

**CITY OF CENTENNIAL,
COLORADO**

ORDINANCE NO. 2017-O-13

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CENTENNIAL, COLORADO AMENDING SECTIONS 7-1-60, 7-2-30 AND
7-2-40 OF THE MUNICIPAL CODE CONCERNING PROHIBITIONS ON
STOCKPILING AND INOPERABLE VEHICLES, AND JUDICIAL
ENFORCEMENT OF NUISANCE VIOLATIONS, AMENDING SECTION
12-3-608 OF THE MUNICIPAL CODE CONCERNING REFUSE
CONTAINERS, AND PROVIDING A PROVIDING PENALTY FOR
VIOLATIONS OF THOSE PROVISIONS**

WHEREAS, the City of Centennial (the “City”) is a Colorado home rule municipality organized pursuant to Article 20 of the Colorado Constitution;

WHEREAS, Chapter 7 of the City of Centennial Municipal Code (the “Code”) concerns the identification and enforcement of nuisances within the City; and

WHEREAS, Section 7-1-160(a) of the Code currently provides that the City Manager will endeavor to consult with City Council prior to commencing civil or criminal judicial enforcement of nuisance violations, which includes enforcement in the City’s Municipal Court; however, in practice, requiring such consultation would result in additional delay enforcement of those violations; and

WHEREAS, the City Council desires to amend Section 7-1-60(a) such that the City Manager shall only be required to consult with the City Council before initiating civil action to enforce nuisance violations in the County or District Court; and

WHEREAS, Chapter 7 provides the City’s Code Enforcement Officials with authority to investigate and determine nuisances but may limit their authority to issue penalty assessments or summons and complaints into Municipal Court which can prolong enforcement actions; and

WHEREAS, the City Council desires to add a new subsection (e) to Section 7-1-60 to clarify and specifically authorize the City’s Code Enforcement Officials to issue summons and complaints or penalty assessments for violations of the nuisance and land development provisions of the City

WHEREAS, as codified in Section 7-2-30 and 7-2-40 of the Code the City prohibits the presence of the stockpiled materials and junk or inoperable vehicles as a nuisance on property within the City; and

WHEREAS, historically, City Code Enforcement, at the prior direction of Council, has enforced the stockpiling and junk and inoperable vehicle prohibitions only when visible from the public right-of-way; and

WHEREAS, the City Council desires to amend Section 7-2-30 of the Code to provide that unlawful stockpiling shall be enforced whether wholly or partially visible from public or private property; and

WHEREAS, the current description of stockpiling of materials in Section 7-2-30 of the Code does not include certain items that threaten the public health, safety and welfare; and

WHEREAS, the City Council desires to amend Section 7-2-30 of the Code by expanding and revising the list of materials which, if stockpiled or present, constitute unlawful nuisances; and

WHEREAS, the City Council desires to similarly amend Section 7-2-40 of the Code restricting visible junk or inoperable vehicles from being kept on property within the City to provide that such unlawful vehicle prohibition shall be enforced whether wholly or partially visible from public or private property; and

WHEREAS, the City Council has adopted the 2011 Land Development Code (“LDC”) by enactment of Ordinance No. 2010-O-13 and Ordinance No. 2011-O-14, as is codified as Chapter 12 of the Code; and

WHEREAS, the LDC contains regulations for refuse containers that do not include requirements for storage of such containers after trash collection is complete; and

WHEREAS, the City Council desires to add a new subsection (B) to Section 12-3-608 of Code to regulate the storage of refuse containers upon completion of collection; and

WHEREAS, at a duly noticed public hearing, the City of Centennial Planning and Zoning Commission recommended the proposed changes to Section 12-3-608 of the Code to the City Council for approval; and

WHEREAS, as required by Section 12-14-311 of the LDC, the public hearings before Planning and Zoning Commission and City Council were properly noticed, including publication of the City Council public hearing in *The Villager*; and

WHEREAS, the City Council has determined that the adoption of this Ordinance is legislative in nature and will further the public health, safety and welfare of the residents of the City.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, ORDAINS:

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the City Council.

