

**Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0804.01 Nicole Myers x4326

**HOUSE BILL 26-1239**

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**HOUSE SPONSORSHIP**

**Goldstein and Richardson,**

**SENATE SPONSORSHIP**

**Mullica,**

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**House Committees**

Transportation, Housing & Local Government

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING MODIFICATIONS TO A COUNTY'S ENFORCEMENT**  
102 **AUTHORITY IN CONNECTION WITH PROPERTY IN THE COUNTY.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill updates and modernizes county enforcement authority in connection with:

- Providing for and compelling the removal of rubbish, including trash, junk, and garbage, from property within the county;
- Providing for and compelling the removal of weeds and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.

- brush from property within the county;
- Providing for and compelling the removal or securing of any building or structure in the county, with specified exceptions, that, due to its condition, presents a substantial danger or hazard to the public health, safety, or welfare; and
- The unlawful erection, construction, reconstruction, alteration, or use of any building or structure in the county or the use of any land in the county in violation of a zoning resolution or ordinance adopted by the board of county commissioners.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** In Colorado Revised Statutes, 13-6-105, **amend** (1)  
 3 introductory portion and (1)(f)(II); and **add** (1)(f)(II.5) as follows:

4           **13-6-105. Specific limits on civil jurisdiction.**

5           (1) The county court has no civil jurisdiction except THE  
 6 JURISDICTION that IS specifically conferred upon it by law. In particular,  
 7 ~~it~~ THE COUNTY COURT has no jurisdiction over the following matters:

8           (f) Original proceedings for the issuance of injunctions, except:

9           (II) As required to enforce restrictive covenants on residential  
 10 property and to enforce section 6-1-702.5; **and**

11           (II.5) AS PROVIDED IN SECTIONS 30-15-401, 30-28-124, AND  
 12 30-28-209; AND

13           **SECTION 2.** In Colorado Revised Statutes, 30-15-401, **amend**  
 14 (1) introductory portion, (1)(a)(I), (1)(a)(I.5)(A), (1)(a)(I.5)(C), and  
 15 (1)(q); and **add** (2)(d) as follows:

16           **30-15-401. General regulations - definitions.**

17           (1) In addition to ~~those~~ THE powers granted by sections 30-11-101  
 18 and 30-11-107 and by parts 1, 2, and 3 of this article 15, the board of  
 19 county commissioners may adopt ordinances for control or licensing of

1 ~~those~~ matters THAT ARE of purely local concern AND that are described in  
2 the following enumerated powers:

3 (a) (I) (A) To provide for and compel the removal of rubbish,  
4 including trash, junk, and garbage, from ~~lots and tracts of land~~ PROPERTY  
5 within the county except ~~industrial tracts of ten or more acres and~~  
6 agricultural land currently in agricultural use as the term agricultural land  
7 is defined in section 39-1-102 (1.6), C.R.S., and from ~~the alleys behind~~  
8 ~~and from the sidewalk areas in front of such property at such time~~ ANY  
9 PUBLIC RIGHT OF WAY IMMEDIATELY ADJACENT TO THE PROPERTY TO THE  
10 EXTENT THE CONDITION IS CAUSED BY THE PROPERTY OWNER OR  
11 OCCUPANT OR ORIGINATES FROM THE PROPERTY, upon such notice, and in  
12 such manner as the board of county commissioners may prescribe by  
13 ordinance, including removal performed by the county upon notice to and  
14 failure of the property owner to remove ~~such~~ THE rubbish, and to assess  
15 the reasonable cost ~~thereof~~ OF THE REMOVAL OF THE RUBBISH, including  
16 ~~five~~ TEN percent for inspection and other incidental costs in connection  
17 ~~therewith~~ WITH THE COST OF THE COUNTY'S REMOVAL OF THE RUBBISH,  
18 upon the ~~lots and tracts~~ PROPERTY from which ~~such~~ THE COUNTY HAS  
19 REMOVED THE rubbish. ~~has been removed~~ Ordinances passed by a board  
20 of county commissioners for the removal of rubbish pursuant to this  
21 ~~sub-subparagraph (A) shall~~ SUBSECTION (1)(a)(I)(A) MUST include  
22 provisions for applying for and exercising an administrative entry and  
23 seizure warrant issued by a county or district court ~~having~~ THAT HAS  
24 jurisdiction over the property from which THE COUNTY WILL REMOVE THE  
25 rubbish. ~~shall be removed.~~ Any assessment pursuant to this  
26 ~~sub-subparagraph (A) shall be~~ SUBSECTION (1)(a)(I)(A) IS a lien against  
27 ~~such lot or tract of land~~ THE PROPERTY until paid and ~~shall have~~ HAS

1 priority over all other liens except general taxes and prior special  
2 assessments. In A case ~~such~~ WHEN THE assessment is not paid within a  
3 reasonable time AS specified by ordinance, ~~it may be certified by the clerk~~  
4 ~~AND RECORDER OR COUNTY ATTORNEY~~ MAY CERTIFY THE NONPAYMENT  
5 to the county treasurer, who shall collect the assessment, together with a  
6 ten percent penalty for the cost of collection, in the same manner as other  
7 taxes are collected. The laws of this state for assessment and collection  
8 of general taxes, including the laws for the sale and redemption of  
9 property for taxes, ~~shall~~ apply to the collection of assessments BY THE  
10 COUNTY TREASURER pursuant to this ~~sub-subparagraph (A)~~ SUBSECTION  
11 (1)(a)(I)(A).

12 (B) A county court or district court ~~having~~ THAT HAS jurisdiction  
13 over property from which THE COUNTY WILL REMOVE rubbish ~~shall be~~  
14 ~~removed~~ pursuant to the ordinances authorized by ~~sub-subparagraph (A)~~  
15 ~~of this subparagraph (I)~~ SUBSECTION (1)(a)(I)(A) OF THIS SECTION shall  
16 issue an administrative entry and seizure warrant for the COUNTY'S  
17 removal of ~~such~~ THE rubbish. ~~Such~~ THE COURT SHALL ISSUE THE warrant  
18 ~~shall be issued~~ upon A COUNTY'S presentation ~~by a county~~ TO THE COURT  
19 of ordinance provisions ~~which~~ THAT meet the requirements of  
20 ~~sub-subparagraph (A) of this subparagraph (I)~~ SUBSECTION (1)(a)(I)(A)  
21 OF THIS SECTION and a sworn or affirmed affidavit stating the factual basis  
22 for ~~such~~ THE warrant, evidence that the property owner has received  
23 notice of the violation and has failed to remove the rubbish within a  
24 reasonable prescribed period, ~~of time~~ a general description of the location  
25 of the property ~~which~~ THAT is the subject of the warrant, a general list of  
26 any rubbish to be removed from ~~such~~ THE property, and the proposed  
27 disposal or temporary impoundment of ~~such~~ THE rubbish, whichever the

1 court deems appropriate. Within ~~ten~~ THIRTY days following the date of  
2 THE COURT'S issuance of an administrative entry and seizure warrant  
3 pursuant to ~~the provisions of this sub-subparagraph (B), such~~ SUBSECTION  
4 (1)(a)(I)(B), THE EXECUTING AUTHORITY SHALL EXECUTE THE warrant  
5 ~~shall be executed~~ in accordance with THE ISSUING COURT'S directions, ~~by~~  
6 ~~the issuing court,~~ PROVIDE OR MAIL a copy of ~~such~~ THE issued warrant  
7 ~~shall be provided or mailed~~ to the property owner, and SUBMIT TO THE  
8 COURT proof of the execution of ~~such~~ THE warrant, including a written  
9 inventory of any property impounded by the executing authority. ~~shall be~~  
10 ~~submitted to the court by the executing authority.~~

11 (I.5) (A) To provide for and compel the removal of weeds and  
12 brush from ~~lots and tracts of land~~ PROPERTY within the county except  
13 agricultural land currently in agricultural use as the term agricultural land  
14 is defined in section 39-1-102 (1.6), ~~C.R.S.~~, and from ~~the alleys behind~~  
15 ~~and from the sidewalk areas in front of such property at such time,~~ ANY  
16 PUBLIC RIGHT OF WAY IMMEDIATELY ADJACENT TO THE PROPERTY TO THE  
17 EXTENT THE CONDITION IS CAUSED BY THE PROPERTY OWNER OR  
18 OCCUPANT OR ORIGINATES FROM THE PROPERTY, ~~upon such notice, and in~~  
19 ~~such manner as the board of county commissioners may prescribe by~~  
20 ordinance, including removal performed by the county upon notice to and  
21 failure of the property owner to remove ~~such~~ THE weeds and brush, and  
22 to assess the reasonable cost ~~thereof~~ OF THE REMOVAL OF THE WEEDS AND  
23 BRUSH, including ten percent for inspection and other incidental costs in  
24 connection ~~therewith~~ WITH THE COUNTY'S REMOVAL OF WEEDS AND  
25 BRUSH, upon the property from which ~~such~~ THE COUNTY HAS REMOVED  
26 weeds ~~have been removed~~ AND BRUSH. Ordinances passed by a board of  
27 county commissioners for the removal of weeds and brush pursuant to

1 this ~~sub-subparagraph (A) shall~~ SUBSECTION (1)(a)(I.5)(A) MUST include  
2 provisions for applying for and exercising an administrative entry and  
3 seizure warrant issued by a county or district court ~~having~~ THAT HAS  
4 jurisdiction over the property from which THE COUNTY WILL REMOVE  
5 weeds and brush. ~~shall be removed.~~ Any assessment ASSESSED BY THE  
6 COUNTY pursuant to this ~~sub-subparagraph (A) shall be~~ SUBSECTION  
7 (1)(a)(I.5)(A) IS a lien against ~~such~~ THE property until paid and ~~shall have~~  
8 HAS priority based on its date of recording. ~~A county shall not compel the~~  
9 ~~removal of weeds and brush pursuant to this sub-subparagraph (A) upon~~  
10 ~~any lot or tract of land within the county during such time that a mortgage~~  
11 ~~or deed of trust secured by the lot or tract of land is being foreclosed upon~~

12 (C) A county court or district court ~~having~~ THAT HAS jurisdiction  
13 over property from which THE COUNTY WILL REMOVE weeds and brush  
14 ~~shall be removed~~ pursuant to the ordinances authorized by  
15 ~~sub-subparagraph (A) of this subparagraph (I.5)~~ SUBSECTION  
16 (1)(a)(I.5)(A) OF THIS SECTION shall issue an administrative entry and  
17 seizure warrant for the COUNTY'S removal of ~~such~~ THE weeds and brush.  
18 ~~Such~~ THE COURT SHALL ISSUE THE warrant ~~shall be issued~~ upon A  
19 COUNTY'S presentation ~~by a county~~ TO THE COURT of ordinance provisions  
20 ~~which~~ THAT meet the requirements of ~~sub-subparagraph (A) of this~~  
21 ~~subparagraph (I.5)~~ SUBSECTION (1)(a)(I.5)(A) OF THIS SECTION and a  
22 sworn or affirmed affidavit stating the factual basis for ~~such~~ THE warrant,  
23 evidence that the property owner has received notice of the violation and  
24 has failed to remove the weeds and brush within a reasonable prescribed  
25 period, ~~of time~~ a general description of the location of the property ~~which~~  
26 THAT is the subject of the warrant, and the proposed disposal of ~~such~~ THE  
27 weeds and brush. Within ~~ten~~ THIRTY days following the date of THE

1 COURT'S issuance of an administrative entry and seizure warrant pursuant  
2 to ~~the provisions of this sub-subparagraph (C) such~~ THIS SUBSECTION  
3 (1)(a)(I.5)(C), THE EXECUTING AUTHORITY SHALL EXECUTE THE warrant  
4 ~~shall be executed~~ in accordance with directions by the issuing court,  
5 PROVIDE OR MAIL a copy of ~~such~~ THE issued warrant ~~shall be provided or~~  
6 ~~mailed~~ to the property owner, and SUBMIT TO THE COURT proof of the  
7 execution of ~~such~~ THE warrant. ~~shall be submitted to the court by the~~  
8 ~~executing authority~~

