



## **Keystone Town Council Work Session Agenda**

The Keystone Town Council will have a Work Session on February 11, 2025, at 4:00 p.m. at 1628 Sts. John Rd, Keystone, CO 80435.

The Town of Keystone conducts hybrid meetings. This meeting will be held in person at Keystone Town Hall and will also be broadcast live over Teams. [Join the live broadcast available by computer here.](#) If you will need special assistance in order to attend any of the Town's public meetings, please notify the Town Clerk's Office at (970) 450-3500x1 via phone, or [clerk@keystoneco.gov](mailto:clerk@keystoneco.gov) via e-mail, at least 72 hours in advance of the meeting.

- I. CALL TO ORDER, ROLL CALL**
- II. PUBLIC COMMENT PERIOD**
- III. DISCUSSION OF MENTAL HEALTH WITH KELLYN ENDER OF BUILDING HOPE**
- IV. DISCUSSION OF FIRE MITIGATION WITH HANNAH OHLSEN OF SUMMIT FIRE & EMS**
- V. DISCUSSION OF WILDLIFE PROOF REFUSE CONTAINERS**
- VI. DISCUSSION OF E-MAIL RETENTION POLICY**
- VII. DISCUSSION OF PROPOSED REVISIONS TO LODGING TAX ORDINANCE**
- VIII. DISCUSSION OF GENERAL NUISANCE ORDINANCE**
- IX. DISCUSSION OF MANAGER/COUNCIL ISSUES**
- X. ADJOURNMENT**

# TOWN OF KEYSTONE, COLORADO

## STAFF REPORT

TO: Mayor & Town Councilmembers  
FROM: John Crone, Town Manager  
DATE: February 11, 2025  
SUBJECT: Nuisance and Wildlife-proof container ordinance

---

### **Executive Summary:**

The purpose of this work session item is to provide a proposed wildlife-proof container ordinance.

### **Background:**

We discussed this ordinance at our last Town Council meeting on January 28. The Town Council requested some changes and updates. The proposed changes are in **bold**.

In order to protect the surrounding environment, it is important that we take any steps necessary to minimize interactions between the wildlife and our citizens. One of the most important things that we can do is to limit the ability of wildlife to feed on our refuse. Trash kills bears!

The proposed ordinance does recognize that the timelines may be difficult to meet given the reliance on third parties to provide the containers or construct the enclosure. If someone is having difficulty complying with the ordinance, they can appeal to the Town Manager for additional time.

There are several things that the Council needs to work out before the adoption of an ordinance. If the changes are acceptable, staff will bring a proposed ordinance to the next meeting on February 25. Staff also recommends that we update our zoning code to incorporate design standards for dumpster enclosures.

## **Draft Ordinance**

For the purpose of this chapter, the following definitions shall apply:

**ATTRACTANT:** Any substance which could reasonably be expected to attract wildlife or does attract wildlife, including, but not limited to, food products, pet food, feed, compost, grain or salt.

**DUMPSTER:** A single refuse container that is greater than 1 cubic yard in volume. This excludes wildlife-proof containers that hold multiple containers smaller than one cubic yard.

**DUMPSTER ENCLOSURE:** A fully enclosed structure consisting of four (4) sides, a roof, and a secure door or cover, which shall have a latching device of sufficient strength and design to prevent access by wildlife. Dumpster enclosures are subject to all planning and zoning requirements and building codes.

**REFUSE:** Any waste that could reasonably attract wildlife which includes, but shall not be limited to, kitchen, organic waste, food, food packaging, toothpaste, deodorant, cosmetics, spices, seasonings and grease.

**REFUSE CONTAINER:** Any trash can, dumpster, or similar device used for the collection and storage of solid waste.

**RESIDENT:** Any person, firm, corporation or organization within the town of Keystone or on town-controlled land.

**SPECIAL EVENT:** An outdoor gathering such as a concert, conference or festival, whether occurring on public land or private.

**WILDLIFE:** Any undomesticated animal, including, but not limited to, elk, deer, sheep, lynx, skunks, magpies, crows, bears, raccoons, coyotes, beavers, porcupines, mountain lions, bobcats and foxes.