Section 2. Subsection 7-1-60(a) of the Centennial Municipal Code is hereby repealed and reenacted to read in its entirety as follows:

(a) The City Manager may initiate a civil action or criminal prosecution for the judicial enforcement of this Chapter against any nuisance at any time. Judicial enforcement shall also be available to abate a nuisance following efforts to abate the nuisance through the delivery of a

Notice and Demand. Except in cases where emergency abatement is necessary to protect the public health, safety and welfare, the City Manager shall advise and consult with the City Council prior to the commencement of a civil action in the county or district court of Arapahoe County to enforce the provisions of this Chapter.

Section 3. Section 7-1-60 of the Centennial Municipal Code is amended by the addition of a new subsection (e) to read in its entirety as follows:

(e) Notwithstanding any other provisions of this Code to the contrary, Code Enforcement Officials shall have the power and duty of peace officers to enforce all provisions of Articles 1 through 6 of this Chapter 7, Chapter 12 and any Code provision pertaining to nuisances. In the furtherance of such duties, Code Enforcement Officials may issue, sign, and serve penalty assessments or summons and complaints into the Municipal Court of the City of Centennial.

Section 4. Section 7-2-30 of the Centennial Municipal Code is hereby repealed and reenacted to read in its entirety as follows:

Sec. 7-2-30. Stockpiling and materials on property.

(a) It is a nuisance and unlawful for any owner to permit, authorize, allow, store or keep the following items upon any property, whether wholly or partially visible from public or private property, the following items:

(1) Any stockpile, pile, stack, stand, collection, dismantling, assembly or other accumulation of material, including but not limited to: earth, dirt, stone, rock, sand, concrete, asphalt, cinders, lumber, wood, shingles, used or discarded building or construction materials, tires, inoperable equipment, household appliances, furniture and other items designed for indoor use, scrap metal, scrap plastic, rubbish, refuse, waste or junk;

(2) Any rat harborages, combustible materials, and similar materials or conditions which constitute fire, health or safety hazards;

(3) Individual items that are no longer being used for their intended purpose (e.g., broken machinery, indoor furniture, ladders, plumbing fixtures, etc.); or

(4) Any accumulation of items in a quantity not customarily found in residential zone districts, whether or not the same could be put to any reasonable use.

(b) The nuisances described in Subsection (a) apply to all property within the City, unless:

(1) Located within a fully enclosed and lawfully existing permanent structure or building which does not include tarps, car covers or other similar means of concealment;

(2) Directly associated with and necessary for the keeping of livestock located upon property zoned and lawfully used for agricultural uses and residential agriculture;

(3) Directly associated with and necessary for an activity being conducted pursuant to a valid and effective building permit issued by the City for the same property upon which such conditions exist;

(4) Directly associated with and necessary for the conduct of a use lawfully permitted and operated in accordance with the provisions in Chapter 12 of this Code except those that concern home occupations;

(5) Earth, dirt, stone or rock integrated into and made part of a permanent landscape feature located upon a residentially zoned lot containing: a principal or primary residential structure. This includes active landscape projects for a period not to exceed 6 months;

(6) Not more than two (2) cords of stacked wood suitable and intended for personal use located upon a residentially zoned lot in the side or rear yards setback a minimum of 10 feet from abutting property; or

(7) Refuse containers used in accordance with Sections 7-2-60 and 12-3-608 of this Code.

Section 5. Section 7-2-40 of the Centennial Municipal Code is hereby repealed and reenacted to read in its entirety as follows:

Sec. 7-2-40. Junk or inoperable vehicles.

(a) It is a nuisance and unlawful for any owner to permit, authorize, allow, park, keep, abandon, demolish, dismantle or fail to remove a junk or inoperable vehicle located upon any property, which is either wholly or partially visible from public or private property, unless located in a rear or side yard behind a solid sight screening fence or in a fully enclosed and lawfully existing permanent structure or building. Lawful enclosure does not include tarps, car covers or other similar means of concealment.

