

CITY OF ENGLEWOOD

**NOTICE OF APPROVAL
OF A BILL FOR AN ORDINANCE**

On the 20th day of April 2026, the City Council of the City of Englewood, Colorado, approved on first reading the following Council Bill:

**BY AUTHORITY
COUNCIL BILL NO. 19
INTRODUCED BY
COUNCIL MEMBER ANDERSON**

A BILL FOR AN ORDINANCE
AMENDING TITLE 15 OF THE CITY OF
ENGLEWOOD MUNICIPAL CODE,
INSERTING PROVISIONS
REGARDING THE ABATEMENT OF
NUISANCES AT CHRONIC NUISANCE
PROPERTIES.

Copies of the aforesaid council bill are available for public inspection in the office of the City Clerk, City of Englewood, Civic Center, 1000 Englewood Parkway, Englewood, Colorado 80110 or it can be found at <http://www.englewoodco.gov>, Government, Legal/Public Notices.

PUBLISHED: April 21, 2026
Official Website of the City of
Englewood, Colorado

ORDINANCE NO. _____
SERIES OF 2026

COUNCIL BILL NO. 19
INTRODUCED BY COUNCIL
MEMBER _____

A BILL FOR

AN ORDINANCE AMENDING TITLE 15 OF THE CITY OF ENGLEWOOD MUNICIPAL CODE, INSERTING PROVISIONS REGARDING THE ABATEMENT OF NUISANCES AT CHRONIC NUISANCE PROPERTIES.

WHEREAS, the City of Englewood (the "City") is a home rule municipality organized and existing under Article XX, Section 6 of the Colorado Constitution; and

WHEREAS, pursuant to Article XX, Section 6 of the Colorado Constitution, the City has the authority, under its home rule and general police power, to enact ordinances to protect the health, safety, and welfare of its residents, including the regulation of nuisances; and

WHEREAS, pursuant to such authority, the City has created a municipal court and adopted and enacted criminal codes whose enforcement is administered through the municipal court; and

WHEREAS, certain properties within the City are used or maintained in ways that enable repeated behavioral nuisance activities, which diminish neighboring property values, burden City resources, and endanger public health, safety, and peace; and

WHEREAS, it is the intent of the City to define and regulate "Chronic Nuisance Properties" to provide clear notice to responsible parties, encourage voluntary abatement, and authorize enforcement remedies; and

WHEREAS, the City Council also seeks to protect victims of crime and those who require emergency assistance, and has taken into consideration guidance from the U.S. Department of Housing and Urban Development regarding nuisance ordinances, to ensure that residents are not deterred from calling 911 or seeking help out of fear of penalties under this Ordinance; and

WHEREAS, the City of Englewood seeks to amend the Englewood Municipal Code to provide said definition and remedial process for local enforcement of nuisance restrictions at properties enabling nuisance behavior.

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

Section 1. Amendment of Title 15 Chapter 1: Englewood Municipal Code Title 15 Chapter 1 Section 2 is hereby amended to read as follows (new provisions underlined; repealed provisions ~~crossed through~~):

15-1-2: Definitions.

Terms defined elsewhere in this Code, including terms defined in the Colorado Model Traffic Code (MTC) Appendices, Title 1 Chapter 3, Title 16 Chapter 13, and incorporated by reference in EMC § 11-1-1, shall apply to this Title except as specifically modified below. To the extent these sources each define the same term, the definition in the first source listed shall apply. Additional

terms used in this Title shall be defined as follows:~~For the purpose of the application of the provisions of this Title, the following definitions shall apply:~~

A. *Abatement of a Nuisance:* The removal, stoppage, prostration, repair, or destruction of anything which causes a nuisance, or constitutes a nuisance, whether by breaking or pulling it down, or otherwise destroying, effacing, or removing it.

~~*Alley:* A public way less in size than a street, which is not designed for general travel, which is used primarily as a means of access to the rear of residences and business establishments, and which affords a secondary means of access to property.~~

~~*Building:* A structure, including utilities enclosed with a roof and within exterior walls built, erected and framed of component structural parts, designed for the housing, shelter, enclosure and support of individuals, animals or property of any kind.~~

~~*Building Official or Chief Building Official:* Where these terms are used in this Title or any Code in this Title, they shall mean the person designated by the City Manager, or his/her representative with the title of Building Official or Chief Building Official.~~