**WILDLIFE-PROOF REFUSE CONTAINER:** A container used for the storage of refuse that has been certified to be wildlife-proof by the Colorado division of wildlife, the U.S. park service, or the U.S. forest service. A container not so certified, is considered a wildlife-proof refuse container if it is fully enclosed, of sturdy construction, and includes a latching mechanism suitable to prevent wildlife from opening the container. Latching mechanisms shall allow a gap between the container lid of no more than one-half inch ( $1/2$ " ). Latching mechanisms shall keep the lid closed in the event the container is turned on its side or upside down. Wildlife-proof refuse containers may include drain holes no larger than one inch (1") in any dimension.

A. All residential containers that receive refuse edible by wildlife must be secured inside the home or garage. Residents unable to keep their refuse container inside the home or garage shall store their refuse in a wildlife-proof refuse container or enclosure approved by the town of Keystone.

B. Residents with curbside pick-up shall place refuse containers at the curb, alley, or public right of way at or after six o'clock (6:00) A.M. on the morning of scheduled pick up. After pick-up, all containers must be removed from the curb, alley or public right of way by eight o'clock (8:00) P.M. on the same day.

C. Other household waste that cannot reasonably be considered "refuse" or an "attractant" as defined in this chapter, including, but not limited to: nonedible yard maintenance waste,

household items, and cardboard, shall not require the use of wildlife-proof containers when not commingled with refuse or any other attractant.

D. **Commercial properties**, multi-family housing developments and other types of clustered residential housing, utilizing centralized refuse containers, must use ~~either a wildlife-proof refuse container or~~ a dumpster enclosure for all refuse. The ~~container or~~ enclosure shall be kept closed in a secure manner except when refuse is being deposited.

E. **Commercial properties, multi-family housing developments and other types of clustered residential housing, utilizing centralized refuse containers that cannot construct a dumpster enclosure may petition the Town Manager to allow the use of a wildlife-proof refuse container as an alternative.**

#### MAINTENANCE AND OPERATION OF ALL REFUSE CONTAINERS AND ENCLOSURES:

A. All refuse containers defined in this chapter shall be kept closed and secured when refuse is not being deposited. Any container which is overfilled so as to prevent a container's designed latching is not a wildlife resistant or wildlife-proof refuse container within the meaning of this chapter.

B. If a container or enclosure is damaged, allowing access by wildlife, repairs must be made within forty-eight (48) hours after written notification by town of Keystone personnel.

~~C. All enclosures defined in this chapter shall have self-closing doors and latching devices.~~

**C. All enclosures defined in this ordinance shall keep all doors closed and latched at all times when the enclosure is not being actively accessed.**

#### SPECIAL EVENT REFUSE DISPOSAL:

Outdoor special event sites shall be kept free from the accumulation of refuse. Refuse must be collected from the grounds at the close of each day's activities and shall be deposited into appropriate wildlife-proof containers or dumpster enclosures as provided in this chapter, or shall be removed to an appropriate disposal site.

#### CONSTRUCTION SITE REFUSE DISPOSAL:

All construction sites must have a designated refuse container which receives "refuse" or attractants as defined by this chapter. This container shall be a wildlife-proof refuse container.

#### COMMERCIAL REFUSE DISPOSAL:

A. All refuse containers receiving refuse from commercial establishments and restaurants shall be ~~in wildlife-proof containers, or shall be~~ secured in a dumpster enclosure.

**B. If a commercial establishment cannot construct a dumpster enclosure, it may petition the Town Manager to allow the use of a wildlife-proof refuse container as an alternative.**

C. Container lids and dumpster enclosure doors shall be kept closed and latched at all times except when loading or removing refuse. The area around the container or enclosure must be kept free from refuse at all times.

#### COMPACTORS:

Trash compactors are compliant with this chapter when no refuse is exposed. Compactor doors must be kept closed at all times, except when loading or removing refuse and the area around the compactor must be kept clean of refuse and debris.

#### FEEDING OF WILDLIFE PROHIBITED:

Intentional Or Unintentional: No person shall intentionally or unintentionally feed or provide food in any manner for wildlife on public or private property within the town of Keystone. A person will be considered to be in violation of this chapter if they leave or store any garbage, refuse or attractant in a manner which would create or does create a lure or enticement for wildlife.

