY IMPOSE A PENALTY THAT IS HIGHER THAN THE PRESUMPTIVE MAXIMUM. THE COURT MUST BASE THE DETERMINATION OF THE APPROPRIATE CIVIL PENALTY FOR A VIOLATION OF A COUNTY BUILDING CODE, OR AMENDMENT THERETO, ON THE FOLLOWING FACTORS:

(I) THE IMPACT OF THE VIOLATION ON PUBLIC HEALTH, SAFETY, AND WELFARE;

(II) THE IMPACT OF THE VIOLATION ON NEIGHBORING PROPERTIES;

(III) THE VIOLATOR'S WILLINGNESS TO COMPLY WITH OR DEMONSTRATED DISREGARD FOR THE APPLICABLE LAWS;

(IV) THE VIOLATOR'S ABILITY TO COMPLY WITH THE APPLICABLE LAWS;

(V) WHETHER THE VIOLATION IS THE USE OF THE PROPERTY FOR ACTIVITIES PROHIBITED IN THE PROPERTY'S ZONE DISTRICT;

(VI) WHETHER MULTIPLE VIOLATIONS EXIST ON THE PROPERTY;

(VII) PRIOR VIOLATIONS BY THE VIOLATOR ON THE PROPERTY; AND

(VIII) ANY OTHER RELEVANT FACTORS DETERMINED BY THE COURT.

(e) IF THE COURT FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT A VIOLATION OF THE BUILDING CODE, OR AMENDMENT THERETO, AS ENACTED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS, HAS OCCURRED, THE COURT SHALL ORDER THE VIOLATOR TO PAY A CIVIL PENALTY IN AN AMOUNT ALLOWED PURSUANT TO THIS SUBSECTION (1). THE PENALTY IS PAYABLE IMMEDIATELY BY THE VIOLATOR TO THE COUNTY AS DESIGNATED IN THE BUILDING CODE ORDINANCE OR RESOLUTION, OR AMENDMENT THERETO.

(f) UNTIL PAID, ANY CIVIL PENALTY ORDERED BY THE COURT AND ASSESSED PURSUANT TO THIS SUBSECTION (1) IS, AS OF RECORDING, A LIEN AGAINST THE PROPERTY ON WHICH THE VIOLATION HAS BEEN FOUND TO EXIST. IF THE ASSESSMENT IS NOT PAID WITHIN THIRTY DAYS, THE CLERK AND RECORDER OR COUNTY ATTORNEY MAY CERTIFY THE NONPAYMENT TO THE COUNTY TREASURER, WHO SHALL COLLECT THE ASSESSMENT, TOGETHER WITH A TEN PERCENT PENALTY FOR THE COST OF COLLECTION, IN THE SAME MANNER AS OTHER TAXES ARE COLLECTED. THE LAWS OF THIS STATE FOR ASSESSMENT AND COLLECTION OF GENERAL TAXES, INCLUDING THE LAWS FOR THE SALE AND REDEMPTION OF PROPERTY FOR TAXES, APPLY TO THE COLLECTION OF ASSESSMENTS PURSUANT TO THIS SUBSECTION (1). ANY LIEN PLACED AGAINST THE PROPERTY PURSUANT TO THIS SUBSECTION (1) MUST BE RECORDED WITH THE CLERK AND RECORDER OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED.

(g) FOR PURPOSES OF THIS SUBSECTION (1), "PERSON" DOES NOT INCLUDE A STATE AGENCY.

(2) (a) ~~In case~~ IF any building or structure is, or is proposed to be, erected, constructed, reconstructed, altered, or used in violation of any regulation or provision of the area building code, or amendment thereto, enacted or adopted by any board of county commissioners under the authority granted by this part 2, the county attorney of the county in which ~~such~~ THE building, structure, or land is situated, in addition to other remedies provided by law, may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove ~~such~~ THE unlawful erection, construction, reconstruction, alteration, or use. ~~Where~~ IF there is ~~no~~ NOT A county attorney or ~~in the event that~~ IF the board deems it appropriate, the board may appoint the district attorney of the judicial district in which the building or structure is located to perform ~~such~~ THE enforcement duties in lieu of the county attorney.