9 (q) (I) To provide for and compel the removal OR SECURING of any  
10 building or structure, except for a building or structure on affected land  
11 subject to the "Colorado Mined Land Reclamation Act", as the term  
12 "affected land" is defined in ~~section 34-32-103 (1.5), C.R.S., SECTIONS~~  
13 ~~34-32-103 (1.5) AND 34-32.5-103 (1),~~ or on lands subject to the "Colorado  
14 Surface Coal Mining Reclamation Act", pursuant to article 33 of title 34,  
15 ~~C.R.S.~~, the condition of which presents a substantial danger or hazard to  
16 public health, safety, or welfare, or any dilapidated building of whatever  
17 kind ~~which~~ THAT is unused by the owner, or uninhabited because of  
18 deterioration or decay, which condition constitutes a fire hazard, or  
19 subjects adjoining property to danger of damage by storm, soil erosion,  
20 or rodent infestation, or ~~which~~ THAT becomes a place frequented by  
21 trespassers and transients seeking a temporary hideout or shelter, at such  
22 time, upon such notice, and in such manner as the board of county  
23 commissioners may prescribe by ordinance, including the removal OR  
24 SECURING performed by the county upon notice to and failure of the  
25 property owner to remove ~~such~~ OR SECURE THE building or structure, and  
26 to assess the whole cost of ~~such~~ THE removal OR SECURING, including  
27 incidental costs and a reasonable fee for inspection ~~which fee~~ THAT shall

1 not exceed ~~five~~ TEN percent of the total amount due in connection  
2 ~~therewith~~ WITH THE REMOVAL OR SECURING OF THE BUILDING OR  
3 STRUCTURE, upon the property from which such building or structure has  
4 been removed OR SECURED. ORDINANCES PASSED BY A BOARD OF COUNTY  
5 COMMISSIONERS FOR THE REMOVAL OR SECURING OF ANY BUILDING OR  
6 STRUCTURE PURSUANT TO THIS SUBSECTION (1)(q)(I) MUST INCLUDE  
7 PROVISIONS FOR THE COUNTY APPLYING FOR AND EXERCISING AN  
8 ADMINISTRATIVE ENTRY AND SEIZURE WARRANT ISSUED BY A COUNTY OR  
9 DISTRICT COURT THAT HAS JURISDICTION OVER THE PROPERTY FROM  
10 WHICH THE BUILDING IS REMOVED OR SECURED.

11 (II) Any assessment pursuant to this ~~paragraph (q) shall be~~  
12 SUBSECTION (1)(q) IS a lien against ~~such~~ THE property until paid. If ~~such~~  
13 THE assessment is not paid within a reasonable time as specified by  
14 ordinance, ~~it may be certified by~~ the clerk and recorder OR COUNTY  
15 ATTORNEY MAY CERTIFY THE NONPAYMENT to the county treasurer, who  
16 shall collect the assessment, together with a ten percent penalty for the  
17 cost of collection, in the same manner as other taxes are collected.

18 (III) A COUNTY COURT OR DISTRICT COURT THAT HAS  
19 JURISDICTION OVER PROPERTY FROM WHICH A BUILDING OR STRUCTURE IS  
20 REMOVED OR SECURED PURSUANT TO THE ORDINANCES AUTHORIZED BY  
21 SUBSECTION (1)(q)(I) OF THIS SECTION SHALL ISSUE AN ADMINISTRATIVE  
22 ENTRY AND SEIZURE WARRANT FOR THE REMOVAL OR SECURING OF THE  
23 BUILDING OR STRUCTURE. THE COURT SHALL ISSUE THE WARRANT UPON  
24 A COUNTY'S PRESENTATION OF ORDINANCE PROVISIONS THAT MEET THE  
25 REQUIREMENTS OF THIS SUBSECTION (1)(q)(III) AND A SWORN OR  
26 AFFIRMED AFFIDAVIT STATING THE FACTUAL BASIS FOR THE WARRANT,  
27 EVIDENCE THAT THE PROPERTY OWNER HAS RECEIVED NOTICE OF THE

1 VIOLATION AND HAS FAILED TO REMOVE OR SECURE THE BUILDING OR  
2 STRUCTURE WITHIN A REASONABLE PRESCRIBED TIME, A GENERAL  
3 DESCRIPTION OF THE LOCATION OF THE PROPERTY THAT IS THE SUBJECT OF  
4 THE WARRANT, A GENERAL DESCRIPTION OF THE BUILDING OR STRUCTURE  
5 TO BE REMOVED FROM PROPERTY OR SECURED, AND THE PROPOSED  
6 DISPOSAL OR TEMPORARY IMPOUNDMENT OF REMNANTS OF THE BUILDING  
7 OR STRUCTURE, WHICHEVER THE COURT DEEMS APPROPRIATE. WITHIN  
8 THIRTY DAYS FOLLOWING THE DATE OF THE COURT'S ISSUANCE OF AN  
9 ADMINISTRATIVE ENTRY AND SEIZURE WARRANT PURSUANT TO THIS  
10 SUBSECTION (1)(q)(III), THE EXECUTING AUTHORITY SHALL EXECUTE THE  
11 WARRANT IN ACCORDANCE WITH DIRECTIONS BY THE ISSUING COURT,  
12 PROVIDE OR MAIL A COPY OF SUCH ISSUED WARRANT TO THE PROPERTY  
13 OWNER, AND SUBMIT TO THE COURT PROOF OF THE EXECUTION OF THE  
14 WARRANT, INCLUDING A WRITTEN INVENTORY OF ANY PROPERTY  
15 IMPOUNDED BY THE EXECUTING AUTHORITY.

16 (2) (d) IN ADDITION TO ANY OTHER REMEDIES PROVIDED BY LAW,  
17 A COUNTY MAY ENFORCE ORDINANCES ENACTED PURSUANT TO  
18 SUBSECTIONS (1)(a)(I), (1)(a)(I.5), (1)(a)(V)(A), AND (1)(q) OF THIS  
19 SECTION AS FOLLOWS:

20 (I) TO PROCEED WITH AN ACTION PURSUANT TO SUBSECTION  
21 (2)(d)(II) OF THIS SECTION, THE COUNTY SHALL PROVIDE WRITTEN NOTICE  
22 TO THE PROPERTY OWNER OF THE VIOLATION AND THE TIME IN WHICH THE  
23 VIOLATION MUST BE REMEDIED. THE WRITTEN NOTICE MUST DESCRIBE ANY  
24 POTENTIAL ENFORCEMENT AUTHORITY OF THE COUNTY, INCLUDING ANY  
25 POSSIBLE LIENS DUE TO ABATEMENT COSTS.

26 (II) IF, AFTER THE COUNTY HAS GIVEN WRITTEN NOTICE TO THE  
27 PROPERTY OWNER AS DESCRIBED IN SUBSECTION (2)(d)(I) OF THIS SECTION,

1 THE PROPERTY OWNER FAILS TO ABATE THE VIOLATIONS DESCRIBED IN THE  
2 NOTICE, THE PROPERTY OWNER VIOLATING THE COUNTY ORDINANCE  
3 SHALL, AT THE REQUEST OF THE COUNTY, BE SUBJECT TO THE IMPOSITION  
4 OF, BY ORDER OF THE COUNTY OR DISTRICT COURT, A CIVIL PENALTY OF  
5 NOT LESS THAN ONE HUNDRED DOLLARS OR MORE THAN TWO THOUSAND  
6 SIX HUNDRED FIFTY DOLLARS PER DAY OF THE VIOLATION. THE CIVIL  
7 PENALTY MUST BE IN ACCORDANCE WITH THE COUNTY ORDINANCE. EACH  
8 DAY THAT A VIOLATION OCCURS IS DEEMED A SEPARATE OFFENSE AND THE  
9 PENALTY CONTINUES UNTIL THE VIOLATION IS REMEDIED. UNTIL PAID, ANY  
10 CIVIL PENALTY ORDERED BY THE COUNTY OR DISTRICT COURT AND  
11 ASSESSED PURSUANT TO THIS SUBSECTION (2)(d)(II) IS, AS OF RECORDING,  
12 A LIEN AGAINST THE PROPERTY ON WHICH THE VIOLATION HAS BEEN  
13 FOUND TO EXIST. IN CASE THE ASSESSMENT IS NOT PAID WITHIN THIRTY  
14 DAYS, THE CLERK AND RECORDER OR COUNTY ATTORNEY MAY CERTIFY  
15 THE LACK OF PAYMENT TO THE COUNTY TREASURER, WHO SHALL COLLECT  
16 THE ASSESSMENT, TOGETHER WITH A TEN PERCENT PENALTY FOR THE COST  
17 OF COLLECTION, IN THE SAME MANNER AS OTHER TAXES ARE COLLECTED.  
18 THE LAWS OF THIS STATE FOR ASSESSMENT AND COLLECTION OF GENERAL  
19 TAXES, INCLUDING THE LAWS FOR THE SALE AND REDEMPTION OF  
20 PROPERTY FOR TAXES, APPLY TO THE COLLECTION OF ASSESSMENTS  
21 PURSUANT TO THIS SUBSECTION (2)(d)(II). ANY LIEN PLACED AGAINST THE  
22 PROPERTY PURSUANT TO THIS SUBSECTION (2)(d)(II) MUST BE RECORDED  
23 WITH THE CLERK AND RECORDER OF THE COUNTY IN WHICH THE PROPERTY  
24 IS LOCATED.

25 (III) THE MINIMUM CIVIL PENALTY THAT THE COURT MAY IMPOSE  
26 FOR A VIOLATION OF A COUNTY BUILDING CODE OR AMENDMENT THERETO  
27 IS ONE HUNDRED DOLLARS PER VIOLATION, AND THE MAXIMUM CIVIL

1 PENALTY IS TWO THOUSAND SIX HUNDRED FIFTY DOLLARS PER VIOLATION.  
2 THE PRESUMPTIVE MAXIMUM PENALTY FOR A FIRST VIOLATION IS FIVE  
3 HUNDRED DOLLARS. THE PRESUMPTIVE MAXIMUM PENALTY FOR A SECOND  
4 VIOLATION IS ONE THOUSAND DOLLARS. THE PRESUMPTIVE MAXIMUM  
5 PENALTY FOR A THIRD OR SUBSEQUENT VIOLATION IS TWO THOUSAND SIX  
6 HUNDRED FIFTY DOLLARS. THE COURT MUST SPECIFY THE BASIS FOR THE  
7 CIVIL PENALTY ON THE RECORD. IN CASES WHERE SUFFICIENT  
8 AGGRAVATING FACTORS ARE PRESENT, THE COURT MAY IMPOSE A  
9 PENALTY THAT IS HIGHER THAN THE PRESUMPTIVE MAXIMUM. THE COURT  
10 MUST BASE THE DETERMINATION OF THE APPROPRIATE CIVIL PENALTY FOR  
11 A VIOLATION OF A COUNTY BUILDING CODE OR AMENDMENT THERETO ON  
12 THE FOLLOWING FACTORS:

13 (A) THE IMPACT OF THE VIOLATION ON PUBLIC HEALTH, SAFETY,  
14 AND WELFARE;

15 (B) THE IMPACT OF THE VIOLATION ON NEIGHBORING PROPERTIES;

16 (C) THE VIOLATOR'S WILLINGNESS TO COMPLY WITH OR  
17 DEMONSTRATED DISREGARD FOR THE APPLICABLE LAWS;

18 (D) THE VIOLATOR'S ABILITY TO COMPLY WITH THE APPLICABLE  
19 LAWS;

20 (E) WHETHER THE VIOLATION IS THE USE OF THE PROPERTY FOR  
21 ACTIVITIES PROHIBITED IN THE PROPERTY'S ZONE DISTRICT;

22 (F) WHETHER MULTIPLE VIOLATIONS EXIST ON THE PROPERTY;

23 (G) PRIOR VIOLATIONS BY THE VIOLATOR ON THE PROPERTY; AND

24 (H) ANY OTHER RELEVANT FACTORS DETERMINED BY THE COURT.