~~*Carport:* As defined in EMC § 16-11-2(B).~~

B. *Chronic Nuisance Property:*

1. Real property, including an improved or unimproved parcel, on which three (3) or more Nuisance Activities occur within any ninety (90) day period, or five (5) or more Nuisance Activities occur within any twelve (12) month period, with each activity occurring on a separate day; or
2. A residential property with at least two and no more than 10 dwelling units under common ownership on which four (4) or more Nuisance Activities occur within any ninety (90) day period, or six (6) or more Nuisance Activities occur within any twelve (12) month period; or
3. A residential property with 11 or more Dwelling Units under common ownership on which five (5) or more Nuisance Activities occur within any ninety (90) day period, or seven (7) or more Nuisance Activities occur within any twelve (12) month period; or
4. A commercial property on which five (5) or more Nuisance Activities occur within any ninety (90) day period, or seven (7) or more Nuisance Activities occur within any twelve (12) month period; or
5. Any property on which two (2) or more drug-related Nuisance Activities occur within any sixty (60) day period; or
6. A property that appears to be abandoned where any Nuisance Activity occurs or exists, including a structure or parcel that has not been lawfully occupied for 60 days, demonstrates signs of neglect, or has been wholly or partially boarded up and does not show any evidence of ongoing or substantial construction activity pursuant to a valid building permit.

~~City: The City of Englewood, Arapahoe County, Colorado vested with the authority and responsibility for the enactment and enforcement of this Chapter, acting by and through its City Council under the Home Rule Charter, statutes and ordinances of said City of Englewood.~~

~~City Manager: Chief administrative officer of the City of Englewood.~~

~~Dwelling: Any building to be used for living or sleeping by human occupants. Temporary housing, as hereinafter defined shall not be regarded as a dwelling.~~

~~Dwelling Unit: One (1) or more rooms located within a dwelling, which are occupied or which are intended or designed to be occupied by one (1) family with facilities for living, sleeping, cooking and eating.~~

~~Elements: Wind, rain, snow, hail, sleet, or surface run-off water.~~

~~Emergency: An existing condition actually arising from unforeseen contingencies which immediately endangers public property, health, peace or safety.~~

C. Emergency Assistance: Any good-faith request for law enforcement, fire, medical, or other emergency services, including calls to 9-1-1, requests for welfare checks, and reports to law enforcement or the City.

~~Extermination: The control and elimination of insects, rodents, vermin or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; or by poisoning, spraying, fumigating, trapping or similar means.~~

~~Front Yard: See "Yard, Front" as defined in EMC § 16-11-2(B).~~

~~Garage, Private: A building, or part thereof, attached or detached and accessory to the main building, providing for the storage of motor vehicles, and in which no business is conducted.~~

~~Garbage: Animal and vegetable wastes resulting from the handling, preparation, cooking or serving of food.~~

D. Graffiti: The defacing of public or private property by means of painting, drawing, writing, etching, or carving with paint, spray paint, ink, knife or any similar method without written permission of the owner/property owner.

~~Habitable Room: Any enclosed floor space meeting the requirements of this Title for sleeping, living, cooking or dining purposes, excluding such spaces as closets, pantries, bath or toilet room, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, utility rooms and similar nonhabitable space.~~

~~Hard Surface: A surface as defined in EMC § 16-11-2(B).~~

~~Infestation: The presence within or around a dwelling of insects, rodents, vermin or other pests of such kind, or in such numbers as to cause a hazard to health.~~

E. Inoperable Motor Vehicle: Any Motor Vehicle that:

1. is incapable of moving in a lawful manner under its own power; or
2. lacks a current license plate; or
3. is wrecked, damaged, dismantled or incompletely assembled.

F. Junk: Scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old or used machinery, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates, used pipe or pipe fittings, used automobile or airplane tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make unusable in their existing condition, but are subject to being dismantled.

~~*Junk Yard:* A place where junk, waste, discarded, or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment, but not including the purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvaged materials as part of manufacturing operations.~~

~~*Litter:* Garbage, refuse, and rubbish, as defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.~~

~~*Motor Home or Motor Coach:* Any wheeled vehicle which is a single, self contained unit, with motive power, which is designed and generally and commonly used for occupancy by persons for residential purposes, in either temporary or permanent locations, and which may occasionally be driven over the public highways as a motor vehicle.~~

~~*Noxious Matter:* Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.~~

G. Nuisance: A condition or action which injures or endangers the public health, safety or welfare which includes, but is not limited to, the following:

1. The conducting or maintaining of any business, occupation, operation, or activity prohibited by any Title of this Code; or
2. The continuous or repeated conducting or maintaining of any business, occupation operation, activity, building, land, or premises in violation of this Title; or
3. Any fence, wall, shed, deck, house, garage, building, structure, or any part of the aforesaid; or any tree, pole, smokestack; or any excavation, hole, pit, basement, cellar, sidewalk subspace, or any object stored on or in said premises; or any lot, land, yard, premises or location in its entirety, or in any part thereof, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb or property, or cause any hurt, harm, inconvenience, discomfort, damage

or injury to any one (1) or more individuals in the City, in any one (1) of the following particulars:

- a. By reason of being a menace, threat and/or hazard to the general health and safety of the community.
 - b. By reason of being a fire hazard.
 - c. By reason of being unsafe for occupancy, or use on, in, upon, about or around the aforesaid property.
 - d. By reason of deterioration or decay becomes rodent infested, or which becomes a place frequented by trespassers and transients seeking a temporary hideout or shelter.
 - e. By reason of lack of sufficient or adequate maintenance of the property, and/or being vacant, any or which depreciates the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the community in which such property is situated or such condition exists.
4. Any unlawful pollution or contamination of any surface or subsurface waters in this City, or of the air, or any water, substance, or material intended for human consumption in the City; or
5. Any activity, operation, or condition which, after being ordered abated, corrected, or discontinued by a lawful order of an agency or officer of the City, is repeated or continues to be conducted or continues to exist in violation of any of the following:
- a. Any title of this Municipal Code.
 - b. Any regulation enacted pursuant to this Municipal Code.
 - c. Any statute of the State of Colorado.
 - d. Any regulation of the State of Colorado.
6. Any Tree as defined by EMC § 11-5-1(G), or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; threatens public health, safety, or welfare; or designated by the City of Englewood as a nuisance tree species pursuant to EMC § 11-5-2(B).

H. Nuisance Activities: All physical property maintenance issues creating a Nuisance and the following violations, including any other local, state, or federal law or regulation that prohibits substantially the same conduct but not including Protected Incidents:

1. Disorderly conduct – EMC § 7-6B-1, C.R.S. § 18-9-106
2. Marijuana cultivation – EMC § 7-6D-12
3. Animal violations – EMC § 7-1A-2
4. Discharging weapons - EMC § 7-6C-3
5. Disturbing the peace - EMC § 7-6B-2

6. Harassment - EMC § 7-6A-4, C.R.S. § 18-9-111
7. Open container - EMC § 5-3C-3
8. Public Indecency - EMC § 7-6D-2
9. Underage possession or use of alcohol - EMC § 5-3C-5, C.R.S. § 18-13-122
10. Prohibited Use and Possession of Marijuana - EMC § 7-6D-12
11. Assault – EMC § 7-6A-2
12. Interference with, Resisting public officers – EMC § 7-6A-5
13. Theft – EMC § 7-6F-4, C.R.S. § 18-4-40
14. Criminal offenses against persons - Article 3 of Title 18 of the Colorado Revised Statutes (C.R.S.), excluding sexual assault in C.R.S. § 18-3-402 and stalking in C.R.S. § 18-3-602
15. Crimes of arson - Part 1 of Article 4 in C.R.S. Title 18
16. Crimes of robbery - Part 3 of Article 4 in C.R.S. Title 18
17. Crimes against children - Part 4 of Article 6 in C.R.S. Title 18
18. Harboring a minor - C.R.S. § 18-6-601
19. Contributing to the delinquency of a minor - C.R.S. § 18-6-701
20. Crimes related to prostitution - Part 2 of Article 7 in C.R.S. Title 18
21. Crime of public indecency - C.R.S. § 18-7-301
22. Crime of indecent exposure - C.R.S. § 18-7-302
23. Crimes related to child prostitution - Part 4 of Article 7 in C.R.S. Title 18
24. Resisting arrest - C.R.S. § 18-8-103
25. Obstructing a police officer, firefighter, etc. - C.R.S. § 18-8-104
26. Cruelty to animals - C.R.S. § 18-9-202
27. Unlawful ownership of dangerous dog - C.R.S. § 18-9-204.5
28. Crimes related to firearms and weapons - Part 1 of Article 12 in C.R.S. Title 18
29. Unlawful discarding or abandonment of iceboxes, motor vehicle, and similar items - C.R.S. § 18-13-106
30. Hazardous waste violations - C.R.S. § 18-13-112
31. Providing tobacco products to underage persons - C.R.S. § 18-13-121
32. Crimes related to controlled substances, marijuana, and other substances - Part 4 of Article 18 in C.R.S. Title 18
33. Crimes related to burglary and related offenses - Part 2 of Article 4 in C.R.S. Title 18

Occupant: See Responsible Party.

