

**TOWN OF KEYSTONE
ORDINANCE NO. 2025-O-07**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE,
COLORADO, REGARDING THE REGULATION OF NUISANCES WITHIN THE TOWN
OF KEYSTONE**

WHEREAS, the Town of Keystone, Colorado (“Town”) is a home rule municipality, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, the Town of Keystone Town Charter article 2.9 grants the Keystone Town Council the right to exercise all legislative powers and functions of municipal government; and

WHEREAS, the existence of nuisances within the Town of Keystone will have a detrimental effect on the citizens and visitors in the Town; and

WHEREAS, the Town Council has determined that it is in the best interest of the health, safety, and welfare of the Town and its citizens to adopt an ordinance to regulate and control nuisances within the Town of Keystone.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Keystone, Colorado, as follows:

Section 1. The Town Council adopts the items in attached Exhibit A as the Town’s nuisance ordinance – general provisions regarding the regulation and control of nuisances within the Town of Keystone.

Section 2. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 3. Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

Section 4. Codification. This ordinance may be codified and numbered for purposes of codification without the need for further approval by the Town Council.


Section 5. Effective Date. After adoption by the Town Council, this ordinance shall take effect on May 8, 2025.

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INTRODUCED, READ AND PASSED AS AN ORDINANCE, ON FIRST READING, AND SCHEDULED FOR PUBLIC HEARING ON April 8, 2025, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS

25th DAY OF MARCH 2025.

Signed by:

FFCC105F18734F8...
Kenneth D. Riley, Mayor

ATTEST:

DocuSigned by:

04E4BE3F50A1424...
Town Clerk

APPROVED AS TO FORM:

Signed by:

89751994A1B74EC...
Town Attorney

READ, PASSED AND ADOPTED WITH A ROLL CALL VOTE OF 7 IN FAVOR AND 0 OPPOSED ON SECOND READING, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS 8th DAY OF APRIL 2025.

Signed by:

FFCC105F18734F8...
Kenneth D. Riley, Mayor

ATTEST:

DocuSigned by:

04E4BE3F50A1424...
Town Clerk

APPROVED AS TO FORM:

Signed by:

89751994A1B74EC...
Town Attorney

Exhibit A

Section 1. – Title.

This ordinance shall be known as the *NUISANCE ORDINANCE – GENERAL PROVISIONS*.

Section 2. - Purpose.

The purpose of this Ordinance is to regulate and control nuisances within the Town of Keystone in order to protect the property, health, welfare, peace or safety of its citizens, inhabitants and visitors.

Section 3. - 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 4. - Prohibition of nuisances.

It is unlawful for any person, being the owner, agent or occupant of, or having under their 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 5. - 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 or injurious to public or private property, the same shall be considered a nuisance and shall be abated.

Section 6. - Constitution of separate offense.

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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 unless such other time limit is designated in this ordinance or any other ordinance of the Town of Keystone that regulates nuisances. The Town Manager may waive the issuance of separate violations if the Town Manager determines that the author of the nuisance has made reasonable efforts to abate the nuisance.

Section 7. - Emergency abatement.

The Town Manager may conduct an abatement of emergency nuisances that pose an imminent threat to public health, safety, or welfare. An emergency nuisance is a condition that either (1) poses an immediate threat to people or property; or (2) endangers public health or safety. The Town Manager has the authority to order structures to be vacated related to the finding of an emergency nuisance. The Town is authorized to enter the property and take necessary actions to remove the imminent threat to public health, safety, or welfare. The Town shall issue a notice to the property owner and tenant, if any, informing them of the emergency nuisance and the need for immediate action. The property owner is responsible for all costs of abatement.

Section 8. - Right of entry.

(a) The Town Manager or designee is authorized to enter upon all or any portion of private property to ascertain the existence of a nuisance if:

- (1) Emergency conditions dangerous to the public health, safety or welfare are reasonably believed to exist upon such property or upon property which is accessible from the entered property;
- (2) The Town has obtained a warrant authorizing such entry;
- (3) The private property is undeveloped or vacant and is not posted in a manner that would indicate the owner's prohibition of such access;
- (4) The Town Manager or designee has obtained the consent of a person who purports to be in ownership, possession or control of the property; or

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(b) The Municipal Court Judge shall have the power to issue a search warrant to permit the investigation of the existence of a nuisance upon a showing by the Town: (1) that there is probable cause that a nuisance exists; or (2) that, upon information and belief made after reasonable investigation, emergency conditions dangerous to the public health, safety or welfare may exist.

(c) The Town Manager or designee is authorized to enter upon private property in the same manner and by the same means as visitors to the property for the purpose of delivering, depositing, posting or otherwise providing a notice, advisement or other information necessary to implement or administer the provisions of these regulations. Such entry will customarily involve reaching the front or primary entrance to the property via the driveway, sidewalk or path. The Town Manager shall not enter private property where the owner or person in possession denies consent except where emergency conditions are believed to exist or a search warrant authorizing entry is obtained.

Section 9. - 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 demand that the violation is corrected on or before a date and time certain, which shall be a reasonable time to correct the action, and in no event less than five (5) days from the date of the notice. The Town Manager is authorized to allow for reasonable extension of the time deadline in the notice. The property owner or tenant may request an administrative hearing on the matter provided in the notice.

Section 10. - 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 an administrative 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;

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- (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 an administrative hearing is made within the prescribed time, the Town will abate such nuisance and assess the cost thereof against such person.

Section 11. - Service of notice.

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

Section 12. - 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 13. - Interference unlawful.

It shall be unlawful for any person to interfere with or prevent, or attempt to interfere with or prevent, the abatement of any nuisance by any employee or agent of the Town pursuant to these provisions. It is unlawful for any person to interfere with or attempt to interfere with the enforcement of any civil action for nuisance abatement.

Section 14. - Report of costs.

Upon the completion of any work by the Town contemplated by this Ordinance, the Town Manager shall issue a report, in writing, which shall make a clear statement of the work done by the Town and the expense incurred in so doing.

Section 15. - Assessment of property.

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.

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Section 16. - 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 property, the name of the owner and the amount of the assessment.

Section 17. - 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 18. - 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 a date within twenty-one days when said objector may appear and have a hearing before the designated hearing officer. In the event that the objector does not prevail in the hearing, the objector may be assessed reasonable fees to offset the cost of the hearing.

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Section 19. - 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 20. - 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 21. - 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 22. - 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 23. – 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 health or safety of others;

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- b. Offends a reasonable sense of decency;
- c. Is unreasonably offensive to the physical 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. Renders in other persons a reasonable sense of insecurity in life or the use of property;
- f. Essentially interferes with the comfortable enjoyment of life and property;
- g. Has been declared to be such by state courts or statutes or known as such at common law.