25 (IV) IN ADDITION TO THE CIVIL PENALTIES ORDERED BY A COURT  
26 PURSUANT TO SUBSECTION (2)(d)(II) OF THIS SECTION, THE COUNTY  
27 ATTORNEY MAY BRING AN ACTION IN THE COUNTY COURT OR DISTRICT

1 COURT THAT HAS JURISDICTION OVER THE PROPERTY FOR AN ORDER  
2 ENJOINING THE VIOLATION, ORDERING THE VIOLATION'S RESTRAINT,  
3 REMOVAL, TERMINATION, OR ABATEMENT BY THE PROPERTY OWNER, AND  
4 AUTHORIZING ABATEMENT BY THE COUNTY OR ITS AGENT. IN BRINGING  
5 THAT ACTION, THE COUNTY ATTORNEY SHALL FILE A VERIFIED COMPLAINT.  
6 THE COURT SHALL REVIEW THE VERIFIED COMPLAINT AND SCHEDULE A  
7 HEARING ON THE REQUEST FOR AN ABATEMENT ORDER, INJUNCTION, OR  
8 OTHER APPROPRIATE REMEDY AND DIRECT THE ISSUANCE OF A SUMMONS  
9 STATING THE TIME, DATE, AND PLACE OF THE PRELIMINARY HEARING,  
10 WHICH THE COURT SHALL SCHEDULE NO LATER THAN THIRTY DAYS AFTER  
11 THE COUNTY ATTORNEY FILES THE COMPLAINT. THE COUNTY ATTORNEY  
12 MUST SERVE THE SUMMONS AND COMPLAINT ON THE PROPERTY OWNER IN  
13 ACCORDANCE WITH APPLICABLE RULES OF CIVIL PROCEDURE AT LEAST TEN  
14 DAYS PRIOR TO THE HEARING. IF THE COUNTY'S REASONABLE EFFORTS TO  
15 PERSONALLY SERVE THE SUMMONS AND COMPLAINT ARE UNSUCCESSFUL,  
16 THE COUNTY MAY POST THE SUMMONS AND COMPLAINT ON THE PROPERTY  
17 AND MAIL THE SUMMONS AND COMPLAINT, CERTIFIED MAIL AND RETURN  
18 RECEIPT REQUESTED, TO THE PROPERTY OWNER'S ADDRESS IN THE  
19 RECORDS OF THE COUNTY ASSESSOR AS A MEANS OF PROVIDING  
20 ALTERNATIVE SERVICE. IF THE COUNTY PROVIDES ALTERNATIVE SERVICE,  
21 THE COUNTY MUST PROVIDE THE ALTERNATIVE SERVICE AT LEAST TEN  
22 DAYS PRIOR TO THE PRELIMINARY HEARING. AT THE TIME, DATE, AND  
23 PLACE STATED IN THE SUMMONS, THE COURT SHALL REVIEW AND  
24 CONSIDER THE REQUEST FOR RELIEF PROVIDED FOR IN THIS SUBSECTION  
25 (2)(d)(IV), ANY STATEMENT OF THE COUNTY IN SUPPORT OF THE RELIEF  
26 PROVIDED FOR IN THIS SUBSECTION (2)(d)(IV), AND ANY STATEMENT AND  
27 EVIDENCE PRESENTED BY THE PROPERTY OWNER, IF PRESENT. ON THE

1 DATE AND AT THE TIME SET FOR THE HEARING, IF THE PROPERTY OWNER  
2 FAILS TO APPEAR, AND IF THE COUNTY PROVES THAT PROPER SERVICE WAS  
3 MADE ON THE PROPERTY OWNER, THE COURT MAY GRANT THE RELIEF AS  
4 REQUESTED BY THE COUNTY. A PROPERTY OWNER'S FAILURE TO APPEAR  
5 ON ANY DATE SET FOR A PRELIMINARY HEARING HELD PURSUANT TO THIS  
6 SUBSECTION (2)(d)(IV) IS GROUNDS FOR THE COURT TO ENTER A DEFAULT  
7 JUDGMENT THEREON AGAINST A NONAPPEARING PROPERTY OWNER. FOR  
8 GOOD CAUSE SHOWN, AND PRIOR TO ENFORCEMENT, THE COURT MAY SET  
9 ASIDE AN ENTRY OF DEFAULT AND THE JUDGMENT ENTERED THEREON.

10 (V) IF THE COUNTY ABATES THE VIOLATION PURSUANT TO AN  
11 ORDER OF A COURT, THE ACTUAL COSTS OF ABATEMENT, PLUS TEN  
12 PERCENT OF THE ABATEMENT COSTS FOR INSPECTION AND OTHER  
13 INCIDENTAL COSTS OF ABATEMENT ARE A LIEN AGAINST THE PROPERTY  
14 UNTIL PAID AND HAVE PRIORITY OVER ALL OTHER LIENS EXCEPT GENERAL  
15 TAXES AND PRIOR SPECIAL ASSESSMENTS. IF THE ASSESSMENT IS NOT PAID  
16 WITHIN THIRTY DAYS, THE COUNTY ATTORNEY OR COUNTY CLERK MAY  
17 CERTIFY THE NONPAYMENT TO THE COUNTY TREASURER, WHO SHALL  
18 COLLECT THE ASSESSMENT, TOGETHER WITH A TEN PERCENT PENALTY FOR  
19 THE COST OF COLLECTION, IN THE SAME MANNER AS OTHER TAXES ARE  
20 COLLECTED. THE LAWS OF THIS STATE FOR ASSESSMENT AND COLLECTION  
21 OF GENERAL TAXES, INCLUDING THE LAWS FOR THE SALE AND REDEMPTION  
22 OF PROPERTY FOR TAXES, APPLY TO THE COLLECTION OF ASSESSMENTS  
23 PURSUANT THIS SUBSECTION (2)(d)(V).

24 **SECTION 3.** In Colorado Revised Statutes, 30-15-402, **amend**  
25 (1) as follows:

26 **30-15-402. Violations - penalty - surcharges - victim and**  
27 **witness assistance - brain injury trust fund.**

1           (1) EXCEPT FOR A TRAFFIC OFFENSE, any person who violates any  
2 county ordinance adopted BY THE BOARD OF COUNTY COMMISSIONERS  
3 pursuant to this part 4 commits a civil infraction ~~or, in the case of traffic~~  
4 ~~offenses, commits a traffic infraction,~~ and, upon conviction thereof OF  
5 THAT INFRACTION, shall be punished by a fine of not more than one  
6 thousand dollars for each separate violation. IN THE CASE OF A TRAFFIC  
7 OFFENSE, THE PERSON THAT COMMITS A TRAFFIC INFRACTION, UPON  
8 CONVICTION OF THAT INFRACTION, SHALL BE PUNISHED BY A FINE IN  
9 ACCORDANCE WITH APPLICABLE COUNTY OR STATE LAW. If authorized by  
10 the county ordinance, AN ARRESTING LAW ENFORCEMENT OFFICER MAY  
11 FOLLOW the penalty assessment procedure provided in section 16-2-201  
12 ~~may be followed by any arresting law enforcement officer~~ for any such  
13 violation. As part of ~~said~~ THE county ordinance authorizing the penalty  
14 assessment procedure FOR A VIOLATION OF A COUNTY ORDINANCE  
15 ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS PURSUANT TO THIS  
16 PART 4, the board of county commissioners may adopt a graduated fine  
17 schedule for ~~such~~ THE violations. ~~Such~~ THE graduated fine schedule may  
18 provide for increased penalty assessments for repeat offenses by the same  
19 individual. In the case of county traffic ordinance violations, the  
20 provisions of sections 42-4-1701 and 42-4-1703, and sections 42-4-1708  
21 to 42-4-1718 ~~shall~~ apply; except that the fine or penalty for a violation  
22 charged and the surcharge thereon if authorized by county ordinance ~~shall~~  
23 ~~be~~ IS paid to the county.

24           **SECTION 4.** In Colorado Revised Statutes, **amend** 30-28-124 as  
25 follows:

26           **30-28-124. Penalties and enforcement.**

27           (1) (a) It is unlawful to erect, construct, reconstruct, ~~or~~ alter, OR

1 USE any building or structure OR USE ANY LAND in violation of any  
2 regulation in, or of any provisions of, any zoning resolution OR  
3 ORDINANCE, or any amendment thereof, enacted or adopted by the board  
4 of county commissioners under the authority of this part 1. Any person,  
5 firm, or corporation ~~violating~~ THAT VIOLATES any such regulation,  
6 provision, or amendment thereof, or any provision of this part 1 ~~commits~~  
7 ~~a civil infraction~~ SHALL, AT THE REQUEST OF THE COUNTY, BE SUBJECT TO  
8 THE IMPOSITION, BY ORDER OF THE COUNTY OR DISTRICT COURT, OF A  
9 CIVIL PENALTY OF NOT LESS THAN ONE HUNDRED DOLLARS OR MORE THAN  
10 ~~TWO THOUSAND SIX HUNDRED FIFTY~~ DOLLARS. Each day ~~during which~~  
11 ~~such illegal erection, construction, reconstruction, or alteration continues~~  
12 ~~shall be~~ THAT A VIOLATION OCCURS IS deemed a separate offense AND THE  
13 CIVIL PENALTY CONTINUES TO ACCRUE UNTIL THE VIOLATION IS REMEDIED.

14 (b) (I) ~~It is unlawful to use any building, structure, or land in~~  
15 ~~violation of any regulation in, or of any provision of, any zoning~~  
16 ~~resolution, or any amendment thereto, enacted or adopted by any board~~  
17 ~~of county commissioners under the authority of this part 1. Any person,~~  
18 ~~firm, or corporation violating any such regulation, provision, or~~  
19 ~~amendment commits a civil infraction. Each day during which such~~  
20 ~~illegal use of any building, structure, or land continues shall be deemed~~  
21 ~~a separate offense.~~

22 (II) ~~Whenever~~ TO PURSUE A VIOLATION PURSUANT TO THIS  
23 SUBSECTION (1)(b)(II), a county zoning official authorized pursuant to  
24 ~~section 30-28-114~~ WHO has personal knowledge of any violation of this  
25 ~~paragraph (b), he or she~~ SUBSECTION (1)(b)(II) BASED ON COMPETENT  
26 EVIDENCE ACQUIRED DURING A REASONABLE INVESTIGATION shall give  
27 ~~written notice to the violator to correct the violation within ten days after~~

1 the date of the notice. ~~Should~~ IF the violator ~~fail~~ FAILS to correct the  
2 violation within the ten-day period, ~~the~~ ANY DESIGNATED COUNTY zoning  
3 official may ISSUE, OR request that the sheriff of the county OR THE  
4 COUNTY ATTORNEY issue, a summons and complaint to the violator  
5 stating the nature of the violation with sufficient particularity to give  
6 notice of the charge to the violator. The summons and complaint ~~shall~~  
7 MUST require that the violator appear in county OR DISTRICT court at a  
8 definite time and place stated ~~therein~~ IN THE SUMMONS AND COMPLAINT  
9 to answer and defend the charge.

10 (III) ~~One copy of said summons and complaint shall be served~~  
11 ~~upon the violator by the sheriff of the county in the manner provided by~~  
12 ~~law for the service of a criminal summons. One copy each shall be~~  
13 ~~retained by the sheriff and the county zoning official, and one copy shall~~  
14 ~~be transmitted by the sheriff to the clerk of the county court.~~

15 (IV) THE COLORADO RULES OF CIVIL PROCEDURE APPLY TO  
16 DISTRICT COURT PROCEEDINGS AND THE COLORADO COUNTY COURT RULES  
17 OF CIVIL PROCEDURE APPLY TO COUNTY COURT PROCEEDINGS.

18 (c) It is the responsibility of the county attorney to enforce the  
19 provisions of this subsection (1); ~~In the event that~~ EXCEPT THAT IF there  
20 is ~~no~~ NOT A county attorney or ~~in the event that~~ IF the board of county  
21 commissioners deems it appropriate, the board of county commissioners  
22 may appoint the district attorney of the judicial district to perform ~~such~~  
23 THE enforcement duties in lieu of the county attorney.

