

**CITY OF CENTENNIAL,
COLORADO**

ORDINANCE NO. 2018-O-18

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CENTENNIAL, COLORADO, AMENDING CHAPTER 2 OF THE
CENTENNIAL MUNICIPAL CODE TO AUTHORIZE CIVIL AND
ADMINISTRATIVE ENFORCEMENT PROVISIONS FOR NUISANCE,
LAND DEVELOPMENT CODE, AND BUILDING CODE VIOLATIONS
AND TO IMPOSE PENALTIES FOR VIOLATIONS THEREOF AND
REPEALING AND REENACTING ARTICLE 1 OF CHAPTER 7
INCLUDING PENALTY PROVISIONS RELATED TO THE
ADMINISTRATION OF NUISANCE VIOLATIONS**

WHEREAS, the City of Centennial (the "City") is a Colorado home rule municipality organized pursuant to Article 20, Section 6, of the Colorado Constitution; and

WHEREAS, Article 20, Section 6 of the Colorado Constitution confers upon a home rule municipality the authority to regulate the jurisdiction, power, and duties of the municipality's municipal court; and

WHEREAS, Article 20, Section 6 of the Colorado Constitution confers upon a home rule municipality the authority to impose, enforce, and collect fines and penalties for the violation of the municipality's charter or adopted ordinances; and

WHEREAS, the City's Home Rule Charter provides that the powers of and the procedure in the City's Municipal Court shall be such as provided by the ordinances of the City; and

WHEREAS, historically, the City's Code Compliance division has enforced violations of Nuisances, Articles 1 through 6 of Chapter 7, as well as violations of the Land Development Code (LDC) through a progressive enforcement process; and

WHEREAS, historically, the Code Compliance division's progressive enforcement of code violations included requesting voluntary compliance, issuance of a notice and demand, and, where compliance was not achieved, issuance of a summons and complaint pursuant to the Colorado Rules of Municipal Procedure in the Centennial Municipal Court; and

WHEREAS, issuance of a summons and complaint pursuant to the Colorado Rules of Municipal Procedure is not a one-size-fits-all process for municipal code violations; and

WHEREAS, the City Council desires to maintain the progressive enforcement of code violations for nuisance, LDC, and building code violations and, at the same time, provide additional enforcement tools that are better suited to enforcement of these code sections; and

WHEREAS, the City Council desires to add a process for entering into a voluntary compliance agreement with property owners to assist in the first step of educating and requesting voluntary compliance from the property owner; and

WHEREAS, the City Council desires to implement an administrative process of issuing citations to impose penalties for nuisance, LDC, and building code violations; and

WHEREAS, the City Council has determined to implement a civil enforcement tool that is better tailored for court enforcement of nuisance, LDC, and building code violations and provides a process for obtaining abatement orders from the Centennial Municipal Court; and

WHEREAS, the City Council desires to repeal and reenact Article 1 of Chapter 7 of the Centennial Municipal Code related to the administration of nuisance violations for consistency with the additional enforcement processes; which code sections retain those penalty provisions previously adopted; and

WHEREAS, the City Council has determined that the adoption of this Ordinance is legislative in nature and will further the public health, safety and welfare of the residents of the City.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, ORDAINS:

Section 1. The foregoing recitals are affirmed and incorporated herein by this reference as findings of the City Council.

Section 2. **Addition of new Division 4 to Article 3 of Chapter 2 of the Centennial Municipal Code.** The Code is amended by the addition thereto of a new Division 4 to Article 3 of Chapter 2 to read as follows in its entirety:

ARTICLE 3 – Municipal Court
Division 4 – Abatement Action Process

Sec. 2-3-610. Scope and purpose of application.

These rules are promulgated pursuant to Section 9.1 of the Charter to govern practice and procedures for enforcement actions which are civil in nature. This Division provides for abatement actions for violations of the following portions of this Code:

- Nuisances, Article 1 through Article 6 of Chapter 7;
- Land Development Code, Chapter 12; and
- Building Regulations, Chapter 18.

Sec. 2-3-620. Definitions.

For the purposes of this Division the following terms shall have the meanings assigned to them below.

Applicable sections means those sections in the Centennial Municipal Code contained within the chapters listed in Section 2-3-610 above.

Code officer means the City Manager or the City Manager's designee, including but not limited to a code enforcement officer, the building official or designee, or any other city official or employee charged with enforcing the applicable sections.

Manager means the City Manager or the City Manager's designee.

Municipal Court means the Municipal Court for the City of Centennial, Colorado.

Responsible party means a person who is alleged to have violated the applicable sections.

Sec. 2-3-630. General procedure for abatement actions.

- (a) Jurisdiction, Duties and Power: Pursuant to Colorado Constitution article XX, section 6 and Centennial Municipal Code Section 2-3-80, the Municipal Court for the City of Centennial is vested with the jurisdiction, duties, and powers to hear and decide all cases under the ordinances of the City.
- (b) The Municipal Court has the jurisdiction to declare the existence of a violation of the applicable sections and issue an order enjoining or authorizing its restraint, removal, termination, or abatement by the responsible party or by the City or its designated representative.
- (c) A responsible party brought to hearing solely upon an application for abatement shall have no right to a trial by jury as contemplated by Section 13-10-114, C.R.S., or C.M.C.R. Rule 223 and the hearing of applications for abatement shall be to the Municipal Court.
- (d) The remedies provided in this division are cumulative and supplementary to any criminal ordinance or statute, other civil remedies and any administrative proceedings to revoke, suspend, fine or take other action. The City may pursue the remedies provided in this division, criminal penalties provided by other ordinances, other civil actions or remedies, administrative proceedings, or any one or more of these, and may do so simultaneously or in succession.
- (e) In the event that the City pursues both criminal remedies provided in any other section, other civil remedies or the remedies of any administrative action and the remedies of this part, the abatement action provided in this part shall not be delayed or held in abeyance pending the outcome of any proceedings in the other criminal, civil or administrative

action, or any action filed by any other person, unless all parties to the action under this part so stipulate.

- (f) No party may file any counterclaim, cross-claim, third-party claim, or setoff of any kind in any action pursuant to the provisions of this chapter.
- (g) The City may file a notice of lis pendens against the real property subject to an application for abatement.

Sec. 2-3-640. Special statutory proceeding.

An application for abatement commenced pursuant to the provisions of this Division shall be in the nature of a special statutory proceeding. The Colorado Municipal Court Rules of Procedure do not govern procedure and practice under this Division insofar as those rules are inconsistent or in conflict with the procedure and practice provided by this Division.

Sec. 2-3-650. Notice and demand.

