

**Bold type** indicates new material to be added to the Broomfield Municipal Code  
~~Strikethrough type~~ indicates deletions from the Broomfield Municipal Code

## ORDINANCE NO. 2271

An ordinance creating an administrative process allowing civil penalties for certain code violations

Be it ordained by the City Council of the City and County of Broomfield, Colorado:

### Section 1.

#### Chapter 1-13 Administrative Process and Civil Penalties for Code Violations

##### 1-13-010 - Purpose and applicability.

- (A) The purpose of this article is to promote the public health, safety, and welfare by establishing processes and methods to encourage compliance with certain provisions of the Broomfield Municipal Code and by providing for administratively imposed civil penalties and an opportunity for a prompt hearing, appeal, and decision as to code violations.
- (B) This article defines: (1) the administrative process through the municipal court when a notice of violation is issued pursuant to this article as an alternative to prosecution in the municipal court for any alleged violation of the Broomfield Municipal Code; and (2) the process for appeals pursuant to chapter of this code.

##### 1-13-020 - Definitions.

- (A) *Appellant* means a responsible party who is appealing an administrative citation pursuant to this chapter.
- (B) *Enforcement Officer* includes an employee of the City and County of Broomfield who, as a part of, in the course of, or in connection with his or her duties as such employee, has or shall have any responsibility for or in connection with the execution, administration, or enforcement of all or any part of the Broomfield Municipal Code.
- (C) *Responsible Party* means a person or entity who has committed, assisted, or allowed all or part of a code violation. In the case of code violations pertaining to real property, the responsible party may also include firms, partnerships, corporations, the owner, occupant, lessor or tenant, or an individual or entity who, acting as an agent for or in any other legal capacity on behalf of the owner,

has authority over property subject to a notice of code violation or administrative citation issued pursuant to this article.

**1-13-030 - Applicable provisions of the Municipal Code.**

The following violations of the Municipal Code may be issued a civil penalty pursuant to this chapter 1-13. The reference code provisions are as stated or as they may be amended from time to time.

- (A) Violations of 6-12-010 - Animals running at large;
- (B) Violations of 6-12-070 - Dead animals; disposal; owner notified;
- (C) Violations of 6-12-080 - Disturbing the peace;
- (D) Violations of 6-12-090 - Confinement during estrus;
- (E) Violations of 6-28-010 - Sanitation;
- (F) Violations of chapter 8-08 - Weeds and Rubbish;
- (G) Violations of chapter 8-20 - Junk Vehicles, Repair of Vehicles;
- (H) Violations of chapter 9-19 - Marijuana and Drug Paraphernalia;
- (I) Violations of chapter 9-49-060 - Removal of graffiti required;
- (J) Violations of chapter 9-80-020(A) - Violations (Open containers);
- (K) Violations of chapter 10-06 - Residential Parking Permits;
- (L) Violations of chapter 10-12 - Oversized and Commercial Vehicles;
- (M) Violations of chapter 12-04 - General Provisions (Sidewalks);
- (N) Violations of chapter 12-08 - Encroachments;
- (O) Violations of chapter 12-20 - Street Numbers and Names;
- (P) Violations of chapter 17-32-080 - Off-street parking and additional parking surface requirements;
- (Q) Violations of 17-34-070 - Storage containers.

**1-13-040 - Administrative citation.**

- (A) An enforcement officer may issue an administrative citation for a violation of the Broomfield Municipal Code imposing civil penalties as set forth in this chapter.
- (B) The administrative citation shall:

- (1) If applicable, identify the real property in violation by address or legal description;
- (2) If notice of violation was required, include the date notice of violation was provided to the Responsible Party;
- (3) State the code provision violated, describe the basic facts constituting the violation, the known date(s) of the violation, and unless no notice of violation was required, advise that the party failed to correct the code violation in accordance with the notice of violation;
- (4) State the amount of civil penalty imposed for the code violation which shall include court costs;
- (5) Explain how and when the civil penalty must be paid and the consequences for failing to do so;
- (6) Describe the procedures and deadline to appeal an administrative citation and consequences for failing to do so;
- (7) Include the signature of the Enforcement Officer.

(C) The administrative citation shall be served on the Responsible Party as follows:

- (1) The Enforcement Officer shall attempt to serve the administrative citation personally on the Responsible Party if possible. If the Responsible Party is not located and the code violation occurred on private property or on property for which the Responsible Party has responsibility, a copy of the administrative citation shall be posted in a conspicuous place on the property.
- (2) If the Enforcement Officer is unable to serve the administrative citation personally on the Responsible Party, the administrative citation shall be sent via first class mail to the Responsible Party. In the case of a violation occurring on private property where the owner of such property is a Responsible Party, the administrative citation shall be sent to the address shown in Broomfield County Assessor's office records. In the case of a violation occurring on property for which the Responsible Party is not the owner, the administrative citation shall be sent to the most recent mailing address available to the city for that responsible party.
- (3) The administrative citation shall be deemed served on the date of receipt by the responsible party if personally served, or, if served solely via first class mail, five business days after the date on which the administrative citation was mailed.

1-13-050 - Administrative citation appeal and hearing procedures.

A Responsible Party issued an administrative citation may appeal it by submitting a notice of appeal pursuant to this section. An Appellant shall only have the appeal rights granted in this section.