Off Road Vehicle (ORV): Includes, but is not limited to, an all terrain vehicle (ATV), mini-bike, dirt bike, hovercraft, dune buggy, go-cart, boat, personal watercraft, race car or other vehicles that are not street legal in the State of Colorado, experimental vehicle, aircraft, and trailers for any of the foregoing even if properly licensed. For purposes of this definition, one (1) or more "ORV's" stored on a trailer shall be considered as one (1) ORV.

Organic: Referring to or derived from living organisms.

Owner: See Responsible Party.

Person: Any individual, firm, corporation, association or partnership.

Potable Water: Water which, without further treatment, is suitable for drinking, culinary and domestic purposes.

I. Premises or Property: A lot, parcel, tract or plot of land, together with whatever is erected, growing upon or affixed to land including any improvements, ~~the buildings, or~~ structures thereon.

~~Premises, Private~~: Any dwelling, house, building or other structure, designed or used, either wholly or in part, for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure, and private land on which no building exists. Private premises include business property.

~~Property~~: Land and, generally, whatever is erected, growing upon or affixed to land.

J. Property, Business: Real property on which is located a building. Property that is zoned or used for commercial use which is used principally for the sale or lease of merchandise, goods, or services, or interest in land which is generally recognized as being zoned for a retail or wholesale business.

K. Protected Incident: An incident occurring on or related to a Property that (a) involves a person who is a Victim of Crime at that incident; or (b) is first reported to law enforcement or the City by an innocent owner, property manager, tenant, occupant, or guest in a good-faith request for Emergency Assistance; or (c) constitutes domestic violence under C.R.S. § 18-6-800.3 against a tenant or occupant, or against a guest of a tenant or occupant. Incidents in which the owner, property manager, tenant, occupant, or their guest is the Victim of Crime shall not be counted for purposes of identifying a Chronic Nuisance Property.

~~Public Place~~: Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, grounds and buildings owned or maintained by the City or other governmental agency provided for the benefit of the general public.

~~Putrescible~~: Capable of being decomposed by microorganisms with sufficient rapidity to cause a nuisance from odors or gases.

L. Recreational Vehicle: A vehicular-type portable structure without permanent foundation. ~~Vehicle~~ which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

~~Recyclable Material~~: Any material or group of materials which is generated as a by-product, which can be collected and reused or reprocessed into reusable material.

~~Refuse~~: All putrescible or nonputrescible waste, including garbage, rubbish, ashes, street cleanings, dead animals, offal, droppings, abandoned appliances, and vehicle parts.

M. Responsible Party: Any owner, occupant or other Person, as defined herein, who has actual possession or is the legal title holder of Property or personal property or their agent, or anyone who otherwise has a legal obligation to manage or maintain Property or personal property. Every Responsible Party shall ensure compliance with this Title. ~~is an occupant of or has actual possession of; or is the owner, either alone, jointly or severally with others of any real or personal~~

~~property, or agent of the owner.~~ For purposes of this definition, ownership shall include any Person~~person~~, as defined herein, who:

1. Has a legal or equitable interest in Property ~~real~~ or personal property, with or without accompanying actual possession thereof; or
2. Acts as the agent of a Person~~person~~ having a legal or equitable interest in real or personal Property; or
3. Is the general representative or fiduciary of an estate through which a legal or equitable interest in a Property ~~real~~ or personal property is administered; or
4. The record owner whether Person~~person~~, firm or corporation, or any agent or representative of the record owner.

~~*Rubbish:* Nonputrescible waste consisting of both combustible and noncombustible wastes, such as paper, wrappings, leaves, branches, wood, waste building materials, glass, bedding, crockery, household furnishings and similar materials.~~

~~*Scrap Motor Vehicles:* Motor vehicles not capable of being operated on public streets under the laws of the State of Colorado.~~

