



# Code Enforcement Policy – Nuisances

## Policy Statement

The Community Development Department – Neighborhood Services Division is responsible for community beautification on private property through the proactive and timely enforcement of the City of Evans adopted nuisance code. The following policy will guide Code Enforcement staff as they work in a citizen-centric manner to improve community livability and desirability, and contribute to the evolution of Evans into *the* Community of Choice in Northern Colorado.

## Grass, Weeds, Trash, and Snow

- Upon observation of a violation of code, the Code Enforcement Officer shall attempt to make contact with the occupant of the property to discuss the violation.
  - If the occupant is the property owner on record with the Weld County Assessor, the Code Enforcement Officer shall serve the property owner with a Notice of Violation, in which the property owner shall have seven (7) calendar-days to resolve the violation. If the seventh day falls on a weekend or a city-recognized holiday, the abatement period shall extend to the next business day. Pursuant to Section 1.17.040(B) of the Evans City Code, the Notice of Violation may be personally served upon the owner or responsible party. The Code Enforcement Officer shall document the name of the individual who took receipt of the Notice of Violation and the time in which the notice was served.
  - If the occupant is not the property owner on record with the Weld County Assessor, the Code Enforcement Officer shall serve the responsible party with a Notice of Violation, in which the responsible party shall have seven (7) calendar-days to resolve the violation. If the seventh day falls on a weekend or a city-recognized holiday, the abatement period shall extend to the next business day. Pursuant to Section 1.17.040(B) of the Evans City Code, the Notice of Violation shall also be mailed to the property owner's address recorded with the Weld County Assessor. Notice of Violation shall be mailed via first-class mail. The Code Enforcement Officer shall document the name of the individual who took receipt of the Notice of Violation and the time in which the notice was served.
  - If nobody is available at the time of contact, the Code Enforcement Officer shall post the Notice of Violation conspicuously on the property and mail a copy of the Notice of Violation to the property owner's address recorded with the Weld County Assessor. If the address recorded with the Weld County Assessor is a different address from the mailing address of the site of the violation, the Code Enforcement Officer shall also mail an additional copy of the Notice of Violation to the occupant at the site address pursuant to Section 1.17.040(B) of the Evans City Code. The Code Enforcement Officer shall take a picture showing the conspicuous posting of the Notice of Violation on the property and a picture of the violation on the property. All pictures shall become a record of the violation.



- At the completion of the seven (7) calendar-day abatement period, the Code Enforcement Officer shall conduct a site inspection of the property to determine if the nuisance has been resolved. City beautification is a high priority and, therefore, the aesthetic of all abatements are important. Grass clippings shall not be blown into the street or any surrounding drainage easements/channels. If the violation has been abated satisfactorily, and achieves the desired aesthetic standard, the Code Enforcement Officer shall close the case and no further action shall be necessary. No citation or administrative fee shall be assessed if the property owner or tenant resolves the violation during the seven-day abatement period.
- If the nuisance is *not* resolved within the seven (7) calendar-day abatement period, or the abatement does not meet the aesthetic standard of the City, Code Enforcement shall immediately schedule the abatement with the City's designated landscaping contractor. If the property owner or tenant resolves the violation before the contractor, the property owner or tenant shall contact Code Enforcement for inspection so the contractor can be canceled.
- Upon satisfactory resolution of the nuisance, the City of Evans shall invoice the property owner all applicable costs for the abatement, including: 1). City citation per Section 1.17.130 of the Evans City Code; 2). All applicable contractor fees; and 3). A 15% administration fee per Section 1.16.050 of the Evans City Code.
- If a property is a repeated offender, the above process shall be followed, with proper adjustments made to the applicable city citation pursuant to Section 1.17.130 of the Evans City Code.

### Junk and Inoperable Vehicles

- Upon observation of a violation of code, the Code Enforcement Officer shall attempt to make contact with the occupant of the property to discuss the violation.
  - If the occupant is the property owner on record with the Weld County Assessor, the Code Enforcement Officer shall serve the property owner with a Notice of Violation, in which the property owner shall have fourteen (14) calendar-days to resolve the violation. If the fourteenth day falls on a weekend or a city-recognized holiday, the abatement period shall extend to the next business day. Pursuant to Section 1.17.040(B) of the Evans City Code, the Notice of Violation may be personally served upon the owner or responsible party. The Code Enforcement Officer shall document the name of the individual who took receipt of the Notice of Violation and the time in which the notice was served.
  - If the occupant is not the property owner on record with the Weld County Assessor, the Code Enforcement Officer shall serve the responsible party with a Notice of Violation, in which the responsible party shall have fourteen (14) calendar-days to resolve the violation. If the fourteenth day falls on a weekend or a city-recognized holiday, the abatement period shall extend to the next business day. Pursuant to Section 1.17.040(B) of the Evans City Code, the Notice of Violation shall also be mailed to the property owner's



address recorded with the Weld County Assessor. Notice of Violation shall be mailed via first-class mail. The Code Enforcement Officer shall document the name of the individual who took receipt of the Notice of Violation and the time in which the notice was served.