(b) THE COUNTY ATTORNEY MAY BRING AN ACTION IN THE COUNTY COURT OR DISTRICT COURT THAT HAS JURISDICTION OVER THE PROPERTY FOR AN ORDER ENJOINING THE VIOLATION, ORDERING THE VIOLATION'S RESTRAINT, REMOVAL, TERMINATION, OR ABATEMENT BY THE PROPERTY OWNER, AND AUTHORIZING ABATEMENT BY THE COUNTY OR ITS AGENT. IN BRINGING THAT ACTION, THE COUNTY ATTORNEY SHALL FILE A VERIFIED COMPLAINT. THE COURT SHALL REVIEW THE VERIFIED COMPLAINT AND SCHEDULE A HEARING ON THE REQUEST FOR AN ABATEMENT ORDER OR INJUNCTION, OR OTHER APPROPRIATE REMEDY PROVIDED FOR PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION AND DIRECT THE ISSUANCE OF A SUMMONS STATING THE TIME, DATE, AND PLACE OF THE PRELIMINARY HEARING, WHICH THE COURT SHALL SCHEDULE NO LATER THAN THIRTY DAYS AFTER THE COUNTY ATTORNEY FILES THE COMPLAINT. THE COUNTY SHALL SERVE THE SUMMONS AND COMPLAINT ON THE PROPERTY OWNER IN ACCORDANCE WITH THE APPLICABLE RULES OF CIVIL PROCEDURE AT LEAST TEN DAYS PRIOR TO THE PRELIMINARY HEARING. IF THE COUNTY'S REASONABLE EFFORTS TO PERSONALLY SERVE THE SUMMONS AND COMPLAINT ARE UNSUCCESSFUL, THE COUNTY MAY POST THE SUMMONS AND COMPLAINT ON THE PROPERTY AND MAIL THE SUMMONS AND COMPLAINT, CERTIFIED MAIL AND RETURN RECEIPT REQUESTED, TO THE PROPERTY OWNER'S ADDRESS IN THE RECORDS OF THE COUNTY ASSESSOR AS AN ALTERNATIVE MEANS OF PROVIDING SERVICE. IF THE COUNTY PROVIDES ALTERNATE SERVICE, THE COUNTY MUST PROVIDE THE ALTERNATIVE SERVICE AT LEAST TEN DAYS PRIOR TO THE PRELIMINARY HEARING. AT THE TIME, DATE, AND PLACE STATED IN THE SUMMONS, THE COURT SHALL REVIEW AND CONSIDER THE REQUEST FOR AN ABATEMENT ORDER, INJUNCTION, OR OTHER APPROPRIATE REMEDY PROVIDED FOR PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION, ANY STATEMENT AND EVIDENCE PRESENTED BY THE COUNTY IN SUPPORT THEREOF, AND ANY STATEMENT AND EVIDENCE PRESENTED BY THE PROPERTY OWNER, IF PRESENT. ON THE DATE AND AT THE TIME SET FOR THE HEARING, IF THE PROPERTY OWNER FAILS TO APPEAR, AND IF THE COUNTY PROVES THAT PROPER SERVICE WAS MADE ON THE PROPERTY OWNER, THE COURT MAY GRANT THE ORDER AS REQUESTED BY THE COUNTY. A PROPERTY OWNER'S FAILURE TO APPEAR ON ANY DATE SET FOR A PRELIMINARY HEARING HELD PURSUANT TO THIS SUBSECTION (2)(b) IS GROUNDS FOR THE COURT TO ENTER A DEFAULT AND JUDGMENT THEREON AGAINST A NONAPPEARING PROPERTY OWNER. FOR GOOD CAUSE SHOWN, AND PRIOR TO ENFORCEMENT, THE COURT MAY SET ASIDE AN ENTRY OF DEFAULT AND THE JUDGMENT ENTERED THEREON.

(c) IF THE COUNTY ABATES THE VIOLATION PURSUANT TO AN ORDER OF A COURT, THE ACTUAL COSTS OF ABATEMENT, PLUS TEN PERCENT OF THE ABATEMENT COSTS FOR INSPECTION AND OTHER INCIDENTAL COSTS OF ABATEMENT, IS A LIEN AGAINST THE PROPERTY UNTIL PAID AND HAS PRIORITY OVER ALL OTHER LIENS EXCEPT GENERAL TAXES AND PRIOR SPECIAL ASSESSMENTS. IF THE ASSESSMENT IS NOT PAID WITHIN A REASONABLE TIME SPECIFIED BY THE RESOLUTION OR ORDINANCE ADOPTING THE BUILDING CODE, THE CLERK AND RECORDER OR COUNTY ATTORNEY MAY CERTIFY THE NONPAYMENT TO THE COUNTY TREASURER, WHO SHALL COLLECT THE ASSESSMENT, TOGETHER WITH A TEN PERCENT PENALTY FOR THE COST OF COLLECTION, IN THE SAME MANNER AS OTHER TAXES ARE COLLECTED. THE LAWS OF THIS STATE FOR ASSESSMENT AND COLLECTION OF GENERAL TAXES, INCLUDING THE LAWS FOR THE SALE AND REDEMPTION OF PROPERTY FOR TAXES, APPLY TO THE COLLECTION OF ASSESSMENTS PURSUANT TO THIS SUBSECTION (2)(c).

