

**ORDINANCE NO. 2009-08**

**A BILL**

**FOR AN ORDINANCE AMENDING CHAPTER 22 OF THE CITY CODE OF THE CITY OF AURORA, COLORADO, REGARDING REGISTRATION OF ABANDONED RESIDENTIAL PROPERTIES**

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**WHEREAS**, the City of Aurora, Colorado, pursuant to the police powers delegated to it by the Constitution and laws of the State of Colorado, has the authority to enact ordinances which promote the public health, safety and general welfare of its citizens; and

**WHEREAS**, the City of Aurora has determined that the presence of vacant, abandoned residences poses a health and safety risk to the citizens of Aurora; and

**WHEREAS**, the City Council finds that the detrimental effects of vacant, abandoned properties include leading to neighborhood decline, creating an attractive public nuisance, contributing to lower property values, increased crime, and discouraging potential buyers from purchasing a home adjacent to or in neighborhoods with vacant abandoned residences; and

**WHEREAS**, many vacant abandoned residences are the responsibility of out-of-area and out of state lenders and investors and Certificate of Purchase or Certificate of Redemption holders who in many instances fail to adequately maintain and secure these vacant residences; and

**WHEREAS**, the City Council finds that the detrimental effects of vacant abandoned properties create a nuisance and require the Council to take action to abate such nuisance in order to preserve the public health, safety, and welfare of the citizens of Aurora.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:**

**Section 1.** That Chapter 22 of the City Code of the City of Aurora, Colorado, is hereby amended by adding a section to be numbered 22-641 which section reads as follows:

**SECTION 22-641. ABANDONED RESIDENTIAL PROPERTY REGISTRATION REQUIRED.**

(A) DEFINITIONS. FOR THE PURPOSES OF THIS SECTION, CERTAIN WORDS AND PHRASES USED IN THIS SECTION ARE DEFINED AS FOLLOWS:

*ABANDONED* MEANS A PROPERTY THAT IS VACANT AND IS UNDER A CURRENT NOTICE OF ELECTION AND DEMAND AND/OR NOTICE OF FORECLOSURE SALE, AND/OR PROPERTIES THAT HAVE BEEN THE SUBJECT OF A FORECLOSURE SALE WHERE THE TITLE WAS ACQUIRED BY THE BENEFICIARY OF A DEED OF TRUST INVOLVED IN THE FORECLOSURE AND ANY PROPERTIES WHICH HAVE BEEN SOLD AT A FORECLOSURE AUCTION WHERE A CERTIFICATE OF PURCHASE OR A CERTIFICATE OF REDEMPTION HAS BEEN ISSUED BUT ACTUAL TITLE HAS NOT YET TRANSFERRED AND ANY PROPERTIES TRANSFERRED UNDER A DEED IN LIEU OF FORECLOSURE OR SALE.

*ACCESSIBLE PROPERTY* MEANS A PROPERTY THAT IS ACCESSIBLE THROUGH A COMPROMISED/BREACHED GATE, FENCE, WALL, ETC.

*ACCESSIBLE STRUCTURE* MEANS A STRUCTURE/BUILDING THAT IS UNSECURED AND/OR BREACHED IN SUCH A WAY AS TO ALLOW ACCESS TO THE INTERIOR SPACE BY UNAUTHORIZED PERSONS.

*AGREEMENT OF SALE* MEANS ANY AGREEMENT OR WRITTEN INSTRUMENT WHICH PROVIDES THAT TITLE TO RESIDENTIAL PROPERTY SHALL BE TRANSFERRED OR CONVEYED FROM ONE OWNER TO ANOTHER OWNER AFTER THE SALE, TRADE, TRANSFER OR EXCHANGE.

*BENEFICIARY* MEANS A LENDER UNDER A NOTE SECURED BY A DEED OF TRUST.

*BUYER* MEANS ANY PERSON, CO-PARTNERSHIP, ASSOCIATION, CORPORATION, OR FIDUCIARY WHO AGREES TO TRANSFER ANYTHING OF VALUE IN CONSIDERATION FOR PROPERTY DESCRIBED IN AN AGREEMENT OF SALE, AS DEFINED IN THIS SUBSECTION.

*DANGEROUS BUILDING* MEANS ANY BUILDING/STRUCTURE THAT IS IN VIOLATION OF ANY CONDITION REFERENCED IN SECTION 22-566 *ET. SEQ.* OF THIS CODE.

