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ORDINANCE NO. 26-03

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

ORDINANCE PROHIBITING THE ACCUMULATION OF RUBBISH

WHEREAS, pursuant to C.R.S. § 30-15-401, the Board of County Commissioners of El Paso County, Colorado ("Board") has the general enabling power to adopt ordinances for the control or licensing of those matters of purely local concern, and to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease; and

WHEREAS, C.R.S. § 30-15-401(1)(a)(I)(A), specifically authorizes the adoption of ordinances and regulations to compel the removal of rubbish including trash, junk, and garbage, from property within the unincorporated areas of El Paso County, and

WHEREAS, the Board has previously enacted Ordinance No. 18-02, prohibiting the accumulation of rubbish; and

WHEREAS, the Board has determined that changes to the ordinance are necessary in order to make its enforcement more efficient, effective, and timely, and comply with Colorado House Bill 26-1239; and

WHEREAS, it is the opinion of the Board that in order to preserve public health, safety and welfare of the citizens of El Paso County, the Board should take the following action.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of El Paso County, Colorado:

Section 1: Purpose.

The purpose of this Ordinance is to protect public health, safety, and welfare of the citizens and residents of El Paso County, Colorado, by eliminating and controlling, to the extent possible, the accumulation of rubbish within the County, which, if not eliminated or controlled, can result in visual blight, "attractive nuisances," incompatibility with existing land uses, hazardous or toxic substances being

deposited in unapproved sites, attraction of disease-infested rodents and other vermin, fire and other hazards, and air, noise, and water pollution.

Section 2: Authority and Effect.

2.1 This Ordinance is authorized pursuant to, inter alia, C.R.S. §§ 30-11-101, et seq., §§ 30-15-401, et. seq., and §§ 29-20-101, et. seq.

2.2 Ordinance No. 18-02, enacted November 21, 2017, is hereby repealed and replaced in whole by this Ordinance.

2.3 Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions undertaken by the County pursuant to previous regulations provided that the violation is also a violation of this Ordinance.

Section 3: Applicability.

3.1 This Ordinance shall apply throughout the unincorporated area of El Paso County.

3.2 This Ordinance shall apply within the corporate limits of any incorporated town or city within El Paso County which elects by appropriate ordinance or resolution to have the provisions of this Ordinance apply therein and which enters into an intergovernmental agreement with El Paso County relating thereto.

3.3 This Ordinance shall not apply to agricultural land, as such terms are defined in this Ordinance.

Section 4: Definitions.

Agricultural Land: any parcel of land presently classified as agricultural use by the El Paso County Assessor's Office, as defined and subject to the restrictions contained in C.R.S. § 39-1-102(1.6).

Alleged Violator: the owner of record, whether person, partnership, firm, corporation, governmental agency or other association of persons, any authorized agent or representative of the owner of record and any occupant of the premises or property upon which there is competent evidence to believe a violation of this Ordinance exists or has occurred.

Board: the Board of County Commissioners of El Paso County, Colorado.

County: the unincorporated areas of El Paso County, including public and state lands, and the corporate limits of any incorporated town or city within El Paso County which elects by appropriate ordinance or resolution to have the provisions of this Ordinance apply therein and which enters into an intergovernmental agreement with El Paso County relating thereto.

Director: the Executive Director of the El Paso County Planning and Community Development Department ("PCD"), or his or her authorized designee.

Rubbish: any trash, junk, garbage, litter, refuse, debris, outside storage of used tires (except as otherwise regulated pursuant to the Solid Wastes Disposal Sites and Facilities Act, part 1 of article 20 of title 30, C.R.S., and any rules and regulations promulgated thereunder), lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or packaging, remnant construction or demolition materials, vehicle parts, abandoned or junk equipment, used appliances or furniture, oil, carcasses of dead animals, any object likely to injure any person or create a traffic hazard, or any other object which has been discarded or abandoned.

Section 5: Unlawful Acts.

It shall be unlawful for any alleged violator to allow the accumulation of rubbish on any property including lots, parcels, or tracts of land in the County under such alleged violator's control, possession, or ownership, or any public right of way immediately adjacent to the property to the extent the condition is caused by the alleged violator or originates from the property with each day constituting a separate violation.

Section 6: Notice of Violation and Executive Determination.

6.1 A written notice of violation shall be issued by the Director or their designee based on personal knowledge of any violation and competent evidence acquired during a reasonable investigation. The notice shall be sent via first class mail to the alleged violator's mailing address as listed in the records of the El Paso County Assessor's Office and to the mailing address of the subject property, if one exists.

6.2 The notice of violation shall specifically describe the nature of the violation, require the violation to be corrected within fourteen (14) calendar days after the date of the notice, and provide that the alleged violator may request additional time to

correct the violation. The notice of violation may require that the violation be corrected within a period of time less than 14 days if the Director determines, in his or her sole discretion, that the violation presents an immediate risk to public health, safety, or welfare. The notice shall provide the enforcement remedies of the county under Section 8, 9, 10, or 11 of this Ordinance, including any potential liens related to abatement costs.