(3) (a) IT IS UNLAWFUL TO ERECT, CONSTRUCT, RECONSTRUCT, ALTER, OR USE ANY BUILDING OR STRUCTURE IN A MANNER THAT RESULTS IN A VIOLATION OF ANY REGULATION IN, OR OF ANY PROVISIONS OF, THE AREA BUILDING CODE, OR ANY AMENDMENT THEREOF, ENACTED OR ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS UNDER THE AUTHORITY OF THIS PART 2. ANY PERSON, FIRM, OR CORPORATION VIOLATING ANY SUCH REGULATION, PROVISION, OR AMENDMENT THEREOF, OR ANY PROVISION OF THIS PART 2, COMMITS A CIVIL INFRACTION, AND UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF UP TO ONE THOUSAND DOLLARS FOR EACH SEPARATE VIOLATION, ACCORDING TO THE FINE SCHEDULE ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS. THE FINE SCHEDULE MAY INCLUDE GRADUATED FINES AND MAY PROVIDE INCREASED CIVIL PENALTIES FOR REPEAT OFFENSES BY THE SAME INDIVIDUALS. EACH DAY DURING WHICH SUCH ILLEGAL ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, OR USE OCCURS IS DEEMED A SEPARATE OFFENSE AND THE CIVIL PENALTY CONTINUES TO ACCRUE UNTIL THE VIOLATION IS REMEDIED. NOTHING IN THIS SUBSECTION (3)(a) PROHIBITS THE USE OF ANY BUILDING OR STRUCTURE IN VIOLATION OF AN OTHERWISE APPLICABLE BUILDING CODE WHERE THE USE COMPLIES WITH ANY BUILDING CODE THAT WAS IN EFFECT AT THE TIME THE BUILDING OR STRUCTURE WAS ERECTED, CONSTRUCTED, RECONSTRUCTED, OR ALTERED.

(b) (I) TO PURSUE A VIOLATION PURSUANT TO THIS SUBSECTION (3), A COUNTY BUILDING INSPECTOR AUTHORIZED PURSUANT TO SECTIONS

30-28-114 AND 30-28-205, OR ANY INSPECTOR EMPLOYED BY AN INTERGOVERNMENTAL ENTITY CREATED IN ACCORDANCE WITH THE REQUIREMENTS OF PART 2 OF ARTICLE 1 OF TITLE 29, WHO EXERCISES THE FUNCTIONS OF A COUNTY BUILDING INSPECTOR WHO HAS PERSONAL KNOWLEDGE OF ANY VIOLATION OF THIS REQUIREMENTS OF SUBSECTION (3)(a) OF THIS SECTION BASED ON COMPETENT EVIDENCE ACQUIRED DURING A REASONABLE INVESTIGATION SHALL GIVE WRITTEN NOTICE TO THE VIOLATOR TO CORRECT THE VIOLATION WITHIN TEN DAYS AFTER THE DATE OF THE NOTICE. IF THE VIOLATOR FAILS TO CORRECT THE VIOLATION WITHIN THE TEN-DAY PERIOD, THE AUTHORIZED COUNTY BUILDING INSPECTOR MAY ISSUE, OR REQUEST THAT THE SHERIFF ISSUE A SUMMONS AND COMPLAINT TO THE VIOLATOR, STATING THE NATURE OF THE VIOLATION WITH SUFFICIENT PARTICULARITY TO GIVE NOTICE OF THE CHARGE TO THE VIOLATOR. THE SUMMONS AND COMPLAINT MUST REQUIRE THAT THE VIOLATOR APPEAR IN COUNTY COURT AT A DEFINITE TIME AND PLACE STATED THEREIN TO ANSWER AND DEFEND THE CHARGE.