~~*Screened:* Visually obscured by screening as defined in EMC § 16-11-2(B).~~

N. Special Mobile Equipment: Means and consists of Vehicles~~vehicles~~, self-propelled or otherwise, designed primarily for operation or use on or off the streets and highways and only incidentally used or moved upon such streets or highways. This definition shall include by way of example, but not by way of limitation, snowplows, road construction or maintenance equipment, ditch digging or excavating apparatus, well drilling or boring equipment, fire-fighting equipment, Vehicles~~vehicles~~ designed to transport equipment and Vehicles~~vehicles~~ used in connection with or for the repair and maintenance of construction or maintenance equipment temporarily or permanently mounted on such Vehicles~~vehicles~~; provided, that such equipment is transported from yard to job, job to job, or job to yard and equipment primarily designed for hoisting, lifting, moving, loading or digging operations. The foregoing definition is partial and shall not include other Vehicles~~vehicles~~ of unusual design, size or shape that are designed primarily for purposes other than transporting merchandise or passengers.

O. Storage/Motor Vehicle: To leave, park, stand, or halt a Vehicle~~vehicles~~ or other personal property ~~or motor vehicle~~ in a certain place for a period of seventy-two (72) hours or longer.

~~*Street:* Any public thoroughfare for the free passage of persons, trade or commerce, and which affords a principal means of access to property abutting along its length. This term does not include private roads.~~

~~*Temporary Housing:* Any tent, trailer, coach or other structure used for human shelter, which is designed to be transportable, and which is not attached to the ground, to another structure, or to any utilities in a licensed trailer park.~~

~~*Trailer:* A Trailer or Utility Trailer as defined in the Model Traffic Code duly adopted and currently in effect in the City.~~

~~*Trailer, Small:* For the purpose of [Title 15](#), Englewood Municipal Code only, a small trailer is any wheeled vehicle, without motive power and having an empty weight of two thousand (2,000) pounds or less, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and which is generally and commonly used to carry and transport property over the public highways.~~

~~P. Trash: Defined in EMC § 5-26-1; also includes all garbage, waste, rubbish, litter, refuse, animal and vegetable waste from food preparation or serving, ashes, dead animals, offal, droppings, abandoned appliances and vehicle parts, matter capable of being decomposed by microorganisms with sufficient rapidity to cause a nuisance from odors or gases. Discarded materials including, but not limited to household wastes, furniture, construction supplies and materials, garden, lawn and landscaping supplies and wastes, scrap wood, metal, or other materials, clothing and bedding. The terms waste and trash are interchangeable for purposes of this Ordinance.~~

~~Q. Trash Container: A container of metal, wood or plastic with a top or cover that can be securely fashioned on the container to prevent the contents from being carried or scattered by naturally-occurring the elements or animals. Paper or plastic bags are not permitted trash containers except for grass clippings and leaves, if properly secured.~~

~~*Trash Hauler:* Any person, partnership, or corporation transporting trash for disposal for any fee or other compensation in the City of Englewood.~~

~~*Truck:* Any motor vehicle equipped with a body designed to carry material, tangible property and which is generally and commonly used to carry and transport property over the public highways.~~

~~*Usable Open Space:* On-site space that is absent of any building or structure. Open space could contain, but is not limited to the following: sidewalks, trellises, swings, arbors, swimming pools, tennis courts, and landscaping. Surface parking is not to be considered as usable open space.~~

~~*Vehicle:* Means any device which is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks; such term, for the purpose of this Title, shall not include any farm tractor or any implement of husbandry designed primarily or exclusively for use and used in agricultural operation or any device moved by muscular power. This definition also means any self-propelled vehicle, which is designed primarily for travel on the public highways and which is generally and commonly used to transport persons and property over the public highways.~~

~~*Vehicle, Motor:* Any self-propelled vehicle that is designed primarily for travel on the public highways and which is generally and commonly used to transport persons and property over the public highways.~~

~~R. Victim of Crime: A person against whom a criminal offense has been committed, whether or not an arrest is made, charges are filed, or a conviction results.~~

Waste: The terms "waste" and "trash" have the same meaning and are interchangeable for purposes of this Ordinance. (See also Trash)

S. ~~_____~~ *Weed:* ~~Weeds, grass, brush or other rank or noxious vegetation that has grown to maturity or is in excess of six inches (6") in height.~~ shall include any of the following:

1. Any plant, whether native or non-native, that is not intentionally cultivated or maintained and has grown in an unmanaged condition in a manner that poses a public nuisance, safety hazard, or fire risk;

2. Grasses or herbaceous plants, including both native and non-native species, that exceed six (6) inches in height and are not part of a designed and maintained landscape, natural area restoration, or xeriscape;

3. Any rank, unmanaged, or overgrown vegetation that obstructs visibility, public access, sidewalks, rights-of-way, or creates harborage for pests or vermin.