- (a) Upon becoming aware of a violation of an applicable section, a code officer may issue a notice and demand to the responsible party. The notice shall provide the following information, where applicable:
 - (1) the location of the violation;
 - (2) the date and approximate time the violation was observed;
 - (3) the property in violation by address or legal description;
 - (4) the applicable section violated together with a description of the violation;
 - (5) a description of the action required to correct the violation;
 - (6) a demand that the violation be corrected or abated on or before a specified time and date. The time and date shall be not less than seven (7) days from the date of the notice;
 - (7) a statement that, if the violation is not corrected or abated on or before the date and time stated in the notice, the City may at its option pursue an action for abatement pursuant to this Division and impose the costs thereof plus five percent for the costs of inspection and ten percent for the costs of collection.
- (b) Delivery of the notice. The code officer shall cause the notice to be distributed as set forth in Section 2-3-670.

- (c) Notice provided to the responsible party pursuant to Section 7-1-40 of this Code or Section 107.1.1 of the Centennial Property Maintenance Code fulfills the requirement to provide notice as set forth in this Section.
- (d) Notice provided pursuant to this Section is not required if any one of the following has occurred:
 - (1) the City issued an administrative citation to the responsible party pursuant to Section 2-9-50 of this Code for the same violation within the last twelve (12) months;
 - (2) the City issued a summons and complaint to the responsible party for the same violation within the last twelve (12) months;
 - (3) the responsible party entered into a voluntary compliance agreement with the City pursuant to Section 2-9-230 of this Code for the same violation.

Sec. 2-3-660. Application for abatement order and notice of hearing.

Upon the expiration of the period of notice in Section 2-3-650 of this Code where such notice is required, or any time thereafter, or expiration of the period for compliance given in a voluntary compliance agreement, if the violation continues to exist as described in such notice, a code officer may apply to the Municipal Court for an abatement order as follows:

- (a) The application for abatement shall be accompanied by an affidavit affirming that the code officer has complied with the notice requirements as set forth in Section 2-3-650 of this Code, or that notice is excused, and that the owner has failed to abate the identified code violation upon the property.
- (b) The application for abatement shall also contain the following information:
 - (1) date and time of issuance;
 - (2) name and address of the responsible party;
 - (3) code section for the violation; and
 - (4) brief description of the nature of the violation, including location, date and time of violation, and, if applicable for an abatement, a description of the actions necessary to correct the violation.
- (c) The application for abatement shall be filed with the Municipal Court and a hearing date shall be set. The hearing date shall not be less than fourteen (14) days from the date of service of the application for abatement. The notice requirement set forth herein does not

apply when the code officer determines that the public health, safety, or welfare requires emergency action.

- (d) A notice of the date of the hearing shall be served with the application for abatement

Sec. 2-3-670. Service of application for abatement order and notice of hearing.

- (a) This rule applies to all process required in this Division except as otherwise provided by these rules.
- (b) A copy of the Application for Abatement Order and Notice of Hearing shall be served on the responsible party at least fourteen (14) days prior to the date of appearance described therein. The notice requirement set forth herein does not apply when the code officer determines that the public health, safety, or welfare requires emergency action.
- (c) Service on the responsible party shall be made by:
- (1) Personal service upon a natural person whose age is eighteen or older by:
 - a. delivering a copy to the person; or
 - b. leaving a copy at the personal residence, with any person whose age is eighteen years or older and who is a member of the person's family; or
 - (2) Personal service upon an entity by delivering a copy to the registered agent for service as set forth in the most recently filed document in the records of the secretary of state of this state or that agent's secretary or assistant; or
 - (3) Mailing to the responsible party's last known address by certified mail, return receipt requested; or
 - (4) Posting in a prominent place of the premises or property. Prior to posting a property, the code officer must first consult with the City Attorney's Office regarding this method of service. Where the property is vacant, one (1) sign measuring not smaller than two (2) feet by three (3) feet shall be posted on the property at a conspicuous location visible from a traveled thoroughfare. Such sign shall be titled "Application for Abatement and Notice of Hearing," shall state that the property is subject to City enforcement of this Chapter, shall include a brief statement of the violation, and shall provide contact information for the code officer. In addition, where the property is occupied or vacant, a copy of the document, with a statement of the date, time, and place at which the posting was made, must be mailed to the property owner's last known address as stated on the county assessor's website.

- (d) The code officer shall also deliver by mail a copy of the application for abatement order and notice of hearing to the property owner's last known address as stated in the county assessor's records.
- (e) Service shall be deemed received if personally served on the date of service, or if by posting or by mailing on the fifth day after such posting or mailing.
- (f) Code officers may require that a responsible party or any person receiving an application for abatement order provide proof of identity and residential or work address.
- (g) Code officers shall attempt to obtain the signature of the person to whom he or she served the application for abatement order; however, if the application for abatement order is mailed or posted or if the person fails or refuses to sign the application for abatement order such failure or refusal shall not affect the validity of the application for abatement order or any subsequent proceedings.
- (h) Right of Entry. The City is authorized to enter upon properties for the purposes of posting the notices required by this section and to affix the notices in any reasonable manner to buildings and structures.
- (i) No default shall be entered against any responsible party without proof that the responsible party had notice of the application for abatement and notice of hearing. A sworn affidavit outlining the method of service, including the date, time and place of service shall create a rebuttable presumption that the responsible party had notice.

Sec. 2-3-680. Abatement hearings.

- (a) Abatement hearings are intended to be informal in nature. Formal rules of evidence and discovery do not apply. The procedure and format of the abatement hearing shall follow the procedures provided in this section.
- (b) The parties to an abatement hearing shall be the responsible party and the City. Parties may be represented by legal counsel. Each party may call and question witnesses, cross-examine witnesses, and present evidence in support of its case.
- (c) The hearing for the abatement shall be held on the date set in the application for abatement and notice of hearing, unless the Municipal Judge grants a continuance for good cause shown.
- (d) The Municipal Judge shall preside over the hearing and decides all legal and factual issues.

- (e) The Municipal Judge, at the request of any party to the hearing, may subpoena witnesses, documents and other evidence where the attendance of the witness or the admission of evidence is deemed necessary to decide the issues at the hearing. All costs related to the subpoena, including witness and mileage fees, shall be borne by the party requesting the subpoena. Subpoenas issued pursuant to this section may be enforced pursuant to Section 2-3-90 of this Code. Any request for subpoena must be submitted to the Municipal Court at least four days prior to the date of the hearing. The failure to comply with this requirement is grounds for denial of a request for continuance.
- (f) The City shall have the burden of proving the alleged violation by a preponderance of the evidence.
- (g) Abatement hearings shall be recorded by electronic means and transcripts of such recordings shall be made at the expense of the party requesting the transcript.

Sec. 2-3-690. Abatement orders and remedies.