#### EXCEPTIONS:

A. The following entities or actions are exempt from the requirements of this chapter:

1. Any individual, company or corporation that is duly licensed by the state of Colorado or is entitled under law to possess wildlife of any kind.

2. Any action that is officially sanctioned by the state of Colorado, federal agencies, or the town of Keystone that would require feeding, baiting, or luring of wildlife (i.e., capturing and tagging wildlife for relocation or scientific projects and study).

3. Bird feeders are allowed provided that, between April 1 and December 1 of each year, all bird feeders must be suspended on a cable or other device at a height above the ground or structure so as to be inaccessible to bears.

#### ENFORCEMENT:

A. Compliance with this chapter notwithstanding, the town of Keystone may issue a "notice of violation" and order any resident to purchase and use a wildlife-proof refuse container for all storage of refuse that is attractive to or edible by wildlife if the town receives a documented, substantiated report that any animal, whether wild or domestic, has entered into or removed refuse from a refuse container located on the property or placed at the property curbside for pick up. Such order shall:

1. State that a wildlife-proof container shall be obtained for the property within seven (7) days.

2. Shall be served either personally or by means of posting on the premises upon which the nuisance exists. If notice is served by posting, a copy of the notice shall also be mailed by certified mail, return receipt requested, to the owner of record of the property given to any town of Keystone or Summit County government office. If the identity of the resident is not known, the entity responsible for payment of the garbage removal services for the subject location will be held responsible for complying with this chapter and for any penalties assessed pursuant to the same.

#### VIOLATIONS AND PENALTIES; PENALTY ASSESSMENT:

A. Second Notice Of Violation: Offenders who continue to violate this chapter or continue to fail in achieving timely compliance as set forth in any previous notice of violation may be issued a second notice of violation, which shall be in the form of **an administrative** citation or summons. Such summons shall be subject to a graduated fine schedule as set forth below.

B. Penalties: Any person who or entity that is issued a citation or summons shall be punished as follows:

1. A fine not exceeding \_\_\_\_\_ for a first offense.
2. A fine not exceeding \_\_\_\_\_ for a second offense.
3. A third violation shall constitute a misdemeanor and will require a mandatory appearance in municipal court.

**VIOLATOR'S RESPONSIBILITY:** In addition to the penalties outlined in this Chapter, violators may be required to perform all necessary actions to remove or abate attractants of wildlife. This may include, but shall not be limited to: immediate clean-up of any refuse disturbed by wildlife, the removal of bird feeders or pet food, cleaning or appropriate storage of barbecue grills, additional storage requirements for refuse containers and/or the required use of Wildlife-proof Containers and/or Dumpster Enclosures.

**COMPLIANCE REQUIRED AND TIME PERIOD:** Any container required by this Chapter shall be brought into conformity with the provision of this Chapter by **August 15, 2025**. Any enclosure required by this Chapter shall be brought into conformity with the provision of this Chapter by August 15, **2026**. Upon application to the Town Manager, and showing hardship by an owner of an enclosure or container required hereunder, the Town Manager may grant an extension, for a reasonable period of time, with which to comply with the provision of this Chapter. **If a party cannot provide an enclosure by the date required, it must provide a wildlife-proof container within the timeframe herein.**

# TOWN OF KEYSTONE, COLORADO

## STAFF REPORT

TO: Mayor & Town Councilmembers  
THROUGH: John Crone, Town Manager  
Jennifer Madsen, Town Attorney  
FROM: Madeleine Sielu, Town Clerk  
DATE: February 11, 2025 – Work Session  
SUBJECT: Establishing an Email Usage and Retention Policy

---

### **Executive Summary:**

Town staff have drafted a proposed Email Usage and Retention Policy that would apply to Town Officials and employees. This Policy would establish standards for the usage of Town's email system and for retention of this Policy, records retention requirements, and the Colorado Open Records Act.

Staff are seeking feedback on the proposed policies and direction on any changes before bringing back this policy for Town Council approval via passage of a Resolution.