(II) AN AUTHORIZED BUILDING INSPECTOR OR THE SHERIFF SHALL SERVE ONE COPY OF A SUMMONS AND COMPLAINT ISSUED PURSUANT TO SUBSECTION (3)(b)(I) OF THIS SECTION ON THE VIOLATOR. AN AUTHORIZED BUILDING INSPECTOR OR THE SHERIFF MAY PERSONALLY SERVE THE SUMMONS AND COMPLAINT ON THE VIOLATOR AS SET FORTH IN THE COUNTY COURT RULES OF CIVIL PROCEDURE. IF AN AUTHORIZED BUILDING INSPECTOR OR SHERIFF'S REASONABLE EFFORTS TO PERSONALLY SERVE THE SUMMONS AND COMPLAINT ON THE PROPERTY OWNER ARE UNSUCCESSFUL, THE COUNTY MAY POST THE SUMMONS AND COMPLAINT ON THE PROPERTY AND MAIL THE SUMMONS AND COMPLAINT TO THE PROPERTY OWNER'S ADDRESS LISTED IN THE RECORDS OF THE COUNTY ASSESSOR. SERVICE IS COMPLETE UPON MAILING THE SUMMONS AND COMPLAINT. THE OFFICE SERVING THE SUMMONS AND THE COMPLAINT SHALL RETAIN ONE COPY OF EACH AND SHALL TRANSMIT ONE COPY EACH TO THE CLERK OF THE COUNTY COURT.

(c) IT IS THE RESPONSIBILITY OF THE COUNTY ATTORNEY TO ENFORCE THE PROVISIONS OF THIS SUBSECTION (3); EXCEPT THAT IF THERE IS NOT A COUNTY ATTORNEY OR IF THE BOARD OF COUNTY COMMISSIONERS DEEMS IT APPROPRIATE, THE BOARD OF COUNTY COMMISSIONERS MAY APPOINT THE DISTRICT ATTORNEY OF THE JUDICIAL DISTRICT TO PERFORM THE ENFORCEMENT DUTIES IN LIEU OF THE COUNTY ATTORNEY.

(d) IF THERE IS A CONFLICT BETWEEN THIS SUBSECTION (3) AND THE

RULES OF CIVIL INFRACTIONS, THIS SUBSECTION (3) CONTROLS.

(e) FOR PURPOSES OF THIS SUBSECTION (3), "PERSON" DOES NOT INCLUDE A STATE AGENCY.

(4) THE COUNTY ATTORNEY HAS THE DISCRETION TO DETERMINE WHETHER TO PURSUE THE REMEDIES SET FORTH IN SUBSECTIONS (1), (2), OR (3) OF THIS SECTION, OR ANY COMBINATION THEREOF, OR ANY OTHER REMEDIES AVAILABLE AT LAW OR IN EQUITY. NONE OF THESE REMEDIES ARE INTENDED TO BE MUTUALLY EXCLUSIVE.

SECTION 6. In Colorado Revised Statutes, 30-35-201, **amend** the introductory portion and (44) as follows:

30-35-201. Powers of governing bodies.

The governing body of a home rule county ~~shall exercise such~~ EXERCISES THE duties and authority and ~~shall have~~ HAS all the powers and responsibilities as provided by law for governing bodies of counties not adopting a home rule charter and ~~shall also have~~ ALSO HAS all of the following powers that have been included in the county's home rule charter or in any amendment thereto, pursuant to the provisions of section 30-35-103 (1):

(Ordinance Power)

(44) **Power and penalties.** To pass all ordinances and rules and make all regulations proper or necessary to carry into effect the powers granted to home rule counties, with ~~such~~ fines and penalties ~~as~~ THAT the governing body ~~shall deem~~ DEEMS proper, but no fine or penalty shall exceed ~~three hundred dollars~~ THE MAXIMUM FINE OR PENALTY ESTABLISHED UNDER STATE LAW and no imprisonment shall exceed ninety days for one offense;

SECTION 7. In Colorado Revised Statutes, **amend** 35-4-114 as follows:

35-4-114. Penalties.

(1) (a) Except for sections 35-4-107 and 35-4-110.5, any person who violates any of the provisions of this article 4 commits a civil infraction.

The commissioner or a board of county commissioners may refer such cases to the district attorney of the county in which ~~such~~ THE violation is alleged to have occurred for such action as may be deemed necessary. The conviction of a violation of any of the provisions of this article 4 ~~shall be~~ IS cause for revocation of any certificate, permit, or appointment issued under this article 4.