24 (d) ~~THE MINIMUM CIVIL PENALTY THAT THE COURT MAY IMPOSE~~  
25 ~~FOR A VIOLATION OF A COUNTY ZONING ORDINANCE OR RESOLUTION OR~~  
26 ~~AMENDMENT THERETO IS ONE HUNDRED DOLLARS PER VIOLATION, AND~~  
27 ~~THE MAXIMUM CIVIL PENALTY IS TWO THOUSAND SIX HUNDRED FIFTY~~

1 DOLLARS PER VIOLATION. THE PRESUMPTIVE MAXIMUM PENALTY FOR A  
2 FIRST VIOLATION IS FIVE HUNDRED DOLLARS. THE PRESUMPTIVE MAXIMUM  
3 PENALTY FOR A SECOND VIOLATION IS ONE THOUSAND DOLLARS. THE  
4 PRESUMPTIVE MAXIMUM PENALTY FOR A THIRD OR SUBSEQUENT  
5 VIOLATION IS TWO THOUSAND SIX HUNDRED FIFTY DOLLARS. THE COURT  
6 MUST SPECIFY THE BASIS FOR THE CIVIL PENALTY ON THE RECORD. IN  
7 CASES WHERE SUFFICIENT AGGRAVATING FACTORS ARE PRESENT, THE  
8 COURT MAY IMPOSE A PENALTY THAT IS HIGHER THAN THE PRESUMPTIVE  
9 MAXIMUM. THE COURT MUST BASE THE DETERMINATION OF THE  
10 APPROPRIATE CIVIL PENALTY FOR A VIOLATION OF A COUNTY ZONING  
11 ORDINANCE OR RESOLUTION, OR AMENDMENT THERETO, ON THE  
12 FOLLOWING FACTORS:

- 13
- 14 (I) THE IMPACT OF THE VIOLATION ON PUBLIC HEALTH, SAFETY,  
15 AND WELFARE;
  - 16 (II) THE IMPACT OF THE VIOLATION ON NEIGHBORING PROPERTIES;
  - 17 (III) THE VIOLATOR'S WILLINGNESS TO COMPLY WITH OR  
18 DEMONSTRATED DISREGARD FOR THE APPLICABLE LAWS;
  - 19 (IV) THE VIOLATOR'S ABILITY TO COMPLY WITH THE APPLICABLE  
20 LAWS;
  - 21 (V) WHETHER THE VIOLATION IS THE USE OF THE PROPERTY FOR  
22 ACTIVITIES PROHIBITED IN THE PROPERTY'S ZONE DISTRICT;
  - 23 (VI) WHETHER MULTIPLE VIOLATIONS EXIST ON THE PROPERTY;
  - 24 (VII) PRIOR VIOLATIONS BY THE VIOLATOR ON THE PROPERTY; AND
  - 25 (VIII) ANY OTHER RELEVANT FACTORS DETERMINED BY THE  
26 COURT.
- 27 (e) IF THE COURT FINDS BY A PREPONDERANCE OF THE EVIDENCE

1 THAT A VIOLATION OF ANY REGULATION OR PROVISION OF A ZONING  
2 ORDINANCE OR RESOLUTION, OR AMENDMENT THERETO, AS ENACTED AND  
3 ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS, HAS OCCURRED,  
4 THE COURT SHALL ORDER THE VIOLATOR TO PAY A CIVIL PENALTY IN AN  
5 AMOUNT ALLOWED PURSUANT TO THIS SUBSECTION (1). THE PENALTY IS  
6 PAYABLE IMMEDIATELY BY THE VIOLATOR TO THE COUNTY AS  
7 DESIGNATED IN THE ZONING ORDINANCE OR RESOLUTION, OR AMENDMENT  
8 THERETO.

9 (f) UNTIL PAID, ANY CIVIL PENALTY ORDERED BY THE COURT AND  
10 ASSESSED PURSUANT TO THIS SUBSECTION (1) IS, AS OF RECORDING, A LIEN  
11 AGAINST THE PROPERTY ON WHICH THE VIOLATION HAS BEEN FOUND TO  
12 EXIST. IF THE ASSESSMENT IS NOT PAID WITHIN THIRTY DAYS, THE CLERK  
13 AND RECORDER OR COUNTY ATTORNEY MAY CERTIFY THE NONPAYMENT  
14 TO THE COUNTY TREASURER, WHO SHALL COLLECT THE ASSESSMENT,  
15 TOGETHER WITH A TEN PERCENT PENALTY FOR THE COST OF COLLECTION,  
16 IN THE SAME MANNER AS OTHER TAXES ARE COLLECTED. THE LAWS OF  
17 THIS STATE FOR ASSESSMENT AND COLLECTION OF GENERAL TAXES,  
18 INCLUDING THE LAWS FOR THE SALE AND REDEMPTION OF PROPERTY FOR  
19 TAXES, APPLY TO THE COLLECTION OF ASSESSMENTS PURSUANT TO THIS  
20 SUBSECTION (1). ANY LIEN PLACED AGAINST THE PROPERTY PURSUANT TO  
21 THIS SUBSECTION (1) MUST BE RECORDED WITH THE CLERK AND RECORDER  
22 OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED.

23 (2) (a) ~~In case~~ If any building or structure is or is proposed to be  
24 erected, constructed, reconstructed, altered, or used, or any land is or is  
25 proposed to be used, in violation of any regulation or provision of any  
26 zoning ORDINANCE OR resolution, or amendment thereto, enacted or  
27 adopted by any board of county commissioners under the authority

1 granted by this part 1, the county attorney of the county in which ~~such~~  
2 THE building, structure, or land is situated, in addition to other remedies  
3 provided by law, may institute an injunction, mandamus, abatement, or  
4 other appropriate action ~~or proceeding~~ IN COUNTY OR DISTRICT COURT to  
5 prevent, enjoin, abate, or remove ~~such~~ THE unlawful erection,  
6 construction, reconstruction, alteration, or use. ~~In the event that~~ If there  
7 is ~~no~~ NOT A county attorney or ~~in the event~~ IF that the board of county  
8 commissioners deems it appropriate, the board of county commissioners  
9 may appoint the district attorney of the judicial district to perform ~~such~~  
10 THE enforcement duties in lieu of the county attorney.

11 (b) IN ADDITION TO THE CIVIL PENALTIES ALLOWED PURSUANT TO  
12 SUBSECTION (1) OF THIS SECTION, THE COUNTY ATTORNEY MAY BRING AN  
13 ACTION IN THE COUNTY COURT OR DISTRICT COURT THAT HAS  
14 JURISDICTION OVER THE PROPERTY FOR AN ORDER ENJOINING THE  
15 VIOLATION, ORDERING THE VIOLATION'S RESTRAINT, REMOVAL,  
16 TERMINATION, OR ABATEMENT BY THE PROPERTY OWNER, AND  
17 AUTHORIZING ABATEMENT BY THE COUNTY OR ITS AGENT OR TO ENJOIN  
18 THE PROPOSED USE OF THE LAND. IN BRINGING THAT ACTION, THE COUNTY  
19 ATTORNEY SHALL FILE A VERIFIED COMPLAINT. THE COURT SHALL REVIEW  
20 THE VERIFIED COMPLAINT AND SCHEDULE A HEARING ON THE REQUEST FOR  
21 AN ABATEMENT ORDER, INJUNCTION, OR OTHER APPROPRIATE REMEDY  
22 PROVIDED FOR PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION AND  
23 DIRECT THE ISSUANCE OF A SUMMONS STATING THE TIME, DATE, AND  
24 PLACE OF THE PRELIMINARY HEARING, WHICH THE COURT SHALL  
25 SCHEDULE NO LATER THAN THIRTY DAYS AFTER THE COUNTY ATTORNEY  
26 FILES THE COMPLAINT. THE COUNTY SHALL SERVE THE SUMMONS AND  
27 COMPLAINT ON THE PROPERTY OWNER IN ACCORDANCE WITH THE

1 APPLICABLE RULES OF CIVIL PROCEDURE AT LEAST TEN DAYS PRIOR TO THE  
2 PRELIMINARY HEARING. IF THE COUNTY'S REASONABLE EFFORTS TO  
3 PERSONALLY SERVE THE SUMMONS AND COMPLAINT ARE UNSUCCESSFUL,  
4 THE COUNTY MAY POST THE SUMMONS AND COMPLAINT ON THE PROPERTY  
5 AND MAIL THE SUMMONS AND COMPLAINT, CERTIFIED MAIL, RETURN  
6 RECEIPT REQUESTED, TO THE PROPERTY OWNER'S ADDRESS IN THE  
7 RECORDS OF THE COUNTY ASSESSOR AS AN ALTERNATIVE MEANS OF  
8 PROVIDING SERVICE. IF THE COUNTY ATTORNEY PROVIDES ALTERNATIVE  
9 SERVICE, THE COUNTY MUST PROVIDE THE ALTERNATIVE SERVICE AT  
10 LEAST TEN DAYS PRIOR TO THE PRELIMINARY HEARING. AT THE TIME,  
11 DATE, AND PLACE STATED IN THE SUMMONS, THE COURT SHALL REVIEW  
12 AND CONSIDER THE REQUEST FOR AN ABATEMENT ORDER, INJUNCTION, OR  
13 OTHER APPROPRIATE REMEDY PROVIDED FOR PURSUANT TO SUBSECTION  
14 (2)(a) OF THIS SECTION, ANY STATEMENT AND EVIDENCE PRESENTED BY  
15 THE COUNTY IN SUPPORT THEREOF, AND ANY STATEMENT AND EVIDENCE  
16 PRESENTED BY THE PROPERTY OWNER, IF PRESENT. ON THE DATE AND AT  
17 THE TIME SET FOR THE HEARING, IF THE PROPERTY OWNER FAILS TO  
18 APPEAR, AND IF THE COUNTY PROVES THAT PROPER SERVICE WAS MADE ON  
19 THE PROPERTY OWNER, THE COURT MAY GRANT THE RELIEF AS REQUESTED  
20 BY THE COUNTY. A PROPERTY OWNER'S FAILURE TO APPEAR ON ANY DATE  
21 SET FOR A PRELIMINARY HEARING HELD PURSUANT TO THIS SUBSECTION  
22 (2)(b) IS GROUNDS FOR THE COURT TO ENTER A DEFAULT AND JUDGMENT  
23 THEREON AGAINST A NONAPPEARING PROPERTY OWNER. FOR GOOD CAUSE  
24 SHOWN, AND PRIOR TO ENFORCEMENT, THE COURT MAY SET ASIDE AN  
25 ENTRY OF DEFAULT AND THE JUDGMENT ENTERED THEREON.

26 (c) IF THE COUNTY ABATES THE VIOLATION PURSUANT TO AN  
27 ORDER OF A COURT, THE ACTUAL COSTS OF ABATEMENT, PLUS TEN

1 PERCENT OF THE ABATEMENT COSTS FOR INSPECTION AND OTHER  
2 INCIDENTAL COSTS OF ABATEMENT, IS A LIEN AGAINST THE PROPERTY  
3 UNTIL PAID AND HAS PRIORITY OVER ALL OTHER LIENS EXCEPT GENERAL  
4 TAXES AND PRIOR SPECIAL ASSESSMENTS. IF THE ASSESSMENT IS NOT PAID  
5 WITHIN A REASONABLE TIME SPECIFIED BY THE ZONING RESOLUTION, THE  
6 COUNTY ATTORNEY OR COUNTY CLERK MAY CERTIFY THE NONPAYMENT  
7 TO THE COUNTY TREASURER, WHO SHALL COLLECT THE ASSESSMENT,  
8 TOGETHER WITH A TEN PERCENT PENALTY FOR THE COST OF COLLECTION,  
9 IN THE SAME MANNER AS OTHER TAXES ARE COLLECTED. THE LAWS OF  
10 THIS STATE FOR ASSESSMENT AND COLLECTION OF GENERAL TAXES,  
11 INCLUDING THE LAWS FOR THE SALE AND REDEMPTION OF PROPERTY FOR  
12 TAXES, APPLY TO THE COLLECTION OF ASSESSMENTS PURSUANT TO THIS  
13 SUBSECTION (2)(c) OF THIS SECTION.

14 (3) (a) IT IS UNLAWFUL TO ERECT, CONSTRUCT, RECONSTRUCT,  
15 ALTER, OR USE ANY BUILDING OR STRUCTURE OR USE ANY LAND IN  
16 VIOLATION OF ANY REGULATION IN, OR OF ANY PROVISIONS OF, ANY  
17 ZONING ORDINANCE OR RESOLUTION, OR ANY AMENDMENT THEREOF,  
18 ENACTED OR ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS UNDER  
19 THE AUTHORITY OF THIS PART 1. ANY PERSON, FIRM, OR CORPORATION  
20 THAT VIOLATES ANY SUCH REGULATION, PROVISION, OR AMENDMENT  
21 THEREOF, OR ANY PROVISION OF THIS PART 1 COMMITS A CIVIL  
22 INFRACTION, AND UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A  
23 FINE OF UP TO THREE THOUSAND DOLLARS FOR EACH SEPARATE  
24 VIOLATION, ACCORDING TO THE FINE SCHEDULE ADOPTED BY THE BOARD  
25 OF COUNTY COMMISSIONERS. THE FINE SCHEDULE MAY INCLUDE  
26 GRADUATED FINES AND MAY PROVIDE INCREASED CIVIL PENALTIES FOR  
27 REPEAT OFFENSES BY THE SAME INDIVIDUALS. EACH DAY DURING WHICH

1 SUCH ILLEGAL ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION,  
2 OR USE OCCURS IS DEEMED A SEPARATE OFFENSE, AND THE CIVIL PENALTY  
3 CONTINUES TO ACCRUE UNTIL THE VIOLATION IS REMEDIED.