6.3 If the violation is not corrected within the time period established in the notice of violation or approved extension of time, the Director may issue an executive determination to the alleged violator authorizing the County Attorney's Office to pursue remedies under Sections 9, 10, or 11 of this Ordinance, subject to appeal as set forth below.

6.4 The executive determination shall be mailed to the alleged violator in the same manner as the notice of violation. The executive determination shall specifically include a description of the violation, the remedies under Sections 8, 9, 10, or 11 of this Ordinance, and provide 10 ten days after the date of the executive determination for the alleged violator to request an appeal, at no cost to the alleged violator.

6.4.1 The executive determination shall state that the alleged violator may appeal the Director's decision to the Board. The alleged violator must submit an appeal in writing to the Director. Any written appeal must be received by the Director within ten (10) calendar days after the date of the executive determination. Any such appeals received beyond ten (10) calendar days shall be deemed untimely.

6.4.2 If no appeal is received within ten (10) calendar days after the date of the Director's executive determination, then the Director's executive determination shall be final and the County Attorney's Office may proceed with litigation to seek remedies pursuant to Section 8, 9, 10, or 11 of this Ordinance.

Section 7: <u>Appeal Hearing.</u>

7.1 If the Director receives a timely appeal of his or her executive determination as set forth in Section 6, then the Director shall place the matter on the Board's next available land-use hearing agenda which meets the requirements of Section 7.2 below.

7.2 The alleged violator shall be notified of the date, time, and place of the hearing via first class mail to the alleged violator's mailing address as listed in the records of the El Paso County Assessor's Office and to the mailing address of the subject property, if one exists, no less than five (5) calendar days prior to the hearing.

7.3 At the hearing, the alleged violator shall have the opportunity to present evidence and testimony to show-cause why further enforcement action should not be taken. The Board shall consider all such evidence and testimony, along with any presentation, evidence, or testimony offered by the Planning and Community Development Department or other County staff, in reaching its decision to affirm or overturn the decision to issue the executive determination.

7.4 At the conclusion of the appeal hearing, the Board may decide to overturn the decision to issue the executive determination or may affirm the decision and instruct the Director to proceed with one or more of the remedies provided in Sections 8, 9, 10, and/or 11 of this Ordinance.

7.5 The Appeal Hearing shall not be considered a quasi-judicial or legislative action or matter under any circumstances.

Section 8: <u>Criminal Prosecution.</u>

8.1 Only the Board may authorize the initiation of a criminal prosecution for violations of this Ordinance in County Court.

8.2 The County Code Enforcement Officers shall have the authority to issue citations or summonses and complaints for the purpose of enforcing this Ordinance.

8.3 Any person who violates this Ordinance commits a civil infraction punishable pursuant to C.R.S. § 30-15-402, and, upon conviction thereof, shall be punished by a fine of two hundred and fifty dollars ($250) for the first offense, five hundred dollars ($500) for the second offense, and one thousand dollars ($1000) for the third and subsequent offenses. This graduated fine schedule shall apply to repeat offenses committed by the same alleged violator with respect to the same lot, parcel, or tract of land.

8.4 The penalty assessment procedure provided in C.R.S. § 16-2-201 shall be followed in enforcing this Ordinance.

8.5 All fines and forfeitures collected by the court for the violation of this Ordinance shall be paid to the El Paso County Treasurer within thirty (30) days of receipt and shall be deposited into the General Fund of the County.

8.6 In addition to the penalties prescribed in Section 8.3 of this Ordinance, persons convicted of a violation of this Ordinance are subject to a surcharge in an amount fixed by statute that shall be paid to the clerk of the court by the defendant, as provided by C.R.S. § 30-15-402 (2)(a).

Section 9: Civil Injunction and Penalties.

The Board, or the Director through an executive determination, may refer violations of this Ordinance to the County Attorney's Office for the institution of an injunction, mandamus, abatement, civil penalties or other appropriate action to prevent, enjoin, abate, or remove a violation as provided by C.R.S. § 30-15-401 (2)(d)(I), (II), (IV), (V), and (VI).

Section 10: County Removal of Rubbish.

10.1 The Board, or the Director through an executive determination, may refer violations of this Ordinance to the County Attorney's Office for application to the courts for an administrative entry and seizure warrant for the removal of the rubbish pursuant to Section 11 of this Ordinance.

10.2 Upon obtaining an administrative entry and seizure warrant, the Director shall have the authority to remove the rubbish by and through County forces, contract, or otherwise. If the alleged violator fails to pay the cost of removal within ten (10) calendar days after the Director mails an invoice for such cost, the whole cost thereof, including ten percent (10%) for inspection and incidental costs in connection therewith, may be assessed upon the property from which such rubbish has been removed. Any assessment pursuant to this subsection 10.2 shall be a lien against such property including lots, parcels, or tracts of land until paid and shall have priority based upon its date of recording

10.3 In case the assessment prescribed in subsection 10.2 above is not paid within thirty (30) calendar days from the date of removal of such rubbish by El Paso County, such assessment may be certified to the El Paso County Treasurer, who 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. The laws of the State of Colorado

for assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes, shall apply to the collection of assessments pursuant to this subsection 10.3.

