

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2025

COUNCIL BILL NO. _____
COMMITTEE OF REFERENCE:

4
5 A BILL

6
7 **For an ordinance amending article IX of chapter 10 regarding neglected and**
8 **derelict properties.**
9

10 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

11 **Section 1.** That chapter 10, article IX, of the Code shall be amended by deleting the language
12 stricken and adding the language underlined, to read as follows:

13 **ARTICLE IX. - NEGLECTED AND DERELICT PROPERTIES~~BUILDINGS~~**

14 **Sec. 10-138. - Purpose. Neglected or derelict buildings or property prohibited.**

15 (a) ~~—~~ *Purpose.* The purpose of this article is to prevent any property in the city from becoming
16 or remaining neglected ~~or~~ and derelict, as that term is defined in this article; and to mitigate the
17 blighting impacts of these properties; ~~to provide for the regular inspection of properties that are or~~
18 ~~are likely to become neglected or derelict; and to assess fees for the costs of this program on those~~
19 ~~properties and owners who have and maintain any neglected or derelict property.~~

20 **Sec. 10-139. - Definitions.**

21 (b) ~~—~~ *Definitions.* As used in this article, unless the context requires otherwise:

22 (1) *Abate* or *abatement* means to make the neglected ~~or~~ and derelict property compliant
23 with the Code, including rules and regulations, and any adopted international codes such as the
24 Denver building code, and the Denver Housing Code, and all rules and regulations adopted pursuant
25 to them; provided however, that for a property only cited under section 10-138(c)(3) because the
26 property is not lawfully occupied and has been in violation of any provision of city or state law on
27 three (3) separate occasions within a two-year period, compliant with the Code means compliant
28 with the underlying city or state law giving rise to the violation of section 10-138(c)(3). The closing or
29 boarding up of a building that is found to be neglected or derelict is not an abatement.

30 (2) *Building* means any building or structure, as ~~these are~~ defined in the Denver building
31 code, ~~located in the city.~~

32 (3) *Denver building code* means the building code and fire code adopted pursuant to
33 article II of chapter 10 of this Code. ~~the 2009 International Building Code as amended by the 2011~~
34 Denver Amendments and all subsequent amendments and reenactments.

1 ~~(4) — *Denver Housing Code* means article II, chapter 27 of the Code and the rules and~~
2 ~~regulations promulgated under it, and all subsequent amendments and reenactments.~~

3 ~~(5) — *Hearing officer* means an officer or employee of the city or a person the city retained~~
4 ~~by contract to hear and decide all issues raised in a hearing.~~

5 ~~(46) *Historic property* means a structure that has been designated as a structure for~~
6 ~~preservation in accordance with chapter 30 of the Code; or a structure within an area that has been~~
7 ~~designated as a district designated for preservation in accordance with chapter 30 of the Code; or a~~
8 ~~property listed in the National Register of Historic Places pursuant to section 101(a)(1)(A), National~~
9 ~~Historic Preservation Act of 1966, as amended.~~

10 ~~(7) — *Interested person* means an owner, mortgagee, lienholder, or other person or entity~~
11 ~~that possesses an interest of record or an interest otherwise provable in property that becomes~~
12 ~~subject to the provisions of this article. The city and any applicant for appointment as receiver~~
13 ~~pursuant to this article are interested persons.~~

14 ~~(58) *Manager* means the manager of community planning and development or the~~
15 ~~manager's designee, and with regard to a hearing for an appeal or show cause hearing under this~~
16 ~~article, it includes a hearing officer appointed by the manager.~~

17 ~~(9) — *Neglected or derelict property* means any building, structure, utility, or property the~~
18 ~~manager determined to be neglected or derelict under subsection (c) of this section.~~

19 ~~(10) — *Neighborhood landowner* means an owner of property or neighborhood group that~~
20 ~~represents the owner of property that is located within five hundred (500) feet of property that~~
21 ~~becomes subject to the provisions of this article.~~

22 ~~(11) — *Neighborhood nuisance* means a property that, by reason of inadequate maintenance,~~
23 ~~dilapidation, obsolescence, or other similar reason, is a danger to the public health, safety or welfare;~~
24 ~~is structurally unsafe or unsanitary; is not provided with adequate safe egress; constitutes a fire~~
25 ~~hazard; is otherwise dangerous to human life; or in relation to the existing use constitutes a danger~~
26 ~~to the public health, safety or welfare. To determine whether a property is a neighborhood nuisance,~~
27 ~~as appropriate, and in addition to other factors that the manager finds are relevant, the manager~~
28 ~~shall consider whether:~~

29 ~~(A) — There have been or are Code violations or violations of other ordinances or statutes;~~

30 ~~(B) — The property is vacant;~~

31 ~~(C) — The grounds are maintained;~~

32 ~~(D) — A building's interior is sound;~~

33 ~~(E) — The property has been vandalized or subject to other destructive activity;~~

34 ~~(F) — The property is within a one thousand-foot radius of a school, park, or recreation center~~

1 as measured from the closest point of the property to the closest point of the property on which a
2 school, park, or recreation center is located;