*DAYS* MEANS CONSECUTIVE CALENDAR DAYS.

*DEED OF TRUST* MEANS AN INSTRUMENT AS DEFINED BY SECTION 38-38-100.3(7), C.R.S. THIS DEFINITION APPLIES TO ANY AND ALL SUBSEQUENT DEEDS OF TRUST, I.E., SECOND TRUST DEED, THIRD TRUST DEED, ETC.

*DEED IN LIEU OF FORECLOSURE/SALE* MEANS A RECORDED DOCUMENT THAT TRANSFERS OWNERSHIP OF A PROPERTY FROM THE BORROWER TO THE HOLDER OF THE EVIDENCE OF DEBT.

*DEFAULT* MEANS THE FAILURE TO FULFILL A CONTRACTUAL OBLIGATION, MONETARY OR CONDITIONAL.

*EVIDENCE OF VACANCY* MEANS ANY CONDITION THAT ON ITS OWN OR COMBINED WITH OTHER CONDITIONS PRESENT WOULD LEAD A REASONABLE PERSON TO BELIEVE THAT THE PROPERTY IS VACANT. SUCH CONDITIONS INCLUDE, BUT ARE NOT LIMITED TO, OVERGROWN AND/OR DEAD VEGETATION, ACCUMULATION OF NEWSPAPERS, CIRCULARS, FLYERS AND/OR MAIL, PAST DUE UTILITY NOTICES AND/OR DISCONNECTED UTILITIES, ACCUMULATION OF TRASH, JUNK AND/OR DEBRIS, THE ABSENCE OF WINDOW COVERINGS SUCH AS CURTAINS, BLINDS AND/OR SHUTTERS, THE ABSENCE OF FURNISHINGS AND/OR PERSONAL ITEMS CONSISTENT WITH RESIDENTIAL HABITATION, STATEMENTS BY NEIGHBORS, PASSERSBY, DELIVERY AGENTS, OR GOVERNMENT EMPLOYEES THAT THE PROPERTY IS VACANT.

*FORECLOSURE* MEANS THE PROCESS BY WHICH A PROPERTY, PLACED AS SECURITY FOR A REAL ESTATE LOAN, IS ULTIMATELY TO BE SOLD AT AUCTION BY THE PUBLIC TRUSTEE OR SHERIFF TO SATISFY THE DEBT IF THE GRANTOR DEFAULTS AND HAS HAD A NOTICE OF ELECTION AND DEMAND OR A JUDICIAL FORECLOSURE FILED AGAINST IT.

*GRANTOR* MEANS A BORROWER UNDER A DEED OF TRUST, WHO GAVE A DEED OF TRUST ON THE PROPERTY TO A HOLDER AS SECURITY FOR THE PAYMENT OF A DEBT.

*LOCAL* MEANS WITHIN 40 ROAD/DRIVING MILES DISTANCE OF THE SUBJECT PROPERTY.

*NEIGHBORHOOD STANDARD* MEANS THOSE CONDITIONS REQUIRED BY THE ORDINANCES OF THE CITY OF AURORA AS THEY PRESENTLY EXIST OR AS THEY MAY BE FROM TIME TO TIME AMENDED.

*NOTICE OF ELECTION AND DEMAND* MEANS A RECORDED NOTICE THAT A DEFAULT HAS OCCURRED UNDER A DEED OF TRUST AND THAT THE BENEFICIARY HAS ELECTED TO SEEK FORECLOSURE THROUGH THE PUBLIC TRUSTEE'S OFFICE IN THE COUNTY WHERE THE PROPERTY IS LOCATED, OR SHERIFF'S OFFICE WHERE THE FORECLOSURE IS JUDICIAL.

*OWNER* MEANS ANY PERSON, CO-PARTNERSHIP, ASSOCIATION, CORPORATION, OR FIDUCIARY HAVING A LEGAL OR EQUITABLE TITLE OR ANY INTEREST IN ANY REAL PROPERTY INCLUDING THE HOLDER OF A CERTIFICATE OF PURCHASE OR CERTIFICATE OF REDEMPTION.

*OWNER OF RECORD* MEANS THE PERSON HAVING RECORDED TITLE TO THE PROPERTY AT ANY GIVEN POINT IN TIME THE RECORD IS PROVIDED BY THE APPROPRIATE COUNTY CLERK AND RECORDER'S OFFICE.