Section 11: Administrative Entry and Seizure Warrant.

11.1 No entry upon private property for the purpose of rubbish removal shall be made until an administrative entry and seizure warrant has been obtained from a court of competent jurisdiction.

11.2 A sworn or affirmed affidavit shall be prepared and submitted to the court which shall establish the factual basis for the warrant, including a description of the location of the property, a general list describing the rubbish to be removed from the property, based on competent evidence acquired during a reasonable investigation, evidence that the alleged violator has received a notice of the violation and has failed to remove the rubbish within a reasonable prescribed period of time, and the proposed method of disposal or temporary impoundment of such rubbish, whichever the court deems appropriate. Said affidavit shall be accompanied by a copy of this Ordinance.

11.3 Within thirty (30) calendar days following the date of issuance of an administrative entry and seizure warrant, the executing authority shall execute the warrant in accordance with directions by the issuing court, provide or mail first class a copy of such issued warrant to the alleged violator, and submit to the Court proof of the execution of the warrant, including a written inventory of any property impounded by the executing authority.

Section 12: Impoundment.

12.1 Impoundment of removed rubbish shall occur any time so ordered by the court.

12.2 Upon impoundment, notice shall be sent by U.S. mail, first class, to the alleged violator with information as to the impoundment location, the person to contact for reclaiming the property, and the conditions and time limits for retrieving impounded items as provided in subsection 12.4 below.

12.3 Reasonable storage fees may be collected for impounded items, which shall be paid into the General Fund of the County. If the alleged violator notifies the Director in writing that the impounded items will not be reclaimed and may be disposed of,

the Director shall dispose of such items and may collect reasonable fees for such disposal, to be paid into the General Fund of the County.

12.4 Impoundment shall be for a period not to exceed sixty (60) days, whereupon the impounded items shall be regarded as abandoned and may be disposed of as the Director sees fit. If the alleged violator of the impounded items seeks to reclaim them within the 60-day period, the impounded items shall be released upon the occurrence of all of the following: all of the impounded items owned by the alleged violator are removed from the impound lot; satisfactory evidence is provided that the alleged violator will move the items to a site that will not result in a violation of this Ordinance or of the El Paso County Land Development Code; the Director has verified that the property from which the impounded items were removed has remained in compliance with this Ordinance; and all costs assessable under this Ordinance, including storage costs, have been paid in full with cash, money order, or cashier's check.

Section 13: Safety Clause.

The Board hereby finds, determines, and declares that this Ordinance is necessary for the health, safety, and welfare of the citizens of El Paso County, Colorado.

Section 14: Severability Clause.

If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be invalid, such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 15: Effective Date.

This Ordinance shall take effect on December 17, 2026.

FIRST READING:

INTRODUCED, READ, AND ACCEPTED ON FIRST READING on October 22, 2026, and ordered and published in the Colorado Springs Gazette.

ATTEST:

By: _____
Steve Schleiker
Clerk and Recorder

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: _____
Carrie Geither
Chair

SECOND READING:

INTRODUCED, READ, AND ADOPTED ON SECOND READING on November 12, 2026, and ordered and published by title in the Colorado Springs Gazette.

ATTEST:

By: _____
Steve Schleiker
Clerk and Recorder

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: _____
Carrie Geitner
Chair

CERTIFICATE OF PUBLICATION AND ADOPTION

I hereby certify that the foregoing Ordinance No. 26-03 was introduced, read, and accepted on the first reading at the regular meeting of the Board of County Commissioners of the County of El Paso on October 22, 2026, and it was published in the Colorado Springs Gazette, a newspaper of general circulation published in El Paso County on November 2, 2026. Ordinance No. 26-03 was adopted on the second and final reading at a regular meeting of the Board of County Commissioners of the County of El Paso on November 12, 2026. Said Ordinance was published on November 17, 2026.

By: _____
Clerk to the Board
Clerk and Recorder's Office
El Paso County, Colorado

STATE OF COLORADO)
) SS.
COUNTY OF EL PASO)

Subscribed and sworn to before me this 18 day of Nov, 2026.

_____
Notary Public

ERICA RENE ADAMS
NOTARY PUBLIC - STATE OF COLORADO
NOTARY ID 20254034149
MY COMMISSION EXPIRES SEP 11, 2029

Commission expires

ORDINANCE NO. 26-03

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

ORDINANCE PROHIBITING THE ACCUMULATION OF RUBBISH

PLEASE NOTE: First Reading of Ordinance No. 26-03 was held on October 22, 2026, and was published in the Colorado Springs Gazette on November 2, 2026, and November 17, 2026, and this Ordinance No. 26-03 will become effective thirty (30) days from publication of the Title.