

ORDINANCE NO. 2792

AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 3 OF THE COMMERCE CITY REVISED MUNICIPAL CODE REGARDING ADMINISTRATIVE ENFORCEMENT AND HEARINGS

WHEREAS, the City of Commerce City (the “City”) is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution;

WHEREAS, pursuant to its home rule authority and Colorado Revised Statute § 31-23-101 (“C.R.S.”), the City, acting through its City Council (the “City Council”), is authorized to adopt ordinances for the protection of the public health, safety or welfare;

WHEREAS, in the exercise of this authority the City Council has previously adopted Section 3-2306 – Enforcement order; appeal in Chapter 3, Article II of the Commerce City Revised Municipal Code (the “CCRMC”), providing for the general authority of the hearing officer to enter enforcement orders for violations of any provision of the CCRMC;

WHEREAS, the City Council wishes to amend Section 3-2306 of the CCRMC to clarify the City’s authority to abate violations of the CCRMC; and

WHEREAS, it is in the best interest of the City to amend the CCRMC to clarify the City’s authority to abate violations of the CCRMC.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. Findings. The recitals to this ordinance are incorporated as findings of the City Council. This ordinance is found to be supported and authorized by law and in the best interests of and necessary for the protection of the health, safety, and welfare of the public.

SECTION 2. Amendment. Chapter 3, Article II, Section 3-2306 of the CCRMC is hereby amended as follows:

Sec. 3-2306. – Enforcement order; appeal.

(a) Within fourteen (14) days of the conclusion of a protest hearing, or upon presentation of a settlement or the failure of the protestant or responsible party to appear at the protest hearing, the hearing officer shall enter an enforcement order as follows:

(1) If the hearing officer determines that the city has not established the existence of any violations identified in the notice of violation as of the date of the violation that still exists as of the date of correction, the hearing officer shall vacate the notice of violation and any subsequent notices of violation for the same violations issued before the hearing. The hearing officer's decision shall not vacate any prior notices of violation that were not protested and shall not limit the city from issuing future notices of

violation regarding the same violation, responsible party, or property. Any fees, fines, or costs deposited in connection with the protest shall be refunded.

(2) If the city has established the existence of one (1) or more violations identified in the notice of violation as of the date of the violation that still exists as of the date of correction, the hearing officer shall give judgment in favor of the city and against each responsible party and shall issue an enforcement order containing the following:

- a. Written findings of fact and conclusions of law supporting the finding of liability;
- b. A provision imposing penalties and costs as provided by this article; and
- c. If applicable, a requirement that the responsible party remedy or abate the violation(s) within a specified period of time and, if the responsible party fails to do so, authorizing the city, without a court or hearing officer order, to take reasonable steps to abate the violation(s), including but not limited to, repair, securing, removal, or demolition of structures as permitted by the City of Commerce City Building Code or other applicable law.

(b) Within fourteen (14) days of the conclusion of an abatement proceeding, the hearing officer shall enter an enforcement order as follows:

- (1) If the hearing officer determines that the city established the reasonableness of and lawful basis for the abatement of a violation identified in the notice of violation as of the date of the violation that still exists as of the date of correction, the hearing officer shall grant the city's request and issue an enforcement order containing the items in subsection (a)(2), above, excluding penalties previously imposed due to default.
- (2) If the hearing officer determines that the city has not established the reasonableness of and lawful basis for the abatement of a violation identified in the notice of violation as of the date of the violation, the hearing officer shall deny the city's request.
- (3) The hearing officer's decision shall not address or affect the notice of violation or any assessment resulting from the notice of violation and shall not limit the city from issuing future notices of violation regarding the same violation, responsible party, or property.
- (c) Any enforcement order issued under subsections (a)(2) or (b)(1), above, may include an award of administrative costs if the hearing officer determines that the city has established the costs by a preponderance of the evidence.
- (d) The enforcement order shall be mailed to each responsible party identified by the city by first class to the address of the responsible party as reflected in the city's records.

The failure of any person to receive the enforcement order under this section shall not affect the validity of any proceedings or assessment under this article.

- (e) The enforcement order shall, upon mailing to each responsible party identified by the city, constitute a final action unless appealed directly to the District Court of Adams County, Colorado, for judicial review of such decision pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. An appeal of the enforcement order may be taken by the applicant, the licensee or by the city. Failure to timely appeal constitutes a waiver of any right any party may otherwise have to contest the enforcement order.

SECTION 3. The amended Section 3-2306 of CCRMC as set forth in Section 2 of this Ordinance is hereby enacted.

SECTION 4. Repealer. All ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof, are hereby repealed to the extent of such inconsistency.

SECTION 5. Effective Date. This ordinance shall be effective pursuant to Section 5.3 of the Charter.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED
THIS 20TH DAY OF JULY, 2026.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED
THIS 17TH DAY OF AUGUST, 2026.

CITY OF COMMERCE CITY, COLORADO

Steve J. Douglas, Mayor

ATTEST

Stephen J. Ruger, City Clerk