*PROPERTY* MEANS ANY UNIMPROVED OR IMPROVED REAL PROPERTY, OR PORTION THEREOF, SITUATED IN THE CITY, AND INCLUDES THE BUILDINGS OR STRUCTURES LOCATED ON THE PROPERTY REGARDLESS OF CONDITION.

*RESIDENTIAL BUILDING* MEANS ANY IMPROVED REAL PROPERTY, OR PORTION THEREOF, SITUATED IN THE CITY, DESIGNED OR PERMITTED TO BE USED FOR DWELLING PURPOSES, AND SHALL INCLUDE THE BUILDINGS AND STRUCTURES LOCATED ON SUCH IMPROVED REAL PROPERTY. THIS INCLUDES ANY REAL PROPERTY BEING OFFERED FOR SALE, TRADE, TRANSFER, OR EXCHANGE AS "RESIDENTIAL" WHETHER OR NOT IT IS LEGALLY PERMITTED AND/OR ZONED FOR SUCH USE.

*SECURING* MEANS SUCH MEASURES AS MAY BE DIRECTED BY THE DIRECTOR OF NEIGHBORHOOD SERVICES OR HIS OR HER DESIGNEE THAT ASSIST IN RENDERING THE PROPERTY INACCESSIBLE TO UNAUTHORIZED PERSONS, INCLUDING BUT NOT LIMITED TO THE REPAIRING OF FENCES AND WALLS, CHAINING/PADLOCKING OF GATES, THE REPAIR OR BOARDING OF DOORS, WINDOWS AND/OR OTHER OPENINGS.

*TRUSTEE* MEANS EITHER THE PUBLIC TRUSTEE WHO IS AUTHORIZED BY THE DEED OF TRUST TO ACT FOR THE BENEFIT OF THE LENDER/BENEFICIARY OR A PRIVATE TRUSTEE WHO IS INVOLVED IN A JUDICIAL FORECLOSURE.

*VACANT* MEANS A BUILDING/STRUCTURE THAT IS NOT LEGALLY OCCUPIED.

(B) REGISTRATION.

(1) ANY BENEFICIARY WHO HOLDS A DEED OF TRUST ON A RESIDENTIAL PROPERTY LOCATED WITHIN THE CITY OF AURORA, SHALL, WITHIN FOURTEEN (14) CALENDAR DAYS OF FILING THE INITIAL NOTICE OF ELECTION AND DEMAND OR THE INITIAL PLEADINGS FOR A JUDICIAL FORECLOSURE, PERFORM OR CAUSE TO BE PERFORMED AN INSPECTION OF THE PROPERTY WHICH IS SECURITY FOR THE DEED OF TRUST. IF THE PROPERTY IS FOUND TO BE VACANT OR SHOWS EVIDENCE WHICH WOULD CAUSE A REASONABLE PERSON TO BELIEVE IT IS VACANT, THEN THE PROPERTY IS, BY THIS SECTION, DEEMED ABANDONED AND A NUISANCE AND THE BENEFICIARY SHALL, WITHIN FOURTEEN (14) CALENDAR DAYS OF THE INSPECTION, REGISTER THE PROPERTY WITH THE DIRECTOR OF NEIGHBORHOOD SERVICES OR HIS OR HER DESIGNEE ON FORMS PROVIDED BY THE CITY. IF THE PROPERTY IS OCCUPIED BUT REMAINS SUBJECT TO FORECLOSURE PROCEEDINGS, IT SHALL BE INSPECTED BY THE BENEFICIARY, OR HIS DESIGNEE, MONTHLY UNTIL (1) THE GRANTOR OR OTHER PARTY REMEDIES THE DEFAULT RESPONSIBLE FOR THE FORECLOSURE PROCEEDINGS, OR (2) IT IS FOUND TO BE VACANT OR SHOWS EVIDENCE WHICH WOULD CAUSE A REASONABLE PERSON TO BELIEVE IT IS VACANT AT WHICH TIME IT IS DEEMED ABANDONED AND A NUISANCE, AND THE BENEFICIARY SHALL, WITHIN FOURTEEN (14) DAYS OF THAT INSPECTION, REGISTER THE PROPERTY WITH THE DIRECTOR OF NEIGHBORHOOD

