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# STRATEGIES TO ADDRESS VACANT AND DILAPIDATED DOWNTOWN BUILDINGS IN SMALL COMMUNITIES

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# Executive Summary

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Vacant properties, especially when they are located in downtowns, impact vibrancy, activation, and experience. In the context of this report the vacancy definition is *non-activated, empty, or solely storage use buildings in a downtown*. There are vacancies in downtowns across Colorado, and this report focuses on strategies for addressing vacancies in **small Colorado communities of 8,000 or less**. There are many method options for addressing vacant and dilapidated buildings from across the country which range from vacant property databases to property acquisition. This report examines small community literature and the overall Colorado context as a foundation for the examination of small Colorado community vacancy conditions, example communities, vacant property strategies that have been implemented and engagement remediation options available. The Colorado vacancy context outlines the vacancy continuum which is as follows:

Exhibit 1



The high vacancy range is 30% or more of the downtown, while the medium vacancy consists of 9-29% of the downtown, and low vacancy is 8% or less of the downtown. Demand is harder to quantify and includes the caveat that the demand label does not account for politics, economic forces, absentee owners, and real estate decisions. Demand is hidden unlike vacancy but attempts to acknowledge outside forces on vacancy. Specific forces separate from outside forces that are recognized include conditions of resources, staff capacity, and enforcement. Following the vacancy continuum and specific forces recognition, the example communities of Brush, Elizabeth, San Luis, and Victor are highlighted. The example communities present vacancy and demand variation while outlining each community's existing conditions and insight into vacancy factors. After each of the example community highlights, the communities are contrasted.

The contrast is displayed with the vacancy continuum elements as follows:

Exhibit 2



In addition to the vacancy continuum contrast, current conditions for each of the communities are presented side-by-side in Table 1. The varying topics show the differences more clearly and allude to the variation of factors impacting each of the communities and how they ripple into affecting downtown vacancies. The current conditions are as shown below:

Table 1

	<b>BRUSH</b>	<b>ELIZABETH</b>	<b>SAN LUIS</b>	<b>VICTOR</b>
Population (2022)	5,319	2,258	623	372
Population Change (2010 to 2022)	-149	900	-1	-26
Median Household Income	\$64,475	\$99,889	\$27,895	\$57,679
Percentage of Population with Incomes lower than the Poverty Line	15.9%	4.0%	30.0%	6.5%

Source: State Demography Office Colorado Demographic Profiles

The Colorado vacancy context and example community highlights provide the foundation for proposed strategies. The strategies for addressing vacancies in rural Colorado communities include:

- Land use policy
- Vacant property policy
- Public nuisance policy
- Vacant property inventory
- Temporary vacant property solutions

- Business incentive programs
- Downtown activity support
- Building code enforcement
- Financing mechanisms

Vacant property engagement remediation options build onto the strategies which include:

- Approachability and collaboration culture
- Addressing utilization
- Encouraging curiosity
- Engagement with local stakeholders
- Absentee owner engagement
- Local developer support and downtown championing
- Paths to local ownership and maintaining presence

A brief overview of some implementation resources follows the strategies and engagement options to reinforce implementation possibilities and opportunities. Federal and state resources are mentioned alongside Colorado-based organizations to consider for technical assistance, expertise, and knowledge. In conclusion, the report highlights key takeaways of community-tailoring importance, awareness of existing conditions, capacity understanding, and the available strategies and engagement remediation options for addressing downtown vacancies in Colorado small communities.



Victor, CO Downtown

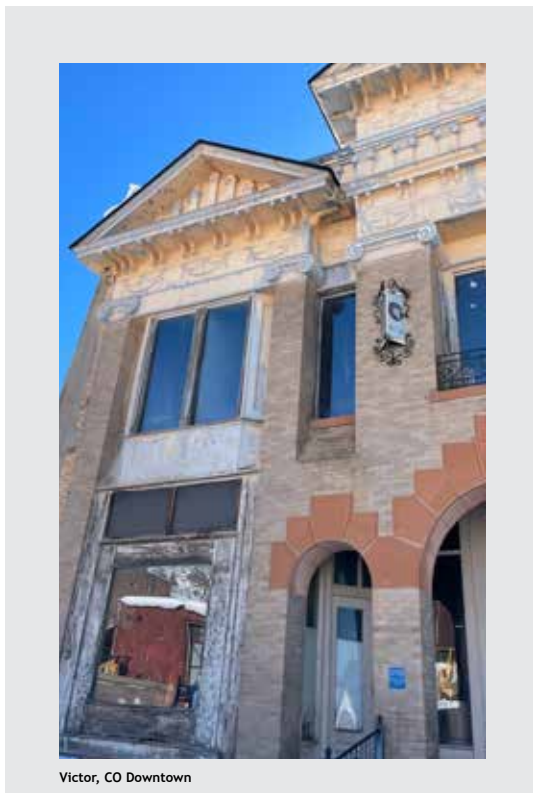
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## Introduction