4. Any plant listed on the Colorado Department of Agriculture's Noxious Weed List (Lists A, B, and C, and any successor lists) which list is hereby incorporated by reference pursuant to C.R.S. §31-16-203, as the same may be amended from time to time, a copy of which is available for inspection at the office of the City Clerk during regular business hours, or any plant designated by the City of Englewood as invasive, noxious, or a threat to local ecosystems; e. Exemptions include Native grass or wildflowers as part of a recognized ecological or xeriscape landscaping plan and agricultural crops or pollinator gardens grown for food, education, or conservation purposes, if properly maintained.

~~*Yard:* An existing or required open space, other than a court, on the same lot with a principal building or structure, open, unoccupied and unobstructed from the ground to the sky, except as otherwise provided herein.~~

~~*Yard, Front:* A yard extending across the full width of the lot between the front lot line and the nearest line or point for buildings as required by setback requirements.~~

~~*Yard, Rear:* A yard extending across the full width of the lot between the rear lot line and the nearest line or point of the principal building.~~

~~*Yard, Side:* A yard between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or in the absence of either of such yards, to the front or rear lot line, as may be.~~

Section 2. Amendment of Title 15 Chapter 3: Englewood Municipal Code Title 15 Chapter 3 Section 1 is hereby amended to reflect revisions to the above definitions section to read as follows (new provisions underlined; repealed provisions ~~crossed through~~):

15-3-1: The City Manager's Power to Abate a Nuisance in Case of an Emergency.

The City Manager is hereby authorized to immediately abate or enjoin any Nuisance existing in the City which immediately endangers public property, health, peace or safety without following the procedures of this Chapter ~~in the case of an emergency~~, whether or not such nuisance is specifically recognized by this Title.

Section 3. Amendment of Title 15 Chapter 3: Englewood Municipal Code Title 15 Chapter 3 Sections 8 through 12 are hereby added to create a new type of nuisance property, a chronic nuisance to read as follows (new provisions underlined):

15-3-8: - Abatement of Chronic Nuisances.

A. Notices.

1. Upon determining that a property is at risk of becoming a Chronic Nuisance Property with one more recorded Nuisance Activity, the City may—but is not required to—issue a written warning notice.
2. Notwithstanding EMC § 15-3-3, upon determining that a Property meets the definition of a Chronic Nuisance Property, the City shall serve a notice of Chronic Nuisance Property designation by any method under EMC § 1-10-1 on any Responsible Party. The notice shall include:
 - a. The address and legal description of the Property;
 - b. A factual description of the Chronic Nuisance activities, including dates of occurrences;
A directive that the Responsible Party respond within ten (10) days with a written Abatement of a Nuisance plan; and
 - c. A warning that failure to comply may subject the Responsible Party to civil or criminal penalties, liens, or abatement by the City.
3. Responsible Parties are encouraged to voluntarily abate Nuisance Activities prior to receiving a notice of Chronic Nuisance Property designation by signing a written Abatement of a Nuisance agreement with the City. An Abatement of a Nuisance agreement shall include, as appropriate: security measures, tenant screening, property management changes, or other remedies reasonably calculated to prevent recurrence of Nuisance Activities.
4. Responsible Parties may timely appeal the notice of designation under EMC § 15-3-5.
5. Administrative Fine. For purposes of defraying administrative costs incurred by the City, upon designation as a Chronic Nuisance Property, the City may serve a notice of administrative fine to the Responsible Party, and to assess an administrative penalty in the amount of \$500.00 for a first notice of designation to the Responsible Party, and up to \$1,000 for successive notices. The fine shall be stayed upon a timely appeal and withdrawn by the City following a successful appeal.

B. Abatement by the City, Costs. If the Responsible Party for a Chronic Nuisance Property fails to submit or implement an adequate Abatement of a Nuisance plan within 10 days of being served a notice of Chronic Nuisance Property designation, or if Nuisance Activities persist following receipt of a notice of Chronic Nuisance Property designation, the City is authorized to remedy the Chronic Nuisance Property in any manner reasonably calculated to abate the Nuisance. The City may enter the Property as authorized by law, perform corrective actions, and recover all related costs from any Responsible Party. Such costs, including administrative expenses and enforcement costs, shall be billed to any Responsible Party and, if unpaid, shall constitute a lien against the Property enforceable in the same manner as real property taxes. The 10-day period for submitting an abatement plan may be extended at the City’s discretion if the Responsible Party demonstrates good-faith intent to collaborate with the City on Abatement of

a Nuisance. The City Manager shall retain the power to abate in case of emergency under EMC §15-3-1.