SERVICES OR HER DESIGNEE ON FORMS PROVIDED BY THE CITY. IN EITHER CASE, THE REGISTRATION SHALL CONTAIN THE NAME OF THE BENEFICIARY (CORPORATION OR INDIVIDUAL), THE DIRECT STREET/OFFICE MAILING ADDRESS OF THE BENEFICIARY (NO P.O. BOXES), A DIRECT CONTACT NAME AND PHONE NUMBER FOR THE BENEFICIARY, AND IN THE CASE OF A CORPORATION, THE LOCAL PROPERTY MANAGEMENT COMPANY OR ASSET MANAGEMENT COMPANY RESPONSIBLE FOR THE SECURITY, MAINTENANCE AND MARKETING OF THE PROPERTY.

(2) AN ANNUAL REGISTRATION FEE SHALL ACCOMPANY THE REGISTRATION FORM. THE FEE AND REGISTRATION SHALL BE VALID FOR THE CALENDAR YEAR, OR REMAINING PORTION OF THE CALENDAR YEAR, IN WHICH THE REGISTRATION WAS INITIALLY REQUIRED. SUBSEQUENT REGISTRATIONS AND FEES ARE DUE JANUARY 1<sup>ST</sup> OF EACH YEAR AND MUST BE RECEIVED NO LATER THAN JANUARY 31<sup>ST</sup> OF THE YEAR DUE. REGISTRATION FEES WILL NOT BE PRORATED.

(3) THIS SECTION SHALL ALSO APPLY TO PROPERTIES THAT HAVE BEEN THE SUBJECT OF A FORECLOSURE SALE WHERE THE TITLE WAS TRANSFERRED TO THE BENEFICIARY OF A DEED OF TRUST OR HOLDER OF A CERTIFICATE OF PURCHASE OR CERTIFICATE OF REDEMPTION INVOLVED IN THE FORECLOSURE AND ANY PROPERTIES TRANSFERRED UNDER A DEED IN LIEU OF FORECLOSURE/SALE.

(4) PROPERTIES SUBJECT TO THIS CHAPTER SHALL REMAIN UNDER THE ANNUAL REGISTRATION REQUIREMENT, SECURITY AND MAINTENANCE STANDARDS OF THIS SECTION AS LONG AS THEY REMAIN VACANT.

(5) ANY PERSON, FIRM OR CORPORATION THAT HAS REGISTERED A PROPERTY UNDER THIS CHAPTER MUST REPORT ANY CHANGE OF INFORMATION CONTAINED IN THE REGISTRATION WITHIN TEN (10) DAYS OF THE CHANGE.

(C) MAINTENANCE REQUIREMENTS.

(1) PROPERTIES SUBJECT TO THIS SECTION SHALL BE, IN COMPARISON TO THE NEIGHBORHOOD STANDARD, KEPT FREE OF WEEDS, DRY BRUSH, DRY VEGETATION, TRASH, JUNK, DEBRIS, BUILDING MATERIALS, ANY ACCUMULATION OF NEWSPAPERS, CIRCULARS, FLYERS, NOTICES, EXCEPT THOSE REQUIRED BY FEDERAL, STATE OR LOCAL LAW, DISCARDED PERSONAL ITEMS INCLUDING BUT NOT LIMITED TO FURNITURE, CLOTHING, LARGE AND SMALL APPLIANCES, PRINTED MATERIAL OR ANY OTHER ITEMS THAT GIVE THE APPEARANCE THAT THE PROPERTY IS ABANDONED. THE PROPERTY SHALL BE MAINTAINED FREE OF GRAFFITI, TAGGING OR SIMILAR MARKINGS BY REMOVAL OR PAINTING OVER WITH AN EXTERIOR GRADE PAINT THAT MATCHES THE COLOR OF THE EXTERIOR OF THE STRUCTURE. VISIBLE FRONT AND SIDE YARDS SHALL BE LANDSCAPED AND MAINTAINED TO THE NEIGHBORHOOD STANDARD AT THE TIME REGISTRATION WAS REQUIRED.