### **Background:**

The Colorado Open Records Act, in C.R.S. Section 24-72-204.5, mandates that each public entity subject to the Colorado Open Records Act that "maintains an electronic mail communications system shall adopt a written policy on any monitoring of electronic mail communications and the circumstances under which it will be conducted." It further states, that "The policy shall include a statement that correspondence of the employee in the form of electronic mail may be a public record under the public records law and may be subject to public inspection under section 24-72-203." The proposed policy would meet these statutory requirements.

Electronic records, including emails, are subject to the Town's records retention

schedule. Town officials and employees are required to consider the content of the emails, rather than the form of communication, to determine whether the email must be retained and the period of retention. Establishing a policy regarding the usage and retention of emails ensures that Town officials and employees have clear guidance and are consistent in their practices regarding maintaining emails.

Key points outlined in the proposed policy are as follows:

1. **Microsoft Outlook Exchange Servers are not a retention tool and should not be where emails with “Enduring Long-Term value” or “Routine Value” should be maintained.**

Section IV(B)(1) acknowledges the challenges with maintaining e-mails that are considered records within email servers.

2. **Email communications may be considered Records pursuant to CORA and can be categorized as follows.**

- a. **Enduring Long-Term Value:** Documentation or correspondence with enduring and long-term administrative, policy, legal, fiscal, historical or research value; Records that relate to policy issues and actions or activities in which an important precedent is set; Records of historic events relating to the municipality or the community; and other similar Records and documentation. **Retention period is permanent.**
- b. **Routine Value:** Operating documentation that is routine and contains no significant administrative, legal, fiscal, historical, information or statistical value. Includes routine communications sent and received, communications containing duplicates of information that are filed elsewhere, routine requests for information, transmittal documents, etc. **Retention period is two years.**
- c. **Non-Records:** e-mails that are not records and are not required to be maintained.

3. **Email communications that are considered Records should be saved in a PDF or TIFF format to an electronic storage system/location as designated by the Custodian of Records**



This would require each Town official or staff member to maintain their own inbox and ensure that they are following retention best practices. They would then place the files they have identified into a designated storage location. This process will be clearly documented and provided to all officials and staff when this policy was on the Council agenda for final consideration.

4. **Automatic retention policies would be set by Outlook to permanently delete deleted e-mails after 30 days and to delete calendar items and tasks after 2 years.**
5. **All emails by Town officials and employees related to Town business should be addressed to the Town officials' and employees' Town email accounts.**

This creates consistency and makes it easier for Town officials and staff to maintain their email records appropriately.

If the policy is finalized for approval, Town staff will provide Council with corresponding retention instructions and best practices.

### **Alternatives:**

Alternate points that may be considered:

1. Some municipalities archive all e-mails from elected officials and designated staff from the Custodian's office and retain the records according to the retention schedule. This would create additional work for staff that may not be able to be reasonably completed.
2. Some municipalities set automatic retention policies in Outlook to permanently delete all e-mails within Outlook after a period of 30 days, 90 days, 6 months, or 2 years. As Outlook is not meant to be a retention tool, this may encourage timely adherence to the retention policies and encourage Town officials and staff to move emails that are Records in their appropriate storage location within these timeframes. If staff and officials are not appropriately doing so, however, there is the risk that these items are not retained.

If Town Council has substantial alternative recommendations or questions related to this policy, it may be valuable to schedule a future Executive Session to receive legal advice related to the Colorado Open Records Act.

**Previous Council Actions:**

Resolution 2024-24, Approving a Colorado Open Records Act Policy

Resolution 2024-28, Adopting a Records Retention Schedule

Resolution 2025-02, Approving Amended Colorado Open Records Act Policy

**Attachment:**

- Proposed Email Usage and Retention Policy

# EMAIL USAGE AND RETENTION POLICY

## I. PURPOSE OF POLICY:

This Policy establishes standards for the usage of the Town's email system, as well as guidelines for the retention and destruction of emails, in compliance with the requirements of this Policy, applicable records retention requirements, and the Colorado Open Records Act (CORA). It provides a framework to promote the effective capture, management, and retention of email communications.

The primary objectives of this Policy are to ensure consistency, predictability, and reliability in both the use of the Town's email system and the maintenance of emails records within the Town of Keystone.

This Policy is not intended to discourage the use of email to conduct Town business. Instead, it aims to establish a framework for the use of email as a communications tool and retention requirements of email, if necessary.

