

**CITY OF RIFLE, COLORADO
ORDINANCE NO. 3
SERIES OF 2017**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING
SECTION 7-2-140 OF THE RIFLE MUNICIPAL CODE, TO CLARIFY THE
CITY'S POWER AND AUTHORITY TO ABATE DANGEROUS
STRUCTURES AS NUISANCES WITHIN THE CITY.

WHEREAS, the City of Rifle ("Rifle" or the "City") is a home rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Rifle Home Rule Charter; and

WHEREAS, Chapter 7 of the Rifle Municipal Code ("RMC" or the "Code") enumerates declared nuisances within the City and provides for the administration and abatement thereof; and

WHEREAS, Section 7-1-130 of the Rifle Municipal Code authorizes Rifle to abate declared nuisances within the City and assess the cost of such abatement against the property serviced, such assessment to be a first and prior lien upon the property; and

WHEREAS, Section 7-2-140, RMC, declares dangerous or vacant buildings to be nuisances within the City, and permits the City to abate such nuisances; and

WHEREAS, Section 7-2-140 references the Uniform Code for the Abatement of Dangerous Buildings, which is no longer maintained by the City; and

WHEREAS, the City has instead adopted certain codes and references published by the International Code Council, including, but not limited to, the International Building Code and the International Existing Building Code; and

WHEREAS, the adopted International Code series sets forth the process for the abatement of dangerous buildings; and

WHEREAS, the City Council finds and declares that it is in the interest of the public health, welfare, and safety to clarify that dangerous structures within the City are nuisances, which the City has the power and authority to abate under the Rifle Municipal Code, including the adopted International Building Code and International Existing Building Code.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF RIFLE, COLORADO, ORDAINS THAT:

1. Incorporation of Recitals. The foregoing recitals are incorporated herein as if set forth in full.
2. Code Amendments. Section 7-2-140 of the Rifle Municipal Code is hereby amended as follows, with double underlined text added and ~~strike through language deleted~~:

Sec. 7-2-140. – Dangerous or vacant structure residential dwellings.

- (a) It is unlawful for any person or agent, either as owner, lessee, tenant or occupant of any lot or land within the City, to allow or maintain any of the following:
- (1) Any building, fence structure or land within the City, the condition of which presents a substantial danger or hazard to public health or safety, including any deteriorated or dilapidated buildings or building that has become so out of repair as to be dangerous, unsafe, insanitary, or otherwise unfit for human habitation or occupancy, as provided in the International Existing Building Code, International Building Code, or such other code ~~“dangerous building, as defined in the Uniform Code for the Abatement of Dangerous Buildings, as may be adopted by reference by the City Code;~~ or
 - (2) Any dilapidated building of whatever kind which is unused by the owner or uninhabited because of deterioration or decay, which condition constitutes a fire hazard or subjects adjoining property to danger of damage by storm, soil erosion or rodent infestation, or which becomes a place frequented by trespassers and transients seeking temporary hideout or shelter; or
- (b) All broken windows in a vacant structure dwelling shall be replaced by the owner or agent within seventy-two (72) hours after notice is given by the ~~Chief of Police~~ Building Official.

INTRODUCED on April 5, 2017, read by title, passed on first reading, and ordered published by title as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on April 19, 2017, passed without amendment, approved, and ordered published in full as required by the Charter.

Dated this 5th day of April, 2017.

CITY OF RIFLE, COLORADO

BY: _____
Mayor

ATTEST:

City Clerk