

ORDINANCE NO. 11 CONCERNING ILLICIT DISCHARGES TO THE PUBLIC STORM DRAINAGE SYSTEM OR WATERS OF THE STATE OF COLORADO WITHIN UNINCORPORATED ADAMS COUNTY

WHEREAS, Adams County (“County”) is required by state and federal law, and as a condition of its State of Colorado Municipal Separate Storm Sewer System discharge permit, to establish by Ordinance methods for controlling the introduction of pollutants into the storm drainage system, in order to protect and enhance the water quality of the state’s watercourses, water bodies and wetlands in a manner pursuant to and consistent with the provisions of the Federal Water Pollution Control Act, 33 U.S.C. 1251 *et seq.*, as amended, and the Colorado Water Quality Control Act, § 25-8-101 *et seq.*, C.R.S., as amended; and,

WHEREAS, the County is empowered by § 30-15-401(11), C.R.S., to adopt a stormwater ordinance to develop, implement, and enforce the stormwater management program required by its Municipal Separate Storm Sewer System (“MS4”) Permit; and,

WHEREAS, §18-4-511, C.R.S., makes it a crime to place any pollutant whether solid or liquid into any body of water or watercourse; and,

WHEREAS, Colorado law empowers the Board of County Commissioners (“Board”) to do all acts and make all regulations regarding health, safety, and welfare issues as prescribed by law, including the authority to restrain, fine, and punish persons for polluting the environment, dumping trash, junk and garbage, discharging construction site waste and tracking sediment on public or private property that drains to the storm drainage system or watercourses; and,

WHEREAS, §16-13-305(1)(e), C.R.S., makes any unlawful pollution or contamination of any surface or subsurface waters in this state a Class 3 public nuisance; and,

WHEREAS, the Board wishes to repeal the previous version of Ordinance No. 11 adopted on March 14, 2012, and, simultaneous with this repeal, to adopt this current version of Ordinance No. 11; and,

WHEREAS, the Board wishes to comply with federal and state laws in order to protect the health, safety, and general welfare of the citizens of Adams County through the regulation of non-stormwater discharges to the storm drainage system.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of the County of Adams, State of Colorado, that the March 14, 2012 version of Ordinance No. 11 is repealed, and the Board hereby enacts Ordinance No. 11, Concerning Illicit Discharges to the Public Storm Drainage System or Waters of the State of Colorado Within Unincorporated Adams County, as more fully set forth below, for the protection of the environment and public health and safety, because introducing pollutants to stormwater constitutes a threat to the environment and citizens of Adams County.

SECTION 1. PURPOSE AND INTENT

The objectives of this Ordinance are:

To prevent, regulate, and remedy the release of pollutants to the MS4 within unincorporated Adams County from stormwater discharges;

To prohibit illicit connections and illicit discharges to the MS4;

To establish procedures through inspections and enforcement in order to detect, trace and eliminate illicit discharges necessary to ensure compliance with this Ordinance and the County's MS4 permit;

To promote public awareness of the hazards involved from the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, antifreeze, petroleum products, cleaning products, paint products, hazardous waste, sediment and all other pollutants into the MS4.

SECTION 2. DEFINITIONS

For the purposes of this Ordinance, the following shall mean:

“Authorized enforcement agency” means Adams County Public Works, unless specified otherwise.

“Best Management Practices (“BMPs”)” means a technique, process, activity, schedule of activities, control measures, structures, prohibitions of practices, maintenance procedures, and other management practices utilized to prevent, reduce, or eliminate pollution or degradation of Waters of the State to the maximum extent practicable based on available technology and economically practicable solutions that are achievable in light of best industry practices. BMPs can be structural (engineered structures designed to treat runoff) or non-structural (source control practices). BMPs can also be temporary or permanent. Examples include, but are not limited to, silt fence, erosion blankets, extended detention basins, operation and maintenance procedures, and practices to control: site runoff, spills, sludge or waste disposal, and drainage from raw material storage. BMPs must be selected for the specific activity and applicable pollutant source, must be designed, installed, and implemented prior to the start of the activity, must control potential pollutants, and must be maintained in effective operating condition in accordance with good engineering, hydrologic, and pollution control practices.