## II. SCOPE:

This Policy outlines the procedures and guidelines that govern the use of email by Town officials and Town employees within the Town of Keystone. It applies whether Town-owned equipment or other equipment is used to access the Town email system. This Policy is subject to the Town's Litigation/Legal Hold Policy and/or legal hold requests.

## III. DEFINITIONS

***Custodian of Records*** means the Town Clerk, as designated by Resolution 2024-24, Approving a Colorado Open Records Act Policy.

**Electronic mail or Email** means a text document which is created, stored, and delivered in an electronic format and transmitted through the Town's Outlook Exchange Servers. As such, email messages are similar to other forms of communicated messages, such as correspondence, memoranda, and circular letters.

**Electronic record or E-record** means a document defined by § 24-72-202(6)(a), C.R.S., which is created and stored in an electronic format and may consist of text documents, pictures, maps, data sets, instant messaging, voice, file shares and all other forms of electronic hardware and software, commonly known as electronically stored information (ESI).

**Non-record** message means documentation or correspondence that is of transitory or short-term value. The non-record message includes advertisements, drafts and worksheets, desk notes, informational or "read only" correspondence, and informal communication. The non-record message does not set or discuss policy, establish guidelines or procedures, certify a transaction, or become a receipt. Examples include:

Routine requests for information or publications which require no administrative action, policy decision, or special compilation or research, and copies of replies.

Copies and duplicates (either electronic or paper) of records as defined by § 24-72-202(6)(a), C.R.S.

Memoranda and other records that do not serve as the basis of official actions (i.e., holiday notices, meeting confirmations, etc.).

Deleted emails.

Draft emails.

Purged emails.

**Officials** mean all Town Elected and Appointed officials of the Town Council.

**Record** means a document as defined by § 24-72-202(6)(a), C.R.S., to be all writings made, maintained, or kept by the Town for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds.

**Records retention schedule** means the Colorado Municipal Records Retention Schedule as adopted by the Town of Keystone in Resolution 2024-28 listing records series and the applicable minimum retention period.

#### IV. RETENTION AND MANAGEMENT PRACTICES OF ELECTRONIC MAIL

Electronic records, including emails, are subject to requirements of the Town's records retention schedule. Town officials and employees are required to consider the content of the emails, rather than the form of communication, to determine whether the Email must be retained and the period of retention.

##### A. Retention Practice of Emails

- (1) Email communications may be considered Records pursuant to CORA. The Town has an obligation to retain Records as set forth in the Colorado Municipal Records Retention Schedule and Emails must be maintained in accordance with the Records Retention Schedule.
- (2) Emails categorized as a **Non-record** are not required to be maintained. Emails categorized as Non-records should be **deleted as soon as they are read and are no longer useful.**

(3) Email that is a Record may fit into one of two categories and the retention period for the Email depends on how the Email is categorized:

1. **Enduring Long-Term Value:** Documentation or correspondence with enduring and long-term administrative, policy, legal, fiscal, historical or research value; Records that relate to policy issues and actions or activities in which an important precedent is set; Records of historic events relating to the municipality or the community; and other similar Records and documentation. **Retention period is permanent.**
2. **Routine Value:** Operating documentation that is routine and contains no significant administrative, legal, fiscal, historical, information or statistical value. Includes routine communications sent and received, communications containing duplicates of information that are filed elsewhere, routine requests for information, transmittal documents, etc. **Retention period is two years.**

#### B. Management of Emails

(1) The Town has limited resources for maintenance and storages of electronic records and emails. The Town does not have the ability to preserve electronic records and emails on a permanent basis, within Outlook Exchange Servers. Email servers are not intended to be a records retention tool. Therefore, the Town maintains storage of email within these servers only to the degree that allows the Town to restore current email in the event of a system failure.

(2) Town officials and employees are responsible for retaining emails in a manner consistent with the schedule above in Section IV.(A). Employees must determine according to Department processes and procedures the categorization of emails. Employees are to exercise judgment in retaining email in the same manner as they would for the retention of paper documents.