(b) Exceptions. The nuisances described in this Section shall not apply to land lawfully zoned for a use that allow such vehicles as permitted in Chapter 12 of this Code.

(c) Definitions. For purposes of this Section, the following words or phrases are defined as follows:

Vehicle shall mean an automobile, truck, motorcycle, motorbike, snowmobiles, boat, trailer, camper, house-trailer or similar mode of wheeled transportation.

Trailer shall mean any form of nonautomotive vehicle, sled or equipment designed to be towed by a vehicle, including camping trailers, utility trailers and boat trailers.

Junk or inoperable shall mean either of the following:

(1) Inability to be lawfully operated on a public street due to circumstances such as but not limited to: lack of current and valid state license plate or registration; nonexistent, insufficient or inadequate safety or other equipment required by law for legal operation.

(2) Inability to be mechanically operated due to circumstances such as but not limited to: inability to start and/or operate as designed and intended due to a mechanical or physical defect or damage; that is so worn or deteriorated or in such a condition as to be unusable in their existing state; deflated tires; broken or inoperable turn signals; or broken or inoperable headlights; or whose operation is not currently possible due to the disassemble of vehicle parts preventing vehicle operation, except minor automotive repair as provided for in Section 12-5-401(c)(1) of the Centennial Land Development Code.

Section 6. Section 12-3-608 of the Centennial Municipal Code is amended by the addition of a new subsection (B) to read in its entirety as follows:

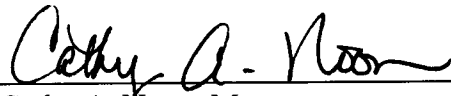
B. Individual Garbage Containers. Individual garbage containers must have a cover and be screened from public view except when placed at the curbside for collection in accordance with Section 7-2-60 of the Municipal Code.

Section 7. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

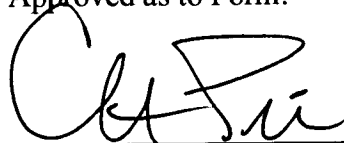
Section 8. Effective Date. Except as otherwise expressly provided herein, the provisions of this Ordinance shall become effective thirty (30) days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD ON THE 15TH DAY OF MAY, 2017.

CITY OF CENTENNIAL

By: 
Cathy A. Noon, Mayor

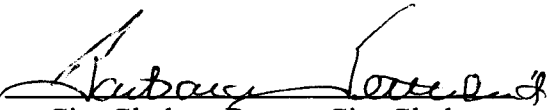
Approved as to Form:


For City Attorney's Office

I hereby certify that the above Ordinance was introduced to the City Council of the City of Centennial at its meeting of May 15, 2017 and ordered published one time by title only in *The Villager* newspaper on May 18, 2017, and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

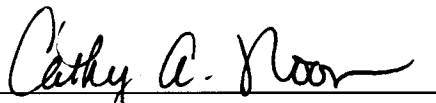
SEAL

ATTEST:

By: 
City Clerk or Deputy City Clerk

FINALLY ADOPTED, PASSED, APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED PUBLISHED BY TITLE ONLY, IN *THE VILLAGER* NEWSPAPER AND IN FULL ON THE CITY WEB SITE IN ACCORDANCE WITH SECTION 2-1-110 OF THE MUNICIPAL CODE BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS MEETING HELD ON THE 5th DAY OF June, 2017, BY A VOTE OF 9 IN FAVOR AND 0 AGAINST.


CITY OF CENTENNIAL

By: 
Cathy A. Noon, Mayor

I hereby certify that the above Ordinance was finally adopted by the City Council of the City of Centennial at its meeting of June 5, 2017, and ordered published by title only, one time by *The Villager* newspaper on June 8, 2017 and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

SEAL

ATTEST:

By: 
City Clerk or Deputy City Clerk