(b) THE SHERIFF OR COUNTY ATTORNEY, AT THE REQUEST OF THE BOARD OF COUNTY COMMISSIONERS, MAY ISSUE A SUMMONS AND COMPLAINT TO THE VIOLATOR, STATING THE NATURE OF THE VIOLATION WITH SUFFICIENT PARTICULARITY TO GIVE NOTICE OF THE CHARGE TO THE VIOLATOR. THE SUMMONS AND COMPLAINT MUST REQUIRE THAT THE VIOLATOR APPEAR IN COUNTY COURT AT A DEFINITE TIME AND PLACE STATED IN THE SUMMONS TO ANSWER AND DEFEND THE CHARGE.

(c) IF THERE IS NOT A COUNTY ATTORNEY OR IF THE BOARD OF COUNTY COMMISSIONERS DEEMS IT APPROPRIATE, THE BOARD OF COUNTY COMMISSIONERS MAY APPOINT THE DISTRICT ATTORNEY OF THE JUDICIAL DISTRICT TO PERFORM THE ENFORCEMENT DUTIES IN LIEU OF THE COUNTY ATTORNEY.

(d) IF THERE IS A CONFLICT BETWEEN THIS SUBSECTION (1) AND THE RULES OF CIVIL INFRACTIONS, THIS SUBSECTION (1) CONTROLS.

(2) (a) IN ADDITION TO THE ENFORCEMENT AUTHORITY IN SUBSECTION (1) OF THIS SECTION, ANY PERSON WHO VIOLATES THIS ARTICLE 4, EXCEPT FOR SECTIONS 35-4-107 AND 35-4-110.5, SHALL, UPON REQUEST BY THE COUNTY, BE SUBJECT TO THE IMPOSITION, BY ORDER OF THE COUNTY OR DISTRICT COURT, OF CIVIL PENALTY OF NOT LESS THAN ONE HUNDRED DOLLARS OR MORE THAN TWO THOUSAND SIX HUNDRED FIFTY DOLLARS. EACH DAY THE VIOLATION OCCURS IS DEEMED A SEPARATE OFFENSE AND THE CIVIL PENALTY CONTINUES TO ACCRUE UNTIL THE VIOLATION IS REMEDIED. THE COLORADO RULES OF CIVIL PROCEDURE APPLY TO DISTRICT COURT PROCEEDINGS AND THE COLORADO COUNTY COURT RULES OF CIVIL PROCEDURE APPLY TO COUNTY COURT PROCEEDINGS.

(b) IF THE COURT FINDS, BY A PREPONDERANCE OF THE EVIDENCE, THAT A VIOLATION HAS OCCURRED, THE COURT SHALL ORDER THE VIOLATOR TO PAY A CIVIL PENALTY IN AN AMOUNT ALLOWED PURSUANT TO THIS SUBSECTION (2). THE PENALTY SHALL BE PAYABLE IMMEDIATELY BY THE

VIOLATOR TO THE COUNTY TREASURER.

(c) THE MINIMUM CIVIL PENALTY FOR A VIOLATION OF THIS ARTICLE 4 IS ONE HUNDRED DOLLARS PER VIOLATION, AND THE MAXIMUM CIVIL PENALTY IS TWO THOUSAND SIX HUNDRED FIFTY DOLLARS PER VIOLATION. THE PRESUMPTIVE MAXIMUM PENALTY FOR A FIRST VIOLATION IS FIVE HUNDRED DOLLARS. THE PRESUMPTIVE MAXIMUM PENALTY FOR A SECOND VIOLATION IS ONE THOUSAND DOLLARS. THE PRESUMPTIVE MAXIMUM PENALTY FOR A THIRD OR SUBSEQUENT VIOLATION IS TWO THOUSAND SIX HUNDRED FIFTY DOLLARS. THE COURT MUST SPECIFY THE BASIS FOR THE CIVIL PENALTY ON THE RECORD. IN CASES WHERE SUFFICIENT AGGRAVATING FACTORS ARE PRESENT, THE COURT MAY IMPOSE A PENALTY THAT IS HIGHER THAN THE PRESUMPTIVE MAXIMUM. IN DETERMINING THE APPROPRIATE FINE FOR THE VIOLATION, THE COURT MAY CONSIDER THE FOLLOWING FACTORS:

(I) THE IMPACT OF THE VIOLATION ON PUBLIC HEALTH, SAFETY, AND WELFARE;

(II) THE IMPACT OF THE VIOLATION ON NEIGHBORING PROPERTIES;

(III) THE VIOLATOR'S WILLINGNESS TO COMPLY WITH OR DEMONSTRATED DISREGARD FOR THE APPLICABLE LAWS;