(3) Town officials and employees are required to comply with the following procedures for management and retention of emails:

1. Emails that have an Enduring Long-Term value, defined in Section IV.(A)(3)(1), shall either be saved in PDF or TIFF format in an appropriate location on the network drive or other approved electronic storage system or printed and added to the appropriate file.
2. Emails that have a Routine Value, defined in Section IV.(A)(3)(2), shall either be saved in PDF or TIFF format in an appropriate location on the network drive or other approved electronic storage system or printed and added to the appropriate file.
3. Emails that are a Non-record shall be permanently deleted in a timely manner. Permanently deleted means clearing the deleted folders.
4. Personal emails shall be permanently deleted once read.
5. Calendar items will remain in the email system until deleted by the user or for a maximum period of two years. After two years, they will be automatically deleted from the system.
6. Tasks will remain in the email system until deleted by the user or for a maximum period of two years. After two years, they will be automatically deleted from the system.

7. Deleted emails items are permanently deleted after thirty days.

Any question regarding records retention period shall be directed to the Custodian of Records.

C. Permitted Email Communications

All emails by Town officials and employees related to Town business should be addressed to Town officials' and employees' Town email accounts. Personal email accounts may be included in addition to Town email accounts if requested, but no emails related to Town business should be addressed solely to personal email accounts.

**V. SUBJECT TO LEGAL HOLD/NO PRIVATE RIGHT OF ACTION**

The practices and procedures of this Policy are subject at all times to Legal and Litigation Holds of the Town as directed by the Town Attorney's Office.

Nothing in this Policy shall create a third-party cause of action or right to enforce. This Policy is intended only for internal processes and procedures.

**VI. EFFECTIVE DATE**

This Policy shall be effective upon signature.

**VII. APPROVAL**

ADOPTED BY THE TOWN COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025,  
BY PASSAGE OF RESOLUTION NO. \_\_\_\_\_.



# TOWN OF KEYSTONE, COLORADO

## STAFF REPORT

TO: Mayor & Town Councilmembers  
THROUGH: John Crone, Town Manager  
Jennifer Madsen, Town Attorney  
FROM: Heikela Fawkes, Finance Director  
DATE: February 11, 2025 – Work Session  
SUBJECT: Request for discussion on monthly tax filings

---

### **Background:**

Ordinance 2024-O-14 Section 7. Vendor responsible for payment of tax. (b) Returns: **Every vendor shall on or before the twentieth (20) day of each month** make a return to the Town Manager or designee for the preceding calendar month and remit to the finance director simultaneously therewith the total amount due the town as provided by subsection

Staff is requesting council to discuss amending ordinance 2024-O-14 to provide more flexibility in the filing process, for those who rent their properties on a limited basis. Before the change in the lodging tax jurisdiction STR owners were filing one return to the Colorado Department of Revenue (CDOR) who has a periodic filing. As it stands, the requirement for monthly lodging tax filings can impose undue burdens on property owners, especially those whose rentals are seasonal or limited to certain times of the year. Plus, it causes confusion for those who remit quarterly or annually with the CDOR when they also need to file monthly for Keystone. They also have one more step since before everything was filed and remitted through the CDOR. Now they need to remit sales tax, mass transit tax and special district sales tax through CDOR and now remit Keystone lodging tax to Keystone creating more work.

## Proposed Changes:

### Quarterly or Annual Filings Based on Sales

Staff propose adopting a system that allows property owners to file tax reports either monthly, quarterly or annually, depending on their rental sales. A model similar to that used by the Colorado Department of Revenue (CDOR) and other municipalities would be effective. For example, filing schedules could be determined by sales thresholds.

Below is a model that shows what CDOR, and other municipalities have in place.

Municipality	Monthly	Quarterly	Annually	Requires zero-dollar filings
Colorado Department of Revenue	\$300 or more in sales tax per month.	Collecting more than \$15 but less than \$300 in sales tax per month	Collecting less than \$15 in sales tax per month.	Yes
Summit County	\$300 or more in sales tax per month.	Collecting more than \$15 but less than \$300 in sales tax per month	Collecting less than \$15 in sales tax per month.	Yes
Dillon				
Frisco	\$300 or more in sales tax per month.	Collecting more than \$15 but less than \$300 in sales tax per month	Collecting less than \$15 in sales tax per month.	Yes
Silverthorne	All	N/A	N/A	<u>Yes for all</u>
Breckenridge	More than \$40 in lodging tax per month	Less than \$40 per month or \$120 per quarter	Less than \$180 per year	Yes

### Amendment of Filing Period Based on Rental Patterns

Staff also recommends allowing appropriate exceptions when justified, aligning with common practices in the municipalities mentioned above.