C. Safe Harbor for Emergency Assistance and Victims.

1. No Discouragement of Emergency Assistance. Nothing in this Chapter shall be construed or applied to discourage any person from seeking Emergency Assistance. Protected Incidents are not Nuisance Activities for purposes of a Chronic Nuisance designation.
2. No Required Eviction of Victims. The City shall not require, as a condition of abatement, the eviction or removal of a Victim of Crime, including any victim of domestic violence under C.R.S. § 18-6-800.3.
3. Fair Housing/VAWA Compliance. Abatement measures shall be implemented in a manner consistent with federal and state fair housing laws and the Violence Against Women Act (VAWA), and shall not discriminate against or penalize victims or persons with disabilities.
4. Good-Faith Cooperation. The City shall consider a Responsible Party's good-faith efforts to prevent or abate Nuisance Activities, such as adopting house rules, improving security, engaging supportive services, or pursuing lawful remedies against perpetrators, as a mitigating factor in enforcement decisions.

D. Effect of Property Conveyance. When fee title to a Property is transferred or a Property is leased or subleased (collectively "conveyance") to an unrelated third party, any prior Nuisance Activity shall not be considered for purposes of a Chronic Nuisance Property designation unless a reason for the conveyance was to avoid enforcement under this Title. It shall be a rebuttable presumption that the conveyance was to avoid enforcement if the Property was conveyed: (1) for less than fair market value; (2) to an entity controlled directly or indirectly by the person making the conveyance; or (3) to a relative(s) of or entities controlled directly or indirectly by a relative(s) of the person making the conveyance.

15-3-9: - Proof of Nuisance Activities.

A. Alternative Proceedings. This Title may be enforced in any criminal proceeding and/or any civil/administrative proceeding. Such proceedings may occur simultaneously and independently, and one proceeding does not prohibit the other.

B. Administrative/Civil Proceeding. In any Administrative/Civil proceeding, the City shall not be required to prove that a Responsible Party was cited, held liable for, or convicted in any court for the civil or criminal charge underlying that Nuisance Activity. If, however, a Responsible Party is held liable for, enters a plea of guilty, or is convicted of the civil or criminal charge underlying the alleged Nuisance Activity and such decision is final, that decision shall be conclusive evidence the Nuisance Activity occurred and the City need only prove the Nuisance Activity occurred on the Property.

C. Protected Incidents. Evidence of Protected Incidents shall be inadmissible to prove that Nuisance Activities occurred for purposes of establishing a Chronic Nuisance Property, except to the extent necessary to establish that an incident is a Protected Incident under this Title.

15-3-10: - Misdemeanor Violation and Entry Order.

A. The remedies provided in this Chapter shall be civil and remedial in nature except that, if any person knowingly fails or refuses to abide by any temporary or permanent abatement order issued by the Municipal Court under the provisions of EMC § 15-4-1, such person shall be guilty of a misdemeanor and, upon conviction, shall be punished by the general penalty provided in EMC § 1-4-1.

B. In any action filed under the provisions of this Chapter, if any party-defendant fails, neglects, or refuses to comply with an order of the Municipal Court, the Court may, upon the motion of the City, in addition to or in the alternative to the remedy of contempt and the possibility of criminal prosecution, permit the City to enter upon the property to abate a Nuisance or Chronic Nuisance Property, take steps to prevent it from occurring again, and perform such other acts required of any party-defendant in the Court's orders.

15-3-11: - Remedies under Other Laws Unaffected.

Nothing in this Chapter shall be construed as limiting the City or any other person from pursuing any other remedies available at law or in equity, including the filing of a civil action by an independent third party or referral to the county district attorney for consideration of charges pursuant to C.R.S. § 16-13-301 et seq.

15-3-12: - Limitation of Enforcement; Vigilant Parties.

No civil or criminal action under this Chapter shall be taken against a Responsible Party if the City finds that: (i) the party or someone acting on their behalf promptly reported the Nuisance Activity to the appropriate law enforcement agency and timely requested Emergency Assistance; (ii) at the time the activity occurred, the Responsible Party had reasonably effective means in place to prevent such activity from occurring on the Property or to respond to them if prevention is not reasonably practicable; and (iii) the Responsible Party did not cause or contribute to the Nuisance Activity. Adequate means of Nuisance prevention may include, without limitation, security cameras, security services, fencing, on-site personnel, and any other services, equipment, or facilities that prevent, in whole or part, Nuisance Activities on the Property.