3 ~~(G) The length of time any of the above conditions have existed;~~

4 ~~(H) In the case of an occupied building, an owner obligated by law or lease to provide~~
5 ~~services, make repairs, purchase fuel or other needed supplies, or pay utility bills has failed to do~~
6 ~~so; and~~

7 ~~(I) Other relevant factors as the manager determines.~~

8 ~~(12) Nonoccupant owner means a natural person who owns a neglected or derelict property~~
9 ~~that is not the owner's primary residence and whose primary residence is located in the City and~~
10 ~~County of Denver and with regard to a corporation, partnership, or limited liability company, it means~~
11 ~~a business entity that owns a neglected or derelict property that is not its principal place of business~~
12 ~~and whose principal place of business is located in the City and County of Denver.~~

13 ~~(13) Nonresident owner means a natural person who owns property within the City and~~
14 ~~County of Denver and does not maintain a principal residence within the City and County of Denver~~
15 ~~and for a corporation, partnership, or limited liability company, it means a business entity that owns~~
16 ~~property within the city whose principal place of business or agent for service of process or both is~~
17 ~~not located within the city.~~

18 ~~(614) Not lawfully occupied means: property that is~~

19 ~~(a) Vacant land;~~

20 ~~(b) A property, or portion of property, that is unoccupied, or uninhabited, illegally used or~~
21 ~~illegally occupied under the Code, or that is occupied only by trespassers; or; property that is~~
22 ~~occupied or inhabited but that is not in compliance with the Denver Housing Code; property that is~~
23 ~~posted as unsafe, regardless of whether occupied; property that has been~~

24 ~~(c) A property, or portion of property that has been ordered to be vacated or declared to~~
25 ~~be unsafe by the manager or other department or agency, pursuant to section 105.3.1 of the Denver~~
26 ~~Building Code (or successor section); or property that is occupied only by trespassers or transients~~
27 ~~seeking temporary hiding or shelter.~~

28 ~~(715) Owner means any person with a record legal or equitable interest title in property; a~~
29 ~~person who is under contract to purchase property by land installment contract or by a purchase~~
30 ~~contract; or a person who is acquiring property, or a legal or equitable interest title in it, through~~
31 ~~foreclosure.~~

32 ~~(816) Property means any building, utility, parcel of land, or real property.~~

33 ~~(9) Remedial plan means a written and enforceable order that sets forth all actions~~
34 ~~required for abatement, the deadlines for those actions to occur, as well as any other requirements~~

1 as established by rules and regulations promulgated pursuant to this article.

2 (10) Service response means a call for emergency services, including emergency
3 firefighting, law enforcement, ambulance, emergency medical, or search and rescue services, to the
4 property or the area surrounding the property due to activity occurring on the property. A service
5 response must result in a criminal justice record being generated or result in a notice or issuance of
6 an administrative violation.

7 ~~(1117) School means an educational institution having a curriculum comparable to that of a~~
8 ~~publicly supported elementary or secondary school, or any combination thereof, and requiring~~
9 ~~daily regular attendance; or a childcare establishment licensed by the city or the state; or an institution~~
10 ~~that is licensed as a child care center pursuant to article 6 of title 26, C.R.S.~~

11 ~~(1218) Substantial and ongoing construction activity means lawful construction activity that~~
12 ~~will result in the property being in compliance with all provisions of the Code, including the Denver~~
13 ~~building Code; conducted under and pursuant to a valid building permit, if a permit is required for the~~
14 ~~work; and that has received an inspection approval under the Denver Building Code within sixty (60)~~
15 ~~days of an inspection conducted under section 10-141 of this article.~~

16 (13) Vacant land means any lot, parcel, site, or tract of land without any buildings or fixtures
17 other than minor structures.

18 ~~(19) Unsafe means any property defined as unsafe in the Denver Building Code.~~

19 **Sec. 10-140. – Neglected and derelict designation.**

20 ~~(c) Neglected or derelict buildings or property.~~ The manager shall have the authority to
21 designate any property in the city neglected and derelict. A property may be designated as neglected
22 or and derelict when one (1) or more of the following circumstances exist on the property:

23 (a1) A building on tThe property is unsafe, as defined by the Denver building code;

24 (b2) A building on tThe property is, not lawfully occupied for any three (3) consecutive
25 months, not lawfully occupied, is wholly or partially boarded up, and the property does not show
26 evidence of substantial and ongoing construction activity;

27 (c3) The property is not lawfully occupied and has been in violation of any provision of city
28 or state law on three (3) separate occasions within a two-year period;

29 (d4) The property is not lawfully occupied and the tax a distraint warrant has been issued
30 for unpaid taxes on the property on the premises has been due and unpaid for a period of at least
31 one (1) year; or

32 (e5) The property is designated by the manager as a neighborhood nuisance as that term
33 is defined in subsection (b)(11) of this section, because, by reason of inadequate maintenance,
34 dilapidation, obsolescence, or other similar reason, the property is a danger to the public health,

1 safety or welfare; is structurally unsafe or unsanitary; is not provided with adequate safe egress;
2 constitutes a fire hazard; is otherwise dangerous to human life; or in relation to the existing use
3 constitutes a danger to the public health, safety or welfare. In making the above determination, the
4 manager shall consider whether:

5 (1) Any violations of the Code, rules and regulations, and any adopted international codes
6 such as the Denver building code, have occurred on the property;

7 (2) The property is vacant land;

8 (3) The grounds are not maintained;

9 (4) The property has been vandalized or subject to other destructive activity;

10 (5) The property is within a one thousand (1,000) foot radius of a school, park, or
11 recreation center, as measured in a straight line from the nearest parcel line of the property to the
12 nearest parcel line of the property on which a school, park, or recreation center is located;

13 (7) In the case of an occupied building, an owner has failed to provide required services,
14 make required repairs, or pay utility bills; and

15 (8) The length of time any of the above conditions have existed as well as other relevant
16 factors affecting the public health, welfare, or safety as the manager determines.