For example, an owner of a 10-bedroom property charging \$1,400 per night may only rent the property for two weeks during Christmas, resulting in an annual rental income of \$19,600. Under the current ordinance, this owner would be required to file monthly. Allowing annual filing in such cases would significantly reduce the administrative burden while ensuring continued tax compliance.

**Direction:**

If the council agrees to amend Ordinance 2024-O-14, please direct staff and legal counsel to make the necessary revisions and present them at the next evening meeting on February 25th. As this is an ordinance, a mandatory 30-day waiting period follows its approval before it takes effect. This timeline sets the ordinance's effective date as March 25, 2025, aligning seamlessly with the second-quarter filing.

# TOWN OF KEYSTONE, COLORADO

## STAFF REPORT

TO: Mayor & Town Councilmembers  
FROM: John Crone, Town Manager  
DATE: February 11, 2025  
SUBJECT: Nuisance ordinance – general provisions

---

### **Executive Summary:**

The purpose of this work session item is to provide an overview of the general nuisance provisions of a proposed nuisance ordinance.

### **Background:**

Town Council is in the process of reviewing sections for a proposed nuisance ordinance. This section contains the general provisions of the proposed ordinance. The sections are largely based on the ordinance that has been adopted by the Town of Dillon.

Town Council has previously reviewed these sections, however, that review took place under the context of a review of all of the sections proposed for the complete nuisance ordinance. Tonight's review will allow the Town Council to explore the general provisions of the proposed ordinance in more detail and give more feedback to staff on proposed changes.

### **Proposed Ordinance**

#### **Section 1.** - Author of nuisances.

Any state of things prohibited by this Ordinance shall be deemed to be a nuisance, and any person who shall hereafter make or cause such nuisance to exist shall be deemed to be the author thereof.

Section 2. - Prohibition of nuisances.

It is unlawful for any person, being the owner, agent or occupant of, or having under his or her control, any building, lot, premises or unimproved real estate within the limits of the Town, to cause, permit, maintain or allow any nuisance to be or remain therein.

Section 3. - Ascertaining nuisances.

Whenever the pursuit of any trade, business or manufacture or the maintenance of any substance or condition of things shall, upon investigation, be considered by the Town Manager dangerous to the health of any of the inhabitants of the Town, the same shall be considered a nuisance and shall be abated.

Section 4. - Constitution of separate offense.

In the case of any nuisance in or upon any street, alley or other public or private grounds, the author thereof shall be guilty of a separate offense for every period of forty-eight (48) hours' continuance thereof after notice has been given to abate the same.

Section 5. - Filing complaint.

In addition to or in lieu of any procedure for abatement, a direct complaint may be filed by any person against any person who violates any provision of this Ordinance.

Section 6. - Emergency abatement.

When, in the opinion of the Town Manager there is actual and immediate danger to the public or occupants of a particular premises caused by a nuisance on such premises, the Town Manager is hereby authorized and empowered, without any notice or hearing, to order and require such premises to be vacated. The Town Manager or the Town Manager's designee shall immediately post the premises, warning of the dangerous condition, and shall then abate such nuisance and prepare a statement of costs incurred in the abatement thereof.

Section 7. - Right of entry.

The Town Manager or any other authorized person may enter upon or into any lot, house or other building or premises, with the proper respect of the occupant's constitutional rights, to examine the same and to ascertain whether any such nuisance exists, and shall be free from any action of liability on account thereof.

Section 8. - Notice to abate nuisance.

Whenever a nuisance is found to exist within the Town or within the Town's extraterritorial jurisdiction, the Town Manager shall give five (5) days' written notice to the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance.

Section 9. - Contents of notice.

