

## RECORD OF PROCEEDINGS

ORDINANCE NO. 1Series 1989

An Ordinance Requiring Premises To Be Kept Free From Weeds, Rank Grass, Garbage, Rubbish, Inoperable Vehicles And Other Unsightly And Unsanitary Articles; Prescribing A Procedure To Be Followed In Such Cases; Declaring An Emergency, And For Other Purposes.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ILIFF, COLORADO:

SECTION 1. All property owners within the Town of Iliff, Colorado, are hereby required to cut weeds, grass, remove garbage, rubbish, inoperable vehicles, and other unsanitary and unsightly articles and things from their property.

SECTION 2. If the owner or owners of any lot or other real property within the Town of Iliff, after the giving of twenty (20) days' notice in writing by the Clerk of the Town of Iliff, or other authorized official, shall refuse or neglect to perform the duties in connection with his or their property as specified in Section 1 hereof, any person authorized by the Town Council of the Town of Iliff is hereby authorized to enter upon the property and have said weeds, rank grass or other vegetation cut and removed, or eliminate any unsanitary and unsightly condition, including the removal of inoperable vehicles, and the cost thereof shall be charged against said premises and shall constitute a lien against each lot or tract of land until paid, and shall have priority over all other liens except general taxes and prior special assessments.

SECTION 3. In case the owner of any lot or other real property is unknown or his whereabouts are not known or he is a nonresident of this State, then a copy of the written notice hereinabove referred to shall be posted upon the premises and before any action to enforce such lien shall be had, the Town Clerk shall make an affidavit setting out the facts as to unknown address or whereabouts of nonresidents, and thereupon service of publication as now provided by law against nonresident defendant may be had and an attorney ad litem shall be appointed to notify the defendant by registered letter addressed to his last known place of residence if the same can be found.

SECTION 4. The lien herein provided for, which shall be calculated at the rate of Fifteen Dollars (\$15.00) per hour for work performed plus any expenses incurred by the Town of Iliff, plus a five percent (5%) fee for inspection and administrative expenses, may be enforced and collected in either one of the following manners:

(A) The lien may be enforced at any time within eighteen (18) months after work has been done, by an action in the District Court; or

(B) The amount of the lien herein provided may be determined at a hearing before the Town Council held after thirty (30) day's written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners be known, and if the name of the owner or owners cannot be determined, then after publication of notice of such hearing in a newspaper having a bona fide circulation in Logan County for

one (1) insertion per week for four (4) consecutive weeks; and the amount so determined at said hearing, shall be certified by the Town Council to the Logan County Treasurer, and by him placed on the tax books as delinquent taxes, and collected accordingly, together with a ten percent penalty for cost of collection; and the amount, less three percent (3%) thereof, when so collected shall be paid to the Town of Iliff.

SECTION 5. For the purpose of this ordinance, the following terms shall have the meaning given herein:

(1) Weed - Any and all unsightly, troublesome or injurious herbaceous plants, all untended grasses and any other type of noxious weeds specified by the United States Department of Agriculture.

(2) Garbage - Any worn-out, broken up, used, refuse, rubbish, trash, toppings, twigs and leaves of trees, or worthless matter or material.

(3) Rubbish - Any type of debris, trash, waste, or rejected matter, including, without limiting the foregoing, inoperable vehicles.

(4) Inoperable Vehicles - Any automobile, truck, or self-propelled vehicle, incapable of moving under its own power and which lacks a valid state safety inspection sticker or valid state license plate; or does not comply with the minimum safety requirements of the Colorado Motor Vehicle Laws.

(5) Owner - The term owner shall include the record owner, as shown on the records of the Logan County Assessor, whether person, firm or corporation and any agent, manager or representative of the record owner, and shall also include any occupant or person entitled to possession of any premises.

SECTION 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed. If any portion of this ordinance is determined to be invalid by a court of competent jurisdiction, the remaining portions of this ordinance shall, nevertheless, continue in full force and effect.

SECTION 7. It has been determined that this ordinance is necessary and is vital to the health, welfare and safety of the public, therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and approval.

Approved this 11 day of October, 1989.

TOWN OF ILIFF

Harry Marostica  
Mayor

ATTEST:

Conrad Slater  
Town Clerk

Andrew Bellendir

Thomas Rose

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Lowell Hult

Albert A. Zink

Charles Zink III