“Construction activity” means any ground surface land disturbing activity associated with construction that occurs from initial ground breaking to final stabilization, regardless of ownership of the construction activities. Construction activities include, but are not limited to: clearing, grading, excavation, demolition, utility work, paving, building, stockpiling of fill materials, and installation of new or improved roads and access roads, haul roads, staging areas, and borrow areas. Construction activities also include repaving activities where underlying or surrounding soil is exposed, grading or excavating as part of the repaving operation, and activities to conduct repairs or replacements that are not part of regular and routine maintenance. A construction activity does not include routine maintenance performed to maintain original grade line, hydraulic capacity, or the original purpose of the facility.

“Colorado Discharge Permit System” (“CDPS”) means the State of Colorado's system of permitting discharges (e.g., stormwater, wastewater) to Waters of the State, which corresponds to the federal National Pollutant Discharge Elimination System (“NPDES”) permits under the federal Clean Water Act.

“Department” means Adams County Public Works, unless otherwise specified.

“Director” means the Public Works Director, unless otherwise specified.

“Erosion and Sediment Control Plan (“ESCP”)” may also be known as “Stormwater Management Plan” (“SWMP”) by the State of Colorado or federally as “Stormwater Pollution Prevention Plan” (“SWPPP”) for construction activities by EPA. The ESCP is a detailed written plan required by the Adams County Development Standards and Regulations in order to obtain a Stormwater Quality Permit. The ESCP identifies measures that will be implemented to control erosion, prevent sediment from traveling outside the construction site’s permitted area, and minimize the discharge of pollutants in stormwater from the commencement of construction activities until Final Stabilization is achieved.

“Hazardous Material/Waste” means any material, substance, waste, or combination thereof, that because of its quantity, concentration, physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

“Illicit/illegal discharge” means any direct or indirect non-stormwater discharge to the storm drainage system as defined in Section 5 of this Ordinance, Discharge Prohibitions, Exemptions and Requirements.

“Illicit connection” means either of the following:

- a. Any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the storm drainage system, including but not limited to, any conveyance that allows any non-stormwater discharge such as sewage, process wastewater, and wash water to enter the storm drainage system, and any connection to the storm drainage system from indoor drains, contaminated sump pump discharge and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- b. Any drain or conveyance connected from a commercial or industrial land use to the storm drainage system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

“Municipal Separate Storm Sewer System (“MS4”)” also referred to as a storm drainage system, means a public conveyance or system of conveyances owned by the County, that discharges to Waters of the State, and is designed or used for collecting or conveying stormwater. The MS4 is not a combined sewer, and is not part of a Publicly Owned Treatment Works (“POTW”). Examples include, but are not limited to, roads with drainage systems, roadside ditches, curb and gutter, ditches, man-made channels, catch basins, municipal streets, storm drainage facilities (detention or retention ponds), storm sewer infrastructure (pipes, manholes, culverts, inlets/drains), and conveyances that are owned or operated by the County through agreement, contract, direct ownership, easement or right-of-way and are for the purpose of managing floodplains, stream banks and channels.

“National Pollutant Discharge Elimination System (“NPDES”) Discharge Permit” means a permit issued by the Environmental Protection Agency (or by the State under authority delegated pursuant to 33 USC § 1342(b), in the form of the Colorado Discharge Permit System - CDPS) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

“Non-Stormwater discharge” means any discharge to the storm drainage system that is not composed entirely of stormwater.

“Notice of Violation (“NOV”)” means an administrative order directing a person or entity to comply with the provisions of this Ordinance. Such order may include a compliance schedule directing specific actions to be completed by the person or entity within a specific follow-up inspection time period.

“Notice of Violation, Compliance Schedule” means an enforceable schedule included in the Notice of Violation specifying a date or dates by which the Director or Director’s designee must re-inspect to ensure compliance with a standard, requirement, prohibition or limitation.

“Person” means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

“Pollutant” means anything that causes or contributes to pollution. Pollutants may include, but are not limited to: any dredged spoil, dirt, slurry, solid waste, incinerator residue, sewage, sewage sludge, sediment, trash, chemical waste, biological nutrient, biological material, radioactive material, heat, wrecked or discharged equipment, rock, sand, or any industrial, municipal or agriculture waste, paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes; yard wastes including grass clippings and leaves; refuse, rubbish, garbage, litter, or other discarded or abandoned objects; accumulations that may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; pet wastes; wastes and residues that result from constructing a building or structure; concrete washout waste; wastes and residues that result from mobile washing operations; noxious or offensive matter of any kind; and any soil, mulch, rock, or other type of landscaping material.