The notice to abate a nuisance issued under the provisions of this Ordinance shall contain:

- (1) An order to abate the nuisance or to request a hearing within a stated time, which shall be reasonable under the circumstances;
- (2) The location of the nuisance, if the same is stationary;
- (3) A description of what constitutes the nuisance;
- (4) A statement of acts necessary to abate the nuisance; and
- (5) A statement that if the nuisance is not abated as directed and no request for hearing is made within the prescribed time, the Town will abate such nuisance and assess the cost thereof against such person.

Section 10. - Service of notice.

The notice to abate a nuisance shall be served as any other legal process may be served pursuant to law.

Section 11. - Abatement by Town.

Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this Ordinance to abate the same, the Town Manager shall

proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof.

Section 12. - Report of costs.

Upon the completion of any work by the Town contemplated by this Ordinance, the Public Works Director shall report, in writing, to the Town Manager, which report shall make a clear statement of the work done by the Town and the expense incurred in so doing, so that the Town Manager may determine the cost of such work. The Public Works Director shall make a separate report for each lot or parcel of land.

Section 13. - Assessment of property.

After considering the report of the Public Works Director, the Town Manager shall determine and assess the whole cost for the abatement thereof, including five percent (5%) for the inspection and other incidental costs in connection therewith, upon the lots and tracts of land from which the nuisance was abated.

Section 14. - Notice of assessment.

The Town Clerk, as soon as may be after such assessment is made, shall send by certified mail, return receipt requested, addressed to the owner of such lots or tracts of land at the reputed post office address, a notice of such assessment, which notice shall contain a description of the lots or parcels of land, the name of the owner and the amount of the assessment.

Section 15. - Payment of assessment.

- (a) It shall be the duty of the owner to pay such assessment or object thereto, in writing, within thirty (30) days after the receipt of such notice, and in case of his or her failure to do so, he or she shall be liable personally for the amount of the assessment. The same shall be a lien upon the respective lot or parcel of land from the time of such assessment, and the Town shall have all remedies for collection thereof provided by state statutes, for the purpose of having the same placed upon the tax list and collected in the same manner as

taxes are now collected. The assessment shall be a lien against each lot or tract of land until it is paid and shall have priority over all other liens except general taxes and prior special assessments.

- (b) The amount of such assessment may be paid to the Town Clerk at any time before the tax list is placed in the hands of the County Treasurer, but thereafter only to the County Treasurer.

Section 16. - Objection to assessment; hearing.

In the event any owner desires to object to said assessment, he or she shall, within thirty (30) days after the receipt of said notice, file a written objection thereto with the Town Clerk, who shall thereupon designate the next regular meeting of the Town Council as the date when said objector may appear and have a hearing before the Town Manager and Town Council.

Section 17. - Certified assessment.

In case the owner shall fail to pay such assessment or object thereto within the required time as provided above, then it shall be the duty of the Town Clerk to certify the amount of the assessment to the proper county officers, who shall collect the assessment as provided for by state law for the collection of delinquent general taxes.

Section 18. - Cumulative remedies.

No remedy provided herein shall be exclusive, but the same shall be cumulative, and the taking of any action hereunder, including charge, conviction or violation of this Ordinance in the Municipal Court, shall not preclude or prevent the taking of other action hereunder to abate or enjoin any nuisance found to exist.

Section 19. - Concurrent remedies.

Whenever a nuisance exists, no remedy provided for herein shall be exclusive of any other charge or action, and when applicable the abatement provisions of this Ordinance shall serve as and constitute a concurrent remedy over and above any



charge or conviction of any municipal offense or any other provision of law. Any application of this Ordinance that is in the nature of a civil action shall not prevent the commencement or application of any other charges brought under this Code or any other provision of law.

Section 20. - Violations and penalties.

Any person who shall violate any of the provisions of this Ordinance shall be subject to the provisions as defined in the Town's general penalty ordinance.

Section 21 – Nuisances Defined

A nuisance is defined as meaning any person doing an unlawful act or omitting to perform a duty or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

- a. Injures or endangers the comfort, repose, health or safety of others;
- b. Offends decency;
- c. Is offensive to the senses;
- d. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage;
- e. In any way renders other persons insecure in life or the use of property; or
- f. Essentially interferes with the comfortable enjoyment of life and property or tends to depreciate the value of the property of others.
- g. Has been declared to be such by state courts or statutes or known as such at common law.