

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 26-0804.01 Nicole Myers x4326

HOUSE BILL 26-1239

HOUSE SPONSORSHIP

Goldstein and Richardson, Bacon, Hamrick, McCluskie, Nguyen, Phillips, Stewart K.

SENATE SPONSORSHIP

Mullica,

House Committees

Transportation, Housing & Local Government

Senate Committees

Local Government & Housing

A BILL FOR AN ACT

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

Bill Summary

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

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

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

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

SENATE
Amended 2nd Reading
April 7, 2026

HOUSE
3rd Reading Unamended
March 13, 2026

HOUSE
Amended 2nd Reading
March 12, 2026

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

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

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

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

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

- 8 (f) Original proceedings for the issuance of injunctions, except:
- 9 (II) As required to enforce restrictive covenants on residential
 10 property and to enforce section 6-1-702.5; **and**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (VI) FOR PURPOSES OF SUBSECTION (2)(d)(II) OF THIS SECTION,
25 "PROPERTY OWNER" DOES NOT INCLUDE A STATE AGENCY.

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

1 **30-15-402. Violations - penalty - surcharges - victim and**
2 **witness assistance - brain injury trust fund.**

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

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

1 **30-28-124. Penalties and enforcement.**

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

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

24 (II) ~~Whenever~~ TO PURSUE A VIOLATION PURSUANT TO THIS
25 SUBSECTION (1)(b)(II), a county zoning official authorized pursuant to
26 section 30-28-114 WHO has personal knowledge of any violation of this
27 ~~paragraph (b), he or she~~ SUBSECTION (1)(b)(II) BASED ON COMPETENT

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

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

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

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

26 (d) THE MINIMUM CIVIL PENALTY THAT THE COURT MAY IMPOSE
27 FOR A VIOLATION OF A COUNTY ZONING ORDINANCE OR RESOLUTION OR

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

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

1 COURT.

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

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

25 (g) FOR PURPOSES OF THIS SUBSECTION (1), "PERSON" DOES NOT
26 INCLUDE A STATE AGENCY.

27 (2) (a) ~~In case~~ If any building or structure is or is proposed to be

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

15 (b) IN ADDITION TO THE CIVIL PENALTIES ALLOWED PURSUANT TO
16 SUBSECTION (1) OF THIS SECTION, THE COUNTY ATTORNEY MAY BRING AN
17 ACTION IN THE COUNTY COURT OR DISTRICT COURT THAT HAS
18 JURISDICTION OVER THE PROPERTY FOR AN ORDER ENJOINING THE
19 VIOLATION, ORDERING THE VIOLATION'S RESTRAINT, REMOVAL,
20 TERMINATION, OR ABATEMENT BY THE PROPERTY OWNER, AND
21 AUTHORIZING ABATEMENT BY THE COUNTY OR ITS AGENT OR TO ENJOIN
22 THE PROPOSED USE OF THE LAND. IN BRINGING THAT ACTION, THE COUNTY
23 ATTORNEY SHALL FILE A VERIFIED COMPLAINT. THE COURT SHALL REVIEW
24 THE VERIFIED COMPLAINT AND SCHEDULE A HEARING ON THE REQUEST FOR
25 AN ABATEMENT ORDER, INJUNCTION, OR OTHER APPROPRIATE REMEDY
26 PROVIDED FOR PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION AND
27 DIRECT THE ISSUANCE OF A SUMMONS STATING THE TIME, DATE, AND

