



# TOWN OF ERIE

645 Holbrook Street  
Erie, CO 80516

## Town Council

**Board Meeting Date: 7/25/2017**

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**File #: 17-250, Version: 1**

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**SUBJECT:** An Ordinance Of The Town Of Erie, Colorado, Amending Title 5, "Public Health And Safety," Chapter 1, "Abatement Of Nuisance Code," Chapter 4, "Municipal Court; General Penalty," Of The Municipal Code Of The Town Of Erie And, Setting Forth Details In Relation Thereto. (FIRST READING)

**DEPARTMENT:** Legislative

**PRESENTER:** Town Attorney, Mark Shapiro  
Town Prosecutor Kristin N. Brown

**FISCAL INFORMATION:** N/A

**STAFF RECOMMENDATION:** Approval of Agenda Item 17-250

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

The nuisance abatement ordinance is before the Board of Trustees as a non-emergency measure. The following changes were incorporated into the proposed ordinance:

- add to the preamble (WHEREAS language) provision that the town has the authority to declare and abate a nuisance pursuant to the provisions of CRS 31-15-401; legislative intent is important in interpreting and/or defending any law enacted;
- provide that upon determining that a nuisance exists within the town, the Town Administrator, or designee, may designate action to be taken (filing of criminal case and/or civil action into the municipal court) (page 2);
- specify that the burden of proof is on the town to establish the nuisance, and that the standard of proof is by a preponderance of the evidence (paragraph E, page 2);
- add more specific procedures related to commencement of a civil action to abate a nuisance in the municipal court; this clarifies the procedures to be followed and simplifies the process (paragraph G, page 3);
- add provision specifying that any violation of an injunction or order issued by the municipal court

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may be punished by contempt of court (see page 4).

**ATTACHMENTS:**

Red Lined Ordinance

Final Ordinance