- (a) If the Municipal Judge determines, after a hearing, that the City has established a violation, the Municipal Judge shall issue an abatement order.
- (b) Every order under this division shall set forth the reasons for its issuance; shall be reasonably specific in its terms; shall describe in reasonable detail the acts and conditions authorized, required, or prohibited; and shall be binding upon the subject property and the parties to the action. An order to abate shall also contain a description of the real property, by street address or otherwise, on which the violation exists and the date of the order.
- (c) Substance of the orders. Abatement orders shall be narrowly tailored so as to address the particular kinds of separate violations that form the basis of the alleged code violation. Such orders may include:
 - (1) Orders requiring any responsible party to take steps to abate the violation and/or to remedy the violation;
 - (2) Orders authorizing City personnel to take reasonable steps to abate the violation and/or to remedy the violation and prevent it from recurring, considering the nature and extent of the violation;
 - (3) Orders prohibiting certain named individuals from entering the property;
 - (4) Orders reasonably necessary to access, maintain, or safeguard the property; and/or

- (5) Orders reasonably necessary for the purposes of abating the violation or preventing the violation from occurring or recurring; provided, however, that no such order shall require the seizure of, the forfeiture of title to, or the appointment of a special receiver to protect, possess, maintain or operate any property; and/or
- (6) Orders assessing the costs and expenses of abatement, such costs and expenses shall include all costs actually incurred by the City and reasonably related to the abatement, including but not limited to an hourly rate for each hour of City staff time employed in administering this Division in the abatement of the violation, attorney fees and legal costs, equipment charges, contractors and other service personnel expenses charged to the City, transportation and storage charges, trash disposal charges and fees, insurance, equipment and services necessary to protect the property and the general public from harm, and a five percent fee for inspection.
- (d) The Municipal Court is empowered, in its discretion, to assess court costs against the responsible party upon a determination that the City established a violation of an applicable section. The Municipal Court is guided by Section 2-3-260 of this Code in determining the costs.
- (e) The Municipal Court may award civil penalties to be paid in an amount not to exceed the maximum penalty amount set forth in Subsection 1-4-10(b) of this Code per violation. The Municipal Court shall follow the minimum and maximum penalty amounts as set forth in the applicable sections.
- (f) The order shall be mailed by first class or certified mail to the last known address of the responsible party. The order shall also be posted on the property.
- (g) Upon completion of mailing and posting, the persons mailing and posting shall execute and file certificates stating the date and place of the mailing and posting, respectively.
- (h) An error in the address or name of the responsible party shall not make the order to abate void, and in such case the posted notice shall be sufficient.

Sec. 2-3-700. Failure to appear.

- (a) If any responsible party fails to appear for any hearing or court appearance, the Municipal Judge must enter a default against the responsible party.
- (b) Upon the entry of default, the Municipal Judge shall set a default judgment hearing for at least ten (10) days after the default order. The court shall mail the default order and notice of hearing date to the responsible party. If the City will seek remedies as set forth in Section 2-3-690 at the default judgment hearing, the City must provide notice to the responsible party of the remedies that will be requested. Any remedies identified in the application for

abatement order shall constitute sufficient notice for purposes of the default judgment hearing.

- (c) At the default judgment hearing, the City may request:
 - (1) an abatement order;
 - (2) a civil penalty; and/or
 - (3) other remedies as set forth in Section 2-3-690 of this Code.
- (d) The Municipal Judge may enter judgment for the City for the relief requested.
- (e) The order shall be mailed by first class or certified mail to the last known address of the responsible party. The order shall also be posted on the property.
- (f) Upon completion of mailing and posting, the persons mailing and posting shall execute and file certificates stating the date and place of the mailing and posting, respectively.
- (g) Enforcement of the default judgment is stayed for twenty-one (21) days after entry of judgment.
- (h) The Municipal Judge may set aside a default judgment entered under this rule on a showing of good cause or excusable neglect by the responsible party. A motion to set aside the judgment shall be filed with the court not more than fourteen (14) days after entry of judgment.
- (i) No warrant shall issue for the arrest of any responsible party who fails to appear at a hearing or fails to satisfy a judgment entered pursuant to this Article.

Sec. 2-3-710. Abatement by the City in cases of emergency.

Nothing herein shall be deemed to limit the power of the City Manager or Building Official, in case of an emergency for the preservation of the public health or safety, to summarily remedy, change, repair, abate, or order the evaluation of any dangerous or unhealthy condition found to exist without any notice or any hearing to any persons. Costs and expenses incurred by the City for any emergency repair or abatement may be assessed against the responsible party and recovered in the manner set forth in Section 2-3-720 of this Code.

Sec. 2-3-720. Recovery of expense of abatement.

- (a) Whenever this Code authorizes the City to assess against any responsible party, person or property the costs and expenses of abatement or of code compliance, such costs and expenses shall include all costs actually incurred by the City and reasonably related to the abatement or to code compliance, including but not limited to an hourly rate for each hour

of City staff time employed in administering the abatement of the violation or code compliance, attorney fees and legal costs, equipment charges, contractors and other service personnel expenses charged to the City, transportation and storage charges, trash disposal charges and fees, insurance, equipment and services necessary to protect the property and the general public from harm, and a five percent for inspection and other incidental costs in connection therewith.

- (b) All costs and expenses incurred as set forth in Subsection (a) shall be paid by the responsible party to the Municipal Court in full within 30 days after mailing by the Municipal Court to the responsible party, by registered or certified mail, a notice of and assessment of such cost. Such notice shall include a statement of the work performed to abate, the date of performance and the costs and expenses.
- (c) If the responsible party desires to object to the assessment, the responsible party shall have 30 days from the date of mailing the same to file a written objection with the Municipal Court. The Municipal Court shall then schedule the matter for a hearing before the Municipal Judge. The responsible party shall be given at least 14 days' written notice of the date, time, and place of the hearing. Notice of the hearing shall be mailed to the responsible party. The decision of the Municipal Judge as to the costs and expenses awarded shall be final.
- (d) Whenever this Code authorizes the City to assess against any person or property the cost and expense of abatement, the City shall be authorized, pursuant to Section 31-15-401, C.R.S., to assess any unpaid and delinquent costs and expenses as a lien against the property together with a ten percent penalty for the cost of collection and to certify the costs and expense to the County Treasurer or other appropriate County official for collection in the same manner as real estate taxes against the property. Each such assessment shall be a lien against each lot or tract of land until paid and shall have priority over other liens except general taxes and prior special assessments to the extent such priority is not precluded by state law.

Sec. 2-3-730. Finality of decision; appeals.