1 PLACE OF THE PRELIMINARY HEARING, WHICH THE COURT SHALL
2 SCHEDULE NO LATER THAN THIRTY DAYS AFTER THE COUNTY ATTORNEY
3 FILES THE COMPLAINT. THE COUNTY SHALL SERVE THE SUMMONS AND
4 COMPLAINT ON THE PROPERTY OWNER IN ACCORDANCE WITH THE
5 APPLICABLE RULES OF CIVIL PROCEDURE AT LEAST TEN DAYS PRIOR TO THE
6 PRELIMINARY HEARING. IF THE COUNTY'S REASONABLE EFFORTS TO
7 PERSONALLY SERVE THE SUMMONS AND COMPLAINT ARE UNSUCCESSFUL,
8 THE COUNTY MAY POST THE SUMMONS AND COMPLAINT ON THE PROPERTY
9 AND MAIL THE SUMMONS AND COMPLAINT, CERTIFIED MAIL, RETURN
10 RECEIPT REQUESTED, TO THE PROPERTY OWNER'S ADDRESS IN THE
11 RECORDS OF THE COUNTY ASSESSOR AS AN ALTERNATIVE MEANS OF
12 PROVIDING SERVICE. IF THE COUNTY ATTORNEY PROVIDES ALTERNATIVE
13 SERVICE, THE COUNTY MUST PROVIDE THE ALTERNATIVE SERVICE AT
14 LEAST TEN DAYS PRIOR TO THE PRELIMINARY HEARING. AT THE TIME,
15 DATE, AND PLACE STATED IN THE SUMMONS, THE COURT SHALL REVIEW
16 AND CONSIDER THE REQUEST FOR AN ABATEMENT ORDER, INJUNCTION, OR
17 OTHER APPROPRIATE REMEDY PROVIDED FOR PURSUANT TO SUBSECTION
18 (2)(a) OF THIS SECTION, ANY STATEMENT AND EVIDENCE PRESENTED BY
19 THE COUNTY IN SUPPORT THEREOF, AND ANY STATEMENT AND EVIDENCE
20 PRESENTED BY THE PROPERTY OWNER, IF PRESENT. ON THE DATE AND AT
21 THE TIME SET FOR THE HEARING, IF THE PROPERTY OWNER FAILS TO
22 APPEAR, AND IF THE COUNTY PROVES THAT PROPER SERVICE WAS MADE ON
23 THE PROPERTY OWNER, THE COURT MAY GRANT THE RELIEF AS REQUESTED
24 BY THE COUNTY. A PROPERTY OWNER'S FAILURE TO APPEAR ON ANY DATE
25 SET FOR A PRELIMINARY HEARING HELD PURSUANT TO THIS SUBSECTION
26 (2)(b) IS GROUNDS FOR THE COURT TO ENTER A DEFAULT AND JUDGMENT
27 THEREON AGAINST A NONAPPEARING PROPERTY OWNER. FOR GOOD CAUSE

1 SHOWN, AND PRIOR TO ENFORCEMENT, THE COURT MAY SET ASIDE AN
2 ENTRY OF DEFAULT AND THE JUDGMENT ENTERED THEREON.

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

18 (3) (a) IT IS UNLAWFUL TO ERECT, CONSTRUCT, RECONSTRUCT,
19 ALTER, OR USE ANY BUILDING OR STRUCTURE OR USE ANY LAND IN
20 VIOLATION OF ANY REGULATION IN, OR OF ANY PROVISIONS OF, ANY
21 ZONING ORDINANCE OR RESOLUTION, OR ANY AMENDMENT THEREOF,
22 ENACTED OR ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS UNDER
23 THE AUTHORITY OF THIS PART 1. ANY PERSON, FIRM, OR CORPORATION
24 THAT VIOLATES ANY SUCH REGULATION, PROVISION, OR AMENDMENT
25 THEREOF, OR ANY PROVISION OF THIS PART 1 COMMITS A CIVIL
26 INFRACTION, AND UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A
27 FINE OF UP TO THREE THOUSAND DOLLARS FOR EACH SEPARATE

1 VIOLATION, ACCORDING TO THE FINE SCHEDULE ADOPTED BY THE BOARD
2 OF COUNTY COMMISSIONERS. THE FINE SCHEDULE MAY INCLUDE
3 GRADUATED FINES AND MAY PROVIDE INCREASED CIVIL PENALTIES FOR
4 REPEAT OFFENSES BY THE SAME INDIVIDUALS. EACH DAY DURING WHICH
5 SUCH ILLEGAL ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION,
6 OR USE OCCURS IS DEEMED A SEPARATE OFFENSE, AND THE CIVIL PENALTY
7 CONTINUES TO ACCRUE UNTIL THE VIOLATION IS REMEDIED.