Economic conditions have impacted downtowns and communities throughout the United States. Small communities, including those throughout Colorado, especially feel economic impacts and changes. These can be seen first-hand in downtown areas, and downtowns often have historic buildings.

### Background/Context

The Colorado Department of Local Affairs (DOLA) Main Street Program is the client for the Strategies to Address Vacant and Dilapidated Downtown Buildings in Small Communities capstone project. DOLA provides strategic expertise, advocacy, and funding to strengthen Colorado and promotes local problem-solving, informs decision-making, and invests in communities (Colorado Department of Local Affairs, n.d.-b). The Main Street Program is within the Division of Local Government at DOLA and offers support for community-led downtown revitalization by helping rural communities thrive by providing a customizable framework to focus efforts, energy, and resources to create a more vibrant community (Colorado Department of Local Affairs, n.d.-a).



### Problem Statement

Rural downtowns throughout Colorado have vacant and dilapidated commercial spaces which has led to frequent requests to DOLA for sample ordinances and guidance on how to address the issue. Downtown vibrancy and vitality are impacted by vacant and dilapidated spaces as they are unused, unattractive, and deter investment in neighboring buildings. This project will review various ways vacant space can be addressed, outline vacancy context considerations, showcase Colorado example small communities, present

# Introduction

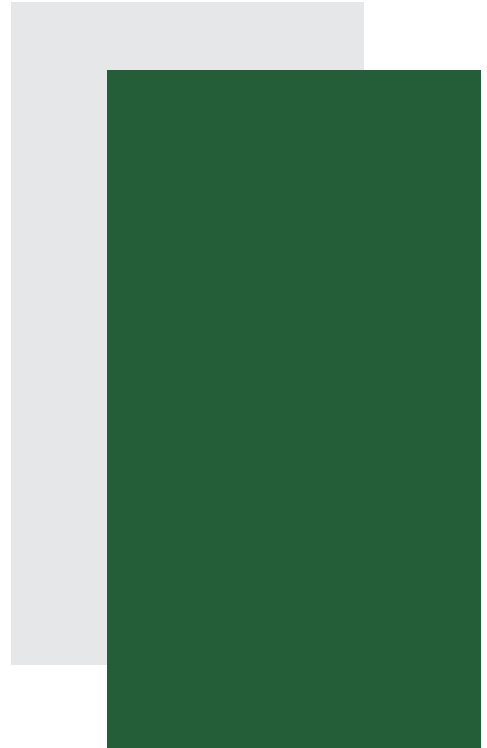
strategies, and highlight engagement remediation options. The strategies and methods in the report will bolster the action steps small communities take for greater downtown economic vitality.

## Objectives

The purpose of the project is to provide tangible, helpful, and Colorado-specific strategies for ways to address vacant and dilapidated downtown buildings in small communities around the state. The strategies outlined in this report can be utilized, adapted, and tailored by small communities to create policies and procedures that best fit their context. The communities of focus for the strategies discussed here have populations of 8,000 or less.

The project will be useful to DOLA Colorado Main Street as a reference source to share with communities across the state, economic development organizations, community development organizations, downtown-focused development organizations, special districts such as Urban Renewal

Authorities (URAs), Downtown Development Authorities (DDAs), Business Improvement Districts (BIDs), other interested departments at the state of Colorado, and interested out-of-state network contacts. Adding the report to reference libraries will provide examples to interested communities on the types of work and expertise DOLA is able to support and provide guidance on related to downtown vacancies along with sharing more specific information and knowledge that





# Introduction

accounts for the Colorado context. The report with strategies to address vacant and dilapidated downtown buildings in small communities is significant for planning practice through providing a tool to support community sustainability which relates to economic vitality, quality of life, local sustainability, tourism, placemaking, development, redevelopment, and history. The report is significant for planning policy since it presents a framework for downtown vacancy policy options which relates to economic health, how the built environment connects to people, local character, local culture, and community contribution which are all elements of planning and regulatory policies.