The decision and orders of the Municipal Judge shall be final as of the date of the order. Appeals from the Municipal Court shall be to Arapahoe County District Court pursuant to Colorado Rules of Civil Procedure 106(a)(4). For purposes of any appeal, the order shall be final upon the earlier of the date of the applicant's receipt of the order or four (4) days following the date of mailing.

Section 3. Amendment of Chapter 2 of the Centennial Municipal Code. Chapter 2 of the Centennial Municipal Code is hereby amended to add a new Article 9 as follows:

ARTICLE 9 – Administrative Enforcement of Certain Violations
Division 1 – Administrative Enforcement Process

Sec. 2-9-10. Purpose; scope.

The purpose of this division is to encourage prompt compliance with this Article and prompt payment of penalties for violations thereof. This division provides for administrative penalties that may be imposed for violation of the following portions of this Code:

- Nuisances, Article 1 through Article 6 of Chapter 7;
- Land Development Code, Chapter 12; and
- Building Regulations, Chapter 18.

Sec. 2-9-20. Definitions.

For the purposes of this Article the following terms shall have the meanings assigned to them below.

Administrative hearing officer or AHO means the person with exclusive authority to hear appeals from administrative citations issued under this division.

Applicable sections means those sections in the Centennial Municipal Code contained within the chapters listed in Section 2-9-10 above.

Code officer means the City Manager or the City Manager's designee, including but not limited to a code enforcement officer, the building official or designee, or any other city official or employee charged with enforcing the applicable sections.

Manager means the City Manager or the City Manager's designee.

Municipal Court means the Municipal Court for the City of Centennial, Colorado.

Responsible party means a person who is alleged to have violated the applicable sections.

Sec. 2-9-30. Authority.

- (a) Any responsible party violating applicable sections may be issued an administrative citation by a code officer as provided in this division.
- (b) Notwithstanding any other provision of this Code, responsible parties cited under the provisions of this division shall have only the appeal rights granted herein.
- (c) Administrative citations shall be issued only after the responsible party has received a notice and demand and has been given time to comply as stated in the notice and demand.

- (d) Upon issuance of an administrative citation for a violation of an applicable section, no additional administrative citation shall be issued for the same violation for ten (10) days or, if the responsible party appeals, until after the appeal has been heard and the responsible party has not complied with an order of the AHO within ten (10) days of its issuance or such other time as the AHO has specified.
- (e) A fine assessed by means of an administrative citation issued by the code officer shall be payable directly to the Municipal Court, and if not timely paid, shall be collected in accordance with the procedures specified in this division.
- (f) Enforcement actions for violations of applicable sections are intended to be alternative in nature. At any one time, the City may pursue a civil, criminal, or administrative action against a responsible party. The City may also choose to pursue an alternative action upon staying the original action.

Sec. 2-9-40. Notice and demand.

- (a) Upon becoming aware of a violation of an applicable section, a code officer may issue a notice and demand to the responsible party. The notice shall provide the following information, where applicable:
 - (1) the location of the violation;
 - (2) the date and approximate time the violation was observed;
 - (3) the property in violation by address or legal description;
 - (4) the applicable section violated together with a description of the violation;
 - (5) a description of the action required to correct the violation;
 - (6) a demand that the violation be corrected or abated on or before a specified time and date. The time and date shall be not less than seven (7) days from the date of the notice; and
 - (7) a statement that, if the nuisance is not corrected or abated on or before the date and time stated in the notice, the City may at its option pursue enforcement alternatives including issuance of an administrative citation.
- (b) Service of a notice and demand on the responsible party shall be by any of the following means:
 - (1) The code officer may personally deliver a copy of the notice and demand to a responsible party; or

- (2) A copy of the notice may be mailed by first class mail to the last known address of a responsible party as reflected in the county real estate records; or
 - (3) A copy of the notice and demand may be posted in a conspicuous place at the site of the violation. In addition, a copy of the document, with a statement of the date, time, and place at which the posting was made, must be mailed to the property owner's last known address as stated on the county assessor's website. Prior to posting a property, the code officer must first consult with the City Attorney's Office regarding this method of service.
- (c) The City's provision of notice pursuant to paragraph (b)(2) of this section to the last known address of a responsible party as reflected in the records of the Arapahoe County Clerk and Recorder's Office shall be considered adequate notwithstanding any error in the county's records. An officer may reasonably rely upon current county records to obtain an accurate address for a responsible party.
- (d) At any appeal hearing conducted pursuant to Section 2-9-90 of this Code, the AHO may consider evidence of actual notice received by a responsible party in determining whether adequate notice of a violation or of a citation has been provided. The AHO may find that notice is adequate despite a lack of technical compliance with subsection (b) hereof upon evidence that a responsible party received actual notice of a notice and demand at least ten (10) days prior to the issuance of an administrative citation for the specified violation(s) or actual notice of an administrative citation.

Sec. 2-9-50. Administrative citation.

- (a) If the responsible party has failed to correct the violation noted in the notice and demand within the time provided on such notice, a code officer may issue an administrative citation to the responsible party.
- (b) The code officer may require that the responsible party provide evidence of identity and residential or working address.
- (c) The code officer shall attempt to issue the administrative citation to the responsible party at the site of any violation. The code officer may issue the administrative citation to the responsible party by the methods described in Subsection 2-9-40(b) of this Code.
- (d) The code officer shall attempt to obtain the signature of the person receiving the administrative citation on the citation. If that person refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the citation and subsequent proceedings.
- (e) Notice shall be deemed served on the earliest of: (i) the date of receipt by the responsible party, if personally served; (ii) the fifth day after the mailing of the administrative citation; or (iii) the fifth day after posting the administrative citation.

Sec. 2-9-60. Contents of administrative citation.

- (a) The administrative citation shall state the location of the violations and the date and approximate time the violations were observed. Where applicable, the administrative citation shall identify the property in violation by address or legal description.
- (b) The administrative citation shall refer to the applicable sections violated and describe the violations.
- (c) The administrative citation shall describe the action required to correct the violations.
- (d) The administrative citation shall require the responsible party to correct the violations immediately and shall explain the consequences of failure to correct said violations.
- (e) The administrative citation shall state the amount of fine imposed for the violation.
- (f) The administrative citation shall explain how the fine shall be paid, the time period by which it shall be paid, and the consequences of failure to pay the fine.
- (g) The administrative citation shall briefly state the process for appealing the administrative citation.
- (h) The administrative citation shall contain the signature of the code officer and the signature of the responsible party if it can be obtained.

Sec. 2-9-70. Appeal of administrative citation.