4 (b) (I) TO PURSUE A VIOLATION PURSUANT TO THIS SUBSECTION  
5 (3), A COUNTY ZONING OFFICIAL AUTHORIZED PURSUANT TO SECTION  
6 30-28-114 WHO HAS PERSONAL KNOWLEDGE OF ANY VIOLATION OF  
7 SUBSECTION (3)(a) OF THIS SECTION BASED ON COMPETENT EVIDENCE  
8 ACQUIRED DURING A REASONABLE INVESTIGATION SHALL GIVE WRITTEN  
9 NOTICE TO THE VIOLATOR TO CORRECT THE VIOLATION WITHIN TEN DAYS  
10 AFTER THE DATE OF THE NOTICE. IF THE VIOLATOR FAILS TO CORRECT THE  
11 VIOLATION WITHIN THE TEN-DAY PERIOD, ANY DESIGNATED ZONING  
12 PERSONNEL MAY ISSUE, OR REQUEST THAT THE SHERIFF ISSUE A SUMMONS  
13 AND COMPLAINT TO THE VIOLATOR, STATING THE NATURE OF THE  
14 VIOLATION WITH SUFFICIENT PARTICULARITY TO GIVE NOTICE OF THE  
15 CHARGE TO THE VIOLATOR. THE SUMMONS AND COMPLAINT MUST REQUIRE  
16 THAT THE VIOLATOR APPEAR IN COUNTY COURT AT A DEFINITE TIME AND  
17 PLACE STATED IN THE SUMMONS AND COMPLAINT TO ANSWER AND DEFEND  
18 THE CHARGE.

19 (II) DESIGNATED ZONING PERSONNEL OR THE SHERIFF SHALL  
20 SERVE ONE COPY OF A SUMMONS AND COMPLAINT ISSUED PURSUANT TO  
21 SUBSECTION (3)(b)(I) OF THIS SECTION. THE DESIGNATED ZONING  
22 PERSONNEL OR THE SHERIFF MAY PERSONALLY SERVE THE SUMMONS AND  
23 COMPLAINT ON THE VIOLATOR AS SET FORTH IN THE COUNTY COURT RULES  
24 OF CIVIL PROCEDURE. IF THE DESIGNATED ZONING PERSONNEL OR THE  
25 SHERIFF'S REASONABLE EFFORTS TO PERSONALLY SERVE THE SUMMONS  
26 AND COMPLAINT ON THE PROPERTY OWNER ARE UNSUCCESSFUL, THE  
27 COUNTY MAY POST THE SUMMONS AND COMPLAINT ON THE PROPERTY AND

1 MAIL THE SUMMONS AND COMPLAINT TO THE PROPERTY OWNER'S ADDRESS  
2 LISTED IN THE RECORDS OF THE COUNTY ASSESSOR. SERVICE IS COMPLETE  
3 UPON MAILING THE SUMMONS AND COMPLAINT. THE OFFICE SERVING THE  
4 SUMMONS AND COMPLAINT SHALL RETAIN ONE COPY OF EACH AND SHALL  
5 TRANSMIT ONE COPY OF EACH TO THE CLERK OF THE COUNTY COURT.

6 (c) IT IS THE RESPONSIBILITY OF THE COUNTY ATTORNEY TO  
7 ENFORCE THE PROVISIONS OF THIS SUBSECTION (3); EXCEPT THAT IF THERE  
8 IS NOT A COUNTY ATTORNEY OR IF THE BOARD OF COUNTY  
9 COMMISSIONERS DEEMS IT APPROPRIATE, THE BOARD OF COUNTY  
10 COMMISSIONERS MAY APPOINT THE DISTRICT ATTORNEY OF THE JUDICIAL  
11 DISTRICT TO PERFORM THE ENFORCEMENT DUTIES IN LIEU OF THE COUNTY  
12 ATTORNEY.

13 (d) IF THERE IS A CONFLICT BETWEEN THIS SUBSECTION (3) AND  
14 THE RULES OF CIVIL INFRACTIONS, THIS SUBSECTION (3) CONTROLS.

15 (4) THE COUNTY ATTORNEY HAS THE DISCRETION TO DETERMINE  
16 WHETHER TO PURSUE THE REMEDIES SET FORTH IN SUBSECTIONS (1), (2),  
17 OR (3) OF THIS SECTION, OR ANY COMBINATION THEREOF, OR ANY OTHER  
18 REMEDIES AVAILABLE AT LAW OR IN EQUITY. NONE OF THESE REMEDIES  
19 ARE INTENDED TO BE MUTUALLY EXCLUSIVE.

20 **SECTION 5.** In Colorado Revised Statutes, **amend** 30-28-209 as  
21 follows:

22 **30-28-209. Penalties and enforcement.**

23 (1) (a) It is unlawful to erect, construct, reconstruct, or alter any  
24 building or structure OR USE ANY BUILDING OR STRUCTURE in a manner  
25 that results in a violation of any regulation in, or of any provisions of, the  
26 area building code, or any amendment thereof, enacted or adopted by the  
27 board of county commissioners under the authority of this part 2. Any

1 person, firm, or corporation violating any such regulation, provision, or  
2 amendment thereof, or any provision of this part 2, ~~commits a civil~~  
3 ~~infraction~~ SHALL, UPON REQUEST BY THE COUNTY, BE SUBJECT TO THE  
4 IMPOSITION, BY ORDER OF THE COUNTY COURT OR THE DISTRICT COURT,  
5 OF A CIVIL PENALTY OF NOT LESS THAN ONE HUNDRED DOLLARS OR MORE  
6 THAN TWO THOUSAND SIX HUNDRED FIFTY DOLLARS. Each day during  
7 which such illegal erection, construction, reconstruction, or alteration  
8 continues ~~shall be~~ IS deemed a separate offense AND THE CIVIL PENALTY  
9 CONTINUES TO ACCRUE UNTIL THE VIOLATION IS REMEDIED. NOTHING IN  
10 THIS SUBSECTION (1)(a) PROHIBITS THE USE OF ANY BUILDING OR  
11 STRUCTURE IN VIOLATION OF AN OTHERWISE APPLICABLE BUILDING CODE  
12 WHERE THE USE COMPLIES WITH ANY BUILDING CODE THAT WAS IN EFFECT  
13 AT THE TIME THE BUILDING OR STRUCTURE WAS ERECTED, CONSTRUCTED,  
14 RECONSTRUCTED, OR ALTERED.

15 (b) (I) ~~It is unlawful to use any building or structure in violation~~  
16 ~~of any regulation in, or of any provision of, the area building code, or any~~  
17 ~~amendment thereto, enacted or adopted by any board of county~~  
18 ~~commissioners under the authority of this part 2. Any person, firm, or~~  
19 ~~corporation violating any such regulation, provision, or amendment~~  
20 ~~thereof commits a civil infraction. Each day during which such illegal use~~  
21 ~~of any building or structure continues shall be deemed a separate offense.~~  
22 ~~Nothing in this subsection (1)(b)(I) prohibits the use of any building or~~  
23 ~~structure in violation of an otherwise applicable building code where the~~  
24 ~~use complies with any building code that was in effect at the time the~~  
25 ~~building or structure was erected, constructed, reconstructed, or altered.~~

26 (II) ~~Whenever~~ TO PURSUE A VIOLATION PURSUANT TO THIS  
27 SUBSECTION (1)(b)(II), a county building inspector authorized pursuant to

1 sections 30-28-114 and 30-28-205, or any inspector employed by an  
2 intergovernmental entity created in accordance with the requirements of  
3 part 2 of article 1 of title 29, C.R.S., who exercises the functions of a  
4 county building inspector WHO has personal knowledge of any violation  
5 of the requirements of subparagraph (I) of this paragraph (b), he or she  
6 THIS SUBSECTION (1)(b)(II) BASED ON COMPETENT EVIDENCE ACQUIRED  
7 DURING A REASONABLE INVESTIGATION shall give written notice to the  
8 violator to correct the violation within ten days after the date of the  
9 notice. ~~Where~~ IF the violator fails to correct the violation within the  
10 ten-day period, the county building inspector may ISSUE, OR request that  
11 the sheriff of the county OR THE COUNTY ATTORNEY issue, a summons and  
12 complaint to the violator stating the nature of the violation with sufficient  
13 particularity to give notice of the charge to the violator. The summons and  
14 complaint shall MUST require that the violator appear in county OR  
15 DISTRICT court at a definite time and place stated therein to answer and  
16 defend the charge.

17 (III) ~~One copy of the summons and complaint shall be served~~  
18 ~~upon the violator by the sheriff of the county in the manner provided by~~  
19 ~~law for the service of a criminal summons. One copy each shall be~~  
20 ~~retained by the sheriff and the county building inspector, and one copy~~  
21 ~~shall be transmitted by the sheriff to the clerk of the county court.~~

22 (IV) THE COLORADO RULES OF CIVIL PROCEDURE APPLY TO  
23 DISTRICT COURT PROCEEDINGS AND THE COLORADO COUNTY COURT RULES  
24 OF CIVIL PROCEDURE APPLY TO COUNTY COURT PROCEEDINGS.

25 (c) It is the responsibility of the county attorney to enforce the  
26 provisions of this subsection (1); ~~Where~~ EXCEPT THAT IF there is ~~no~~ NOT  
27 A county attorney or ~~in the event that~~ IF the board of county

1 commissioners deems it appropriate, the board may appoint the district  
2 attorney of the judicial district in which the building or structure is  
3 located to perform such enforcement duties in lieu of the county attorney.

4 (d) THE MINIMUM CIVIL PENALTY THAT THE COURT MAY IMPOSE  
5 FOR A VIOLATION OF A COUNTY BUILDING CODE OR AMENDMENT THERETO  
6 IS ONE HUNDRED DOLLARS PER VIOLATION, AND THE MAXIMUM CIVIL  
7 PENALTY IS TWO THOUSAND SIX HUNDRED FIFTY DOLLARS PER VIOLATION.  
8 THE PRESUMPTIVE MAXIMUM PENALTY FOR A FIRST VIOLATION IS FIVE  
9 HUNDRED DOLLARS. THE PRESUMPTIVE MAXIMUM PENALTY FOR A SECOND  
10 VIOLATION IS ONE THOUSAND DOLLARS. THE PRESUMPTIVE MAXIMUM  
11 PENALTY FOR A THIRD OR SUBSEQUENT VIOLATION IS TWO THOUSAND SIX  
12 HUNDRED FIFTY DOLLARS. THE COURT MUST SPECIFY THE BASIS FOR THE  
13 CIVIL PENALTY ON THE RECORD. IN CASES WHERE SUFFICIENT  
14 AGGRAVATING FACTORS ARE PRESENT, THE COURT MAY IMPOSE A  
15 PENALTY THAT IS HIGHER THAN THE PRESUMPTIVE MAXIMUM. THE COURT  
16 MUST BASE THE DETERMINATION OF THE APPROPRIATE CIVIL PENALTY FOR  
17 A VIOLATION OF A COUNTY BUILDING CODE, OR AMENDMENT THERETO, ON  
18 THE FOLLOWING FACTORS:

- 19 [REDACTED]
- 20 (I) THE IMPACT OF THE VIOLATION ON PUBLIC HEALTH, SAFETY,  
21 AND WELFARE;
  - 22 (II) THE IMPACT OF THE VIOLATION ON NEIGHBORING PROPERTIES;
  - 23 (III) THE VIOLATOR'S WILLINGNESS TO COMPLY WITH OR  
24 DEMONSTRATED DISREGARD FOR THE APPLICABLE LAWS;
  - 25 (IV) THE VIOLATOR'S ABILITY TO COMPLY WITH THE APPLICABLE  
26 LAWS;
  - 27 (V) WHETHER THE VIOLATION IS THE USE OF THE PROPERTY FOR

1     ACTIVITIES PROHIBITED IN THE PROPERTY'S ZONE DISTRICT;  
2             (VI) WHETHER MULTIPLE VIOLATIONS EXIST ON THE PROPERTY;  
3             (VII) PRIOR VIOLATIONS BY THE VIOLATOR ON THE PROPERTY; AND  
4             (VIII) ANY OTHER RELEVANT FACTORS DETERMINED BY THE  
5     COURT.