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

23 (II) DESIGNATED ZONING PERSONNEL OR THE SHERIFF SHALL
24 SERVE ONE COPY OF A SUMMONS AND COMPLAINT ISSUED PURSUANT TO
25 SUBSECTION (3)(b)(I) OF THIS SECTION. THE DESIGNATED ZONING
26 PERSONNEL OR THE SHERIFF MAY PERSONALLY SERVE THE SUMMONS AND
27 COMPLAINT ON THE VIOLATOR AS SET FORTH IN THE COUNTY COURT RULES

1 OF CIVIL PROCEDURE. IF THE DESIGNATED ZONING PERSONNEL OR THE
2 SHERIFF'S REASONABLE EFFORTS TO PERSONALLY SERVE THE SUMMONS
3 AND COMPLAINT ON THE PROPERTY OWNER ARE UNSUCCESSFUL, THE
4 COUNTY MAY POST THE SUMMONS AND COMPLAINT ON THE PROPERTY AND
5 MAIL THE SUMMONS AND COMPLAINT TO THE PROPERTY OWNER'S ADDRESS
6 LISTED IN THE RECORDS OF THE COUNTY ASSESSOR. SERVICE IS COMPLETE
7 UPON MAILING THE SUMMONS AND COMPLAINT. THE OFFICE SERVING THE
8 SUMMONS AND COMPLAINT SHALL RETAIN ONE COPY OF EACH AND SHALL
9 TRANSMIT ONE COPY OF EACH TO THE CLERK OF THE COUNTY COURT.

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

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

19 (e) FOR PURPOSES OF THIS SUBSECTION (3), "PERSON" DOES NOT
20 INCLUDE A STATE AGENCY.

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

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

1 **30-28-209. Penalties and enforcement.**

2 (1) (a) It is unlawful to erect, construct, reconstruct, or alter any
3 building or structure OR USE ANY BUILDING OR STRUCTURE in a manner
4 that results in a violation of any regulation in, or of any provisions of, the
5 area building code, or any amendment thereof, enacted or adopted by the
6 board of county commissioners under the authority of this part 2. Any
7 person, firm, or corporation violating any such regulation, provision, or
8 amendment thereof, or any provision of this part 2, ~~commits a civil~~
9 ~~infraction~~ SHALL, UPON REQUEST BY THE COUNTY, BE SUBJECT TO THE
10 IMPOSITION, BY ORDER OF THE COUNTY COURT OR THE DISTRICT COURT,
11 OF A CIVIL PENALTY OF NOT LESS THAN ONE HUNDRED DOLLARS OR MORE
12 THAN TWO THOUSAND SIX HUNDRED FIFTY DOLLARS. Each day during
13 which such illegal erection, construction, reconstruction, or alteration
14 continues shall be IS deemed a separate offense AND THE CIVIL PENALTY
15 CONTINUES TO ACCRUE UNTIL THE VIOLATION IS REMEDIED. NOTHING IN
16 THIS SUBSECTION (1)(a) PROHIBITS THE USE OF ANY BUILDING OR
17 STRUCTURE IN VIOLATION OF AN OTHERWISE APPLICABLE BUILDING CODE
18 WHERE THE USE COMPLIES WITH ANY BUILDING CODE THAT WAS IN EFFECT
19 AT THE TIME THE BUILDING OR STRUCTURE WAS ERECTED, CONSTRUCTED,
20 RECONSTRUCTED, OR ALTERED.

21 ~~(b) (I) It is unlawful to use any building or structure in violation~~
22 ~~of any regulation in, or of any provision of, the area building code, or any~~
23 ~~amendment thereto, enacted or adopted by any board of county~~
24 ~~commissioners under the authority of this part 2. Any person, firm, or~~
25 ~~corporation violating any such regulation, provision, or amendment~~
26 ~~thereof commits a civil infraction. Each day during which such illegal use~~
27 ~~of any building or structure continues shall be deemed a separate offense.~~

1 ~~Nothing in this subsection (1)(b)(I) prohibits the use of any building or~~
2 ~~structure in violation of an otherwise applicable building code where the~~
3 ~~use complies with any building code that was in effect at the time the~~
4 ~~building or structure was erected, constructed, reconstructed, or altered.~~


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

23 (III) ~~One copy of the summons and complaint shall be served~~
24 ~~upon the violator by the sheriff of the county in the manner provided by~~
25 ~~law for the service of a criminal summons. One copy each shall be~~
26 ~~retained by the sheriff and the county building inspector, and one copy~~
27 ~~shall be transmitted by the sheriff to the clerk of the county court.~~

1 (IV) THE COLORADO RULES OF CIVIL PROCEDURE APPLY TO
2 DISTRICT COURT PROCEEDINGS AND THE COLORADO COUNTY COURT RULES
3 OF CIVIL PROCEDURE APPLY TO COUNTY COURT PROCEEDINGS.