## Outline of Remainder of Report

This report will first showcase background research on the definition of vacancy, overarching wide-scale context of vacant properties, and cost of vacant properties. Methods for addressing vacancies follow the background research. The methods consist of property databases, registries, collaboration, financial incentives, fees, streamlined processes, vacant building ordinances, receivership, and property acquisition.

Implementation of the methods was then examined with a focus on small community vacant property approaches and large Colorado community vacant property context. The Colorado vacant property context then prepares the reader for the focus and purpose of the report which is vacant and dilapidated properties in rural Colorado. The methodology section outlines the data, data collection methods and data analysis for the focus of the report. Understanding the landscape of the Colorado small community vacancy context is the precursor to example Colorado small communities. The example communities and contrast of the examples set the stage for the array of strategies and tactics that have been used to address downtown vacancies in rural Colorado. Vacant property engagement remediation options along with some Colorado-specific resources follow the strategies and tactics to provide additional means for analysis and implementation. The report concludes with major takeaways, next step suggestions, and an appendix of modifiable materials and policy language for applying the strategies and tactics.

# Vacant Properties Background Research

## Vacant Properties Background Research

Vacant properties are present across the United States in various forms, including freestanding, multifamily, and upper-story housing, lots, industrial buildings, and commercial buildings. Understanding the overall vacant property context will provide a basis for the way in which Colorado vacancies compare to other states with vacant property challenges. Along with the vacant property context, recognizing the



Victor, CO Downtown

costs generated by vacant property will provide reasoning behind the importance of identifying strategies and tactics to address vacancies. I have identified best practices and methods for addressing vacant properties, which supply a sound frame of reference for Colorado adaptation. Small communities with downtown vacancies have varying contexts and factors that contribute to the vacancies. I examined and identified examples of approaches to dealing with vacant property in communities of varying sizes including rural communities. The rural community examples in the background research section are outside of Colorado and the section concludes with vacant property context from larger Colorado communities.

### Vacant Property Definition

There is a lack of clarity and distinctive definition for what “vacancy” means, even within vacant property ordinances. Gottlieb et al. (2013), while discussing municipal vacant property ordinances, acknowledged that “[v]acancy has

# Vacant Properties Background Research

some tell-tale signs..., but the ordinances generally lack clear definitions” (p. 673). The definition of vacancy is up to the discretion of each state or individual municipality. Some states, such as Illinois, Indiana, Iowa, Kansas, Kentucky, Ohio, Rhode Island, and South Carolina have statutory law, guidance, or code regarding abandoned property (Sanchez et al., 2021). Vacant property in Colorado has mainly been addressed at the local level because “[t]here is no statewide definition

of abandoned property in Colorado for foreclosure purposes” (Sanchez et al., 2021, p. 6). The local discretion on vacant property definition has led to variation of approaches and expectations along with an absence of local definitions. “[S]ome local Colorado governments have ordinances regarding vacant or abandoned property registration which will contain definitions of abandoned property” (Sanchez et al., 2021, p. 6). In the context of this report the vacancy definition is *non-activated, empty, or solely storage use buildings in a downtown*. Residences that are present on the front side ground floor of downtown buildings fall within the non-activated vacancy characteristic.

Overall Vacant Property Context  
Properties become vacant for a variety of reasons, which can include economic condition impacts, business closings, ownership changes, impacts from major life events for the owner, continued disuse, or perpetual

# Vacant Properties Background Research

maintenance neglect. Vacant properties of any sort—commercial building, house, or lot—are often visibly vacant and negatively influence the areas surrounding them. The activity level of any type of structure or lot contributes to the aesthetics and character of a place, including the feelings and experiences people have through their interaction with public space. Vacant properties bring a less inviting, less welcoming experience to interactions within the built environment in comparison to active and vibrant properties.