(IV) THE VIOLATOR'S ABILITY TO COMPLY WITH THE APPLICABLE LAWS;

(V) WHETHER THE VIOLATION IS THE USE OF THE PROPERTY FOR ACTIVITIES PROHIBITED IN THE PROPERTY'S ZONE DISTRICT;

(VI) WHETHER MULTIPLE VIOLATIONS EXIST ON THE PROPERTY;

(VII) PRIOR VIOLATIONS BY THE VIOLATOR ON THE PROPERTY; AND

(VIII) ANY OTHER RELEVANT FACTORS DETERMINED BY THE COURT.

(d) UNTIL PAID, ANY CIVIL PENALTY ORDERED BY THE COURT AND ASSESSED UNDER THIS SUBSECTION (2) IS, AS OF RECORDING, A LIEN AGAINST THE PROPERTY ON WHICH THE VIOLATION HAS BEEN FOUND TO EXIST. IF THE ASSESSMENT IS NOT PAID WITHIN THIRTY DAYS, THE CLERK AND RECORDER OR COUNTY ATTORNEY MAY CERTIFY THE NONPAYMENT TO THE COUNTY

TREASURER, WHO SHALL COLLECT THE ASSESSMENT, TOGETHER WITH A TEN PERCENT PENALTY FOR THE COST OF COLLECTION, IN THE SAME MANNER AS OTHER TAXES ARE COLLECTED. THE LAWS OF THIS STATE FOR ASSESSMENT AND COLLECTION OF GENERAL TAXES, INCLUDING THE LAWS FOR THE SALE AND REDEMPTION OF PROPERTY FOR TAXES, APPLY TO THE COLLECTION OF ASSESSMENTS PURSUANT TO THIS SUBSECTION (2). ANY LIEN PLACED AGAINST THE PROPERTY PURSUANT TO THIS SUBSECTION (2) SHALL BE RECORDED WITH THE CLERK AND RECORDER OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED.

SECTION 8. In Colorado Revised Statutes, **repeal and reenact, with amendments,** 35-5.5-118.5 as follows:

35-5.5-118.5. Local enforcement - civil infraction - civil penalty - injunction - definitions.

(1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "VIOLATION" MEANS A VIOLATION OF THIS ARTICLE 5.5, ANY RULE ADOPTED PURSUANT TO THIS ARTICLE 5.5, OR ANY COUNTY ORDINANCE, RESOLUTION, RULE, OR OTHER REGULATION IMPLEMENTING THIS ARTICLE 5.5.

(2) (a) IN ADDITION TO THE ENFORCEMENT AUTHORITY OF THE COMMISSIONER PURSUANT TO SECTION 35-5.5-118, A PERSON WHO VIOLATES THIS ARTICLE 5.5, ANY RULE ADOPTED PURSUANT TO THIS ARTICLE 5.5, OR ANY COUNTY ORDINANCE, RESOLUTION, RULE, OR OTHER REGULATION IMPLEMENTING THIS ARTICLE 5.5 COMMITS A CIVIL INFRACTION. THE COUNTY ATTORNEY FOR THE COUNTY WHERE THE VIOLATION OCCURS SHALL ENFORCE CIVIL INFRACTIONS PURSUANT TO THIS SUBSECTION (2)(a) BY PROSECUTION. IF THERE IS A CONFLICT BETWEEN THIS SECTION AND THE COLORADO RULES OF CIVIL INFRACTIONS, THIS SECTION CONTROLS. EACH DAY THAT A VIOLATION OCCURS IS A SEPARATE OFFENSE.

(b) AS USED IN THIS SUBSECTION (2), "PERSON" DOES NOT INCLUDE A STATE AGENCY.

(3) (a) IN ADDITION TO THE ENFORCEMENT AUTHORITY OF THE COMMISSIONER PURSUANT TO SECTION 35-5.5-118 AND THE COUNTY ATTORNEY PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION, A DISTRICT COURT OR COUNTY COURT, UPON A FINDING BY A PREPONDERANCE OF THE

EVIDENCE THAT A VIOLATION OCCURRED OR IS OCCURRING, SHALL ORDER THE VIOLATOR TO PAY A CIVIL PENALTY OF NO LESS THAN ONE HUNDRED DOLLARS AND NO MORE THAN TWO THOUSAND SIX HUNDRED FIFTY DOLLARS. EACH DAY DURING WHICH A VIOLATION OCCURS IS DEEMED A SEPARATE OFFENSE. THE COLORADO RULES OF CIVIL PROCEDURE APPLY TO DISTRICT COURT PROCEEDINGS AND THE COLORADO COUNTY COURT RULES OF CIVIL PROCEDURE APPLY TO COUNTY COURT PROCEEDINGS.