“Pollution” is a man-made, man-induced, or natural alteration of the physical, chemical, biological or radiological integrity of water. Pollution includes the presence of any foreign substance (organic or inorganic) in water or wastewater that in sufficient concentration tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree that may not create an actual hazard to the public health but that does adversely and unreasonably affect such waters for their designated use.

“Potable water” means any water that, according to recognized standards, is safe for human consumption.

“Premises” means any building, lot, parcel of land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

“Stormwater” means precipitation-induced surface runoff. Stormwater is any surface flow, runoff, or drainage occurring during or following any form of natural precipitation event resulting from, and consisting entirely of, water from natural precipitation events.

“Stormwater Quality (“SWQ”) Permit” means a permit issued by the County for certain construction sites. The SWQ Permit, when required by the Adams County Development Standards and Regulations, is in addition to, and does not replace the State CDPS Stormwater Discharge Permit for Construction Activities.

“Threatened illicit discharge” means a condition creating a substantial probability of harm, when the probability and potential extent of harm make it reasonably necessary to take immediate action to prevent, reduce or mitigate damages to persons, property or natural resources. Examples of threatened illicit discharges include, but are not limited to:

- 1) Pollutants placed outdoors without secondary containment are considered to be threatening discharges unless they are actively being collected and properly disposed of.
- 2) Lack of installation or maintenance of construction BMPs.
- 3) Lack of maintenance of post-construction BMPs.

“Total Maximum Daily Load (“TMDL”)” is a calculation of the maximum amount of a pollutant that a body of water can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes Waste Load Allocations (“WLAs”), Load Allocations (“LA”s), and must include a margin of safety (“MOS”), and account for seasonal variations. (Refer to Section 303(d) of the Clean Water Act and 40 C.F.R. 130.2 and 130.7.)

“Watercourse” means a natural or artificial channel through which stormwater or surface waters can flow, either regularly or infrequently.

“Waters of the State of Colorado (“Waters of the State”)” means any and all surface and subsurface waters that are contained in or flow in or through the State of Colorado, including, but not limited to, streams, lakes, rivers, ponds, wells, impounding reservoirs, watercourses, water courses that are usually dry, springs, drainage systems, and irrigation systems, all sources of water such as snow, ice, and glaciers; and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, located wholly or partially within or bordering upon this state and within the jurisdiction of this state. This does not include waters in sewerage systems, waters in treatment works of disposal systems, waters in potable water distribution systems, and all water withdrawn for use, until use and treatment have been completed.

SECTION 3. APPLICABILITY

This Ordinance shall apply to anything that is not rainwater that enters, or that may enter unincorporated Adams County’s storm drainage system, unless explicitly exempted by this Ordinance. The standards set forth herein and promulgated pursuant to this Ordinance are minimum standards; therefore, this Ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

SECTION 4. RESPONSIBILITY FOR ADMINISTRATION

- A. The Director or Director’s designee shall administer, implement and perform inspections for the enforcement of this Ordinance and may inspect within unincorporated Adams County for causes of violations of this Ordinance. The Director, the Stormwater Coordinator, or any other County personnel designated by the Director may enforce this Ordinance and issue citations or summonses for violations of this Ordinance.
- B. Any powers granted or duties imposed upon the Department may be delegated in writing by the Director acting for and on behalf of the County.

SECTION 5. DISCHARGE PROHIBITIONS, EXEMPTIONS AND REQUIREMENTS

A. Prohibition of Illicit Discharges

- 1) No person shall discharge or cause to be discharged into the storm drainage system or watercourses any pollutants or waters containing any pollutants that cause or contribute to a violation of applicable Water Quality Standards or TMDL, other than stormwater.
- 2) It shall be unlawful to cause pollutants to be deposited in such a manner or location as to constitute a threatened illicit discharge into the storm drainage system or Waters of the State.

B. Prohibition of Illicit Connections

- 1) The construction, use, maintenance or continued existence of illicit connections to the storm drainage system is prohibited.

