

Discussion/Direction: Proposed Nuisance Code and Related Code Amendments

July 21, 2026



Public Nuisances

- As neighborhoods mature, Town staff increasingly faces issues common to established communities, including:
 - Deferred property maintenance;
 - Deteriorating landscaping;
 - Abandoned vehicles;
 - Outdoor storage; and
 - Accumulation of rubbish.

How Town Staff Has Responded

- Our code enforcement program has been based upon achieving voluntary compliance.
- Municipal Court is generally used only after all reasonable attempts at voluntary compliance have failed.
- What happens if a property owner ignores court orders or simply pays fines without correcting the underlying violation?

Program Deficiencies

- Our Code provides no process by which Town staff may seek an abatement order from the Municipal Court to:
 - Enter a nuisance property;
 - Perform the necessary cleanup;
 - Recover the costs of that cleanup from the property owner; and
 - If necessary, impose a lien on the property and collect the costs through the County.

Proposed Nuisance Ordinance

- The proposed Nuisance Ordinance :
 - Establishes a step-by-step process for identifying nuisances
 - Provides clear notice to property owners;
 - Allows property owners a reasonable time to come into compliance; and
 - Authorizes Town staff to abate the nuisance only as a last resort.

Legality of Nuisance Codes

- Since the 1915 decision of the United States Supreme Court in *Hadacheck v. Sebastian*, nuisance codes have been repeatedly found constitutional as a reasonable use of a government's police powers.
- In Colorado, municipalities may "declare what is a nuisance and abate the same and impose fines upon parties who may create or continue nuisances or suffer nuisances to exist." C.R.S. §§ 31-15-401(1)(c), -402.
- The proposed Nuisance Code provides the Town with well-tested, constitutionally defensible process for enforcement.

Additional Code Updates

- Town staff is proposing several updates to the Code, including:
 - Changes to the Town's home occupation regulations to reflect current business practices;
 - Revisions to regulations concerning noise, rubbish and weeds, unsafe trees, solid waste, and zoning enforcement;
 - Clarification of zoning administration provisions throughout the Code; and
 - Updates to various development standards to align terminology and improve consistency.

Recommendation

- The Director of Development Services and the Town Attorney recommend that Town Council move forward with the adoption of a nuisance code and other proposed Code amendments.
- If the Town Council agrees, the Director of Development Services and the Town Attorney will prepare a final ordinance and bring it forward for consideration at the upcoming August 18th meeting.
- Any questions or comments?