In Elizabeth Tisher’s (2013) findings on municipal-driven rehabilitation of vacant and abandoned buildings in Ohio’s Rust Belt, she asserted that “[h]istoric buildings are more prone to vacancy and abandonment because the inner-city core, which is often the first area to lose businesses and residents, is typically comprised of the oldest structures” (p. 177).



La Junta, CO Downtown  
Source: DOLA Main Street

This may be true; however, there is a strong inherent value and potential for renewal embodied in these structures.

Main streets in communities often have many historic buildings since main streets were a major economic driver for communities, where people gathered, where businesses were located, and where people bought goods and services. Sadly, today in downtowns across the country, there are historic buildings that are vacant

# Vacant Properties Background Research

and abandoned. Each one offers a unique and worthwhile opportunity to celebrate local history and develop positive traction in each downtown's revitalization.

There are many downtowns with historic buildings that require a lot of upkeep and financial commitment, which has led to vacancies in the downtown historic buildings. Because of neglect and abandonment, the reuse of many of these historic downtown properties requires catching up on delayed building



Victor, CO Downtown

maintenance, updating obsolete systems, and general rehabilitation, which require considerable time and financial commitment. Fortunately, since the founding of the Main Street program in 1980, many federal, state, and local governments have found that embracing downtown district revitalization through tax credits and incentives can potentially become even stronger economic drivers than before.

## The Cost of Vacant Properties

Vacant properties can influence the character and feeling of their surroundings, which also coincides with tangible costs and negative potential events. "Vacant properties reduce city tax revenues in three ways: they are often tax delinquent; their low value means they generate little in taxes; and they depress property values across an entire neighborhood" (National Vacant Properties Campaign, 2005, p. 7). Vacant properties, both those downtown and elsewhere, cost municipalities money and affect government budgets, tax revenue, nearby property values, and downtowns. National Vacant

# Vacant Properties Background Research

Properties Campaign (2005) cited Alan Mallach who stated that “vacant and abandoned properties ‘act as a significant fiscal drain on already strapped municipalities, requiring disproportionate municipal resources, while providing little or no tax revenue to municipal coffers’” (p. 2). The financial cost impacts municipality capacity on other budget items, such as other community priorities and efforts, especially as municipalities continue to respond to impacts of economic conditions on their budgets. Tax revenues decide municipality budgets.



In addition to impacts on municipality budgets, vacant properties affect property owners’ budgets. As vacant properties are neglected and maintenance is deferred, the cost for returning the building to safe conditions and replacing aspects of the building are high and can be unattainable for property owners.

Vacant properties also heighten the probability of unwanted events that can impede health, safety, and welfare. National Vacant Properties Campaign (2005) pointed out concerns around crime, arson, accidental fires, public nuisance, and health with vacant properties, which often translate into more costs for the municipality. The perceived crime and other concerns vacant properties convey cause people to make additional perceptions about the location of the vacant property. Perceptions form concerning economic activity level, investment in the area, and safety of the area. The perceptions related to vacant properties then contribute to decisions people make about where

# Methods for Addressing Vacant Properties

they want to visit and live.

## Methods for Addressing Vacant Properties

Since vacant properties bring many challenges and costs, there are various strategies and options that have been proposed to address property vacancies and dilapidation. The strategies and options approach the vacancy challenge from multiple avenues and utilize a range of tools and skills. Best practices for ways to address vacancies include vacancy



databases, building registries, collaboration, financial incentives, fees, streamlined processes, ordinances, receivership, and property acquisition.

### Vacancy Databases and Inventories

Many vacant property solution findings identify early warning databases or property inventory systems of some kind as key for vacant property identification and awareness (Business and Professional People for the Public Interest et al., 2010; Wilson, n.d.; Bacher & Williams, 2014). “An early warning database collects and organizes basic information about conditions that suggest a property is likely to become vacant” (Business and Professional People for the Public Interest et al., 2010, p. 4). Example conditions that suggest vacancy likelihood include ownership disengagement, leasing challenges, long-term business closing, and unexpected ownership challenges such as health concerns or financial circumstances that no longer allow a building to be a priority for the owner. The database provides a comprehensive overview of

# Methods for Addressing Vacant Properties

vacancies in the municipality and gives insight into areas the properties will affect if their dilapidation continues. Bacher and Williams (2014) stated the importance of an inventory of vacant and abandoned property and list the sources from which data should be compiled, such as “county data, deed information, property tax data, records of permits or licenses, utilities billing data, corporation data, online resources, LexisNexis Accruint, Compliance Connections, National Community Stabilization Trust, REOWellsfargo.com, Fannie Mae’s Home

Path, First Look data sources, and local banks” (p. 881). The inventory gives the municipality all the information in one place which is easy to reference and make available to the public.