- 2) This prohibition expressly includes, without limitation, illicit connections made prior the effective date of this Ordinance, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

C. Exemptions

The commencement, conduct or continuance of any illicit discharge to the storm drainage system is prohibited except as described as follows:

- 1) The following non-stormwater discharges are exempt from the discharge prohibitions established by this Ordinance when managed according to County regulations:
 - a. Discharges from potable water sources, including waterline flushing, in accordance with CDPHE Water Quality Control Division's Low Risk Policy Discharge Guidance for Potable Water, as amended. Potable water shall not be used in any other additional process such as, but not limited to, any type of washing, heat exchange, manufacturing, or hydrostatic testing of pipelines not associated with treated water distribution systems;
 - b. Uncontaminated pumped groundwater, not including construction dewatering systems;
 - c. Landscape irrigation and lawn watering;
 - d. Irrigation return flow;
 - e. Springs;
 - f. Rising groundwater;
 - g. Air conditioning condensation;
 - h. Uncontaminated water from crawl space pumps;
 - i. Individual residential car washing;
 - j. Foundation drains;
 - k. Roof drains;
 - l. Footing drains;
 - m. Dechlorinated swimming pool discharges in accordance with CDPHE Water Quality Control Division's Low Risk Policy Discharge Guidance: Swimming Pools;
 - n. Diverted stream flows;
 - o. Dye testing, in accordance with the manufacturer's recommendations and provided that notification is given to the Director prior to the test;
 - p. Flow from natural riparian habitats and wetlands;
 - q. Uncontaminated groundwater infiltration (not including construction dewatering systems);
 - r. Water incidental to street sweeping (including associated sidewalks and medians) not associated with construction;
 - s. Discharges resulting from emergency fire fighting activities;
 - t. Emergency utility repairs and emergency situations that pose imminent threat to life or property; and
 - u. Discharges that are in accordance with the CDPHE Water Quality Control Division's Low Risk Policy Discharge Guidance documents or other policies and guidance documents where the Division has stated that it will not pursue permit coverage or enforcement for specified point source discharges.
- 2) Agricultural stormwater run-off or irrigation discharges.
- 3) Permitted discharges with an NPDES or CDPS permit, waiver or waste discharge order issued to the discharger and administered under the authority of the Environmental Protection Agency or

Colorado Department of Public Health and Environment as being necessary to protect public health and safety, provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drainage system.

D. Watercourse Protection

Every person owning, leasing or otherwise occupying property through which a watercourse passes shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, animal waste excluding agricultural practices specifically exempted in Section 5.C.2, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner, lessee or tenant shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

SECTION 6. SUSPENSION OF MS4 ACCESS

Suspension Order Due to Illicit Discharges in Emergency Situations

The Director may inspect, and without prior notice, issue an order to suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or State Waters. If the violator fails to comply with a suspension order issued in an emergency, the Director may take such steps as deemed necessary to eliminate, prevent or minimize damage to the MS4, Waters of the State, or the public.

Suspension Order Due to Non-Compliance, Non-emergency Situations

Any person discharging to the MS4 in violation of this Ordinance may have its MS4 access suspended or terminated if such suspension or termination would abate or reduce an illicit discharge. The Director shall notify a violator of the proposed suspension or termination of its MS4 access. A person commits a violation of this Ordinance if the person reinstates MS4 access to premises terminated without the prior approval of the Director.

SECTION 7. PERMIT COMPLIANCE

Any person subject to a mining, landfill, industrial or construction activity that holds a Federal NPDES, State CDPS or County SWQ Permit for stormwater discharges shall comply with all provisions of the applicable permit. Proof of compliance with applicable permits is required in a form acceptable to the Director upon request.

SECTION 8. ACCESS AND INSPECTION OF PROPERTIES AND FACILITIES

Applicability

Inspection access for purposes of enforcing this Ordinance shall apply to all properties located within unincorporated Adams County.

Access

The Director, the Stormwater Coordinator, or the Director's designee shall be allowed to enter and inspect properties and facilities subject to the regulations of this Ordinance as often as may be necessary to determine compliance with this Ordinance. If security measures are in force requiring proper identification and clearance before entry into a premise, the necessary arrangements shall be made to allow access to the Director, Stormwater Coordinator, or the Director's designee.

Property owners and/or facility operators; including all Federal NPDES, State CDPS or County SWQ Permit Holders, shall allow the Director, the Stormwater Coordinator, or the Director's designee access to all parts of the premises for the purposes of inspection, sampling, performing an examination and any additional duties the Director determines are necessary to ensure compliance with this Ordinance, including providing copies of records that must be kept under the conditions of a NPDES, CDPS and/or Adams County SWQ permit.

The Director shall have the right to install on public or private property monitoring or sampling devices that are necessary, in the opinion of the Director, to conduct monitoring and/or sampling of the property or facility's stormwater discharge.