- (A) A notice of appeal, together with the processing fee set forth by the Municipal Court, shall be submitted in person or submitted via an online form or other online process made available by the Municipal Court Clerk or sent first class mail to the Broomfield Municipal Court Clerk, within fourteen calendar days from the date of service of the administrative citation. Compliance with this time limit shall be a jurisdictional prerequisite to any appeal brought under this section. Failure to comply with such time limit shall be deemed to waive the right to a hearing and the adjudication of the issues related to the hearing.
- (B) A notice of appeal shall be in writing and shall contain the following:
  - (1) The reasons the Appellant believes the administrative citation fails to allege a code violation, lacks a proper factual basis for the alleged code violation, or is otherwise contrary to the Broomfield Municipal Code;
  - (2) The name, address, e-mail address and telephone number of the Appellant. If the Appellant will be represented by another person, the notice of appeal shall also include the name, address and telephone number of the representative; and
  - (3) The signature of the Appellant, legal representative or corporate agent, as applicable.
- (C) Within seven business days of receiving a notice of appeal submitted in accordance with this section, the Broomfield Municipal Court Clerk shall schedule a date, time and location for a hearing before the Broomfield Municipal Judge.
- (D) Written notice of the date, time and location of the hearing shall be sent via e-mail and first class mail to the Appellant or their representative at least ten calendar days prior to the date of the hearing, using the addresses provided by the Responsible Party in their notice of appeal.
- (E) An Appellant who fails to appear at the hearing is deemed to waive the right to a hearing and the adjudication of the issues raised in the notice of appeal, provided that notice of the hearing was served in accordance with subsection (~~e~~-D) of this section.
- (F) The Municipal Court Judge shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence, except that only relevant evidence may be admitted and a decision and order shall not be based solely on hearsay evidence. The scope of the hearing shall be limited to the issues raised in the notice of appeal. The standard of proof to be used by the Municipal Court

Judge in deciding the issues at the hearing shall be by a preponderance of the evidence, which the city shall bear.

1-13-060 - Civil penalties.

- (A) A Responsible Party issued an administrative citation is subject to civil penalties as set forth in a judicial order issued by the Chief Judge of the Broomfield Municipal Court which may be up to a \$1000.00 fine.
- (B) Default judgment: the Court shall enter judgment by default against a Responsible Party who is issued an administrative citation with a set fine who fails to timely pay the fine for the offense, or fails to timely appeal, or fails to appear in the Municipal Court on a hearing on the citation.
- (C) The Municipal Court may set aside a judgment entered under subsection (B) of this section on a showing of good cause or excusable neglect by the defendant, or a showing that the court did not have jurisdiction over the subject matter of the code violation or over the person of the violator. The Municipal Court shall have no jurisdiction to set aside a judgment unless a motion has been filed with the Broomfield Municipal Court Clerk within seven calendar days after entry of the judgment.
- (D) Alternative enforcement action: Nothing in this article shall be construed to require that any violations be addressed through the process established in this article as a prerequisite to pursuing the violation as a criminal offense in municipal court; or to require that any violations be addressed through the process established in this article as a prerequisite to pursuing the violation as an offense with a mandatory appearance in municipal court; or to apply to or require the application of the process established in this article prior to the revocation or suspension of any permit or license issued pursuant to law.

## Section 2.

Chapter 6-12 - Animals Running at Large; Strays; Impoundment; Disturbing the Peace

6-12-080 - Disturbing the peace prohibited.

- (A) It is unlawful for any animal owner or for any person in charge of any animal to own, keep, or have in his or her possession such an animal which disturbs the peace and quiet of any person or neighborhood by barking, fighting, howling, crying, or emitting any other similar sound.
- (B) No summons and complaint shall be issued nor shall there be a conviction or **penalty assessment** for a violation of this section unless there are at least two or more complaining witnesses from separate households who shall have signed such complaint and shall **be willing and available to testify at a hearing or trial** ~~have testified at~~

~~trial~~. An animal control officer or police officer who has personally investigated the complaint of a single complainant and observed the behavior of the animal complained of, with regard to its barking, fighting, howling, crying, or similar sound, may satisfy the requirement for the second complaining witness and may testify to his or her observations at **hearing or trial**.

(C) This section shall not apply to an animal control officer in the performance of his or her duties nor to veterinary hospitals.

### **Section 3.**

Updating the possible penalty for criminal violations of the animal code to allow for a fine amount greater than the civil administrative penalties.

#### **6-52-010 - Violation; penalty.**

(A) Any person violating any of the provisions of chapter 6-20 or 6-32, B.M.C. shall be deemed guilty of a misdemeanor, and such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any such violation is committed, continued, or permitted, and upon conviction, such person shall be punishable as provided in chapter 1-12, B.M.C.

(B) Any person convicted of violating any other provisions of this title shall be punishable by a fine ~~of not more than \$500.00 per violation~~ **as provided in 1-12, B.M.C.**

### **Section 4.**

Clarifying fines for marijuana and paraphernalia offenses follow the procedures set forth in the civil penalty provisions of the municipal code.

#### **9-19-040 - Penalty for violation.**

(A) Violations of section 9-19-020 or subsections (E), (F), or (G) of section 9-19-030, B.M.C., shall be punishable by a fine not to exceed \$100.00 **that is pursuant to the administrative process set forth in chapter 1-13, B.M.C.**

(B) **Violations of section 9-19-020 or subsections (E), (F), or (G) of section 9-19-030, B.M.C. committed by a juvenile are not subject to chapter 1-13 B.M.C. and shall be a mandatory court appearance.**

### **Section 5.**

This ordinance is effective September 30, 2025..

Introduced and approved after first reading on July 22, 2025, and ordered published in full.

Introduced a second time and approved on August 26,2025, and ordered published.

The City and County of Broomfield, Colorado

*Duane Castellon*

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Mayor

Attest:

*Tasha Reynolds*

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Office of the City and County Clerk



Approved as to form:

NCR

*Nancy Rodgers*

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City and County Attorney