

1 **CITY OF LITTLETON, COLORADO**

2
3 **ORDINANCE NO. 02**

4
5 **Series, 2020**

6
7 **AN ORDINANCE OF THE CITY OF LITTLETON,**
8 **COLORADO, AMENDING MULTIPLE SECTIONS OF THE**
9 **LITTLETON MUNICIPAL CODE PERTAINING TO THE**
10 **PROCESS FOR FILING A MUNICIPAL LIEN ON PRIVATE**
11 **PROPERTY**

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14 **WHEREAS**, the City has several processes throughout the City Code for the filing
15 of liens on private property to collect amounts due and owing to the City; and

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17 **WHEREAS**, City Council believes for clarity of process, it is necessary to establish
18 a single procedure for the filing of liens on private property to collect amounts due and owing to
19 the city for payment of city services.

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21 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF**
22 **THE CITY OF LITTLETON, COLORADO, THAT:**

23
24 **Section 1:** Title 1, Chapter 9 is hereby amended by adding the following sections.

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26 **1-9-9: ESTABLISHMENT OF MUNICIPAL LIENS:**

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28 **1-9-9-1: STATEMENT OF COSTS OR ASSESSMENT:**

29
30 THE FINANCE DIRECTOR OR DESIGNEE SHALL SEND A STATEMENT OF COSTS OR
31 ASSESSMENT WHICH REFLECTS THE MONETARY VALUE OF THE MUNICIPAL
32 SERVICES PERFORMED OR THE AMOUNT OF MONEY DUE AND OWING TO THE CITY
33 TO THE OWNER OF RECORD OR BUSINESS OWNER BY FIRST CLASS MAIL. THE
34 STATEMENT OF COSTS OR ASSESSMENT IS DUE AND PAYABLE TO THE CITY
35 WITHIN 30 DAYS FROM THE DATE OF THE STATEMENT. A FAILURE BY THE OWNER
36 OF RECORD OR BUSINESS OWNER TO PAY THE STATEMENT OF COSTS OR
37 ASSESSMENT CONSTITUTES A DEBT DUE AND OWING TO THE CITY. INTEREST ON
38 ANY UNPAID BALANCE DUE TO THE CITY SHALL ACCRUE AT THE LEGAL RATE
39 SPECIFIED IN C.R.S. § 5-12-101, AS AMENDED. AN ADMINISTRATIVE PROCESSING
40 FEE SHALL BE CHARGED IN THE AMOUNT OF FIFTEEN PERCENT (15%) OF THE
41 UNPAID AMOUNT, INCLUDING INTEREST, WHICH SHALL COVER THE COSTS OF
42 THE ADMINISTRATIVE COSTS OF THE SERVICE PROVIDED, NOTICE, AND FILING
43 THE LIEN OR CERTIFICATION TO THE COUNTY TREASURER. THE CITY RESERVES
44 THE RIGHT TO RECOVER THE MONETARY AMOUNT IN THE STATEMENT OF COSTS
45 OR ASSESSMENT IN THE MANNER PROVIDED BY LAW INCLUDING THIS CHAPTER
46 OR IN ANY COURT OF COMPETENT JURISDICTION.

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48 **1-9-9-2: PROCEDURE FOR THE ESTABLISHMENT OF A MUNICIPAL LIEN:**
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IF THE OWNER OF RECORD FAILS TO PAY THE AMOUNT SPECIFIED IN THE STATEMENT OF COSTS OR ASSESSMENT WITHIN 30 DAYS FROM THE DATE OF THE STATEMENT, THE ASSESSMENT MAY, AT THE DISCRETION OF THE FINANCE DIRECTOR OR DESIGNEE BECOME A MUNICIPAL LIEN AGAINST EACH LOT OR TRACT OF LAND UNTIL PAID AND SHALL HAVE PRIORITY OVER ALL OTHER LIENS EXCEPT GENERAL TAXES AND PRIOR SPECIAL ASSESSMENTS. IN THE EVENT A DECISION IS MADE TO COLLECT AN AMOUNT OWED TO THE CITY THROUGH A LIEN, THE LIEN SHALL BE RECORDED WITH THE APPLICABLE COUNTY CLERK AND RECORDER. FOR COLLECTION OF SUCH STATEMENT OF COSTS OR ASSESSMENTS, THE FINANCE DIRECTOR OR DESIGNEE MAY:

- (a) RECORD A STATEMENT OF LIEN WITH THE CLERK AND RECORDER FOR THE COUNTY IN WHICH THE LOT OR TRACT OF LAND IS LOCATED;
- (b) CERTIFY THE AMOUNT DUE AND OWING TO THE COUNTY TREASURER FOR COLLECTION OF THE ASSESSMENT. THE COUNTY TREASURER SHALL COLLECT THE ASSESSMENT, TOGETHER WITH A TEN PERCENT (10%) PENALTY FOR THE COST OF COLLECTION, IN THE SAME MANNER AS OTHER TAXES ARE COLLECTED; OR
- (c) IN CONJUNCTION WITH THE CITY ATTORNEY RECOVER THE AMOUNT OF THE ASSESSMENT IN ANY OTHER MANNER PROVIDED BY LAW IN ANY COURT OF COMPETENT JURISDICTION.

1-9-9-3: MUNICIPAL LIEN NOT EXCLUSIVE METHOD OF COLLECTION:

THE PROCEDURE CONTAINED IN THIS CHAPTER IS NOT INTENDED TO ESTABLISH AN EXCLUSIVE METHOD FOR COLLECTION OF AMOUNTS OWED TO THE CITY, AND NOTHING CONTAINED HEREIN SHALL PRECLUDE THE CITY FROM PURSUING OTHER METHODS OF COLLECTION, INCLUDING BUT NOT LIMITED TO JUDICIAL FORECLOSURE OF MUNICIPAL LIENS. SUCH LIENS MAY BE FORECLOSED UPON BY THE CITY AT ANY TIME IN THE SAME MANNER AS PROVIDED BY THE LAWS OF THE STATE FOR JUDICIAL FORECLOSURE OF MUNICIPAL LIENS.

1-9-9-4: RELEASE OF MUNICIPAL LIEN:

WITHIN 30 DAYS OF PAYMENT OF THE FULL AMOUNT OWED TO THE CITY, THE FINANCE DIRECTOR OR DESIGNEE SHALL PREPARE A RELEASE OF MUNICIPAL LIEN AND THAT RELEASE OF LIEN SHALL BE FILED WITH THE COUNTY CLERK AND RECORDER AS SOON AS REASONABLY PRACTICABLE.

Section 2: Title 4, Chapter 1, Section 5 is hereby amended as follows:

4-1-5(G)(2) is hereby added as follows:

(2) "ASSESSMENTS FOR THE COSTS OF SERVICES AND COLLECTIONS SHALL FOLLOW THE PROCEDURE AS SET FORTH IN 1-9-9."

4-1-5(G)(3) is hereby added to read as follows:

(3) AMENDMENTS TO THE UNIFORM CODE SECTIONS 902-912 ARE HEREBY DELETED"

4-1-5(I)(3) Subsection 103.5.1 is hereby amended as follows:

~~**103.5.1 Notice of Costs.** When any costs are incurred by the city abating any property in order to be in compliance with this code, the costs of such abatement plus an administrative fee of 40% shall be charged to the owner of the property.~~

103.5.1 Notice of Costs. "ASSESSMENTS FOR THE COSTS OF SERVICES AND COLLECTIONS SHALL FOLLOW THE PROCEDURE AS SET FORTH IN 1-9-9."