4 (c) It is the responsibility of the county attorney to enforce the
5 provisions of this subsection (1); ~~Where~~ EXCEPT THAT IF there is ~~no~~ NOT
6 A county attorney or ~~in the event that~~ IF the board of county
7 commissioners deems it appropriate, the board may appoint the district
8 attorney of the judicial district in which the building or structure is
9 located to perform such enforcement duties in lieu of the county attorney.

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

25 
26 (I) THE IMPACT OF THE VIOLATION ON PUBLIC HEALTH, SAFETY,
27 AND WELFARE;

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

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

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

1 THIS STATE FOR ASSESSMENT AND COLLECTION OF GENERAL TAXES,
2 INCLUDING THE LAWS FOR THE SALE AND REDEMPTION OF PROPERTY FOR
3 TAXES, APPLY TO THE COLLECTION OF ASSESSMENTS PURSUANT TO THIS
4 SUBSECTION (1). ANY LIEN PLACED AGAINST THE PROPERTY PURSUANT TO
5 THIS SUBSECTION (1) MUST BE RECORDED WITH THE CLERK AND RECORDER
6 OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED.

7 (g) FOR PURPOSES OF THIS SUBSECTION (1), "PERSON" DOES NOT
8 INCLUDE A STATE AGENCY.

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

23 (b) THE COUNTY ATTORNEY MAY BRING AN ACTION IN THE
24 COUNTY COURT OR DISTRICT COURT THAT HAS JURISDICTION OVER THE
25 PROPERTY FOR AN ORDER ENJOINING THE VIOLATION, ORDERING THE
26 VIOLATION'S RESTRAINT, REMOVAL, TERMINATION, OR ABATEMENT BY THE
27 PROPERTY OWNER, AND AUTHORIZING ABATEMENT BY THE COUNTY OR ITS

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

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

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

24 (3) (a) IT IS UNLAWFUL TO ERECT, CONSTRUCT, RECONSTRUCT,
25 ALTER, OR USE ANY BUILDING OR STRUCTURE IN A MANNER THAT RESULTS
26 IN A VIOLATION OF ANY REGULATION IN, OR OF ANY PROVISIONS OF, THE
27 AREA BUILDING CODE, OR ANY AMENDMENT THEREOF, ENACTED OR

1 ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS UNDER THE
2 AUTHORITY OF THIS PART 2. ANY PERSON, FIRM, OR CORPORATION
3 VIOLATING ANY SUCH REGULATION, PROVISION, OR AMENDMENT THEREOF,
4 OR ANY PROVISION OF THIS PART 2, COMMITS A CIVIL INFRACTION, AND
5 UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF UP TO ONE
6 THOUSAND DOLLARS FOR EACH SEPARATE VIOLATION, ACCORDING TO THE
7 FINE SCHEDULE ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS. THE
8 FINE SCHEDULE MAY INCLUDE GRADUATED FINES AND MAY PROVIDE
9 INCREASED CIVIL PENALTIES FOR REPEAT OFFENSES BY THE SAME
10 INDIVIDUALS. EACH DAY DURING WHICH SUCH ILLEGAL ERECTION,
11 CONSTRUCTION, RECONSTRUCTION, ALTERATION, OR USE OCCURS IS
12 DEEMED A SEPARATE OFFENSE AND THE CIVIL PENALTY CONTINUES TO
13 ACCRUE UNTIL THE VIOLATION IS REMEDIED. NOTHING IN THIS SUBSECTION
14 (3)(a) PROHIBITS THE USE OF ANY BUILDING OR STRUCTURE IN VIOLATION
15 OF AN OTHERWISE APPLICABLE BUILDING CODE WHERE THE USE COMPLIES
16 WITH ANY BUILDING CODE THAT WAS IN EFFECT AT THE TIME THE
17 BUILDING OR STRUCTURE WAS ERECTED, CONSTRUCTED, RECONSTRUCTED,
18 OR ALTERED.