(2) LANDSCAPE INCLUDES, BUT IS NOT LIMITED TO, GRASS, GROUND COVERS, BUSHES, SHRUBS, HEDGES OR SIMILAR PLANTINGS, DECORATIVE ROCK OR BARK OR ARTIFICIAL TURF/SOD DESIGNED SPECIFICALLY FOR RESIDENTIAL INSTALLATION. LANDSCAPE DOES NOT INCLUDE WEEDS, GRAVEL, BROKEN CONCRETE, ASPHALT, DECOMPOSED GRANITE, PLASTIC SHEETING, MULCH, INDOOR-OUTDOOR CARPET OR ANY SIMILAR MATERIAL. MAINTENANCE INCLUDES BUT IS NOT LIMITED TO REGULAR WATERING, IRRIGATION, CUTTING, PRUNING AND MOWING OF REQUIRED LANDSCAPE AND REMOVAL OF ALL TRIMMINGS, PROVIDED THAT THE SAME ARE PHYSICALLY POSSIBLE. POOLS AND SPAS SHALL BE KEPT IN SUCH CONDITION THAT THEY DO NOT VIOLATE THE PROVISIONS OF SECTION 62-26(20) OF THE CITY CODE. IN EITHER CASE, PROPERTIES WITH POOLS AND/OR SPAS MUST COMPLY WITH THE MINIMUM SECURITY FENCING REQUIREMENTS OF THE CITY OF AURORA.

(3) ADHERENCE TO THIS SECTION DOES NOT RELIEVE THE BENEFICIARY OR PROPERTY OWNER OF ANY OBLIGATIONS SET FORTH IN ANY COVENANTS, CONDITIONS AND RESTRICTIONS AND/OR HOMEOWNERS' ASSOCIATION RULES AND REGULATIONS WHICH MAY APPLY TO THE PROPERTY.

(4) THE BENEFICIARY OF A DEED OF TRUST OR THE HOLDER OF A CERTIFICATE OF PURCHASE OR A CERTIFICATE OF REDEMPTION OR THEIR AGENTS AND EMPLOYEES MAY LEGALLY ENTER UPON THE PROPERTY TO FULFILL THE MAINTENANCE AND SECURITY OBLIGATIONS IMPOSED BY THIS SECTION.

(D) SECURITY REQUIREMENTS.

(1) PROPERTIES SUBJECT TO THIS SECTION SHALL BE MAINTAINED IN A SECURE MANNER SO AS NOT TO BE ACCESSIBLE TO UNAUTHORIZED PERSONS. SECURE MANNER INCLUDES BUT IS NOT LIMITED TO THE CLOSURE AND LOCKING OF WINDOWS, DOORS (WALK-THROUGH, SLIDING AND GARAGE), GATES AND ANY OTHER OPENING OF SUCH SIZE THAT IT MAY ALLOW A CHILD TO ACCESS THE INTERIOR OF THE PROPERTY AND OR STRUCTURE(S). IN THE CASE OF BROKEN WINDOWS, SECURING MEANS THE REGLAZING OR BOARDING OF THE WINDOW.

(2) IF THE PROPERTY IS OWNED BY A CORPORATION, HOLDER OF CERTIFICATE OF PURCHASE OR CERTIFICATE OF REDEMPTION, A LOCAL PROPERTY MANAGEMENT COMPANY OR PROPERTY PRESERVATION COMPANY MAY BE CONTRACTED TO PERFORM MONTHLY INSPECTIONS TO VERIFY THAT THE REQUIREMENTS OF THIS SECTION, AND ANY OTHER APPLICABLE LAWS, ARE BEING MET. IN ANY EVENT, THE PROPERTY SHALL BE POSTED WITH NAME AND 24-HOUR CONTACT PHONE NUMBER OF THE PERSON OR ENTITY RESPONSIBLE FOR MAINTENANCE. THE POSTING SHALL BE NO LESS THAN 8.5 INCHES BY 11 INCHES AND SHALL CONTAIN ALONG WITH THE NAME AND 24-HOUR CONTACT NUMBER THE WORDS "THIS PROPERTY MANAGED BY" AND "TO REPORT PROBLEMS OR CONCERNS CALL." THE POSTING SHALL BE PLACED ON THE INTERIOR OF A WINDOW FACING THE STREET TO THE FRONT OF THE PROPERTY, OR SECURED TO THE EXTERIOR OF THE BUILDING/STRUCTURE FACING THE STREET TO THE FRONT OF THE PROPERTY. EXTERIOR POSTING MUST BE CONSTRUCTED OF AND PRINTED WITH WEATHER RESISTANT MATERIALS.