Section 3: Title 7, Chapter 4 is hereby amended as follows:

~~**7-4-6: NOTICE OF COSTS:**~~

~~When any costs are incurred by the city in causing the removal or disposal of any noxious vegetation, weeds or rubbish from a property, the city manager shall cause a statement to be prepared showing the whole cost of cutting, removing and disposing of any noxious vegetation, weeds or the removing and disposing of any rubbish, plus twenty five percent (25%) administrative costs, and such statement shall be mailed to the property owner with the instructions that said statement will be paid in full plus fifteen percent (15%) incidental costs within thirty (30) days of said mailing date. (Ord. 52, Series of 1990)~~

~~**7-4-6: COSTS AND ASSESSMENTS:**~~

~~ASSESSMENTS FOR THE COSTS OF SERVICES AND COLLECTIONS SHALL FOLLOW THE PROCEDURE AS SET FORTH IN 1-9-9.~~

~~**7-4-7: Assessments, is hereby repealed in its entirety**~~

~~**7-4-7: ASSESSMENTS:**~~

~~If, after thirty (30) days from such mailing date, the full amount of such statement is not paid, the city manager shall inform the city council of such fact and the council shall thereupon enact a resolution assessing the whole amount of such statement, plus an additional ten percent (10%) of such amount against the lots or tracts of real property to which such statement shall appertain. Upon passage of such resolution, a copy thereof shall be sent to each person having a record interest in any real property upon which an assessment is made, and the city manager or his designee shall certify such assessment to the county treasurer who shall collect such assessments in the same manner as ad valorem taxes are collected.~~

~~All assessments made pursuant to the provisions of this section shall constitute, from the date of effectiveness of the assessing resolution, a perpetual lien in the several amounts assessed against each lot or tract of land,~~

and shall have priority over all liens excepting general tax liens and prior special assessments. No delays, mistakes, errors or irregularities in any act or proceeding authorized herein shall prejudice or invalidate any final assessments; but the same may be remedied by subsequent amending acts or proceedings, as the case may require. When so remedied, the same shall take effect as of the date of the original act or proceeding. (Ord. 23, Series of 1980)

Section 4: Title 8, Chapter 4, Section 7 is hereby amended as follows:

8-4-7: PROCEDURE UPON ORDER TO PRESERVE OR REMOVE

(D) Failure to comply: It shall be unlawful for any person to fail to timely comply with any order issued by the city manager, or his designee. When the person to whom the order is directed shall fail to comply within the specified time, the city is authorized, in the public interest, and after the obtaining of a warrant from the municipal judge authorizing execution of the order by the city or its agents, which warrant shall be issued upon the sworn testimony or sworn affidavit of the city manager, or his designee, that the order has not been executed and no city appeal has been timely filed, to enter or cause others to enter the property to spray, trim, prune, treat or remove any or all of the diseased or dangerous trees or otherwise carry out the provisions of the order. ~~The cost of this service, including labor, equipment and materials, shall be charged to the property owner, plus fifteen percent (15%) for administrative fees. The city manager, or his designee, and persons remedying the condition subject to the order and warrant are hereby authorized to enter the premises for the purposes of carrying out its terms and shall not be subject to nor liable for any claims of trespass.~~

~~(E) Costs: If the costs of remedying a condition subject to an order are not paid within ninety (90) days after receipt of a statement therefor from the city, such costs, plus twenty five percent (25%) of such costs, shall be charged against the property upon which said hazard exists. The charge shall not affect the liability of the person to whom the order was directed to potential criminal penalties as herein provided. Such charge shall be certified by the director of finance or city clerk to the appropriate county treasurer and shall thereupon become and be a lien upon such property, shall be included with the next tax bill rendered to the owner or owners thereof unless paid before, and shall be collected in the same manner as taxes against such property are collected.~~

(E) COSTS AND ASSESSMENTS: ASSESSMENTS FOR THE COSTS OF SERVICES AND COLLECTIONS SHALL FOLLOW THE PROCEDURE AS SET FORTH IN 1-9-9

Section 5: Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, including each part, section, subsection, sentence, clause or phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or phrases may be declared invalid.

Section 6: Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council of the City of Littleton on the 21st day of January, 2020, passed on first reading by a vote of 7 FOR and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

PUBLIC HEARING on the Ordinance to take place on the 18th day of February, 2020, in the Council Chamber, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

PASSED on second and final reading, following public hearing, by a vote of _____ FOR and _____ AGAINST on the 18th day of February, 2020 and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

ATTEST:

Colleen Norton
INTERIM CITY CLERK

Jerry Valdes
MAYOR

APPROVED AS TO FORM:

Reid Betzing
CITY ATTORNEY