19 (b) (I) TO PURSUE A VIOLATION PURSUANT TO THIS SUBSECTION
20 (3), A COUNTY BUILDING INSPECTOR AUTHORIZED PURSUANT TO SECTIONS
21 30-28-114 AND 30-28-205, OR ANY INSPECTOR EMPLOYED BY AN
22 INTERGOVERNMENTAL ENTITY CREATED IN ACCORDANCE WITH THE
23 REQUIREMENTS OF PART 2 OF ARTICLE 1 OF TITLE 29, WHO EXERCISES THE
24 FUNCTIONS OF A COUNTY BUILDING INSPECTOR WHO HAS PERSONAL
25 KNOWLEDGE OF ANY VIOLATION OF THIS REQUIREMENTS OF SUBSECTION
26 (3)(a) OF THIS SECTION BASED ON COMPETENT EVIDENCE ACQUIRED
27 DURING A REASONABLE INVESTIGATION SHALL GIVE WRITTEN NOTICE

1 TO THE VIOLATOR TO CORRECT THE VIOLATION WITHIN TEN DAYS AFTER
2 THE DATE OF THE NOTICE. IF THE VIOLATOR FAILS TO CORRECT THE
3 VIOLATION WITHIN THE TEN-DAY PERIOD, THE AUTHORIZED COUNTY
4 BUILDING INSPECTOR MAY ISSUE, OR REQUEST THAT THE SHERIFF ISSUE A
5 SUMMONS AND COMPLAINT TO THE VIOLATOR, STATING THE NATURE OF
6 THE VIOLATION WITH SUFFICIENT PARTICULARITY TO GIVE NOTICE OF THE
7 CHARGE TO THE VIOLATOR. THE SUMMONS AND COMPLAINT MUST REQUIRE
8 THAT THE VIOLATOR APPEAR IN COUNTY COURT AT A DEFINITE TIME AND
9 PLACE STATED THEREIN TO ANSWER AND DEFEND THE CHARGE.

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

25 (c) IT IS THE RESPONSIBILITY OF THE COUNTY ATTORNEY TO
26 ENFORCE THE PROVISIONS OF THIS SUBSECTION (3); EXCEPT THAT IF THERE
27 IS NOT A COUNTY ATTORNEY OR IF THE BOARD OF COUNTY

1 COMMISSIONERS DEEMS IT APPROPRIATE, THE BOARD OF COUNTY
2 COMMISSIONERS MAY APPOINT THE DISTRICT ATTORNEY OF THE JUDICIAL
3 DISTRICT TO PERFORM THE ENFORCEMENT DUTIES IN LIEU OF THE COUNTY
4 ATTORNEY.

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

7 (e) FOR PURPOSES OF THIS SUBSECTION (3), "PERSON" DOES NOT
8 INCLUDE A STATE AGENCY.

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

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

16 **30-35-201. Powers of governing bodies.**

17 The governing body of a home rule county ~~shall exercise such~~
18 EXERCISES THE duties and authority and ~~shall have~~ HAS all the powers and
19 responsibilities as provided by law for governing bodies of counties not
20 adopting a home rule charter and ~~shall also have~~ ALSO HAS all of the
21 following powers that have been included in the county's home rule
22 charter or in any amendment thereto, pursuant to the provisions of section
23 30-35-103 (1):

24 **(Ordinance Power)**

25 (44) **Power and penalties.** To pass all ordinances and rules and
26 make all regulations proper or necessary to carry into effect the powers
27 granted to home rule counties, with ~~such~~ fines and penalties ~~as~~ THAT the

1 governing body ~~shall deem~~ DEEMS proper, but no fine or penalty shall
2 exceed ~~three hundred dollars~~ THE MAXIMUM FINE OR PENALTY
3 ESTABLISHED UNDER STATE LAW and no imprisonment shall exceed ninety
4 days for one offense;

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

7 **35-4-114. Penalties.**

8 (1) (a) Except for sections 35-4-107 and 35-4-110.5, any person
9 who violates any of the provisions of this article 4 commits a civil
10 infraction. The commissioner or a board of county commissioners may
11 refer such cases to the district attorney of the county in which ~~such~~ THE
12 violation is alleged to have occurred for such action as may be deemed
13 necessary. The conviction of a violation of any of the provisions of this
14 article 4 ~~shall be~~ IS cause for revocation of any certificate, permit, or
15 appointment issued under this article 4.