(b) (I) THE MINIMUM CIVIL PENALTY THAT THE COURT MAY IMPOSE FOR A VIOLATION IS ONE HUNDRED DOLLARS PER VIOLATION, AND THE MAXIMUM CIVIL PENALTY IS TWO THOUSAND SIX HUNDRED FIFTY DOLLARS PER VIOLATION. THE PRESUMPTIVE MAXIMUM PENALTY FOR A FIRST VIOLATION IS FIVE HUNDRED DOLLARS. THE PRESUMPTIVE MAXIMUM PENALTY FOR A SECOND VIOLATION IS ONE THOUSAND DOLLARS. THE PRESUMPTIVE MAXIMUM PENALTY FOR A THIRD OR SUBSEQUENT VIOLATION IS TWO THOUSAND SIX HUNDRED FIFTY DOLLARS. THE COURT MUST SPECIFY THE BASIS FOR THE CIVIL PENALTY ON THE RECORD. IN CASES WHERE SUFFICIENT AGGRAVATING FACTORS ARE PRESENT, THE COURT MAY IMPOSE A PENALTY THAT IS HIGHER THAN THE PRESUMPTIVE MAXIMUM. IN DETERMINING THE APPROPRIATE FINE FOR THE VIOLATION, THE COURT MAY CONSIDER THE FOLLOWING FACTORS:

(A) THE IMPACT OF THE VIOLATION ON PUBLIC HEALTH, SAFETY, AND WELFARE;

(B) THE IMPACT OF THE VIOLATION ON NEIGHBORING PROPERTIES;

(C) THE VIOLATOR'S WILLINGNESS TO COMPLY WITH OR DEMONSTRATED DISREGARD FOR THE APPLICABLE LAWS;

(D) THE VIOLATOR'S ABILITY TO COMPLY WITH THE APPLICABLE LAWS;

(E) WHETHER THE VIOLATION IS THE USE OF THE PROPERTY FOR ACTIVITIES PROHIBITED IN THE PROPERTY'S ZONE DISTRICT;

(F) WHETHER MULTIPLE VIOLATIONS EXIST ON THE PROPERTY;

(G) PRIOR VIOLATIONS BY THE VIOLATOR ON THE PROPERTY; AND

(H) ANY OTHER RELEVANT FACTORS DETERMINED BY THE COURT.

(II) UNTIL PAID, ANY CIVIL PENALTY ORDERED BY THE COURT AND ASSESSED PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION IS, AS OF RECORDING, A LIEN AGAINST THE PROPERTY ON WHICH THE VIOLATION HAS BEEN FOUND TO EXIST. IF THE ASSESSMENT IS NOT PAID WITHIN THIRTY DAYS, THE CLERK AND RECORDER OR COUNTY ATTORNEY MAY CERTIFY THE NONPAYMENT TO THE COUNTY TREASURER, WHO SHALL COLLECT THE ASSESSMENT, TOGETHER WITH A TEN PERCENT PENALTY FOR THE COST OF COLLECTION, IN THE SAME MANNER AS OTHER TAXES ARE COLLECTED. THE LAWS OF THIS STATE FOR ASSESSMENT AND COLLECTION OF GENERAL TAXES, INCLUDING THE LAWS FOR THE SALE AND REDEMPTION OF PROPERTY FOR TAXES, APPLY TO THE COLLECTION OF ASSESSMENTS PURSUANT TO THIS SUBSECTION (3). ANY LIEN PLACED AGAINST THE PROPERTY PURSUANT TO THIS SECTION SHALL BE RECORDED WITH THE CLERK AND RECORDER OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED.