Section 4. Amendment of Title 15 Chapter 7: Englewood Municipal Code Title 15 Chapter 7 Section 4 is hereby amended to reflect revisions to the above definitions section to read as follows (new provisions underlined; repealed provisions ~~crossed through~~):

15-7-4: Outdoor Storage of Personal Property in Residential-Zoned Property.

A. *All Residential Districts.* 1. —It shall be unlawful for any person ~~use to store any personal property in~~ the front yard, ~~as defined in 16-11-2 EMC as amended,~~ front porch, or area visible from the street of any residentially zoned property in the City for Storage of personal property, except as provided by subsection 3 of this section.

B2. Personal property is defined as items such as, but not limited to, camper tops, household appliances, household furniture, household fixtures, building materials, landscape materials and machinery.

C3. The following are not prohibited by this section ~~exceptions~~ shall not violate this provision:

1 a. Permanently installed facilities.

2 b. Bicycles and similar vehicles not powered by a motor.

3 e. Goods offered in a noncommercial yard sale may be stored for a period not to exceed forty-eight (48) hours.

~~4-d.~~ Lawn furniture, including, but not limited to, tables, chairs, umbrellas and benches commonly associated with garden/lawn furniture.

~~5-e.~~ Furniture and other household goods, associated with moving into or out of any residential structure, may be stored for a period not to exceed seven (7) days.

~~6-f.~~ Landscaping materials to be installed on the same lot(s) that they are stored upon may be stored for a period not to exceed fifteen (15) days.

~~7-g.~~ Fencing materials to be used for the construction of fences on the same lot(s) that they are stored upon may be stored for a period not to exceed thirty (30) days.

~~8-g.~~ Building materials to be used for construction of structures or facilities on the same lot(s) that they are stored upon may be stored for a period not to exceed ninety (90) days.

~~B. *Responsible Party.* The owner of the personal property as well as the occupant and owner of the property where such personal property is stored shall be responsible for the maintenance of such property in compliance with this Chapter.~~

Section 5. Amendment of Title 15 Chapter 9: Englewood Municipal Code Title 15 Chapter 9 Section 2 is hereby amended to reflect revisions to the above definitions section to read as follows (new provisions underlined; repealed provisions ~~crossed through~~):

15-9-2: Vehicles: Off-Road (ORV) and Trailers.

A. *Off-Road Vehicles (ORV) and Trailers in All Residential Zone Districts.*

1. No ORV or any type of trailer shall be stored on a grass surface.
2. No person shall store or work on any ORV or any type of trailer on any public property, or right-of-way.

B. *Off-Road Vehicles (ORV) and Trailers in Zone Districts Other Than Residential (including TSA Districts and PUDs).*

1. No off-road vehicle or trailer shall be stored on a grass surface.
2. [Reserved.]

C. *Off Road Vehicle Definition: An ORV includes, but is not limited to, an all-terrain vehicle (ATV), mini-bike, dirt bike, hovercraft, dune buggy, go-cart, boat, personal watercraft, race car or other vehicles that are not street legal in the State of Colorado, experimental vehicle, aircraft, and trailers for any of the foregoing even if properly licensed. For purposes of this definition, one (1) or more "ORV's" stored on a trailer shall be considered as one (1) ORV.*

Section 6. General Provisions Applicable to this Ordinance

The following general provisions and findings are applicable to the interpretation and application of this Ordinance:

A. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

B. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

C. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

D. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. This Safety Clause is not intended to affect a Citizen right to challenge this Ordinance through referendum pursuant to City of Englewood Charter 47.

E. Publication. Publication of this Ordinance may be in the City's official newspaper, the City's official website, or both. Publication shall be effective upon the first publication by either authorized method.

F. Actions Authorized to Effectuate this Ordinance. The Mayor is hereby authorized and directed to execute all documents necessary to effectuate the approval authorized by this Ordinance, and the City Clerk is hereby authorized and directed to attest to such execution by the Mayor where necessary. In the absence of the Mayor, the Mayor Pro Tem is hereby authorized to execute the above-referenced documents. The execution of any documents by said officials shall be conclusive evidence of the approval by the City of such documents in accordance with the terms thereof and this Ordinance. City staff is further authorized to take additional actions as may be necessary to implement the provisions of this Ordinance.