17 ~~(6) Historic property that is not being preserved in accordance with chapter 30 of the Code.~~

18 ~~(d) Prohibition. It is unlawful for any person to permit any property to be neglected or derelict.~~

19 **Sec. 10-139. Administrative actions for enforcement and abatement.**

20 ~~(a) Emergency abatement or corrective action. Whenever the manager determines that a~~
21 ~~violation of this article is an imminent hazard to life, health, property, or public welfare, the manager~~
22 ~~may order the owner to immediately abate or correct the condition causing the imminent hazard or~~
23 ~~may abate or correct the condition causing the imminent hazard. Within twenty (20) days of abating~~
24 ~~the imminent hazard, the manager notify the owner:~~

25 ~~(1) That the city took an abatement or corrective action,~~

26 ~~(2) The fee of the abatement or corrective action, and~~

27 ~~(3) That under section 12-19 of the Code, the owner may appeal the manager's decisions~~
28 ~~and the fee for any abatement or corrective action the city took.~~

29 ~~(b) Notice of violation. Except as provided in subsection (a) of this section, whenever the~~
30 ~~manager finds that any owner has violated or is violating this article, or any rules and regulations~~
31 ~~established hereunder, the manager may issue a written notice to the owner stating the nature of~~
32 ~~the violation, the possible penalties, and any required remedial action and referring to the appeal~~
33 ~~process under section 12-19. For a neglected or derelict historic property, the landmark preservation~~
34 ~~commission or lower downtown design review commission may request the manager to proceed~~

1 with an administrative enforcement and abatement action.

2 (c) ~~— Remedial plan.~~

3 (1) ~~— Whenever the manager issues a notice of violation under subsection (b), the owner~~
4 ~~shall submit a written remedial plan, in a form acceptable to the city, within thirty (30) days of the~~
5 ~~date of the notice or shorter period of time as stated in the notice. The remedial plan must include~~
6 ~~all work necessary to abate the violation, deadlines for completing all work in the remedial plan.~~

7 (2) ~~A remedial plan for a historic property proposing to demolish or alter the exterior of a~~
8 ~~historic structure is neither approvable nor allowed to be implemented, without the landmark~~
9 ~~preservation commission or the lower downtown design review commission's prior written approval.~~

10 (3) ~~— Except for placement on the neglected and derelict building list in accordance with~~
11 ~~section 10-141(b) and the requirements under section 10-143, all further enforcement action under~~
12 ~~this article will be stayed if the manager approves the remedial plan and the owner:~~

13 (A) ~~— Complies with the approved remedial plan;~~

14 (B) ~~— Complies with all property related provisions of the Code (with regard to that~~
15 ~~property); and~~

16 (C) ~~— Pays all fees and penalties related to or arising out of any violation of section~~
17 ~~10-138(e).~~

18 **Sec. 10-141. – Security requirements and remedial plan.**

19 (a) Security requirements and remedial plan.

20 (1) Security requirements upon designation. Upon the manager's designation of a property
21 as neglected and derelict, the manager may order the owner of the property to immediately secure
22 the property by fencing, installation of lighting, required signage, security monitoring, or any other
23 method deemed appropriate by the manager.

24 (2) Remedial plan submission or issuance. Upon the manager's designation of a property
25 as neglected and derelict, the manager shall order the owner of the property to schedule, or to attend
26 at a date, place, and time certain, a remedial plan submission meeting with the manager. In such
27 order, or upon conclusion of the remedial plan submission meeting, the manager shall provide
28 deadlines for submittal, review, and final action on the required remedial plan. The manager shall
29 have the authority to issue a remedial plan in writing to the owner if the owner fails to secure the
30 property, fails to schedule or attend a remedial plan hearing, fails to provide a remedial plan, provides
31 an insufficient or deficient remedial plan, or is otherwise nonresponsive.

32 (3) Remedial plan for historic properties. Implementation of a remedial plan for a historic
33 property shall be contingent upon written approval from the landmark preservation commission or
34 the lower downtown design review commission, in accordance with the procedures established

1 through rules and regulations adopted by the manager, and the owner of any such property shall not
2 take any remedial actions, other than any security requirements ordered pursuant to subsection
3 (a)(1), until the remedial plan is approved by the relevant commission.

4 (b) *Contents of remedial plan.* A remedial plan shall require abatement of any conditions
5 or violations that have caused the manager to designate the property as neglected and derelict.

6 (1) For a neglected and derelict property that is vacant land, a remedial plan shall require
7 abatement of all violations, and that the property remain in compliance with all requirements under
8 the Code, rules and regulations, and any adopted international codes such as the Denver building
9 code, for a period of not less six (6) months but not more than one (1) year after abatement.