- If nobody is available at the time of contact, the Code Enforcement Officer shall post the Notice of Violation conspicuously on the property and mail a copy of the Notice of Violation to the property owner's address recorded with the Weld County Assessor. If the address recorded with the Weld County Assessor is a different address from the mailing address of the site of the violation, the Code Enforcement Officer shall also mail an additional copy of the Notice of Violation to the occupant at the site address pursuant to Section 1.17.040(B) of the Evans City Code. The Code Enforcement Officer shall take a picture showing the conspicuous posting of the Notice of Violation on the property and a picture of the violation on the property. All pictures shall become a record of the violation.
- At the completion of the fourteen (14) calendar-day abatement period, the Code Enforcement Officer shall conduct a site inspection of the property to determine if the violation has been resolved. If the violation has been abated satisfactorily, and achieves the desired aesthetic standard, the Code Enforcement Officer shall close the case and no further action shall be necessary. No citation or administrative fee shall be assessed if the property owner or tenant resolves the violation during the 14-day abatement period.
- If the responsible party is unable to resolve the violation within the fourteen (14) day period, they must contact Code Enforcement to discuss the circumstances that are delaying abatement. The Code Enforcement Officer shall review the circumstances and determine if the responsible party has made a good faith effort to comply with the Notice of Violation pursuant to Section 1.17.040(A) of the Evans City Code. A reasonable extension may be granted at the discretion of the Code Enforcement Officer, up to the limits defined in the Consent Agreement Policy. Extensions longer than what is allowed in the Consent Agreement Policy shall be approved by the Community Development Director; however, said extensions shall not exceed 180 days.
- If the violation is *not* resolved within the fourteen (14) day period, and an extension of time has not been granted by the City of Evans, the property owner shall be issued a summons to appear in municipal court. Through the municipal court proceedings, the City of Evans will request an abatement order from the court to allow the Code Enforcement Officer to contract with a towing company to remove the junk/inoperable vehicle. If the property owner resolves the violation after a court-order abatement is provided, the property owner shall contact Code Enforcement to prevent any further action by the City of Evans. The Code Enforcement Officer shall conduct a site inspection to verify the violation has been satisfactorily resolved and shall be substantiated by post-abatement pictures.
- Upon satisfactory resolution of the nuisance, the City of Evans shall invoice the property owner all applicable costs for the abatement, including: 1). City citation per Section 1.17.130 of the Evans



City Code; 2). All applicable towing contractor fees; 3). All applicable municipal court fees; and 4). A 15% administration fee per Section 1.16.050 of the Evans City Code.

### Dead or Distressed Trees

- Upon observation of a violation of code, the Code Enforcement Officer shall attempt to make contact with the occupant of the property to discuss the violation.
  - If the occupant is the property owner on record with the Weld County Assessor, the Code Enforcement Officer shall serve the property owner with a Notice of Violation, in which the property owner shall have thirty (30) calendar-days to resolve the violation. If the thirtieth day falls on a weekend or a city-recognized holiday, the abatement period shall extend to the next business day. Pursuant to Section 1.17.040(B) of the Evans City Code, the Notice of Violation may be personally served upon the owner or responsible party. The Code Enforcement Officer shall document the name of the individual who took receipt of the Notice of Violation and the time in which the notice was served.
  - If the occupant is not the property owner on record with the Weld County Assessor, the Code Enforcement Officer shall serve the responsible party with a Notice of Violation, in which the responsible party shall have thirty (30) calendar-days to resolve the violation. If the thirtieth day falls on a weekend or a city-recognized holiday, the abatement period shall extend to the next business day. Pursuant to Section 1.17.040(B) of the Evans City Code, the Notice of Violation shall also be mailed to the property owner's address recorded with the Weld County Assessor. Notice of Violation shall be mailed via first-class mail. The Code Enforcement Officer shall document the name of the individual who took receipt of the Notice of Violation and the time in which the notice was served.
  - If nobody is available at the time of contact, the Code Enforcement Officer shall post the Notice of Violation conspicuously on the property and mail a copy of the Notice of Violation to the property owner's address recorded with the Weld County Assessor. If the address recorded with the Weld County Assessor is a different address from the mailing address of the site of the violation, the Code Enforcement Officer shall also mail an additional copy of the Notice of Violation to the occupant at the site address pursuant to Section 1.17.040(B) of the Evans City Code. The Code Enforcement Officer shall take a picture showing the conspicuous posting of the Notice of Violation on the property and a picture of the violation on the property. All pictures shall become a record of the violation.
- At the completion of the thirty (30) calendar-day abatement period, the Code Enforcement Officer shall conduct a site inspection of the property to determine if the violation has been resolved. If the violation has been abated satisfactorily, and achieves the desired aesthetic standard, the Code Enforcement Officer shall close the case and no further action shall be necessary. No citation or administrative fee shall be assessed if the property owner or tenant resolves the violation during the 30-day abatement period.