The Director may require the placement or installation of monitoring or sampling equipment as the Director deems necessary. The property or facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition at the operator's, owner's, lessee's, or tenant's expense. All devices used to measure stormwater flow and quality shall be calibrated by the operator, owner, lessee, or tenant to ensure their accuracy and evidence thereof shall be provided to the Director upon request.

Any temporary or permanent obstruction to safe and easy access to the premises shall be promptly removed by the operator, owner, lessee, or tenant at the request of the Director and shall not be replaced. The costs of clearing such access shall be borne solely and completely by the property/facility operator, owner, lessee, or tenant.

Unreasonable delay in allowing the Director, Stormwater Coordinator, or Director's designee access to a property or facility is a violation of this Ordinance. If the Director, Stormwater Coordinator, or Director's designee has been denied access to any part of the premises from which stormwater is discharged and there is probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Director may seek issuance of an administrative entry and seizure warrant from any court of competent jurisdiction.

SECTION 9. PREVENTION, CONTROL, AND REDUCTION OF STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES

The Director may provide for and compel the abatement of any condition that causes or contributes to a violation of this Ordinance or Adams County Development Standards and Regulations pertaining to stormwater. The Director may require BMPs for any activity that may cause or contribute to pollution or contamination of stormwater, the storm drainage system, or Waters of the State.

The owner, operator, lessee, or tenant, at its own expense, shall provide reasonable protection from accidental or intentional discharge of prohibited materials or other wastes into the storm drainage system or watercourses through the use of structural and non-structural, temporary and permanent BMPs. Further, any person responsible for a property or premises which is, or may be, the source of an illicit discharge may be required, at its own expense, to properly clean up the pollutant and implement additional temporary and/or permanent, structural and/or non-structural BMPs to prevent further discharge of pollutants to the storm drainage system. These BMPs, when applicable, shall be part of an ESCP and/or SWMP as necessary for compliance with the requirements of the Adams County Development Standards and Regulations pertaining to stormwater and/or the State's CDPS stormwater discharge permit related to construction activities, including the property owner's Operation & Maintenance Manual for permanent post-construction BMP maintenance.

SECTION 10. NOTIFICATION OF SPILLS

Notwithstanding other requirements of law, as soon as any person responsible for a property or premises, or responsible for emergency response for such premises, has information of any known or suspected release of materials that is resulting, or may result, in an illicit discharge into the storm drainage system, the MS4, or Waters of the State, that person shall take all necessary steps to ensure the discovery, containment, and cleanup of the known or suspected release. In the event of a release of hazardous material or hazardous waste, emergency response agencies shall be immediately notified of the occurrence via emergency dispatch services. In the event of a release of hazardous or non-hazardous material/waste, the Director shall be notified immediately of the discovery of the illicit discharge, but no later than the next business day.

SECTION 11. ABATEMENT OF ILLICIT DISCHARGE(S)

In addition to any other remedies available, when the Director determines that a violation of this Ordinance or the Adams County Development Standards and Regulations pertaining to stormwater exists at a property, the violation(s) shall be remedied or abated pursuant to the following procedures:

- A. Notice of Violation. Where there is a violation of this Ordinance or the Adams County Development Standards and Regulations pertaining to stormwater, and the property owner, operator, lessee or tenant fails to cure said violation, the County may issue an NOV by mail or by personal delivery to the property owner of record as shown in the records of the County Assessor. A copy of the same notice shall be sent to the "occupant" of the property if the property address and the owner's mailing address differ. Said notice(s) shall advise the recipient of the following:
 - 1) the nature of the violation,
 - 2) a demand that the violation be abated immediately, which shall be presumed to be within 10 days of the date of the notice,
 - 3) that if the cause(s) of violation is not abated and/or restoration of the affected property is not completed by the established deadline, the Director may apply without further notice for an administrative entry and seizure warrant from the appropriate court to enter the property for the abatement of the cause(s) of the violation and the costs of the abatement may become a lien against the property from which the cause(s) of violation has been abated.
 - 4) Additionally, such NOV may require without limitation:
 - a. The performance of monitoring, analysis and reporting;
 - b. The elimination or removal of the illicit discharge or connection;
 - c. That violating discharges, practices or operations cease immediately;
 - d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - e. Reimbursement of costs incurred by the County for remediating the violation; and
 - f. The implementation of source control, monitoring and/or treatment BMPs.
- B. Warrant. In the event that the recipient(s) of the NOV referred to in Section 11.A., fails to abate the violation by the prescribed deadline, then the Director may apply for an administrative entry and seizure warrant by affidavit from the appropriate court. The warrant may allow the County, or the County's contracted company, to enter the property and perform the work needed to abate said violation. To apply for an administrative entry and seizure warrant, the Director shall present to the appropriate court the following documentation:
 - 1) Copy of this Ordinance,