- (a) A person served with an administrative citation may file a notice of appeal within five (5) days from the service of the administrative citation. Compliance with this time limit shall be a jurisdictional prerequisite to any appeal brought under this division, and failure to comply shall bar any such appeal.
- (b) The notice of appeal shall be made in writing and shall be filed with the Municipal Court in person, by facsimile transmission or by mail. Regardless of the manner of filing such appeal, the notice of appeal must be filed with the Municipal Court within five (5) days from the date the administrative citation was served.
- (c) As soon as practicable after receiving the written notice of appeal, the Municipal Court shall assign an AHO who shall schedule a date, time and location for the hearing.
- (d) Written notice of the date, time and location of the hearing shall be personally served upon or sent by first class mail to the responsible party at least five (5) calendar days prior to the date of the hearing. The hearing shall be held no more than twenty one (21) days after a timely filed notice of appeal.

- (e) In computing the day a notice of appeal must be filed or the day by which a hearing must be held, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to the first day thereafter which is not a Saturday, Sunday, or legal holiday.

Sec. 2-9-80. Administrative hearing officers.

- (a) The AHO must be an attorney licensed to practice law in the State of Colorado with a minimum of three (3) years of experience.
- (b) Any person designated to serve as an AHO is subject to disqualification for bias, prejudice, interest, or for any other reason for which a judge may be disqualified in a court of law.

Sec. 2-9-90. Administrative appeals.

- (a) Administrative appeals are intended to be informal in nature. Formal rules of evidence and discovery do not apply. The procedure and format of the administrative hearing shall follow the procedures provided in this section.
- (b) The parties to an administrative appeal shall be the responsible party and the City. Parties may be represented by legal counsel. Each party may call and question witnesses, cross-examine witnesses and present evidence in support of its case.
- (c) The AHO shall have the power to administer oaths, issue subpoenas to require the presence of witnesses and, when necessary, grant continuances. Subpoenas may be issued to require the presence of persons and production of papers, books and records necessary to the determination of any hearing which the AHO conducts. It is unlawful for any person to fail to comply with any subpoena issued by the AHO. A subpoena shall be served in the same manner as a subpoena issued by the District Court of the State. Subpoenas issued pursuant to this section may be enforced pursuant to Section 2-3-90 of this Code.
- (e) The only issue to be decided by the AHO is whether the code officer exceeded his/her authority in issuing the administrative citation. To do so, the City bears the burden of proof to establish the existence of a violation of the Code. The City's meeting of this burden of proof shall constitute prima facie evidence that the code officer did not exceed his/her authority. The appellant shall have the burden of rebutting such evidence.
- (f) The standard of proof required in an administrative appeal is a preponderance of the evidence.
- (g) Hearings shall be recorded by electronic means and transcripts of such recordings shall be made at the expense of the party requesting the transcript.

- (h) Whenever it appears that an appeal is not filed within the time permitted by this division, particular law or ordinance involved, or that the AHO for some other reason lacks jurisdiction, the appeal may be dismissed on the motion of any party or on the AHO's own motion.
- (i) The decision of the AHO shall be known as an administrative enforcement order.
- (j) The AHO may uphold the administrative citation and all penalties or dismiss the administrative citation and all penalties or may waive or conditionally reduce the penalties assessed by the administrative citation. The AHO may also impose conditions and deadlines to correct the violations or require payment of any outstanding penalties.
- (k) In the event that the AHO does not dismiss the administrative citation, the AHO shall assess reasonable administrative costs of not less than twenty five dollars (\$25.00), but not to exceed fifty dollars (\$50.00).
- (l) The administrative enforcement order shall become final on the date of mailing the order to the responsible party. A copy of the order shall be provided to the City.

Sec. 2-9-100. Failure to attend administrative appeal.

Any responsible party who fails to appear at the hearing is deemed to waive the right to a hearing and the adjudication of the issues related to the hearing, provided that proper notice of the hearing has been provided. The AHO may take testimony, evidence and argument from the City and issue an administrative enforcement order.

Sec. 2-9-110. Penalties assessed.

- (a) The penalties assessed for each administrative citation issued for violations of the applicable code sections are as follows:
 - (1) First administrative citation: one hundred and fifty dollars (\$150.00).
 - (2) Second administrative citation on the same violation within a 12 month period: three hundred dollars (\$300.00)
 - (3) Third and each subsequent administrative citation on the same violation occurring in a 12 month period: five hundred dollars (\$500.00).
- (b) If the responsible party fails to correct the violation, subsequent administrative citations may be issued for violations of the same applicable section.
- (c) Payment of the fine shall not excuse the failure to correct the violations nor shall it bar further enforcement action by the City.

- (d) All fines assessed shall be payable to the City of Centennial.

Sec. 2-9-120. Failure to pay fines.

- (a) The failure of any responsible party to pay the fines assessed by an administrative citation within the time specified on the citation or administrative enforcement order, if an administrative hearing was held, may result in the imposition of a late fee of fifty dollars (\$50.00).
- (b) In the event of failure to pay all fines assessed, the manager may refer the matter for collection by whatever means are available to the City.
- (c) An action or other process provided by law may be maintained by the City to recover or collect any amounts, including late fees, interests, and administrative costs, owing under this division.

Division 2 – Voluntary Compliance Agreement

Sec. 2-9-210. Purpose; scope.

The purpose of this division is to encourage voluntary compliance with this Code. This division allows the City to enter into voluntary compliance agreements for violation of the following portions of the Centennial Municipal Code (“applicable sections”):

- Nuisances, Article 1 through Article 6 of Chapter 7;
- Land Development Code, Chapter 12; and
- Building Regulations, Chapter 18.

Sec. 2-9-220. Voluntary compliance agreement – authority.

- (a) Whenever the City determines that a code violation under the applicable sections has occurred or is occurring, the City will make reasonable efforts to secure voluntary compliance from the person responsible for the code violation. Upon contacting the person responsible for the code violation, the City may enter into a voluntary compliance agreement as provided for in this Division. The City is under no obligation to enter into a voluntary compliance agreement. It is the responsibility of the person having control of or in possession of the property to correct the violation within the time specified in the warning notice, notice and order and/or stop work order.
- (b) A voluntary compliance agreement may be entered into at any time after issuance of a verbal warning, warning notice, or a stop work order.
- (c) Upon entering into a voluntary compliance agreement, a person admits that the violations described in the voluntary compliance agreement existed and constituted a code violation.

- (d) The voluntary compliance agreement shall incorporate the shortest reasonable time period for compliance. An extension of the time limit for compliance or a modification of the required corrective action may be granted by the City in writing.
- (e) The voluntary compliance agreement is not a settlement agreement.

Sec. 2-9-230. Voluntary compliance agreement – contents.

The voluntary compliance agreement is a written, signed commitment by the person responsible for a code violation in which such person agrees to abate the violation, remediate the site, mitigate the impacts of the violation and/or remedy a code violation to achieve code compliance. The voluntary compliance agreement shall include the following:

- (1) The name and address of the person responsible for the code violation;
- (2) The address or other identification of the location of the violation, if applicable;
- (3) A description of the violation and a reference to the provision(s) of, resolution or regulation which has been violated;
- (4) A description of the necessary corrective action to be taken and identification of the date or time by which compliance must be completed;
- (5) The amount of the civil penalty that may be imposed if the voluntary compliance agreement is not satisfied;
- (6) An acknowledgement that by entering into the voluntary compliance agreement, the person responsible for the code violation thereby admits that the conditions or factors described in the voluntary compliance agreement existed and constituted a code violation.

Sec. 2-9-240. Failure to meet terms of voluntary compliance agreement.

If the terms of the voluntary compliance agreement are not completely met, and an extension of time has not been granted, the authorized representatives of the City may proceed with the process to gain compliance, including but not limited to proceeding with an administrative citation, application for abatement order, or summons and complaint.

Section 4. Amendment of Article 1 of Chapter 7. Article 1 of Chapter 7 of the Centennial Municipal Code is hereby repealed and reenacted to read in its entirety:

Chapter 7 – Health, Sanitation and Animals
Article 1 – Administration and Abatement of Nuisances

Sec. 7-1-10. Purpose.

The purpose of this Chapter is to preserve and protect the health, safety, welfare, quality of life and quiet enjoyment of property through a uniform procedure for the identification and enforcement of nuisances within the City.

Sec. 7-1-20. Definitions.

As used in this Chapter, the following words or phrases are defined as follows:

Abatement means the removal, stoppage, prostration or destruction of that which causes or constitutes a nuisance, whether by breaking or pulling it down, or otherwise destroying or effacing it.

Applicable sections means those sections in the Code contained within Articles 1 through 6 of Chapter 7.

City Manager means the City Manager for the City or a person designated in writing by the City Manager to act on behalf of the City Manager in the administration of all or any part of this Chapter. The City Manager's designee may be a City employee, hearing officer, attorney or member of the Planning and Zoning Commission or Board of Adjustment.

Code Enforcement Official means the City-appointed code enforcement officer or an authorized law enforcement official engaged in the investigation and determination of the existence of a nuisance.

Junk means iron, brass, copper, tin, lead or other metals; ropes, rags, fibers or fabrics; bottles or other glass; rubber or rubber products; machinery; motor vehicle parts; tools; appliances; unstacked firewood; cartons, pallets, barrels and other containers; building materials such as but not limited to lumber, pipe and pipe fittings; conduit and conduit fittings; wastepaper; or other waste or discarded goods.

Lot means any real property platted as a single parcel, regardless of whether such parcel is denoted as a tract, outlot, lot or parcel.

Nuisance means any nuisance as identified or defined in Article 2 of this Chapter.

Owner means the owner of record based on the County Assessor's records or any person known to the City to possess a legal, financial or equitable interest in the property on which the alleged nuisance exists at the time of the violation. The term *owner* may include: (1) a tenant or lessee where such tenant or lessee is lawfully authorized, by written lease or other agreement with the owner, to occupy the property upon which a nuisance is alleged to exist or is maintained; or (2) a

person acting on behalf of the owner as evidenced by a power of attorney or other fully executed and notarized form of written authorization.

Property means any real property, premises, structure or location.

Responsible party means a person who is alleged to have violated the applicable sections.

Sec. 7-1-30. Methods of nuisance enforcement.

The City may elect to initiate any one or more of the following enforcement alternatives:

- (1) voluntary compliance agreement pursuant to Division 2 of Article 9 of Chapter 2;
- (2) administrative citation pursuant to Division 1 of Article 9 of Chapter 2;
- (3) abatement action pursuant to Division 4 of Article 3 of Chapter 2;
- (4) summons and complaint filed in the Municipal Court pursuant to Section 7-1-50 below;

Sec. 7-1-40. Notice and Demand for enforcement.

- (a) Where a Code Enforcement Official has reason to believe that a nuisance may exist upon property within the City, the Code Enforcement Official may seek enforcement of the applicable sections in accordance with the following procedures:
 - (1) Personal contact. The Code Enforcement Official will first attempt to personally contact the owner or occupant of the property (by in person visit to the property, by telephone, or by letter) in an effort to seek voluntary abatement of the nuisance. The Code Enforcement Official will provide the owner or occupant a reasonable time, and in no event less than seventy-two (72) hours, to voluntarily abate the nuisance.
 - (2) Written description. Where the nuisance remains unabated following personal contact with the owner or occupant, the Code Enforcement Official will prepare a written description of the condition, activity or circumstance that is believed to constitute a nuisance as described in this Chapter. Such written certification should, whenever possible, include photographs, illustrations and other evidence to describe the scope and extent of the nuisance.
 - (3) Notice and demand. Upon becoming aware of a violation of an applicable section, a code officer may issue a notice and demand to the responsible party. The notice shall provide the following information, where applicable:
 - a. the location of the violation;

- b. the date and approximate time the violation was observed;
 - c. the property in violation by address or legal description;
 - d. the applicable section violated together with a description of the violation;
 - e. a description of the action required to correct the violation;
 - f. a demand that the violation be corrected or abated on or before a specified time and date. The time and date shall be not less than seven (7) days from the date of the notice;
 - g. a statement that, if the nuisance is not corrected or abated on or before the date and time stated in the notice, the City may at its option pursue enforcement alternatives including administrative citation pursuant to Division 1 of Article 9 of Chapter 2; abatement action pursuant to Division 4 of Article 3 of Chapter 2; and/or summons and complaint filed in the Municipal Court pursuant to Section 7-1-50 below.
 - h. Any other information as determined by the Code Enforcement Official to enable the addressee to properly address the abatement of the nuisance and to contact the Code Enforcement Official.
- (4) Delivery of the notice and demand. The Code Enforcement Official shall cause the notice and to be distributed as follows:
- a. Personal service upon a person whose age is eighteen or older by:
 - 1. delivering a copy to the person; or
 - 2. leaving a copy at the personal residence, with any person whose age is eighteen years or older and who is a member of the person's family; or
 - b. Personal service upon an entity by delivering a copy to the registered agent for service as set forth in the most recently filed document in the records of the secretary of state of this state or that agent's secretary or assistant; or
 - c. Mailing to the responsible party's last known address by certified mail, return receipt requested; or
 - d. Posting in a prominent place of the premises or property. Prior to posting a property, the code officer must first consult with the City Attorney's Office regarding this method of service. Where the property is vacant, one (1) sign measuring not smaller than two (2) feet by three (3) feet shall be posted on

the property at a conspicuous location visible from a traveled thoroughfare. Such sign shall be titled "Application for Abatement and Notice of Hearing," shall state that the property is subject to City enforcement of this Chapter, shall include a brief statement of the violation, and shall provide contact information for the code officer. In addition, where the property is occupied or vacant, a copy of the document, with a statement of the date, time, and place at which the posting was made, must be mailed to the property owner's last known address as stated on the county assessor's website.

- e. The code officer shall also deliver by mail a copy of the notice and demand to the property owner's last known address as stated in the county assessor's records.
- (b) Notice and demand as set forth in this section is not required if any one of the following has occurred:
 - (1) The City issued an administrative citation to the responsible party for the same violation within the last twelve (12) months;
 - (2) The City issued a summons and complaint to the responsible party for the same violation within the last twelve (12) months;
 - (3) The responsible party entered into a voluntary compliance agreement with the City for the same violation.
- (c) Failure to timely correct or abate. If the violation is not corrected on or before the date and time stated in the notice and demand, the Code Enforcement Official may proceed to judicial enforcement as set forth in Section 7-1-50 of this Code.

Sec. 7-1-50. Judicial enforcement.

- (a) Civil Enforcement. The Code Enforcement Official, on behalf of the City, may initiate an abatement action pursuant to Division 4 of Article 3 of Chapter 2 to enforce any alleged violation of this chapter.
- (b) Summons and complaint in the Municipal Court. The Code Enforcement Official, on behalf of the City, may initiate an action in the Municipal Court to have a nuisance declared as such by the court and to have the court impose sentence pursuant to this section.
 - (1) The complaint shall be brought in the name of the people of the State of Colorado by serving a copy of the summons and complaint upon the responsible party and filing the original with the court. Summons and complaints and subpoenas shall be served as provided in the Colorado Rules of Municipal Procedure.

- (2) The action shall follow the procedure as stated in the Colorado Rules of Municipal Procedure.
 - (3) If the responsible party is found guilty, the court shall impose a fine and order abatement as provided by this subsection (c) and (d) below.
- (c) Fine or Penalty. Upon a finding of a nuisance and violation of any provision of this Chapter by any responsible party, the court shall impose fine (for criminal actions) or penalty (for civil enforcement actions), unless the City requests or consents to a lesser or different penalty.
 - (1) For a first finding of violation by a responsible party, an amount not less than two hundred fifty dollars (\$250.00) nor more than the maximum fine amount authorized in Section 1-4-10 of this Code for each count, plus court costs;
 - (2) For a second finding of violation for the same nuisance by a responsible party in a twelve month period, an amount not less than four hundred dollars (\$400.00) nor more than the maximum fine amount authorized in Section 1-4-10 of this Code for each count, plus court costs;
 - (3) For a third and each subsequent violation for the same nuisance by a responsible party in a twelve month period, an amount not less than five hundred dollars (\$500.00) nor more than the maximum fine amount authorized in Section 1-4-10 of this Code for each count, plus court costs;
 - (4) No portion of any minimum fine may be suspended or held in abeyance by the court.
- (d) The Court may also enter orders for civil enforcement actions and summons and complaint actions as set forth in Section 2-3-690 of this Code.
- (e) Notwithstanding any other provisions of this Code to the contrary, Code Enforcement Officials shall have the power and duty of peace officers to enforce all provisions of Articles 1 through 6 of this Chapter 7, Chapter 12 and any Code provision pertaining to nuisances. In the furtherance of such duties, Code Enforcement Officials may issue, sign, and serve applications for abatement orders, administrative citations, penalty assessments, or summons and complaints into the Municipal Court of the City of Centennial.

Sec. 7-1-60. Costs and expenses as lien against property.

Whenever this Chapter authorizes the City to assess against any person or property the costs and expenses of abatement of nuisances, Section 2-3-720 of this Code specifies the process for recovery of those costs and expenses.

Sec. 7-1-70. Certain defenses not available.

- (a) Any person who is the record owner of the premises, location or structure at the time a notice and demand or other order or citation pursuant to this Chapter and Chapter 2 is issued and served upon him or her, shall be responsible for complying with that order, and liable for any costs and expense incurred by the City, notwithstanding the fact that he or she conveys interests in the property to another after such notice or order was issued and delivered.
- (b) It shall not be a defense to the determination that a nuisance exists or to an action to abate a nuisance that the property is boarded up or otherwise enclosed, or that the nuisance is not visible by the general public.

Sec. 7-1-80. Right of entry for inspection and notice.

- (a) The Code Enforcement Official is authorized to enter upon all or any portion of private property to ascertain the existence of a nuisance if:
 - (1) Emergency conditions dangerous to the public health, safety or welfare are reasonably believed to exist upon such property or upon property which is accessible from the entered property;
 - (2) The Code Enforcement Official has obtained a warrant authorizing such entry;
 - (3) The private property is undeveloped or vacant and is not posted in a manner that would indicate the owner's prohibition of such access;
 - (4) The Code Enforcement Official has obtained the consent of a person who purports to be in ownership, possession or control of the property; or
- (b) The Municipal Court Judge shall have the power to issue a search warrant to permit the investigation of the existence of a nuisance upon a showing by the Code Enforcement Official: (1) that there is probable cause that a nuisance exists; or (2) that, upon information and belief made after reasonable investigation, emergency conditions dangerous to the public health, safety or welfare may exist.
- (c) The Code Enforcement Official is authorized to enter upon private property in the same manner and by the same means as visitors to the property for the purpose of delivering, depositing, posting or otherwise providing a notice, advisement or other information necessary to implement or administer the provisions of this Chapter. Such entry will customarily involve reaching the front or primary entrance to the property via the driveway, sidewalk or path. The Code Enforcement Official shall not enter private property where the owner or person in possession denies consent except where emergency conditions are believed to exist or a search warrant authorizing entry is obtained.

Sec. 7-1-90. Right of entry for abatement.

Whenever the City exercises its right to abate a nuisance in accordance with this Chapter or in accordance with Division 4 of Article 3 of Chapter 2, the City shall have the authority to enter upon the property and abate the nuisance. In abating such nuisance, the City may go to whatever extent may be necessary to complete the abatement of the nuisance and, should it be practicable to salvage any material derived in the abatement, the City may sell the salvaged material at private or public sale at the best price obtainable and shall keep an accounting of the proceeds from such sale. The proceeds, if any, obtained from the sale of any material salvaged as a result of the City's abatement of a nuisance shall be deposited to the General Fund of the City, and any deficit between the amount so received and the cost of the abatement may be levied as an assessment against the property and collected as any other assessment by the City. Should the proceeds of the sale of such salvaged material exceed the cost of abatement, the surplus, if any, shall be paid to the owner of the property from which the nuisance was abated.

Sec. 7-1-100. Administrative regulations and forms authorized.

The City Manager is authorized to promulgate regulations and forms deemed desirable to assist in the administration of the provisions of this Chapter. No administrative regulation or form shall conflict with a specific requirement of this Chapter. Failure to employ or follow administrative regulations or use forms promulgated by the City Manager shall not constitute a procedural breach or defect in the administration of this Chapter and shall not preclude or limit the City's authority to investigate, address, enforce or abate nuisances.

Sec. 7-1-110. Extension of deadlines authorized.

A reasonable extension of any time deadline established by this Chapter or in the administration of this Chapter may be granted by the Code Enforcement Official upon a showing of just cause for an extension.

Sec. 7-1-120. Cumulative and concurrent remedies.

No remedy provided in this Chapter shall be exclusive. All remedies shall be cumulative and available concurrently. The taking of any action authorized by this Chapter or any other provision of this Code, including a charge or conviction of violation of this Chapter, shall not preclude or prevent the taking of other action to abate any nuisance. Any application of this Chapter that is in the nature of a civil action shall not prevent the commencement or application of any other charges brought under this Code or any other provision of law.

Sec. 7-1-130. Interference unlawful.

It is unlawful for any person to interfere with or prevent, or attempt to interfere with or prevent, the abatement of any nuisance by any employee or agent of the City pursuant to the provisions of this chapter. It is unlawful for any person to interfere with or attempt to interfere with the enforcement of any civil action for nuisance abatement.

Sec. 7-1-140. Nuisance offense.

It is an offense and violation for any person being the owner, agent or occupant of, or having under his or her control, any building, lot or premises to maintain or allow any nuisance to be or remain thereon. It is a further violation and an offense for any person to:

- (1) Perform any act constituting a nuisance;
- (2) Fail to act where such failure causes or continues a nuisance;
- (3) Permit any activity or condition constituting a nuisance; or
- (4) Aid or abet in the creation or maintenance of a nuisance.

Section 5. Amendment to Section 7-6-40 of the Centennial Municipal Code.

Section 7-6-40 of the Centennial Municipal Code is amended by the addition of a new subsection (e) to read in its entirety as follows:

- (e) A notice and demand provided by a Code Enforcement Official pursuant to section 7-1-40 satisfies the requirements of this section.

Section 6. Amendment to Section 1-4-10 of the Centennial Municipal Code.

Section 1-4-10 of the Centennial Municipal Code is hereby repealed and reenacted to read in its entirety as follows:

Sec. 1-4-10. - General penalty for violation.

- (a) Any person who pleads guilty or no contest or who, after trial, is found guilty of violating any municipal ordinance designed as a major offense and subject to this Subsection, shall be fined in an amount not to exceed two thousand six hundred fifty dollars (\$2,650.00) or shall be incarcerated for a period not to exceed one (1) year, or both such fine and imprisonment, except as may be otherwise imposed within the context of a specific section, subsection or chapter.
- (b) Any person found liable or responsible for a violation of this Code designated as a minor offense or civil infraction may be ordered to pay a civil penalty for such infraction of not more than two thousand six hundred fifty dollars (\$2,650.00), plus costs, damages, and expenses. In addition, the Municipal Judge may issue any orders necessary to abate a nuisance.
- (c) Each person violating any provision of this Code shall be guilty of a separate offense for each and every day during any portion of which any violation of this Code is committed, continued or permitted by such person, and shall be punished accordingly.

Section 7. Amendment to Subsection 2-3-90(3) of the Centennial Municipal Code.

Subsection 2-3-90(3) of the Centennial Municipal Code is hereby repealed and reenacted to read in its entirety as follows:

- (3) Order and enforce the abatement of nuisances, violation of zoning regulations, and building code regulations;

Section 8. Amendment to Section 2-3-120 of the Centennial Municipal Code.

Section 2-3-120 of the Centennial Municipal Code is hereby repealed and reenacted to read in its entirety as follows:

Sec. 2-3-120. – Rules of Procedure.

The Municipal Court shall be governed by the Colorado Municipal Court Rules of Procedure and the state statutes or other rules as set forth in this Code. The Presiding Municipal Judge may issue local rules of procedure consistent with rules of procedure adopted by the Colorado Supreme Court and provisions of this Code.

Section 9. Codification Amendments. The codifier of the City's Municipal Code, Colorado Code Publishing, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance with the Centennial Municipal Code.

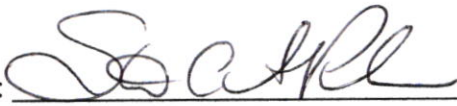
Section 10. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The City Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term "provision" means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term "application" means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the City.

Section 11. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

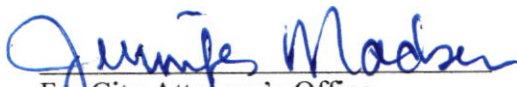
Section 12. Effective Date. This Ordinance shall take effect thirty days after final publication.

INTRODUCED, READ, AND ORDERED PUBLISHED BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD ON THE 6th DAY OF August, 2018.

CITY OF CENTENNIAL

By: 
Stephanie Piko, Mayor

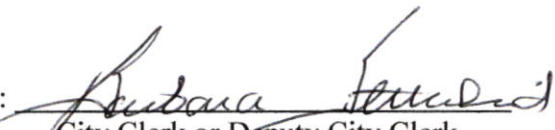
Approved as to Form:


For City Attorney's Office

I hereby certify that the above Ordinance was introduced to the City Council of the City of Centennial at its meeting of Aug 6th, 2018 and ordered published one time by title only in *The Villager* newspaper on Aug 9th, 2018, and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

ATTEST:

SEAL

By: 
City Clerk or Deputy City Clerk

FINALLY ADOPTED, PASSED, APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED PUBLISHED BY TITLE ONLY, IN *THE VILLAGER* NEWSPAPER AND IN FULL ON THE CITY WEB SITE IN ACCORDANCE WITH SECTION 2-1-110 OF THE MUNICIPAL CODE BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS MEETING HELD ON THE 20th DAY OF Aug, 2018, BY A VOTE OF 8 IN FAVOR AND 0 AGAINST.

CITY OF CENTENNIAL

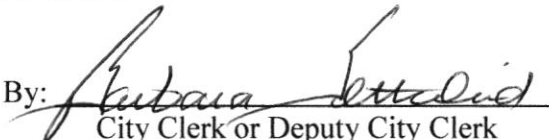
By: 
Stephanie Piko, Mayor

I hereby certify that the above Ordinance was finally adopted by the City Council of the City of Centennial at its meeting of Aug. 20, 2018, and ordered published by title only, one time by *The Villager* newspaper on Aug. 23, 2018 and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

SEAL

ATTEST:

By:


City Clerk or Deputy City Clerk