6             (e) IF THE COURT FINDS BY A PREPONDERANCE OF THE EVIDENCE  
7     THAT A VIOLATION OF THE BUILDING CODE, OR AMENDMENT THERETO, AS  
8     ENACTED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS, HAS  
9     OCCURRED, THE COURT SHALL ORDER THE VIOLATOR TO PAY A CIVIL  
10    PENALTY IN AN AMOUNT ALLOWED PURSUANT TO THIS SUBSECTION (1).  
11    THE PENALTY IS PAYABLE IMMEDIATELY BY THE VIOLATOR TO THE  
12    COUNTY AS DESIGNATED IN THE BUILDING CODE ORDINANCE OR  
13    RESOLUTION, OR AMENDMENT THERETO.

14            (f) UNTIL PAID, ANY CIVIL PENALTY ORDERED BY THE COURT AND  
15    ASSESSED PURSUANT TO THIS SUBSECTION (1) IS, AS OF RECORDING, A LIEN  
16    AGAINST THE PROPERTY ON WHICH THE VIOLATION HAS BEEN FOUND TO  
17    EXIST. IF THE ASSESSMENT IS NOT PAID WITHIN THIRTY DAYS, THE CLERK  
18    AND RECORDER OR COUNTY ATTORNEY MAY CERTIFY THE NONPAYMENT  
19    TO THE COUNTY TREASURER, WHO SHALL COLLECT THE ASSESSMENT,  
20    TOGETHER WITH A TEN PERCENT PENALTY FOR THE COST OF COLLECTION,  
21    IN THE SAME MANNER AS OTHER TAXES ARE COLLECTED. THE LAWS OF  
22    THIS STATE FOR ASSESSMENT AND COLLECTION OF GENERAL TAXES,  
23    INCLUDING THE LAWS FOR THE SALE AND REDEMPTION OF PROPERTY FOR  
24    TAXES, APPLY TO THE COLLECTION OF ASSESSMENTS PURSUANT TO THIS  
25    SUBSECTION (1). ANY LIEN PLACED AGAINST THE PROPERTY PURSUANT TO  
26    THIS SUBSECTION (1) MUST BE RECORDED WITH THE CLERK AND RECORDER  
27    OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED.

1           (2) (a) ~~In case~~ IF any building or structure is, or is proposed to be,  
2 erected, constructed, reconstructed, altered, or used in violation of any  
3 regulation or provision of the area building code, or amendment thereto,  
4 enacted or adopted by any board of county commissioners under the  
5 authority granted by this part 2, the county attorney of the county in which  
6 ~~such~~ THE building, structure, or land is situated, in addition to other  
7 remedies provided by law, may institute an injunction, mandamus,  
8 abatement, or other appropriate action or proceeding to prevent, enjoin,  
9 abate, or remove ~~such~~ THE unlawful erection, construction,  
10 reconstruction, alteration, or use. ~~Where~~ IF there is ~~no~~ NOT A county  
11 attorney or ~~in the event that~~ IF the board deems it appropriate, the board  
12 may appoint the district attorney of the judicial district in which the  
13 building or structure is located to perform ~~such~~ THE enforcement duties  
14 in lieu of the county attorney.

15           (b) THE COUNTY ATTORNEY MAY BRING AN ACTION IN THE  
16 COUNTY COURT OR DISTRICT COURT THAT HAS JURISDICTION OVER THE  
17 PROPERTY FOR AN ORDER ENJOINING THE VIOLATION, ORDERING THE  
18 VIOLATION'S RESTRAINT, REMOVAL, TERMINATION, OR ABATEMENT BY THE  
19 PROPERTY OWNER, AND AUTHORIZING ABATEMENT BY THE COUNTY OR ITS  
20 AGENT. IN BRINGING THAT ACTION, THE COUNTY ATTORNEY SHALL FILE A  
21 VERIFIED COMPLAINT. THE COURT SHALL REVIEW THE VERIFIED  
22 COMPLAINT AND SCHEDULE A HEARING ON THE REQUEST FOR AN  
23 ABATEMENT ORDER OR INJUNCTION, OR OTHER APPROPRIATE REMEDY  
24 PROVIDED FOR PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION AND  
25 DIRECT THE ISSUANCE OF A SUMMONS STATING THE TIME, DATE, AND  
26 PLACE OF THE PRELIMINARY HEARING, WHICH THE COURT SHALL  
27 SCHEDULE NO LATER THAN THIRTY DAYS AFTER THE COUNTY ATTORNEY

1 FILES THE COMPLAINT. THE COUNTY SHALL SERVE THE SUMMONS AND  
2 COMPLAINT ON THE PROPERTY OWNER IN ACCORDANCE WITH THE  
3 APPLICABLE RULES OF CIVIL PROCEDURE AT LEAST TEN DAYS PRIOR TO THE  
4 PRELIMINARY HEARING. IF THE COUNTY'S REASONABLE EFFORTS TO  
5 PERSONALLY SERVE THE SUMMONS AND COMPLAINT ARE UNSUCCESSFUL,  
6 THE COUNTY MAY POST THE SUMMONS AND COMPLAINT ON THE PROPERTY  
7 AND MAIL THE SUMMONS AND COMPLAINT, CERTIFIED MAIL AND RETURN  
8 RECEIPT REQUESTED, TO THE PROPERTY OWNER'S ADDRESS IN THE  
9 RECORDS OF THE COUNTY ASSESSOR AS AN ALTERNATIVE MEANS OF  
10 PROVIDING SERVICE. IF THE COUNTY PROVIDES ALTERNATE SERVICE, THE  
11 COUNTY MUST PROVIDE THE ALTERNATIVE SERVICE AT LEAST TEN DAYS  
12 PRIOR TO THE PRELIMINARY HEARING. AT THE TIME, DATE, AND PLACE  
13 STATED IN THE SUMMONS, THE COURT SHALL REVIEW AND CONSIDER THE  
14 REQUEST FOR AN ABATEMENT ORDER, INJUNCTION, OR OTHER  
15 APPROPRIATE REMEDY PROVIDED FOR PURSUANT TO SUBSECTION (2)(a) OF  
16 THIS SECTION, ANY STATEMENT AND EVIDENCE PRESENTED BY THE  
17 COUNTY IN SUPPORT THEREOF, AND ANY STATEMENT AND EVIDENCE  
18 PRESENTED BY THE PROPERTY OWNER, IF PRESENT. ON THE DATE AND AT  
19 THE TIME SET FOR THE HEARING, IF THE PROPERTY OWNER FAILS TO  
20 APPEAR, AND IF THE COUNTY PROVES THAT PROPER SERVICE WAS MADE ON  
21 THE PROPERTY OWNER, THE COURT MAY GRANT THE ORDER AS REQUESTED  
22 BY THE COUNTY. A PROPERTY OWNER'S FAILURE TO APPEAR ON ANY DATE  
23 SET FOR A PRELIMINARY HEARING HELD PURSUANT TO THIS SUBSECTION  
24 (2)(b) IS GROUNDS FOR THE COURT TO ENTER A DEFAULT AND JUDGMENT  
25 THEREON AGAINST A NONAPPEARING PROPERTY OWNER. FOR GOOD CAUSE  
26 SHOWN, AND PRIOR TO ENFORCEMENT, THE COURT MAY SET ASIDE AN  
27 ENTRY OF DEFAULT AND THE JUDGMENT ENTERED THEREON.

1           (c) IF THE COUNTY ABATES THE VIOLATION PURSUANT TO AN  
2 ORDER OF A COURT, THE ACTUAL COSTS OF ABATEMENT, PLUS TEN  
3 PERCENT OF THE ABATEMENT COSTS FOR INSPECTION AND OTHER  
4 INCIDENTAL COSTS OF ABATEMENT, IS A LIEN AGAINST THE PROPERTY  
5 UNTIL PAID AND HAS PRIORITY OVER ALL OTHER LIENS EXCEPT GENERAL  
6 TAXES AND PRIOR SPECIAL ASSESSMENTS. IF THE ASSESSMENT IS NOT PAID  
7 WITHIN A REASONABLE TIME SPECIFIED BY THE RESOLUTION OR  
8 ORDINANCE ADOPTING THE BUILDING CODE, THE CLERK AND RECORDER OR  
9 COUNTY ATTORNEY MAY CERTIFY THE NONPAYMENT TO THE COUNTY  
10 TREASURER, WHO SHALL COLLECT THE ASSESSMENT, TOGETHER WITH A  
11 TEN PERCENT PENALTY FOR THE COST OF COLLECTION, IN THE SAME  
12 MANNER AS OTHER TAXES ARE COLLECTED. THE LAWS OF THIS STATE FOR  
13 ASSESSMENT AND COLLECTION OF GENERAL TAXES, INCLUDING THE LAWS  
14 FOR THE SALE AND REDEMPTION OF PROPERTY FOR TAXES, APPLY TO THE  
15 COLLECTION OF ASSESSMENTS PURSUANT TO THIS SUBSECTION (2)(c).

16           (3) (a) IT IS UNLAWFUL TO ERECT, CONSTRUCT, RECONSTRUCT,  
17 ALTER, OR USE ANY BUILDING OR STRUCTURE IN A MANNER THAT RESULTS  
18 IN A VIOLATION OF ANY REGULATION IN, OR OF ANY PROVISIONS OF, THE  
19 AREA BUILDING CODE, OR ANY AMENDMENT THEREOF, ENACTED OR  
20 ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS UNDER THE  
21 AUTHORITY OF THIS PART 2. ANY PERSON, FIRM, OR CORPORATION  
22 VIOLATING ANY SUCH REGULATION, PROVISION, OR AMENDMENT THEREOF,  
23 OR ANY PROVISION OF THIS PART 2, COMMITS A CIVIL INFRACTION, AND  
24 UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF UP TO ONE  
25 THOUSAND DOLLARS FOR EACH SEPARATE VIOLATION, ACCORDING TO THE  
26 FINE SCHEDULE ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS. THE  
27 FINE SCHEDULE MAY INCLUDE GRADUATED FINES AND MAY PROVIDE

1 INCREASED CIVIL PENALTIES FOR REPEAT OFFENSES BY THE SAME  
2 INDIVIDUALS. EACH DAY DURING WHICH SUCH ILLEGAL ERECTION,  
3 CONSTRUCTION, RECONSTRUCTION, ALTERATION, OR USE OCCURS IS  
4 DEEMED A SEPARATE OFFENSE AND THE CIVIL PENALTY CONTINUES TO  
5 ACCRUE UNTIL THE VIOLATION IS REMEDIED. NOTHING IN THIS SUBSECTION  
6 (3)(a) PROHIBITS THE USE OF ANY BUILDING OR STRUCTURE IN VIOLATION  
7 OF AN OTHERWISE APPLICABLE BUILDING CODE WHERE THE USE COMPLIES  
8 WITH ANY BUILDING CODE THAT WAS IN EFFECT AT THE TIME THE  
9 BUILDING OR STRUCTURE WAS ERECTED, CONSTRUCTED, RECONSTRUCTED,  
10 OR ALTERED.

11 (b) (I) TO PURSUE A VIOLATION PURSUANT TO THIS SUBSECTION  
12 (3), A COUNTY BUILDING INSPECTOR AUTHORIZED PURSUANT TO SECTIONS  
13 30-28-114 AND 30-28-205, OR ANY INSPECTOR EMPLOYED BY AN  
14 INTERGOVERNMENTAL ENTITY CREATED IN ACCORDANCE WITH THE  
15 REQUIREMENTS OF PART 2 OF ARTICLE 1 OF TITLE 29, WHO EXERCISES THE  
16 FUNCTIONS OF A COUNTY BUILDING INSPECTOR WHO HAS PERSONAL  
17 KNOWLEDGE OF ANY VIOLATION OF THIS REQUIREMENTS OF SUBSECTION  
18 (3)(a) OF THIS SECTION BASED ON COMPETENT EVIDENCE ACQUIRED  
19 DURING A REASONABLE INVESTIGATION SHALL GIVE WRITTEN NOTICE  
20 TO THE VIOLATOR TO CORRECT THE VIOLATION WITHIN TEN DAYS AFTER  
21 THE DATE OF THE NOTICE. IF THE VIOLATOR FAILS TO CORRECT THE  
22 VIOLATION WITHIN THE TEN-DAY PERIOD, THE AUTHORIZED COUNTY  
23 BUILDING INSPECTOR MAY ISSUE, OR REQUEST THAT THE SHERIFF ISSUE A  
24 SUMMONS AND COMPLAINT TO THE VIOLATOR, STATING THE NATURE OF  
25 THE VIOLATION WITH SUFFICIENT PARTICULARITY TO GIVE NOTICE OF THE  
26 CHARGE TO THE VIOLATOR. THE SUMMONS AND COMPLAINT MUST REQUIRE  
27 THAT THE VIOLATOR APPEAR IN COUNTY COURT AT A DEFINITE TIME AND

1 PLACE STATED THEREIN TO ANSWER AND DEFEND THE CHARGE.

2 (II) AN AUTHORIZED BUILDING INSPECTOR OR THE SHERIFF SHALL  
3 SERVE ONE COPY OF A SUMMONS AND COMPLAINT ISSUED PURSUANT TO  
4 SUBSECTION (3)(b)(I) OF THIS SECTION ON THE VIOLATOR. AN AUTHORIZED  
5 BUILDING INSPECTOR OR THE SHERIFF MAY PERSONALLY SERVE THE  
6 SUMMONS AND COMPLAINT ON THE VIOLATOR AS SET FORTH IN THE  
7 COUNTY COURT RULES OF CIVIL PROCEDURE. IF AN AUTHORIZED BUILDING  
8 INSPECTOR OR SHERIFF'S REASONABLE EFFORTS TO PERSONALLY SERVE  
9 THE SUMMONS AND COMPLAINT ON THE PROPERTY OWNER ARE  
10 UNSUCCESSFUL, THE COUNTY MAY POST THE SUMMONS AND COMPLAINT  
11 ON THE PROPERTY AND MAIL THE SUMMONS AND COMPLAINT TO THE  
12 PROPERTY OWNER'S ADDRESS LISTED IN THE RECORDS OF THE COUNTY  
13 ASSESSOR. SERVICE IS COMPLETE UPON MAILING THE SUMMONS AND  
14 COMPLAINT. THE OFFICE SERVING THE SUMMONS AND THE COMPLAINT  
15 SHALL RETAIN ONE COPY OF EACH AND SHALL TRANSMIT ONE COPY EACH  
16 TO THE CLERK OF THE COUNTY COURT.