## Vacant Building Registries

Recommendations for creating a vacant building registry resounds across vacant property research (Business and Professional People for the Public Interest et al., 2010; Wilson, n.d.; Hirokawa & Gonzalez, 2010; Bacher & Williams, 2014; Tisher, 2013). Vacant building registries require property owners to register their vacant building, and ensure the municipality is aware of the property vacancy. Vacant building registries are used “to motivate owners to maintain buildings and return them to productive use, identify the party responsible for problem properties, monitor vacant properties, and defray costs of providing related municipal services” (Business and Professional People for the Public Interest et al., 2010, p. 7). Most vacant building registries require registration fees,





# Methods for Addressing Vacant Properties

and annual registration renewals. Aurora, Colorado has a property registration ordinance that requires residential vacant properties owners to register their property annually and pay a \$66 annual registration fee (Safeguard Properties, 2024). Roseland, New Jersey has a property registration ordinance that requires registration “within 30 days of vacancy or within 10 days of foreclosure filing” and includes an initial \$500 fee, \$1,000 renewal fee, \$2,000 second renewal fee, and \$3,000 subsequent renewal fee (Safeguard Properties,

2024). The collected registration fees can then “go into a fund that could go toward property improvements and adaptive reuse” (ULI Colorado, 2018, p. 20).

## Collaboration

Collaboration options for addressing vacant downtown properties can include various strategies such as collaboration amongst city departments, engaging with community members and creating a task force. Business and Professional People for the Public Interest et al. (2010) pointed out the need for city departments to work together and strategize using their assorted skillsets and expertise. In addition to city department teamwork, Business and Professional People for the Public Interest et al. (2010) emphasized the need for collaboration with the broader community “in order to maximize resources and reduce the impact of vacant properties” (p. 6). Bacher and Williams (2014) also recommended collaboration by working with business and civic leaders and “engaging all community members in the process” (p. 885). Bacher and Williams (2014) highlighted comprehensive,



## Methods for Addressing Vacant Properties

inclusive, and wide-spread community engagement and stakeholder processes and elements for effective collaboration and vacant property strategy. In addition to community engagement, Bacher and Williams (2014) mentioned the role of task forces in vacant property efforts and how their collaboration can contribute to the overall strategy. The task force suggested by Bacher and Williams “brings key officials across municipal departments together with government institutions, nonprofit partners, civic and professional associations, business coalitions and anchor institutions to collectively set policy priorities and develop action plans for reform” (p. 879). Collaboration involves many people from different levels for an effective vacant property strategy.

### Financial Incentives

Remediating vacant buildings can be costly, especially if they have been underutilized and under-maintained for a long period of time. Offering financial incentives to fix up vacant buildings can be an effective tool that Wilson (n.d.) highlighted for addressing vacancies.

Wilson (n.d.) highlighted the financial incentive examples of façade grants, historic preservation tax credits, and tax abatement, which can “stimulate private sector building renovation investment” (p. 4). Wilson (n.d.) mentioned that “[s]ometimes these financial incentives are the difference between rehabilitating a building or letting it sit vacant” (p. 4). As more buildings are invested in and people show interest in help from incentives, the more buildings become activated and ready for new businesses.

### Streamlined Processes

Removing some of the barriers throughout the development process and working with the municipality can be done through streamlining processes and procedures. People who are looking to redevelop a vacant property know they have many steps and requirements to follow, which make intentional streamlining and process ease desirable. Bacher and Williams (2014) pointed out that “a municipality can streamline its land use process to remove obstacles to redevelopment and

## Methods for Addressing Vacant Properties

better open itself for business” (p. 897). The streamlining can include standardization from the planning board and commission, using a central permitting office, overview of permitting process documents for potential applicants, pre-application workshops, and clear consolidated application forms (Bacher & Williams, 2014, p. 897-898). People are more likely to move forward with a challenging redevelopment project when the process is clear, expectations are communicated, and they know where they can ask questions.