- 2) Sworn or affirmed affidavit stating the factual basis for such warrant,
 - 3) Evidence that the property owner has received notice of the violation and has failed to abate the violation within the reasonable prescribed period set forth in the notice of violation,
 - 4) General description of the location of the property that is the subject of the warrant, and
 - 5) General list of corrective actions needed.
- C. Execution of Warrant. Within 10 (ten) days following the date of the issuance of the administrative warrant, the Director shall:
- 1) Execute such warrant in accordance with the directions of the issuing court,
 - 2) Provide or mail a copy of such warrant to the property owner, and
 - 3) Submit proof of the execution of such warrant, including a written inventory of any property impounded, to the Court.
- D. Nothing in this Ordinance shall be construed as limiting the County's ability to abate without a warrant, a violation of this Ordinance or the Adams County Development Standards and Regulations pertaining to stormwater where such abatement occurs within the public right-of-way, County owned property, or private property upon which the County holds an easement.

SECTION 12. ASSESSMENT AND COLLECTION OF COSTS

- A. Invoice. When the County performs an abatement pursuant to the terms of this Ordinance, the whole cost of the abatement, including five percent for inspection and other incidental costs in connection therewith, shall become an assessment upon the property from which such condition has been abated or remediated. The County shall keep a written record of all such costs and shall send a written invoice of said costs to the property owner. The invoice must be paid within 60 days of issuance.
- B. Certification to Treasurer's Office/Lien. In case such assessment is not paid within 60 days of invoice issuance, the amount may be recorded as a lien against the property upon which the abatement occurred and/or may be certified by the County Clerk and Recorder to the County Treasurer, who shall collect the assessment, together with a ten percent penalty for the cost of collection, in the same manner as other property taxes are collected. The laws of Colorado applicable to assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes, shall apply to the collections of assessments pursuant to this Ordinance.

SECTION 13. VIOLATIONS, ENFORCEMENT AND PENALTIES

Criminal Prosecution

Any person that has violated or continues to violate this Ordinance may be subject to criminal prosecution, including criminal penalties authorized pursuant to § 30-15-402, C.R.S., as amended. Each day a property is in violation of this Ordinance shall constitute a separate violation. The procedure set forth in § 16-2-201, C.R.S., as amended, may be followed by the arresting officer.

Pursuant to § 30-15-402, C.R.S., there shall be a graduated fine schedule for repeat offenses by the same individual, as follows:

Second offense: minimum fine of \$500 per day of offense.

Third and subsequent offenses: minimum fine of \$750 per day of offense.

Violations Deemed a Public Nuisance

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public or environmental health, safety, and welfare, and is declared and deemed a nuisance, and the County may pursue its public nuisance remedies against the property owner.

Remedies Not Exclusive

The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

SECTION 14. SEVERABILITY

If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 15. EFFECTIVE DATE

This amended ordinance shall take effect thirty (30) days after the final publication of its adoption by the Board.

Adopted this _____ day of _____, _____ .

_____, Chair
Board of County Commissioners
Adams County, Colorado

Upon motion duly made and seconded the foregoing Ordinance was adopted by the following vote:

Commissioners

CERTIFICATE OF ATTESTATION

STATE OF COLORADO)
County of Adams)

I, Stan Martin, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for Adams County, Colorado do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Adams County, now in my office.

The foregoing text is the authentic text of Adams County Ordinance No. 11. The first reading of said Ordinance took place on _____, _____, at a regular Board of County Commissioners meeting. It was published in full in a newspaper of general circulation at least ten days before its adoption; to wit, in The _____ on _____, _____. The Ordinance was adopted on second reading at a regular Board of County Commissioners meeting on _____, _____, and shall become effective on _____, _____.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Brighton, Colorado this _____ day of _____, _____.

County Clerk and ex-officio Clerk of the Board of County Commissioners
Stan Martin:



By:

Deputy