17 (c) IT IS THE RESPONSIBILITY OF THE COUNTY ATTORNEY TO  
18 ENFORCE THE PROVISIONS OF THIS SUBSECTION (3); EXCEPT THAT IF THERE  
19 IS NOT A COUNTY ATTORNEY OR IF THE BOARD OF COUNTY  
20 COMMISSIONERS DEEMS IT APPROPRIATE, THE BOARD OF COUNTY  
21 COMMISSIONERS MAY APPOINT THE DISTRICT ATTORNEY OF THE JUDICIAL  
22 DISTRICT TO PERFORM THE ENFORCEMENT DUTIES IN LIEU OF THE COUNTY  
23 ATTORNEY.

24 (d) IF THERE IS A CONFLICT BETWEEN THIS SUBSECTION (3) AND  
25 THE RULES OF CIVIL INFRACTIONS, THIS SUBSECTION (3) CONTROLS.

26 (4) THE COUNTY ATTORNEY HAS THE DISCRETION TO DETERMINE  
27 WHETHER TO PURSUE THE REMEDIES SET FORTH IN SUBSECTIONS (1), (2),

1 OR (3) OF THIS SECTION, OR ANY COMBINATION THEREOF, OR ANY OTHER  
2 REMEDIES AVAILABLE AT LAW OR IN EQUITY. NONE OF THESE REMEDIES  
3 ARE INTENDED TO BE MUTUALLY EXCLUSIVE.

4 **SECTION 6.** In Colorado Revised Statutes, 30-35-201, **amend**  
5 the introductory portion and (44) as follows:

6 **30-35-201. Powers of governing bodies.**

7 The governing body of a home rule county ~~shall exercise such~~  
8 EXERCISES THE duties and authority and ~~shall have~~ HAS all the powers and  
9 responsibilities as provided by law for governing bodies of counties not  
10 adopting a home rule charter and ~~shall also have~~ ALSO HAS all of the  
11 following powers that have been included in the county's home rule  
12 charter or in any amendment thereto, pursuant to the provisions of section  
13 30-35-103 (1):

14 **(Ordinance Power)**

15 (44) **Power and penalties.** To pass all ordinances and rules and  
16 make all regulations proper or necessary to carry into effect the powers  
17 granted to home rule counties, with ~~such~~ fines and penalties ~~as~~ THAT the  
18 governing body ~~shall deem~~ DEEMS proper, but no fine or penalty shall  
19 exceed ~~three hundred dollars~~ THE MAXIMUM FINE OR PENALTY  
20 ESTABLISHED UNDER STATE LAW and no imprisonment shall exceed ninety  
21 days for one offense;

22 **SECTION 7.** In Colorado Revised Statutes, **amend** 35-4-114 as  
23 follows:

24 **35-4-114. Penalties.**

25 (1) (a) Except for sections 35-4-107 and 35-4-110.5, any person  
26 who violates any of the provisions of this article 4 commits a civil  
27 infraction. The commissioner or a board of county commissioners may

1 refer such cases to the district attorney of the county in which ~~such~~ THE  
2 violation is alleged to have occurred for such action as may be deemed  
3 necessary. The conviction of a violation of any of the provisions of this  
4 article 4 ~~shall be~~ IS cause for revocation of any certificate, permit, or  
5 appointment issued under this article 4.

6 (b) THE SHERIFF OR COUNTY ATTORNEY, AT THE REQUEST OF THE  
7 BOARD OF COUNTY COMMISSIONERS, MAY ISSUE A SUMMONS AND  
8 COMPLAINT TO THE VIOLATOR, STATING THE NATURE OF THE VIOLATION  
9 WITH SUFFICIENT PARTICULARITY TO GIVE NOTICE OF THE CHARGE TO THE  
10 VIOLATOR. THE SUMMONS AND COMPLAINT MUST REQUIRE THAT THE  
11 VIOLATOR APPEAR IN COUNTY COURT AT A DEFINITE TIME AND PLACE  
12 STATED IN THE SUMMONS TO ANSWER AND DEFEND THE CHARGE.

13 (c) IF THERE IS NOT A COUNTY ATTORNEY OR IF THE BOARD OF  
14 COUNTY COMMISSIONERS DEEMS IT APPROPRIATE, THE BOARD OF COUNTY  
15 COMMISSIONERS MAY APPOINT THE DISTRICT ATTORNEY OF THE JUDICIAL  
16 DISTRICT TO PERFORM THE ENFORCEMENT DUTIES IN LIEU OF THE COUNTY  
17 ATTORNEY.

18 (d) IF THERE IS A CONFLICT BETWEEN THIS SUBSECTION (1) AND  
19 THE RULES OF CIVIL INFRACTIONS, THIS SUBSECTION (1) CONTROLS.

20 (2) (a) IN ADDITION TO THE ENFORCEMENT AUTHORITY IN  
21 SUBSECTION (1) OF THIS SECTION, ANY PERSON WHO VIOLATES THIS  
22 ARTICLE 4, EXCEPT FOR SECTIONS 35-4-107 AND 35-4-110.5, SHALL, UPON  
23 REQUEST BY THE COUNTY, BE SUBJECT TO THE IMPOSITION, BY ORDER OF  
24 THE COUNTY OR DISTRICT COURT, OF CIVIL PENALTY OF NOT LESS THAN  
25 ONE HUNDRED DOLLARS OR MORE THAN TWO THOUSAND SIX HUNDRED  
26 FIFTY DOLLARS. EACH DAY THE VIOLATION OCCURS IS DEEMED A  
27 SEPARATE OFFENSE AND THE CIVIL PENALTY CONTINUES TO ACCRUE UNTIL

1 THE VIOLATION IS REMEDIED. THE COLORADO RULES OF CIVIL PROCEDURE  
2 APPLY TO DISTRICT COURT PROCEEDINGS AND THE COLORADO COUNTY  
3 COURT RULES OF CIVIL PROCEDURE APPLY TO COUNTY COURT  
4 PROCEEDINGS.

5 (b) IF THE COURT FINDS, BY A PREPONDERANCE OF THE EVIDENCE,  
6 THAT A VIOLATION HAS OCCURRED, THE COURT SHALL ORDER THE  
7 VIOLATOR TO PAY A CIVIL PENALTY IN AN AMOUNT ALLOWED PURSUANT  
8 TO THIS SUBSECTION (2). THE PENALTY SHALL BE PAYABLE IMMEDIATELY  
9 BY THE VIOLATOR TO THE COUNTY TREASURER.

10 (c) THE MINIMUM CIVIL PENALTY FOR A VIOLATION OF THIS  
11 ARTICLE 4 IS ONE HUNDRED DOLLARS PER VIOLATION, AND THE MAXIMUM  
12 CIVIL PENALTY IS TWO THOUSAND SIX HUNDRED FIFTY DOLLARS PER  
13 VIOLATION. THE PRESUMPTIVE MAXIMUM PENALTY FOR A FIRST VIOLATION  
14 IS FIVE HUNDRED DOLLARS. THE PRESUMPTIVE MAXIMUM PENALTY FOR A  
15 SECOND VIOLATION IS ONE THOUSAND DOLLARS. THE PRESUMPTIVE  
16 MAXIMUM PENALTY FOR A THIRD OR SUBSEQUENT VIOLATION IS TWO  
17 THOUSAND SIX HUNDRED FIFTY DOLLARS. THE COURT MUST SPECIFY THE  
18 BASIS FOR THE CIVIL PENALTY ON THE RECORD. IN CASES WHERE  
19 SUFFICIENT AGGRAVATING FACTORS ARE PRESENT, THE COURT MAY  
20 IMPOSE A PENALTY THAT IS HIGHER THAN THE PRESUMPTIVE MAXIMUM. IN  
21 DETERMINING THE APPROPRIATE FINE FOR THE VIOLATION, THE COURT  
22 MAY CONSIDER THE FOLLOWING FACTORS:

23 (I) THE IMPACT OF THE VIOLATION ON PUBLIC HEALTH, SAFETY,  
24 AND WELFARE;

25 (II) THE IMPACT OF THE VIOLATION ON NEIGHBORING PROPERTIES;

26 (III) THE VIOLATOR'S WILLINGNESS TO COMPLY WITH OR  
27 DEMONSTRATED DISREGARD FOR THE APPLICABLE LAWS;

- 1 (IV) THE VIOLATOR'S ABILITY TO COMPLY WITH THE APPLICABLE
- 2 LAWS;
- 3 (V) WHETHER THE VIOLATION IS THE USE OF THE PROPERTY FOR
- 4 ACTIVITIES PROHIBITED IN THE PROPERTY'S ZONE DISTRICT;
- 5 (VI) WHETHER MULTIPLE VIOLATIONS EXIST ON THE PROPERTY;
- 6 (VII) PRIOR VIOLATIONS BY THE VIOLATOR ON THE PROPERTY; AND
- 7 (VIII) ANY OTHER RELEVANT FACTORS DETERMINED BY THE
- 8 COURT.

9 (d) UNTIL PAID, ANY CIVIL PENALTY ORDERED BY THE COURT AND  
10 ASSESSED UNDER THIS SUBSECTION (2) IS, AS OF RECORDING, A LIEN  
11 AGAINST THE PROPERTY ON WHICH THE VIOLATION HAS BEEN FOUND TO  
12 EXIST. IF THE ASSESSMENT IS NOT PAID WITHIN THIRTY DAYS, THE CLERK  
13 AND RECORDER OR COUNTY ATTORNEY MAY CERTIFY THE NONPAYMENT  
14 TO THE COUNTY TREASURER, WHO SHALL COLLECT THE ASSESSMENT,  
15 TOGETHER WITH A TEN PERCENT PENALTY FOR THE COST OF COLLECTION,  
16 IN THE SAME MANNER AS OTHER TAXES ARE COLLECTED. THE LAWS OF  
17 THIS STATE FOR ASSESSMENT AND COLLECTION OF GENERAL TAXES,  
18 INCLUDING THE LAWS FOR THE SALE AND REDEMPTION OF PROPERTY FOR  
19 TAXES, APPLY TO THE COLLECTION OF ASSESSMENTS PURSUANT TO THIS  
20 SUBSECTION (2). ANY LIEN PLACED AGAINST THE PROPERTY PURSUANT TO  
21 THIS SUBSECTION (2) SHALL BE RECORDED WITH THE CLERK AND  
22 RECORDER OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED.

23 **SECTION 8.** In Colorado Revised Statutes, **repeal and reenact,**  
24 **with amendments,** 35-5.5-118.5 as follows:

25 **35-5.5-118.5. Local enforcement - civil infraction - civil**  
26 **penalty - injunction - definitions.**

27 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE

1 REQUIRES, "VIOLATION" MEANS A VIOLATION OF THIS ARTICLE 5.5, ANY  
2 RULE ADOPTED PURSUANT TO THIS ARTICLE 5.5, OR ANY COUNTY  
3 ORDINANCE, RESOLUTION, RULE, OR OTHER REGULATION IMPLEMENTING  
4 THIS ARTICLE 5.5.