### Fees

In contrast to financial incentives, charging fees for vacant properties is another option to consider as part of a vacant property strategy. The fees are used to disincentivize property owners from keeping their buildings vacant and as a motivation tool for them to fill the space. Tisher (2013), in her recommendations for fees in Cincinnati’s vacant building registry, stated that “[f]ees should cover the cost of administering the program, providing municipal services, assisting property owners with rehabilitation

costs in situations of undue hardship, and covering the costs of nuisance abatement in situations where the city is unable to recoup abatement costs from delinquent owners” (p. 204). Figuring out fees takes a balance and goals of the vacant property strategy. Tisher (2013) stated that “[t]he fees should be severe enough to deter bad behavior yet lenient enough to allow good-faith property owners to save money for maintaining or rehabilitating their buildings” (p. 204). Fees can be tailored based on community context and specific vacant property strategy.

### Vacant Building Ordinances

Ordinances of varying kinds related to vacant properties are also acknowledged as part of the solution and approaches. Hirokawa and Gonzalez (2010) and Bacher and Williams (2014) pointed out vacant property ordinance benefits. The ordinances provide the enforcement power and clear language that allows the municipality to actively respond to vacant properties. The ordinance enforces and implements data collected in the vacant building

## Methods for Addressing Vacant Properties

registries. In addition to vacant property ordinances, ordinances that require certain levels of maintenance can be another mechanism for addressing vacant properties (Business and Professional People for the Public Interest et al., 2010; Wilson, n.d.; and Bacher & Williams, 2014.) Most of the property maintenance ordinances refer to the international property maintenance code, major elements of the maintenance standards for safety, and enforcement of the code. Tisher (2013) shared a vacated building maintenance license program that focuses on dangerous and unsafe conditions of buildings that are inspected. Ordinance and maintenance license programming codify the standards and expectations for vacant properties.

### Receivership

The literature incorporates receivership as a vacant building strategy through a legal avenue (Business and Professional People for the Public Interest et al., 2010; Wilson, n.d.,). Receivership transfers building responsibility and “[e]nsure[s] that someone with the

necessary expertise and resources repairs or rehabilitates a vacant property” (Business and Professional People for the Public Interest et al., 2010, p. 10). The municipality goes to court to have a receiver appointed who then takes care of the property as if it was their own and are then allowed to repair or rehabilitate it (Business and Professional People for the Public Interest et al., 2010). Receivers are able to finance any projects on the property since they are able to access loans and give the lender a special certificate which guarantees full value of the loan with interest (Business and Professional People for the Public Interest et al., 2010). The special certificate and loan falls under the responsibility of the property owner and if it is not paid back, it becomes a lien on the property (Business and Professional People for the Public Interest et al., 2010). The property owner remains the same throughout receivership and is able to “retrieve the property at any point in the process by reimbursing the receiver for all costs associated with the project” (Wilson,

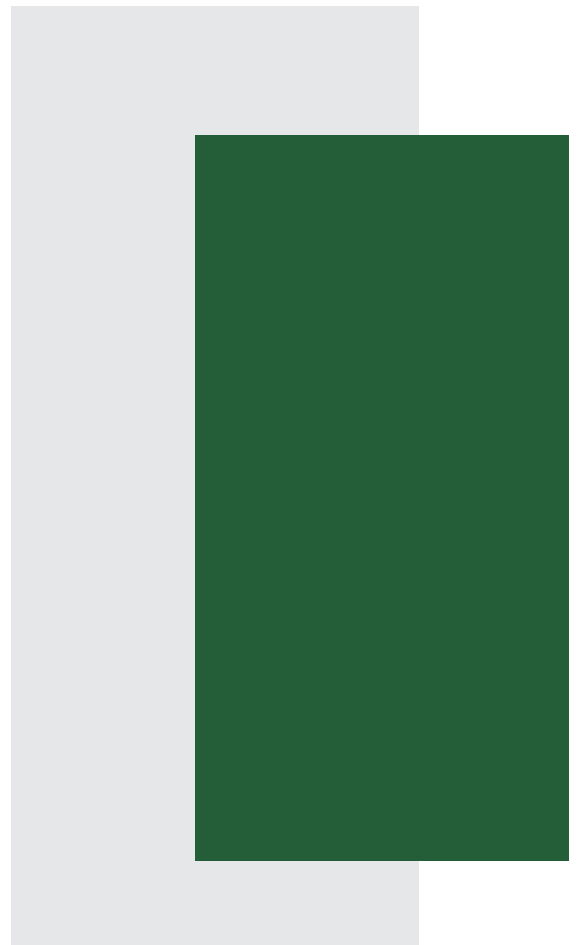
# Methods for Addressing Vacant Properties