- If the responsible party is unable to resolve the violation within the thirty (30) calendar-day period, they must contact Code Enforcement to discuss the circumstances that are delaying abatement. The Code Enforcement Officer shall review the circumstances and determine if the responsible party has made a good faith effort to comply with the Notice of Violation pursuant to Section 1.17.040(A) of the Evans City Code. A reasonable extension may be granted at the discretion of the Code Enforcement Officer, up to the limits defined in the Consent Agreement Policy. Extensions longer than what is allowed in the Consent Agreement Policy shall be approved by the Community Development Director; however, said extensions shall not exceed 180 days.
- If the violation is *not* resolved within the thirty (30) day period, and an extension of time has not been granted by the City of Evans, the property owner shall be issued a summons to appear in municipal court. Through the municipal court proceedings, the City of Evans will request an abatement order from the court to allow the Code Enforcement Officer to contract with a qualified tree removal company to remove the tree at the property owner's expense. If the property owner resolves the violation after a court-order abatement is provided, the property owner shall contact Code Enforcement to prevent any further action by the City of Evans. The Code Enforcement Officer shall conduct a site inspection to verify the violation has been satisfactorily resolved and shall be substantiated by post-abatement pictures.
- Upon satisfactory resolution of the nuisance, the City of Evans shall invoice the property owner all applicable costs for the abatement, including: 1). City citation per Section 1.17.130 of the Evans City Code; 2). All applicable tree removal contractor fees; 3). All applicable municipal court fees; and 4). A 15% administration fee per Section 1.16.050 of the Evans City Code.

### General Policy

- The intent of Code Enforcement is not to generate revenue from citations, but rather to eliminate nuisances from the community that affect beautification and erode community pride. Following a proactive and standardized abatement process, a single invoice shall be sent to the property owner after successful resolution of a nuisance violation. The invoice shall recuperate the full cost to abate the violation including, but not limited to the city citation, administrative fee, municipal court fees, and applicable contractor fees. No citation or administrative fee shall be assessed if the property owner or tenant resolves the violation during the designated abatement period.
  - The first citation for a single type of violation within a six-month period shall be \$150 pursuant to Section 1.17.130 of the Evans City Code.
  - The second violation for trash, junk, or inoperable vehicles within six months of the first citation shall be \$500 pursuant to Section 1.17.130 of the Evans City Code.
  - The third and all subsequent violations for trash, junk, or inoperable vehicles within the first six months shall be cited at \$999 per occurrence pursuant to Section 1.17.130 of the Evans City Code.



- Any unpaid invoices shall be added as a special assessment to the property taxes. Invoices initiated in October through December that remain unpaid will be assessed on the following year's property taxes pursuant to Section 1.17.140 of the Evans City Code.
- Local government is a citizen-centric function and, as such, initial communication shall be in person when at all possible. Code Enforcement Officers shall wear City-logoed apparel and shall wear their City of Evans identification badge that can be presented to the public on demand.
- Employee safety is of critical importance. During in-person interactions, the Code Enforcement Officer must take proper precautions to ensure their safety, including maintaining adequate distance if they feel threatened. If needed, prior coordination with Evans Police Department should be taken if there is a heightened risk at any property.

### Consent Agreement Policy (Extension Limits)

On occasion, circumstances may arise that require some degree of flexibility to work with the public on a nuisance abatement. In instances where the property owner is showing a good faith effort to resolve the violation, they can show abatement is under contract with a clearly identified timeframe for completion, or if the property owner can present proof of extenuating circumstances, the following extensions may be considered by the Community Development Department. The Code Enforcement Officer and/or the Community Development Director may provide a reasonable extension of time based on the circumstances, within the following parameters.

- Weeds and brush piles (fits in a passenger vehicle) No Extension
- Trash 10 – 30 days, depending on severity
- Brush pile (more than fits in a passenger vehicle) Up to 30 days
- Inoperable vehicles and trailers Up to 30 days
- Expired plates Up to 45 days
- Dead trees Up to 90 days
- Extenuating circumstances may extend time to comply up to 180 days with Director approval.
- Consent Agreements may include a voluntary agreement by the property owner for the City to abate the nuisance at the expense of the property owner.