16 (b) THE SHERIFF OR COUNTY ATTORNEY, AT THE REQUEST OF THE
17 BOARD OF COUNTY COMMISSIONERS, MAY ISSUE A SUMMONS AND
18 COMPLAINT TO THE VIOLATOR, STATING THE NATURE OF THE VIOLATION
19 WITH SUFFICIENT PARTICULARITY TO GIVE NOTICE OF THE CHARGE TO THE
20 VIOLATOR. THE SUMMONS AND COMPLAINT MUST REQUIRE THAT THE
21 VIOLATOR APPEAR IN COUNTY COURT AT A DEFINITE TIME AND PLACE
22 STATED IN THE SUMMONS TO ANSWER AND DEFEND THE CHARGE.

23 (c) IF THERE IS NOT A COUNTY ATTORNEY OR IF THE BOARD OF
24 COUNTY COMMISSIONERS DEEMS IT APPROPRIATE, THE BOARD OF COUNTY
25 COMMISSIONERS MAY APPOINT THE DISTRICT ATTORNEY OF THE JUDICIAL
26 DISTRICT TO PERFORM THE ENFORCEMENT DUTIES IN LIEU OF THE COUNTY
27 ATTORNEY.

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

3 (2) (a) IN ADDITION TO THE ENFORCEMENT AUTHORITY IN
4 SUBSECTION (1) OF THIS SECTION, ANY PERSON WHO VIOLATES THIS
5 ARTICLE 4, EXCEPT FOR SECTIONS 35-4-107 AND 35-4-110.5, SHALL, UPON
6 REQUEST BY THE COUNTY, BE SUBJECT TO THE IMPOSITION, BY ORDER OF
7 THE COUNTY OR DISTRICT COURT, OF CIVIL PENALTY OF NOT LESS THAN
8 ONE HUNDRED DOLLARS OR MORE THAN TWO THOUSAND SIX HUNDRED
9 FIFTY DOLLARS. EACH DAY THE VIOLATION OCCURS IS DEEMED A
10 SEPARATE OFFENSE AND THE CIVIL PENALTY CONTINUES TO ACCRUE UNTIL
11 THE VIOLATION IS REMEDIED. THE COLORADO RULES OF CIVIL PROCEDURE
12 APPLY TO DISTRICT COURT PROCEEDINGS AND THE COLORADO COUNTY
13 COURT RULES OF CIVIL PROCEDURE APPLY TO COUNTY COURT
14 PROCEEDINGS.

15 (b) IF THE COURT FINDS, BY A PREPONDERANCE OF THE EVIDENCE,
16 THAT A VIOLATION HAS OCCURRED, THE COURT SHALL ORDER THE
17 VIOLATOR TO PAY A CIVIL PENALTY IN AN AMOUNT ALLOWED PURSUANT
18 TO THIS SUBSECTION (2). THE PENALTY SHALL BE PAYABLE IMMEDIATELY
19 BY THE VIOLATOR TO THE COUNTY TREASURER.

20 (c) THE MINIMUM CIVIL PENALTY FOR A VIOLATION OF THIS
21 ARTICLE 4 IS ONE HUNDRED DOLLARS PER VIOLATION, AND THE MAXIMUM
22 CIVIL PENALTY IS TWO THOUSAND SIX HUNDRED FIFTY DOLLARS PER
23 VIOLATION. THE PRESUMPTIVE MAXIMUM PENALTY FOR A FIRST VIOLATION
24 IS FIVE HUNDRED DOLLARS. THE PRESUMPTIVE MAXIMUM PENALTY FOR A
25 SECOND VIOLATION IS ONE THOUSAND DOLLARS. THE PRESUMPTIVE
26 MAXIMUM PENALTY FOR A THIRD OR SUBSEQUENT VIOLATION IS TWO
27 THOUSAND SIX HUNDRED FIFTY DOLLARS. THE COURT MUST SPECIFY THE