n.d., p. 5). Receivership motivates property repair and rehabilitation in tandem with expanded financing capabilities. Conservatorship, which is like receivership, is another method some states have adopted (Blake et al., 2013).

## Property Acquisition

There are several mechanisms or systems that can facilitate acquisition of vacant properties (Business and Professional People for the Public Interest et al., 2010; Wilson, n.d.; Bacher & Williams, 2014; Tisher, 2013). The acquisition of properties provides the situation and ownership to make decisions about the neglected property. Business and Professional People for the Public Interest et al. (2010) and Wilson (n.d.) approached acquisition through the lens of the municipality taking a property to then prepare for general rehabilitation, a wider revitalization strategy and other decision-making about the building. Bacher and Williams (2014) noted acquisition with the goal of creating a land bank. “[L]and banks manage, maintain and redevelop these properties [within them] and then transfer them to new owners in ways

that support community needs and priorities” (Bacher & Williams, 2014, p. 896). The proposed use would be community-focused and contribute to a larger purpose and experience for people. On a similar approach to putting the building to use for a wider purpose, Tisher (2013) in her Ohio research indicated property acquisition through eminent domain



## Implementation of Vacant Property Methods

Since there are various methods for addressing vacant property, municipalities have options to tailor for their community context. Communities recognize their unique circumstances, specific needs, and potential results as they select a vacant property strategy. Small and rural communities have different vacant property challenges than large communities, especially with consideration of resources and capacity. Vacant property approaches in the Colorado context vary from strategies in other states because of state trends, tourism, circumstances, resources, and rules. Recognizing small community approaches and the Colorado context will provide an important basis for proposing Colorado small community strategies to address vacancies.

### Small Community Vacant Property Approaches

Many of the strategies and toolboxes for vacant properties are focused more on urban and suburban contexts,

although rural communities are also facing vacancy challenges. Vacant properties in rural communities are a form of rural blight. Eisenberg (2016) asserted that “[r]ural blight is largely absent not only from the public dialogue, but also in scholarship focused on the land use, property, and local government tools that help communities mitigate and remediate blight” (p. 514-515). Rural and small communities deserve emphasis on vacant property solutions and strategies, especially since they have more challenges with limited resources, capacity, and other constraints. Eisenberg (2016) has drawn attention to the fact that “a small, rural town is less likely to have the institutions and services necessary to engage in effective planning; conduct effective code enforcement; and if needed, acquire the title to a neglected property and dispose of it in an economically sustainable way” (p. 515-516).

In addition to fewer institutions and services, a “[l]ow-density population means a lower tax

## Implementation of Vacant Property Methods

base, fewer social services, limited infrastructure, a more limited economy, lower incomes, and a reduced ability to galvanize resources to address local problems” (Eisenberg, 2016, p. 520). Understanding small town context, unique challenges to each community, and capacity concerns guided the rural tailored recommendations along with encouragement for communities to then adapt them accordingly for their community. Eisenberg (2016) worked on the West Virginia Legal Education to Address Abandoned and Neglected Properties (WV LEAP) program that published a toolkit with findings that synthesized into “[e]ight elements that should be considered part of an effective rural blight redemption framework” (p. 543). The toolkit and findings identified multiple legal and nonlegal tools for addressing vacant properties (Anderson et al., 2015). The toolkit and findings encompass laying the foundation, fundamental tools, additional tools, land banks, and special considerations (Anderson et al., 2015). The findings from WV LEAP and their curation of the toolkit synthesize into the eight elements which “include: (1) an emphasis on people as a resource,

(2) local government engagement, (3) participatory planning, (4) establishment of a legal framework, (5) regional cooperation, (6) partnerships, (7) negotiations for creative solutions, and (8) use of rural agility” (Eisenberg, 2016, p. 543). The eight elements are rural-centric and are woven throughout the kinds of tools and approaches recommended for rural communities to adapt.