5 (2) (a) IN ADDITION TO THE ENFORCEMENT AUTHORITY OF THE  
6 COMMISSIONER PURSUANT TO SECTION 35-5.5-118, A PERSON WHO  
7 VIOLATES THIS ARTICLE 5.5, ANY RULE ADOPTED PURSUANT TO THIS  
8 ARTICLE 5.5, OR ANY COUNTY ORDINANCE, RESOLUTION, RULE, OR OTHER  
9 REGULATION IMPLEMENTING THIS ARTICLE 5.5 COMMITS A CIVIL  
10 INFRACTION. THE COUNTY ATTORNEY FOR THE COUNTY WHERE THE  
11 VIOLATION OCCURS SHALL ENFORCE CIVIL INFRACTIONS PURSUANT TO THIS  
12 SUBSECTION (2)(a) BY PROSECUTION. IF THERE IS A CONFLICT BETWEEN  
13 THIS SECTION AND THE COLORADO RULES OF CIVIL INFRACTIONS, THIS  
14 SECTION CONTROLS. EACH DAY THAT A VIOLATION OCCURS IS A SEPARATE  
15 OFFENSE.

16 (b) AS USED IN THIS SUBSECTION (2), "PERSON" DOES NOT INCLUDE  
17 A STATE AGENCY.

18 (3) (a) IN ADDITION TO THE ENFORCEMENT AUTHORITY OF THE  
19 COMMISSIONER PURSUANT TO SECTION 35-5.5-118 AND THE COUNTY  
20 ATTORNEY PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION, A DISTRICT  
21 COURT OR COUNTY COURT, UPON A FINDING BY A PREPONDERANCE OF THE  
22 EVIDENCE THAT A VIOLATION OCCURRED OR IS OCCURRING, SHALL ORDER  
23 THE VIOLATOR TO PAY A CIVIL PENALTY OF NO LESS THAN ONE HUNDRED  
24 DOLLARS AND NO MORE THAN TWO THOUSAND SIX HUNDRED FIFTY  
25 DOLLARS. EACH DAY DURING WHICH A VIOLATION OCCURS IS DEEMED A  
26 SEPARATE OFFENSE. THE COLORADO RULES OF CIVIL PROCEDURE APPLY  
27 TO DISTRICT COURT PROCEEDINGS AND THE COLORADO COUNTY COURT

1 RULES OF CIVIL PROCEDURE APPLY TO COUNTY COURT PROCEEDINGS.

2 (b) (I) THE MINIMUM CIVIL PENALTY THAT THE COURT MAY IMPOSE  
3 FOR A VIOLATION IS ONE HUNDRED DOLLARS PER VIOLATION, AND THE  
4 MAXIMUM CIVIL PENALTY IS TWO THOUSAND SIX HUNDRED FIFTY DOLLARS  
5 PER VIOLATION. THE PRESUMPTIVE MAXIMUM PENALTY FOR A FIRST  
6 VIOLATION IS FIVE HUNDRED DOLLARS. THE PRESUMPTIVE MAXIMUM  
7 PENALTY FOR A SECOND VIOLATION IS ONE THOUSAND DOLLARS. THE  
8 PRESUMPTIVE MAXIMUM PENALTY FOR A THIRD OR SUBSEQUENT  
9 VIOLATION IS TWO THOUSAND SIX HUNDRED FIFTY DOLLARS. THE COURT  
10 MUST SPECIFY THE BASIS FOR THE CIVIL PENALTY ON THE RECORD. IN  
11 CASES WHERE SUFFICIENT AGGRAVATING FACTORS ARE PRESENT, THE  
12 COURT MAY IMPOSE A PENALTY THAT IS HIGHER THAN THE PRESUMPTIVE  
13 MAXIMUM. IN DETERMINING THE APPROPRIATE FINE FOR THE VIOLATION,  
14 THE COURT MAY CONSIDER THE FOLLOWING FACTORS:

- 15
- 16 (A) THE IMPACT OF THE VIOLATION ON PUBLIC HEALTH, SAFETY,  
17 AND WELFARE;
  - 18 (B) THE IMPACT OF THE VIOLATION ON NEIGHBORING PROPERTIES;
  - 19 (C) THE VIOLATOR'S WILLINGNESS TO COMPLY WITH OR  
20 DEMONSTRATED DISREGARD FOR THE APPLICABLE LAWS;
  - 21 (D) THE VIOLATOR'S ABILITY TO COMPLY WITH THE APPLICABLE  
22 LAWS;
  - 23 (E) WHETHER THE VIOLATION IS THE USE OF THE PROPERTY FOR  
24 ACTIVITIES PROHIBITED IN THE PROPERTY'S ZONE DISTRICT;
  - 25 (F) WHETHER MULTIPLE VIOLATIONS EXIST ON THE PROPERTY;
  - 26 (G) PRIOR VIOLATIONS BY THE VIOLATOR ON THE PROPERTY; AND  
27 (H) ANY OTHER RELEVANT FACTORS DETERMINED BY THE COURT.

1           (II) UNTIL PAID, ANY CIVIL PENALTY ORDERED BY THE COURT AND  
2 ASSESSED PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION IS, AS OF  
3 RECORDING, A LIEN AGAINST THE PROPERTY ON WHICH THE VIOLATION  
4 HAS BEEN FOUND TO EXIST. IF THE ASSESSMENT IS NOT PAID WITHIN  
5 THIRTY DAYS, THE CLERK AND RECORDER OR COUNTY ATTORNEY MAY  
6 CERTIFY THE NONPAYMENT TO THE COUNTY TREASURER, WHO SHALL  
7 COLLECT THE ASSESSMENT, TOGETHER WITH A TEN PERCENT PENALTY FOR  
8 THE COST OF COLLECTION, IN THE SAME MANNER AS OTHER TAXES ARE  
9 COLLECTED. THE LAWS OF THIS STATE FOR ASSESSMENT AND COLLECTION  
10 OF GENERAL TAXES, INCLUDING THE LAWS FOR THE SALE AND REDEMPTION  
11 OF PROPERTY FOR TAXES, APPLY TO THE COLLECTION OF ASSESSMENTS  
12 PURSUANT TO THIS SUBSECTION (3). ANY LIEN PLACED AGAINST THE  
13 PROPERTY PURSUANT TO THIS SECTION SHALL BE RECORDED WITH THE  
14 CLERK AND RECORDER OF THE COUNTY IN WHICH THE PROPERTY IS  
15 LOCATED.

16           (4) THE COUNTY ATTORNEY MAY BRING AN ACTION IN THE  
17 COUNTY COURT OR DISTRICT COURT THAT HAS JURISDICTION OVER THE  
18 PROPERTY FOR AN ORDER ENJOINING THE VIOLATION, ORDERING THE  
19 VIOLATION'S RESTRAINT, REMOVAL, TERMINATION, OR ABATEMENT BY THE  
20 PROPERTY OWNER, AND AUTHORIZING ABATEMENT BY THE COUNTY OR ITS  
21 AGENT. IN BRINGING THAT ACTION, THE COUNTY ATTORNEY SHALL FILE A  
22 VERIFIED COMPLAINT. THE COURT SHALL REVIEW THE VERIFIED  
23 COMPLAINT AND SCHEDULE A HEARING ON THE REQUEST FOR AN  
24 ABATEMENT ORDER, INJUNCTION, OR OTHER APPROPRIATE REMEDY AND  
25 DIRECT THE ISSUANCE OF A SUMMONS STATING THE TIME, DATE, AND  
26 PLACE OF THE HEARING, WHICH THE COURT SHALL SCHEDULE NO LATER  
27 THAN THIRTY DAYS AFTER THE COUNTY ATTORNEY FILES THE COMPLAINT.

1 THE COUNTY SHALL SERVE THE SUMMONS AND COMPLAINT ON THE  
2 PROPERTY OWNER IN ACCORDANCE WITH APPLICABLE RULES OF CIVIL  
3 PROCEDURE AT LEAST TEN DAYS PRIOR TO THE PRELIMINARY HEARING. IF  
4 THE COUNTY'S REASONABLE EFFORTS TO PERSONALLY SERVE THE  
5 SUMMONS AND COMPLAINT ARE UNSUCCESSFUL, THE COUNTY MAY POST  
6 THE SUMMONS AND COMPLAINT ON THE PROPERTY AND MAIL THE  
7 SUMMONS AND COMPLAINT, CERTIFIED MAIL, RETURN RECEIPT REQUESTED,  
8 TO THE PROPERTY OWNER'S ADDRESS IN THE RECORDS OF THE COUNTY  
9 ASSESSOR AS AN ALTERNATIVE MEANS OF PROVIDING SERVICE. IF THE  
10 COUNTY PROVIDES ALTERNATIVE SERVICE, THE COUNTY MUST PROVIDE  
11 THE ALTERNATIVE SERVICE AT LEAST TEN DAYS PRIOR TO THE  
12 PRELIMINARY HEARING. AT THE TIME, DATE, AND PLACE STATED IN THE  
13 SUMMONS, THE COURT SHALL REVIEW AND CONSIDER THE REQUEST FOR AN  
14 ABATEMENT ORDER, ANY STATEMENT OF THE COUNTY IN SUPPORT  
15 THEREOF, AND ANY STATEMENT AND EVIDENCE PRESENTED BY THE  
16 PROPERTY OWNER, IF PRESENT. ON THE DATE AND AT THE TIME SET FOR  
17 THE HEARING, IF THE PROPERTY OWNER FAILS TO APPEAR, AND IF THE  
18 COUNTY PROVES THAT PROPER SERVICE WAS MADE ON THE PROPERTY  
19 OWNER, THE COURT MAY GRANT THE ORDER AS REQUESTED BY THE  
20 COUNTY. A PROPERTY OWNER'S FAILURE TO APPEAR ON ANY DATE SET FOR  
21 A PRELIMINARY HEARING IS GROUNDS FOR THE COURT TO ENTER A  
22 DEFAULT AND JUDGMENT THEREON AGAINST A NONAPPEARING PROPERTY  
23 OWNER. FOR GOOD CAUSE SHOWN, AND PRIOR TO ENFORCEMENT, THE  
24 COURT MAY SET ASIDE AN ENTRY OF DEFAULT AND THE JUDGMENT  
25 ENTERED THEREON.

26 (5) IT IS THE RESPONSIBILITY OF THE COUNTY ATTORNEY TO  
27 ENFORCE THE PROVISIONS OF THIS SECTION; EXCEPT THAT IF THERE IS NOT

1 A COUNTY ATTORNEY OR IF THE BOARD OF COUNTY COMMISSIONERS  
2 DEEMS IT APPROPRIATE, THE BOARD OF COUNTY COMMISSIONERS MAY  
3 APPOINT THE DISTRICT ATTORNEY OF THE JUDICIAL DISTRICT TO PERFORM  
4 THE ENFORCEMENT DUTIES PURSUANT TO SUBSECTIONS (2) AND (3) OF  
5 THIS SECTION, IN LIEU OF THE COUNTY ATTORNEY.

6 (6) EXCEPT FOR ANY SURCHARGES OR COURT COSTS COLLECTED  
7 BY A COURT, ANY FINES OR PENALTIES SHALL BE PAID TO THE COUNTY  
8 TREASURER.

9 (7) NOTWITHSTANDING ANY PROVISION TO THE CONTRARY, IT IS  
10 WITHIN THE DISCRETION OF A COUNTY ATTORNEY [REDACTED] TO DETERMINE  
11 WHETHER TO PURSUE AN ENFORCEMENT ACTION PURSUANT TO THIS  
12 SECTION OR TO PURSUE ANOTHER REMEDY AVAILABLE UNDER THE LAW.

13 **SECTION 9.** In Colorado Revised Statutes, **repeal** 30-28-124.5  
14 and 30-28-210.

15 **SECTION 10. Act subject to petition - effective date.** This act  
16 takes effect at 12:01 a.m. on the day following the expiration of the  
17 ninety-day period after final adjournment of the general assembly (August  
18 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a  
19 referendum petition is filed pursuant to section 1 (3) of article V of the  
20 state constitution against this act or an item, section, or part of this act  
21 within such period, then the act, item, section, or part will not take effect  
22 unless approved by the people at the general election to be held in  
23 November 2026 and, in such case, will take effect on the date of the  
24 official declaration of the vote thereon by the governor.