(3) THE PERSON OR ENTITY RESPONSIBLE FOR MAINTENANCE SHALL INSPECT THE PROPERTY MONTHLY TO DETERMINE IF THE PROPERTY IS IN COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION.

(E) ADDITIONAL AUTHORITY.

THE DIRECTOR OF NEIGHBORHOOD SERVICES OR HIS OR HER DESIGNEE SHALL HAVE THE AUTHORITY TO REQUIRE THE BENEFICIARY/OWNER, ANY HOLDER OF A CERTIFICATE OF PURCHASE OR CERTIFICATE OF REDEMPTION, AND/OR OWNER OF RECORD OF ANY PROPERTY AFFECTED BY THIS SECTION TO IMPLEMENT ADDITIONAL MAINTENANCE AND/OR SECURITY MEASURES, INCLUDING BUT NOT LIMITED TO, SECURING ANY/ALL DOOR, WINDOW OR OTHER OPENINGS, INSTALLING ADDITIONAL SECURITY LIGHTING, INCREASING ON-SITE INSPECTION FREQUENCY, OR ANY OTHER MEASURES AS MAY BE REASONABLY REQUIRED TO ARREST THE DECLINE OF THE PROPERTY.

(F) APPEAL.

ANY AGGRIEVED PARTY WHO BELIEVES THE ALLEGED VIOLATION, FEE OR PENALTY IMPOSED PURSUANT TO THIS SECTION IS UNFOUNDED, INCORRECT OR INAPPROPRIATE MAY APPEAL THE ISSUE TO THE CITY MANAGER OR HIS OR HER DESIGNEE. SUCH APPEAL SHALL BE IN WRITING AND SHALL STATE WITH SPECIFICITY THE GROUNDS FOR THE APPEAL. THE APPEAL SHALL BE FILED WITHIN FOURTEEN DAYS OF RECEIPT OF THE NOTICE OF VIOLATION

BY THE AGGRIEVED PARTY. THE MANAGER OR DESIGNEE SHALL HOLD A HEARING WITHIN THIRTY DAYS OF RECEIPT BY THE MANAGER OF THE APPEAL. THE MANAGER SHALL ISSUE A WRITTEN FINDING ON THE APPEAL WITHIN FOURTEEN DAYS OF THE HEARING. THE APPELLANT MAY WAIVE THE HEARING AND REQUEST THE MANAGER TO DECIDE THE MATTER ON THE CITY'S RECORDS AND THE WRITTEN DOCUMENTS SUBMITTED BY THE APPELLANT. THE MANAGER'S DECISION IS FINAL.

(G) APPLICABLE LAW.

IT IS THE INTENT OF THE CITY THAT THIS SECTION AND ITS PROVISIONS AND PROCEDURES SHALL BE ENFORCED IN CONFORMANCE WITH TITLE 38 C.R.S., RELATING TO REAL AND PERSONAL PROPERTY, AS SUCH STATUTES PRESENTLY EXIST AND AS THEY MAY BE FROM TIME TO TIME AMENDED.

(H) NOTICES.

ANY NOTICE REQUIRED BY THIS SECTION SHALL BE PERSONALLY SERVED ON THE PERSON OR ENTITY; IN THE CASE OF A CORPORATION, SERVICE MAY BE MADE UPON THE AGENT FOR SERVICE OF PROCESS AS SHOWN UPON THE RECORDS OF THE SECRETARY OF STATE. SUCH NOTICE MAY ALSO BE SERVED BY UNITED STATES POSTAL SERVICE (USPS) TRACEABLE MAIL. A CERTIFICATE OR NOTICE OF DELIVERY ISSUED BY THE USPS SHALL CREATE A REBUTTABLE PRESUMPTION THAT SUCH NOTICE WAS PROPERLY SERVED.

(I) FEES.