1 BASIS FOR THE CIVIL PENALTY ON THE RECORD. IN CASES WHERE
2 SUFFICIENT AGGRAVATING FACTORS ARE PRESENT, THE COURT MAY
3 IMPOSE A PENALTY THAT IS HIGHER THAN THE PRESUMPTIVE MAXIMUM. IN
4 DETERMINING THE APPROPRIATE FINE FOR THE VIOLATION, THE COURT
5 MAY CONSIDER THE FOLLOWING FACTORS:

6 (I) THE IMPACT OF THE VIOLATION ON PUBLIC HEALTH, SAFETY,
7 AND WELFARE;

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

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

11 (IV) THE VIOLATOR'S ABILITY TO COMPLY WITH THE APPLICABLE
12 LAWS;

13 (V) WHETHER THE VIOLATION IS THE USE OF THE PROPERTY FOR
14 ACTIVITIES PROHIBITED IN THE PROPERTY'S ZONE DISTRICT;

15 (VI) WHETHER MULTIPLE VIOLATIONS EXIST ON THE PROPERTY;

16 (VII) PRIOR VIOLATIONS BY THE VIOLATOR ON THE PROPERTY; AND

17 (VIII) ANY OTHER RELEVANT FACTORS DETERMINED BY THE
18 COURT.

19 (d) UNTIL PAID, ANY CIVIL PENALTY ORDERED BY THE COURT AND
20 ASSESSED UNDER THIS SUBSECTION (2) IS, AS OF RECORDING, A LIEN
21 AGAINST THE PROPERTY ON WHICH THE VIOLATION HAS BEEN FOUND TO
22 EXIST. IF THE ASSESSMENT IS NOT PAID WITHIN THIRTY DAYS, THE CLERK
23 AND RECORDER OR COUNTY ATTORNEY MAY CERTIFY THE NONPAYMENT
24 TO THE COUNTY TREASURER, WHO SHALL COLLECT THE ASSESSMENT,
25 TOGETHER WITH A TEN PERCENT PENALTY FOR THE COST OF COLLECTION,
26 IN THE SAME MANNER AS OTHER TAXES ARE COLLECTED. THE LAWS OF
27 THIS STATE FOR ASSESSMENT AND COLLECTION OF GENERAL TAXES,

1 INCLUDING THE LAWS FOR THE SALE AND REDEMPTION OF PROPERTY FOR
2 TAXES, APPLY TO THE COLLECTION OF ASSESSMENTS PURSUANT TO THIS
3 SUBSECTION (2). ANY LIEN PLACED AGAINST THE PROPERTY PURSUANT TO
4 THIS SUBSECTION (2) SHALL BE RECORDED WITH THE CLERK AND
5 RECORDER OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED.

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

8 **35-5.5-118.5. Local enforcement - civil infraction - civil**
9 **penalty - injunction - definitions.**

10 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
11 REQUIRES, "VIOLATION" MEANS A VIOLATION OF THIS ARTICLE 5.5, ANY
12 RULE ADOPTED PURSUANT TO THIS ARTICLE 5.5, OR ANY COUNTY
13 ORDINANCE, RESOLUTION, RULE, OR OTHER REGULATION IMPLEMENTING
14 THIS ARTICLE 5.5.

15 (2) (a) IN ADDITION TO THE ENFORCEMENT AUTHORITY OF THE
16 COMMISSIONER PURSUANT TO SECTION 35-5.5-118, A PERSON WHO
17 VIOLATES THIS ARTICLE 5.5, ANY RULE ADOPTED PURSUANT TO THIS
18 ARTICLE 5.5, OR ANY COUNTY ORDINANCE, RESOLUTION, RULE, OR OTHER
19 REGULATION IMPLEMENTING THIS ARTICLE 5.5 COMMITS A CIVIL
20 INFRACTION. THE COUNTY ATTORNEY FOR THE COUNTY WHERE THE
21 VIOLATION OCCURS SHALL ENFORCE CIVIL INFRACTIONS PURSUANT TO THIS
22 SUBSECTION (2)(a) BY PROSECUTION. IF THERE IS A CONFLICT BETWEEN
23 THIS SECTION AND THE COLORADO RULES OF CIVIL INFRACTIONS, THIS
24 SECTION CONTROLS. EACH DAY THAT A VIOLATION OCCURS IS A SEPARATE
25 OFFENSE.