(4) THE COUNTY ATTORNEY MAY BRING AN ACTION IN THE COUNTY COURT OR DISTRICT COURT THAT HAS JURISDICTION OVER THE PROPERTY FOR AN ORDER ENJOINING THE VIOLATION, ORDERING THE VIOLATION'S RESTRAINT, REMOVAL, TERMINATION, OR ABATEMENT BY THE PROPERTY OWNER, AND AUTHORIZING ABATEMENT BY THE COUNTY OR ITS AGENT. IN BRINGING THAT ACTION, THE COUNTY ATTORNEY SHALL FILE A VERIFIED COMPLAINT. THE COURT SHALL REVIEW THE VERIFIED COMPLAINT AND SCHEDULE A HEARING ON THE REQUEST FOR AN ABATEMENT ORDER, INJUNCTION, OR OTHER APPROPRIATE REMEDY AND DIRECT THE ISSUANCE OF A SUMMONS STATING THE TIME, DATE, AND PLACE OF THE HEARING, WHICH THE COURT SHALL SCHEDULE NO LATER THAN THIRTY DAYS AFTER THE COUNTY ATTORNEY FILES THE COMPLAINT. THE COUNTY SHALL SERVE THE SUMMONS AND COMPLAINT ON THE PROPERTY OWNER IN ACCORDANCE WITH APPLICABLE RULES OF CIVIL PROCEDURE AT LEAST TEN DAYS PRIOR TO THE PRELIMINARY HEARING. IF THE COUNTY'S REASONABLE EFFORTS TO PERSONALLY SERVE THE SUMMONS AND COMPLAINT ARE UNSUCCESSFUL, THE COUNTY MAY POST THE SUMMONS AND COMPLAINT ON THE PROPERTY AND MAIL THE SUMMONS AND COMPLAINT, CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE PROPERTY OWNER'S ADDRESS IN THE RECORDS OF THE COUNTY ASSESSOR AS AN ALTERNATIVE MEANS OF PROVIDING SERVICE. IF THE COUNTY PROVIDES ALTERNATIVE SERVICE, THE COUNTY MUST PROVIDE THE ALTERNATIVE SERVICE AT LEAST TEN DAYS PRIOR TO THE PRELIMINARY HEARING. AT THE TIME, DATE, AND PLACE STATED IN THE SUMMONS, THE

COURT SHALL REVIEW AND CONSIDER THE REQUEST FOR AN ABATEMENT ORDER, ANY STATEMENT OF THE COUNTY IN SUPPORT THEREOF, AND ANY STATEMENT AND EVIDENCE PRESENTED BY THE PROPERTY OWNER, IF PRESENT. ON THE DATE AND AT THE TIME SET FOR THE HEARING, IF THE PROPERTY OWNER FAILS TO APPEAR, AND IF THE COUNTY PROVES THAT PROPER SERVICE WAS MADE ON THE PROPERTY OWNER, THE COURT MAY GRANT THE ORDER AS REQUESTED BY THE COUNTY. A PROPERTY OWNER'S FAILURE TO APPEAR ON ANY DATE SET FOR A PRELIMINARY HEARING IS GROUNDS FOR THE COURT TO ENTER A DEFAULT AND JUDGMENT THEREON AGAINST A NONAPPEARING PROPERTY OWNER. FOR GOOD CAUSE SHOWN, AND PRIOR TO ENFORCEMENT, THE COURT MAY SET ASIDE AN ENTRY OF DEFAULT AND THE JUDGMENT ENTERED THEREON.

(5) IT IS THE RESPONSIBILITY OF THE COUNTY ATTORNEY TO ENFORCE THE PROVISIONS OF THIS SECTION; EXCEPT THAT IF THERE IS NOT A COUNTY ATTORNEY OR IF THE BOARD OF COUNTY COMMISSIONERS DEEMS IT APPROPRIATE, THE BOARD OF COUNTY COMMISSIONERS MAY APPOINT THE DISTRICT ATTORNEY OF THE JUDICIAL DISTRICT TO PERFORM THE ENFORCEMENT DUTIES PURSUANT TO SUBSECTIONS (2) AND (3) OF THIS SECTION, IN LIEU OF THE COUNTY ATTORNEY.

(6) EXCEPT FOR ANY SURCHARGES OR COURT COSTS COLLECTED BY A COURT, ANY FINES OR PENALTIES SHALL BE PAID TO THE COUNTY TREASURER.

(7) NOTWITHSTANDING ANY PROVISION TO THE CONTRARY, IT IS WITHIN THE DISCRETION OF A COUNTY ATTORNEY TO DETERMINE WHETHER TO PURSUE AN ENFORCEMENT ACTION PURSUANT TO THIS SECTION OR TO PURSUE ANOTHER REMEDY AVAILABLE UNDER THE LAW.

SECTION 9. In Colorado Revised Statutes, **repeal** 30-28-124.5 and 30-28-210.

SECTION 10. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED on Friday May 29th 2026 at 10:15am
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO