

## ORDINANCE NUMBER 235

### AN ORDINANCE TO AMEND ORDINANCE NUMBER 233 CONCERNING DANGEROUS BUILDINGS

**Whereas**, the Town of Hugo, hereinafter referred to as the “Town”, in the County of Lincoln, State of Colorado, is the body corporate operating as a statutory town pursuant to the general statutes of the State of Colorado; and

**Whereas**, Colorado Revised Statutes, C.R.S. 31-15-401, et. seq., gives to the governing bodies of municipalities the authority to regulate the police of the municipality and pass and enforce all necessary police ordinance and to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease, and to declare what is a nuisance and to abate the same, imposing fines upon parties who may create or continue nuisances or suffer nuisances to exist; and

**Whereas**, Colorado Revised Statutes 31-15-601, et, seq., gives to the governing bodies of municipalities the authority to direct that any buildings or structures when the same have been damaged by fire or decay to the point that the building or structure is a fire hazard or otherwise dangerous or harmful to the citizens of the municipality; and

**Whereas**, the Board of Trustees, hereinafter referred to as the “Board” had previously determined in Ordinance No. 233 that there may be dangerous buildings or structures within the community, which are a nuisance and dangerous, or potentially dangerous to the citizens, which buildings or structures should be subject to rehabilitation or removal; and

**Whereas**, since the adoption of Ordinance No. 233, the Board has determined that Ordinance No. 233, Section IV.C., should be amended for reasons of clarity;

#### **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HUGO, COLORADO:**

**SECTION I – AMENDMENT OF SECTION IV, ENFORCMENT; INSPECTION; DETERMINATION; PARAGRAPH C.** Upon passage of this Ordinance, Section IV, Paragraph C shall be amended to state as follows:

C. The Town, upon receiving a written complaint from a citizen or officer of the Town concerning an allegation of a dangerous building, and when it is necessary to make an inspection to enforce the provisions of this Ordinance, or when the Town Representative has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this Ordinance which makes the building or the premises unsafe, dangerous, or hazardous, as defined herein, the Town Representative may enter the building or premises at reasonable times to inspect

or to perform the duties imposed by this Ordinance, provided that if such building or premises are occupied, that credentials be presented to the occupant and entry requested. If such building or premises are unoccupied, the Town Representative shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the Town Representative shall have recourse to the remedies provided herein and by law to secure entry.

**SECTION II - ONLY AMENDMENT.** All other provisions of Ordinance No. 233, not amended by this Ordinance, shall remain in full force and affect.

**SECTION III – SEVERABILITY.**

If any one or more sections or parts of this Ordinance shall be adjudged unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, it being the intention that the various provisions hereof are severable.

**SECTION IV – REPEALER.**

All acts, orders, resolutions, ordinances, or parts thereof, of the Town of Hugo that is inconsistent or in conflict with this Ordinance is hereby repealed to the extent only of such inconsistency or conflict.

**SECTION V – RECORDING AND AUTHENTICATION.**

Following adoption, this Ordinance shall be authenticated by the signature of the Mayor and the Town Clerk and shall be recorded in the Town of Hugo book of ordinances. This Ordinance shall take effect thirty (30) days after publication as required by law.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this thirteenth day of August, 2012.

*Patsie F. Smith*  
Patsie E. Smith; MAYOR

ATTEST:  
*Garald L. Ensign*  
Garald L. Ensign; TOWN CLERK