10 (2) For neglected and derelict properties that are not vacant land, a remedial plan may
11 require that any buildings on the neglected and derelict property be demolished or legally reoccupied,
12 consistent with all applicable laws.

13 (3) A remedial plan may state that more than three (3) service responses due to the
14 property's status as neglected and derelict within a six (6) month period is a violation of the remedial
15 plan.

16 **Sec. 10-142. – Enforcement and penalties.**

17 (a) *Unlawful to violate orders.* It shall be unlawful to violate any order, including an order
18 to secure a property, an approved remedial plan, a remedial plan ordered by the manager, or an
19 order for emergency abatement, issued under this article.

20 (b) *Administrative citations.* In addition to any other penalty authorized under the Code,
21 the manager may issue administrative citations pursuant to article XII of chapter 2 for violation of an
22 order, including an order to secure a property, an approved remedial plan, a remedial plan ordered
23 by the manager, or an order for emergency abatement, issued under this article. The procedures for
24 enforcement, penalty, and appeal shall be as specified in this article.

25 (c) *Civil penalties.*

26 (1) Violation of an order issued under this article shall be subject to a civil penalty of not
27 more than five thousand dollars (\$5,000.00). Each day a violation exists or continues is a separate
28 violation.

29 (2) In assessing a civil penalty, the manager may consider any relevant aggravating or
30 mitigating factors, including, but not limited to, the history of violations, whether the owner was
31 deliberate or negligent, whether the neglected and derelict property is a historic property, the gravity
32 of the violation, any demonstrated good faith of the owner in attempting to achieve timely compliance
33 after notification of a violation, and if the city has rendered emergency services or responded to calls
34 for emergency services at the neglected and derelict property. Additionally, when the neglected and

1 derelict property is lawfully used for commercial purposes, the manager may consider the effect of
2 civil penalties on the owner's ability to continue the business.

3 (c) *Notice of violation and service.* Service of any order issued under this article or
4 approval of an owner submitted remedial plan shall constitute notice of a violation. An order issued
5 under this article shall be served on the owner of a property either by hand delivery or by both first-
6 class mail, postage prepaid and by posting on a conspicuous place on the property.

7 (d) *Determinations eligible for appeals.* The owner may appeal the requirements of any
8 order issued under this article pursuant to the procedures in division 1, article II of chapter 12. The
9 owner may appeal an administrative citation pursuant to the procedures in article XII of chapter 2
10 notice of violation, requirement to post no trespassing signs, rejection of a remedial plan, the
11 manager's determination that the owner has failed to comply with an approved remedial plan, and
12 the manager's determination to order or take emergency abatement action. Placement on the
13 neglected and derelict building list, assessment of the neglected and derelict building fees, and the
14 requirements to designate an agent and file a registration statement under section 10-143, however,
15 are ministerial acts or requirements that may be considered as part of an determination eligible for
16 appeal, but are not a separate basis for filing an appeal.

17 (e) *Order to show cause.* If the owner does not submit a remedial plan within thirty (30)
18 days of the date of notice or the shorter time period set forth in the notice, or if the owner submits a
19 remedial plan within the prescribed time but the manager rejects it or the owner does not comply
20 with the approved remedial plan, the manager may order any owner of the neglected or derelict
21 property to show cause before the manager why the proposed enforcement action should not be
22 taken. If the owner appeals the notice of violation, requirement to post signs, rejection of the remedial
23 plan, or a determination that the owner has not complied with an approved remedial plan, the
24 manager may consolidate the hearing on the appeal and the show cause hearing and issue a
25 decision determining all issues under this article raised at the hearing.

26 (f) *Notice of show cause hearing.* Notice of show cause hearing must be served on the
27 owner specifying:

28 (1) *The time and place of a hearing regarding the violation,*

29 (2) *The reasons why the action is to be taken, and*

30 (3) *The proposed enforcement action.*

31 The notice must direct the owner to show cause why the proposed enforcement action should
32 not be taken. If the manager consolidates the show cause hearing and an appeal, the notice must
33 indicate that the hearings have been consolidated.

34 (g) *Service of notices.*

1 (1) ~~— A notice of violation, placement on the neglected and derelict building list under section~~
2 ~~10-141(b), and the show cause hearing must be served on the owner. The notice of violation and~~
3 ~~notice of placement on the neglected and derelict building list may be served by hand delivery to the~~
4 ~~owner or by sending it first-class mail, postage prepaid and by posting them on a conspicuous place~~
5 ~~on the property. Service of the notice of show cause hearing may be made by hand delivery to the~~
6 ~~owner, or by certified mail postage prepaid, or by the methods provided in the Colorado Rules of~~
7 ~~Civil Procedure. Service of any of these notices by mail must be addressed to the owner as shown~~
8 ~~in the records of the assessor's office. The notice of show cause hearing must be served at least ten~~
9 ~~(10) days before the hearing.~~

10 (2) ~~— A notice of violation and notice of placement on the neglected and derelict building list~~
11 ~~that is mailed in accordance with these requirements is complete upon placement in the mail. A~~
12 ~~notice of the show cause hearing that is mailed in accordance with these requirements is considered~~
13 ~~served on the date mailed unless it is returned as undeliverable. (For purposes of this article,~~
14 ~~unclaimed or refused mail is not undeliverable.)~~

15 (3) ~~— If service of the notice of show cause hearing cannot be accomplished by any of the~~
16 ~~above methods, service may be made by posting it in a conspicuous place on the property for at~~
17 ~~least ten (10) days before the hearing and publishing it once in a daily newspaper of general~~
18 ~~circulation at least ten (10) days and no more than twenty (20) days before the hearing.~~

19 (h) ~~— *Show cause hearing.* The hearing must be conducted in accordance with rules and~~
20 ~~regulations issued by the manager. If the notice of show cause hearing has been served in~~
21 ~~compliance with section 10-139(g), the hearing will take place regardless of whether the owner~~
22 ~~appears.~~

23 (i) ~~— *Presumption.* The owner has the burden of proving the correctness of its position by a~~
24 ~~preponderance of the evidence. All of the manager's determinations and findings are presumed to~~
25 ~~be correct until sufficient evidence is introduced that would support a contrary finding.~~

26 (j) ~~— *Designation of hearing officer.* The manager may hold the hearing or designate a~~
27 ~~hearing officer. For purposes of deciding any preliminary matter related to a hearing; conducting a~~
28 ~~hearing; making any determination and finding; issuing subpoenas and orders; and assessing civil~~
29 ~~penalties and fees, the hearing officer has all the powers and authority vested in the manager under~~
30 ~~this article.~~

31 (k) ~~— *Determination/final order.* The manager shall:~~

32 (1) ~~— Make a determination, which must be reduced to writing and sent to the owner within~~
33 ~~thirty (30) days of the hearing. The determination is the final order and is reviewable under Rule~~
34 ~~106(a)(4) of the Colorado Rules of Civil Procedure. Each party may file a motion for correction to or~~

1 clarification of the order, which must be filed within seven (7) days of the date the order is issued.
2 Unless a motion for correction or clarification is timely filed, the time period to file an appeal under
3 Rule 106(b) commences on the date the final order is issued. If a motion for clarification or correction
4 is filed, that time period commences on the date the correction or clarification to the final order is
5 issued.

6 (2) — Include in the final order:

7 (A) — Findings of fact and a determination as to whether any violation has occurred;

8 (B) — Identification of any mitigating or aggravating circumstances;

9 (C) — The amount of any civil penalty, fee, cost, or combination thereof assessed
10 under sections 10-139(m), 10-141, and 10-142 and the costs of the hearing; and

11 (D) — Set a deadline for any required abatement action to be performed.

12 (I) — *Service of the written determination and final order.* The written determination and final
13 order must be sent to the owner by first-class mail, postage prepaid.

14 (m) — *Civil penalties.* The manager may assess a civil penalty of not more than nine hundred
15 ninety-nine dollars (\$999.00) per day for each day the owner is found to have violated this article,
16 any order issued by the authority of this article, any rules and regulations adopted by the manager,
17 or permit issued for work related to an approved remedial plan. In imposing any civil penalty for a
18 violation of section 10-138(c), the manager may consider the history of violations, whether the owner
19 was deliberate or negligent, whether the neglected or derelict property is a historic property, the
20 gravity of the violation, the demonstrated good faith of the owner in attempting to achieve timely
21 compliance after notification of a violation. Additionally, when the neglected or derelict property is
22 lawfully used for commercial purposes, the manager may consider the effect of civil penalties on the
23 owner's ability to continue the business. Unless otherwise expressly stated in the final order, civil
24 penalties assessed under this article are due and payable within thirty (30) days of date of invoice,
25 which must be sent first-class mail, postage prepaid, to the address shown in the records of the
26 assessor's office, the address the owner provides to the city (including under section 10-143), or an
27 address for the owner the city discovers through its own efforts.

28 (en) *Judicial enforcement.* In addition to all other remedies set forth in this article, the city
29 may petition the district court for the issuance of a preliminary or permanent injunction, or both,
30 restraining any person the owner from continued violation of this article. In that action, the city may
31 seek recovery of any unpaid civil penalties, abatement costs, and other fees and costs provided for
32 in this article.

33 (o) — *Posting of no trespassing signs and other warning signs.* Upon or after issuing a notice
34 of violation under section 10-138(c), the city may, or may require the owner to, post a sign near each

1 possible access point to the property prohibiting trespassing and warning the public of danger. If a
2 sign is required to be posted under this article, within the time period requested by the manager, the
3 owner shall post the sign(s) and provide written authorization to the manager allowing the arrest of
4 any trespassers.

5 **Sec. 10-140. -- Court actions for abatement.**

6 (a) — If, after notice and hearing pursuant to this article and a finding of a violation of this
7 article, the owner has failed to abate the violation or comply with abatement deadlines in the
8 manager's final order or in an approved remedial plan, the city, an affected neighboring landowner,
9 or any other person who has suffered damages due to the condition of the property and otherwise
10 has legal standing to bring legal action, may commence an action in the district court pursuant to
11 Rule 65 or 66 of the Colorado Rules of Civil Procedure for abatement under this article. These actions
12 may request:

13 (1) — An injunction ordering the owner of property to take whatever action the court considers
14 necessary or appropriate to abate the violation;

15 (2) — The appointment of a receiver to take possession and control of the property and to
16 complete all work and to furnish material that reasonably may be required to abate the violation. All
17 interested persons must be made parties to the action.

18 (3) — The court to appoint a receiver to exercise any of the powers listed below:

19 (A) — Take possession and control of the property, operate and manage the property,
20 establish and collect rents and income, lease and rent the property, and evict tenants. An existing
21 violation of the Denver Building or Denver Housing Codes does not restrict the receiver's authority
22 pursuant to this subsection.

23 (B) — Pay all expenses of operating and conserving the property including the cost of
24 electricity, gas, water, sewerage, heating fuel, repairs and supplies, custodian services, taxes,
25 assessments, and insurance premiums and to hire and pay reasonable compensation to a managing
26 agent.

27 (C) — Pay pre-receivership mortgages and other liens and installments of pre-receivership
28 mortgages and other liens.

29 (D) — Perform or enter into contracts for the performance of work and the furnishing of
30 materials necessary to abate the violations and obtain financing for the abatement of violations.

31 (E) — Pursuant to court order, remove and dispose of personal property that is abandoned,
32 stored, or otherwise located on the property, that creates a dangerous or unsafe condition, or that
33 constitutes a violation of the Code, including the Denver Building, Denver Housing, and Denver
34 Zoning Codes.

1 ~~(F) — Enter into agreements and take actions necessary to maintain and preserve the~~
2 ~~property and to comply with the Code, including the Denver Building, Denver Housing, and Denver~~
3 ~~Zoning Codes.~~

4 ~~(G) — Give the custody of the property and the opportunity to abate the violation and operate~~
5 ~~the property to the owner or to a mortgagee or lienholder of record.~~

6 ~~(H) — Issue notes and secure the notes by deeds of trust on the property on terms,~~
7 ~~conditions, and at interest rates all as approved by the court.~~

8 ~~(I) — Obtain mortgage insurance for a receiver's mortgage.~~

9 ~~(J) — Any other action that the court considers appropriate.~~

10 ~~(4) — That all costs, including the costs of the receivership, expenses, penalties, and all fees,~~
11 ~~be assessed against the owner and made a lien against the property, taking precedence over and~~
12 ~~being superior to all other liens of record except liens for general taxes and special assessments.~~

13 ~~(5) — That, at the request of the party that applied for the receivership, the court discharge~~
14 ~~the receiver.~~

15 ~~(6) — That if repair and rehabilitation of the property are not found to be feasible, upon the~~
16 ~~written request of all known interested persons who have appeared in the action, to have the property~~
17 ~~or portions of the property demolished, the court order the demolition of all or part of the property.~~
18 ~~The court may require the receiver to determine the cost of demolition of the property or the portions~~
19 ~~of the property that constitute the violation, and after court approval, the receiver shall arrange for~~
20 ~~demolition in accordance with state laws, the Code (including the Denver Building Code and Chapter~~
21 ~~30 Landmark Preservation), and any permit issued under these authorities. However, demolition~~
22 ~~must not be ordered unless the requesting persons have guaranteed or underwritten the costs of~~
23 ~~demolition, have paid the costs of the receivership, and have paid all notes and mortgages of the~~
24 ~~receivership. Nothing in this article or a court order arising out of a court action authorized under this~~
25 ~~section limits the city's right to demolish any property that the city is authorized to demolish pursuant~~
26 ~~to the provisions of the Denver Building Code.~~

27 ~~(7) — Nothing in this article limits or prohibits the city from exercising or using other remedies~~
28 ~~or procedures to enforce this article, the Denver Building, Fire, Housing, or Zoning Codes.~~

29 **Sec. 10-141. — Inspection and fees.**

30 ~~(a) — *Inspection.* Whenever the manager has reason to believe that a property is neglected~~
31 ~~or derelict as defined in this article or when requested by the landmark preservation commission or~~
32 ~~lower downtown review board to inspect a historic property, the manager shall inspect the property~~
33 ~~to determine if it complies with this article and all other applicable laws and codes, including rules~~
34 ~~and regulations pursuant to them. If, after inspection, the manager finds that a property is neglected~~

1 or derelict, the manager may issue a written notice of violation and proceed under section 10-139 of
2 this article.

3 ~~(b) — *Neglected and derelict building list.* Upon issuance of a final order assessing civil
4 penalties for a neglected and derelict property, If the manager issues a notice of violation pursuant
5 to section 10-139(b), the property must be placed on the neglected and derelict building (NADB) list
6 maintained by the manager. The manager shall issue a notice of placement on the NADB list to the
7 owner that the property has been placed on the NADB list. The notice must include:~~

8 ~~(1) — The property's address and a legal description of the property;~~

9 ~~(2) — A concise statement as to the basis of the manager's determination; and~~

10 ~~(3) — A brief explanation about assessment of fees under this section.~~

11 ~~(c) — *Quarterly inspection.* The manager shall conduct, at a minimum, quarterly inspections
12 of neglected or derelict properties to ensure compliance with applicable codes.~~

13 ~~(d) — *Compliance.* When all violations of the Code have been abated and a neglected or
14 derelict property has been legally reoccupied, or when the building has been demolished and the lot
15 cleared in accordance with provisions of this Code, the property will be removed from the NADB list.~~

16 ~~(e) — *Assessment of fees.*~~

17 ~~(1) — The NADB list fee will not be assessed against the owner so long as the owner meets
18 all of the requirements below. Upon failure to meet any of the three conditions below, however, a
19 nonrefundable yearly fee of one thousand dollars (\$1,000.00) will be assessed against the owner.
20 The initial fee will be assessed upon failure to:~~

21 ~~(A) — Submit an approvable remedial plan in accordance with section 10-139(b) or
22 failure to comply with any of the deadlines set forth in an approved remedial plan;~~

23 ~~(B) — Comply with any property related provision of the Code; or~~

24 ~~(C) — Pay all other fees and penalties related to or arising out of any violation of
25 section 10-138(c) within the prescribed time period.~~

26 ~~(2) — Once the fee has been assessed, for each subsequent twelve-month period or part
27 thereof that the property remains on the NADB list, the fee will be assessed on the anniversary date
28 of the initial assessment. The fee is due and payable thirty (30) days from the date of the invoice
29 unless it is paid in quarterly installments of two hundred fifty dollars (\$250.00). For quarterly
30 payments, the first payment is due and payable thirty (30) days from the date of the invoice and the
31 remaining payments are due and payable on a quarterly basis calculated from the date of the initial
32 assessment. If any annual or quarterly payment is more than thirty (30) days past due, a fifty-dollar
33 late fee will be assessed.~~

34 **Sec. 10-143. - Emergency abatement.**

1 (a) Order for emergency abatement and security requirements. In addition to any other
2 penalty authorized under the Code, whenever the manager determines that a violation of this article
3 is an imminent hazard to life, health, property, or public welfare, the manager may order the owner
4 to immediately abate the condition causing the imminent hazard and take actions necessary to
5 secure the property, minimize the imminent hazard, or prevent new hazards. Such actions may
6 include, but are not limited to, fencing or securing the property, installing lighting or cameras, and
7 monitoring by qualified security professionals. It shall be unlawful to fail to comply with any such
8 order.

9 (b) Notice for historic properties. For a historic property, the manager shall give notice to
10 the landmark preservation commission or the lower downtown design review commission prior to an
11 emergency abatement, as required by article I of chapter 30.

12 (c) Manager authorized to abate. Whenever the manager determines that a violation of
13 this article is an imminent hazard to life, health, property, or public welfare, the manager is hereby
14 authorized to abate the condition causing the imminent hazard and take actions to secure the
15 property, minimize the imminent hazard, or prevent new hazards, consistent with all other applicable
16 laws. The manager shall notify the owner of the actions taken within forty-eight hours (48) of
17 completing such emergency abatement or other action and may assess the costs of such emergency
18 abatement to the owner in a timely manner. Any such assessment may be appealed in the manner
19 provided in division 1, article II of chapter 12.

20 **Sec. 10-1442. – Failure to pay penalties and assessments**~~Collection of assessments; liens.~~

21 (a) Failure to pay penalties. ~~Failure to pay penalties or assessments authorized under this~~
22 article shall constitute a debt to the city and any outstanding penalty or cost shall be secured by a
23 lien on the subject property until paid in full. In this event, the manager shall record a notice of such
24 lien with the clerk and recorder. The lien created thereby shall be superior and prior to all other liens,
25 regardless of their dates of recordation, except liens for general taxes and special assessments. The
26 manager shall assess and charge the same against the property involved upon recordation, and
27 such debt shall be immediately due and payable in full. If the debt remains unpaid, the city shall be
28 authorized to collect the debt in the same manner as delinquent real property taxes or any other
29 remedy available by law, including but not limited to actions for receivership under Colorado Rule of
30 Civil Procedure 66.~~The civil penalties provided for in sections 10-139, 10-141, and 10-143 are~~
31 ~~cumulative as are the assessment of any costs and fees under this article. Failure to pay any civil~~
32 ~~penalty, cost, or fee, including the interest thereon, assessed under this article within thirty (30) days~~
33 ~~of the date of the invoice is unlawful. If a civil penalty, cost, or fee, including the interest thereon, is~~
34 ~~not paid in accordance with this article within thirty (30) days of the date of the invoice, without limiting~~

1 any other remedy the city has at law or in equity, the city may:

2 (1) — Send the matter to collection under sections 2-292 and 2-294 of the Code; and

3 (2) — File for injunctive relief in district court under section 10-139 of this article.

4 (b) — Additionally, if an owner fails to pay the civil penalty, costs, or fee, including the interest
5 thereon, within that thirty-day period, the assessment will become a lien on the property. The lien
6 perfects automatically and has priority over all other liens except general taxes and prior special
7 assessments.

8 (c) — If an assessment of a civil penalty, cost, or fee, including the interest thereon, converts
9 into a lien, the manager is responsible for collecting the assessment, together with a ten-percent
10 penalty for the cost of assessment.

11 (d) — Until a civil penalty, cost, or fee, including interest thereon, assessed under this article
12 that is not pending appeal has been paid in full, the city shall not issue or renew any license or permit
13 to the owner.

14 (e) — Failure to pay any outstanding civil penalty, cost, or fee, including interest thereon,
15 assessed under this article that is not pending appeal is grounds for suspension or revocation of any
16 license issued by the city until fully paid.

17 **Sec. 10-143. — Registration of property owners and agents.**

18 (a) — On or after October 12, 2012, any nonresident owner to whom a notice of violation was
19 issued under this article shall designate a person meeting the qualifications in section 10-143(a)(2)
20 to accept all forms of service for any notice, order, citation, summons, complaint, and all other
21 documents relating to or arising out of enforcement of the Code for violations concerning to the
22 property cited under this article and to accept service of process in any civil action in which the
23 nonresident owner is alleged to be liable based upon ownership of the property or upon transactions
24 related to rental of it. The owner shall file a registration statement on a form acceptable to the city
25 within thirty (30) days of service of a notice of violation.

26 (1) — The registration statement must include:

27 (A) — A description of the property by street number or otherwise, in such a manner as to
28 enable the manager to find it.

29 (B) — The name and current address of the owner of record, and if the owner is a business
30 entity, the statement must also contain the name and address of its registered agent.

31 (C) — The name and business address of the agent designated to accept service for the
32 matters in section 10-143(a).

33 (2) — The agent designated must be a natural person eighteen (18) years of age or older
34 who is customarily present in an office in the city for the purpose of transacting business or whose

1 primary residence is within the city.

2 (b) — Any non-occupant owner to whom a notice of violation under this article is issued on
3 or after October 12, 2012, for property that is neither the owner's primary residence nor its principal
4 place of business, shall file a registration statement setting forth the information in sections 10-
5 143(a)(1)(A) and (B). If the notice of violation was issued to the non-occupant owner on or before
6 October 12, 2012, the owner shall file the registration by December 31, 2012. If the notice of violation
7 was issued to the non-occupant owner after October 12, 2012, the owner shall file a registration
8 statement within thirty (30) days of the date that the notice of violation was issued.

9 (d) — Penalties:

10 (1) — Any owner who fails to designate an agent to accept service or who fails to file a
11 registration statement as required by this section is subject to a separate civil penalty of not more
12 than five hundred dollars (\$500.00) per day for each day the owner has failed to designate an agent
13 or remains unregistered up to a total of fifteen thousand dollars (\$15,000.00). If the owner is in
14 compliance with this section at the time of a hearing as provided in subsection (d)(2) below, and it is
15 the first time that the owner has failed to comply with this section, this penalty may not exceed five
16 hundred dollars (\$500.00).

17 (2) — In assessing the civil penalty, the manager may consider the history of all Code
18 violations concerning the property for which the owner has been noticed, whether the owner was
19 negligent, the gravity of the violation, effect of the failure to register on enforcement action, and
20 whether the owner has demonstrated good faith in attempting to achieve rapid compliance after
21 notification of a violation. Additionally, when the property is lawfully used for commercial purposes,
22 the manager may consider the effect of civil penalties on the property owner's ability to continue the
23 business. The assessment of the civil penalty may be appealed under section 12-19 of the Code.

24 (e) — The owner shall notify the manager of any change in the designated authorized agent
25 or ownership no later than ten (10) days after the change.

26 (f) — Except as provided in subsection (g) of this section, the registration of owners filed with
27 the manager under this section is confidential and not open to the public. The manager shall make
28 available the information contained in the registrations upon request of any law enforcement agency.

29 (g) — The manager will make available for public review the following information, and any
30 subsequent amendments thereto, upon request identifying the property by address:

31 (1) — A description of the property by street number or otherwise.

32 (2) — The name of the owner of record and, in addition, if the owner is a corporation, the
33 name and address of its registered agent.

34 (3) — The name and address of the owner's agent as shown in the manager's records.

1 **Sec. 10-145. – Reporting requirement.**

2 The manager shall track complaints, investigations, and violations of this article, including
3 penalties assessed and collected, during each calendar year, and by March 31 of the following year,
4 issue a written report to city council.

5 **Sec. 10-146. - Rulemaking.**

6 The manager may promulgate such reasonable rules and regulations as may be necessary
7 for the purpose of administering and enforcing the provisions of this article.

8 **Secs. 10-1474—10-174. - Reserved.**

9

10 **Section 2.** Effective Date. This ordinance shall become effective on February 1, 2026.

11

12

13 COMMITTEE APPROVAL DATE: _____, 2025.

14 MAYOR-COUNCIL DATE: _____, 2025.

15 PASSED BY THE COUNCIL _____ 2025

16 _____ - PRESIDENT

17 APPROVED: _____ - MAYOR _____ 2025

18 ATTEST: _____ - CLERK AND RECORDER,
19 EX-OFFICIO CLERK OF THE
20 CITY AND COUNTY OF DENVER
21

22 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2025; _____ 2025

23

24 PREPARED BY: Brylan B. Droddy; DATE: _____

25

26 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
27 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
28 ordinance. The proposed ordinance _____ is/_____ is not submitted to the City Council for approval
29 pursuant to § 3.2.6 of the Charter.
30

31 Katie J McLoughlin, Interim City Attorney

32

33 BY: _____, _____ City Attorney DATE: _____