THE FEE FOR REGISTERING AN ABANDONED RESIDENTIAL PROPERTY AND THE FEE FOR FAILURE TO REGISTER AN ABANDONED PROPERTY SHALL BE SET ACCORDING TO SECTION 2-587 OF THIS CODE. THE PROCEDURES FOR A NOTICE OF VIOLATION OF THIS SECTION AND ALL THE REQUIRED NOTICES, ABATEMENT PROCEDURES AND RECOVERY OF COSTS AND CREATION OF LIENS SHALL BE ACCORDING TO THE PROCEDURES AND REQUIREMENTS SET OUT IN SECTIONS 142-72 AND 142-81 OF THIS CODE, EXCEPT THAT THE TERM *OWNER* SHALL HAVE THE SAME DEFINITION AS CONTAINED IN SECTION 22-641(A) ABOVE; THE TERM SHALL INCLUDE BENEFICIARIES OF A DEED OF TRUST, AND HOLDERS OF A CERTIFICATE OF SALE OR REDEMPTION. FAILURE TO PAY THE FEE FOR REGISTRATION OF AN ABANDONED RESIDENTIAL PROPERTY OR THE FEE FOR FAILURE TO REGISTER AN ABANDONED PROPERTY SHALL RESULT IN THE CREATION OF A LIEN AGAINST THE PROPERTY AS DESCRIBED AND ENFORCED IN SECTION 142-81 OF THIS CODE.

(J) VIOLATION/PENALTY.

VIOLATIONS OF THIS CHAPTER SHALL BE TREATED AS A STRICT LIABILITY OFFENSE REGARDLESS OF INTENT. ANY PERSON, FIRM AND/OR CORPORATION THAT VIOLATES ANY PORTION OF THIS SECTION SHALL BE SUBJECT TO PROSECUTION AND/OR ADMINISTRATIVE ENFORCEMENT.

(K) REVIEW.

THIS SECTION OF CHAPTER 22 OF THE CITY CODE OF THE CITY OF AURORA, COLORADO, SHALL BE REVIEWED BY CITY COUNCIL DURING THE MONTH OF JUNE, 2012. IN AID OF SUCH REVIEW, A REPORT ON THE ORDINANCE'S ENFORCEMENT AND EFFECTIVENESS SHALL BE MADE AVAILABLE TO CITY COUNCIL BY APPROPRIATE STAFF AND THE CODE ENFORCEMENT COMMITTEE AT LEAST ONE MONTH PRIOR TO THE ABOVE REVIEW.

(L) SEVERABILITY.

SHOULD ANY PROVISION, PARAGRAPH, SENTENCE OR WORD OF THIS SECTION BE DETERMINED OR DECLARED INVALID BY ANY FINAL COURT ACTION IN A COURT OF COMPETENT JURISDICTION OR BY REASON OF ANY PREEMPTIVE LEGISLATION, THE REMAINING PROVISIONS, PARAGRAPHS, SENTENCES OR WORDS OF THIS SECTION SHALL REMAIN IN FULL FORCE AND EFFECT.

**Section 2.** That all ordinances or parts of ordinances of the City Code of the City of Aurora, Colorado, in conflict herewith are expressly repealed.

**Section 3.** That, pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this ordinance shall be by reference, utilizing the ordinance title.

INTRODUCED, READ AND ORDERED PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2009.

PASSED AND ORDERED PUBLISHED BY REFERENCE this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2009.

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**EDWARD J. TAUER**, Mayor

**ATTEST:**

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**DEBRA JOHNSON**, City Clerk

APPROVED AS TO FORM:

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AMENDMENTS TO ORDINANCE NO. 2009-08

I move that Ordinance No. 2009-08 be amended as follows:

Subsection (C)(2), next to the last sentence relating to pools and spas be stricken and replaced by:

“POOLS AND SPAS SHALL BE KEPT IN SUCH CONDITION THAT THEY DO NOT VIOLATE THE PROVISIONS OF SECTION 62-26(20) OF THE CITY CODE.”

There shall be a new subsection (K) titled “Review” added to the ordinance which reads as follows:

“THIS SECTION OF CHAPTER 22 OF THE CITY CODE OF THE CITY OF AURORA, COLORADO, SHALL BE REVIEWED BY CITY COUNCIL DURING THE MONTH OF JUNE, 2012. IN AID OF SUCH REVIEW, A REPORT ON THE ORDINANCE’S ENFORCEMENT AND EFFECTIVENESS SHALL BE MADE AVAILABLE TO CITY COUNCIL BY APPROPRIATE STAFF AND THE CODE ENFORCEMENT COMMITTEE AT LEAST ONE MONTH PRIOR TO THE ABOVE REVIEW.”

Subsection (F) shall be amended by the insertion of the term “fee” between “violation” and “penalty” in the first sentence.