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

1 (3) (a) IN ADDITION TO THE ENFORCEMENT AUTHORITY OF THE
2 COMMISSIONER PURSUANT TO SECTION 35-5.5-118 AND THE COUNTY
3 ATTORNEY PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION, A DISTRICT
4 COURT OR COUNTY COURT, UPON A FINDING BY A PREPONDERANCE OF THE
5 EVIDENCE THAT A VIOLATION OCCURRED OR IS OCCURRING, SHALL ORDER
6 THE VIOLATOR TO PAY A CIVIL PENALTY OF NO LESS THAN ONE HUNDRED
7 DOLLARS AND NO MORE THAN TWO THOUSAND SIX HUNDRED FIFTY
8 DOLLARS. EACH DAY DURING WHICH A VIOLATION OCCURS IS DEEMED A
9 SEPARATE OFFENSE. THE COLORADO RULES OF CIVIL PROCEDURE APPLY
10 TO DISTRICT COURT PROCEEDINGS AND THE COLORADO COUNTY COURT
11 RULES OF CIVIL PROCEDURE APPLY TO COUNTY COURT PROCEEDINGS.

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

25 [REDACTED]

26 (A) THE IMPACT OF THE VIOLATION ON PUBLIC HEALTH, SAFETY,
27 AND WELFARE;

- 1 (B) THE IMPACT OF THE VIOLATION ON NEIGHBORING PROPERTIES;
- 2 (C) THE VIOLATOR'S WILLINGNESS TO COMPLY WITH OR
- 3 DEMONSTRATED DISREGARD FOR THE APPLICABLE LAWS;
- 4 (D) THE VIOLATOR'S ABILITY TO COMPLY WITH THE APPLICABLE
- 5 LAWS;
- 6 (E) WHETHER THE VIOLATION IS THE USE OF THE PROPERTY FOR
- 7 ACTIVITIES PROHIBITED IN THE PROPERTY'S ZONE DISTRICT;
- 8 (F) WHETHER MULTIPLE VIOLATIONS EXIST ON THE PROPERTY;
- 9 (G) PRIOR VIOLATIONS BY THE VIOLATOR ON THE PROPERTY; AND
- 10 (H) ANY OTHER RELEVANT FACTORS DETERMINED BY THE COURT.

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

26 (4) THE COUNTY ATTORNEY MAY BRING AN ACTION IN THE
27 COUNTY COURT OR DISTRICT COURT THAT HAS JURISDICTION OVER THE

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

1 COUNTY PROVES THAT PROPER SERVICE WAS MADE ON THE PROPERTY
2 OWNER, THE COURT MAY GRANT THE ORDER AS REQUESTED BY THE
3 COUNTY. A PROPERTY OWNER'S FAILURE TO APPEAR ON ANY DATE SET FOR
4 A PRELIMINARY HEARING IS GROUNDS FOR THE COURT TO ENTER A
5 DEFAULT AND JUDGMENT THEREON AGAINST A NONAPPEARING PROPERTY
6 OWNER. FOR GOOD CAUSE SHOWN, AND PRIOR TO ENFORCEMENT, THE
7 COURT MAY SET ASIDE AN ENTRY OF DEFAULT AND THE JUDGMENT
8 ENTERED THEREON.

9 (5) IT IS THE RESPONSIBILITY OF THE COUNTY ATTORNEY TO
10 ENFORCE THE PROVISIONS OF THIS SECTION; EXCEPT THAT IF THERE IS NOT
11 A COUNTY ATTORNEY OR IF THE BOARD OF COUNTY COMMISSIONERS
12 DEEMS IT APPROPRIATE, THE BOARD OF COUNTY COMMISSIONERS MAY
13 APPOINT THE DISTRICT ATTORNEY OF THE JUDICIAL DISTRICT TO PERFORM
14 THE ENFORCEMENT DUTIES PURSUANT TO SUBSECTIONS (2) AND (3) OF
15 THIS SECTION, IN LIEU OF THE COUNTY ATTORNEY.

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

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

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

25 **SECTION 10. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly (August

1 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part will not take effect
5 unless approved by the people at the general election to be held in
6 November 2026 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.