### Colorado Large Community Vacant Property Context

The cities of Manitou Springs, Aurora, and Pueblo, as well as Jefferson County, are larger Colorado communities that have vacant property language in their codes or policies. The City of Manitou Springs’ municipal code states that “‘evidence of vacancy’ means a condition that on its own or combined with other conditions present would lead a reasonable person to believe that a building or property is vacant” (Ord. No. 1317, § 8, 5-2-2017). Manitou Springs municipal code then continues with specific conditions of vacancy along with the range of buildings and structures covered under the

# Implementation of Vacant Property Methods

definition. The City of Aurora (n.d.) municipal code defines vacant as “a building/structure that is not legally occupied” (Section 22-641). Aurora requires beneficiaries to register vacant property and pay a vacant property registration fee (City of Aurora, n.d.). The City of Pueblo municipal code (2023) defines evidence of vacancy and requires vacant property registration. The larger jurisdiction of Jefferson County, Colorado has a distressed real property ordinance and requires vacant property registration as well as other distressed vacant property registration (Regulatory Policy Distressed Real Property, 2023).



Manitou Springs, CO Downtown  
Photo Source: Manitousprings.org



## Methodology

Awareness of existing research and resources outlined in the background research section presents a foundation for pertinent data examination and information gathering for vacant and dilapidated downtown buildings in small Colorado communities.

### Data

I have identified example communities that represent the range of vacancy challenges small communities are facing and what strategies can respond well. Data and information have been collected on the example communities to further provide context and understanding. The example communities consist of Brush, Elizabeth, San Luis, and Victor. Along with the example communities, I gathered vacant property strategies and engagement remediation options which have specific examples from Colorado communities. The examples that showcase the strategies and options present the ways other communities can adapt accordingly for their context. Throughout, there is an

acknowledgement of data limitations, data collection challenges, collection possibilities and time constraint awareness.

### Data Collection Methods

Data that is available for example communities comes from the Colorado State Demography Office community profiles and RPI Consulting data collection. The State Demography Office community profiles encompass census data, Colorado-specific data, and Colorado analysis. RPI Consulting collected data over a span of seven years while under contract with DOLA Main Street.

I collected additional data through community-specific interviews, document research, experience from working at Downtown Colorado, Inc. (DCI) and online research. I've gathered community vacancy condition data through community-specific interviews which required meeting scheduling, interview note gathering, interview question consistency, and listening skills. I've conducted community-specific

# Methodology

interviews on Zoom video calls using structured interview questions about downtown vacancies. I interviewed main street program leaders in the communities including Akron, Brush, Elizabeth, Hugo, Meeker, Montrose, San Luis, and Victor. The structured questions guided the interviews, but also allowed me to add or adjust questions depending on the downtown vacancy conditions the community is facing. For example, Elizabeth has very few vacancies, so the questions were adjusted to us more on programs that are bringing people downtown, what programs they are working on to improve their downtown now, and what challenges they may be facing in the future since they have a high demand but limited supply of downtown commercial space.

I collected example strategies and tactics data through online documents and research. The online research and document search was heavily influenced by the community interviews as communities mentioned code or policy language that impacts downtown vacancies. I found specific zoning code, municipal code, or policy,

and then included the relevant part in the data collection. The document and online research included referencing local business incentive programming, downtown event efforts, and strategies that further support downtown foot traffic and connectivity.

## Data Analysis

Throughout the data analysis, I consistently asked the question: “how will the data translate and support small Colorado communities?” Some of the data I examined showcased details and economic conditions of the communities that have been selected for the community interviews. Additional data reiterates and tells the story of the vacant property strategies and approaches. The data was analyzed using appropriate comparison, relation to necessary contexts and purpose of the analysis.

As I collected additional resources and strategies, I have closely examined the material, evaluated

# Colorado Small Community Context

the reasoning behind its merit for the project purposes, and evaluated the usefulness for Colorado communities that are 8,000 or less in population. The data and resource collection recognizes the varying levels of vacancy, vacancy factors, and applicability translation. The vacancy condition community interview data has a methodology that recognizes the varying levels of vacancy, the scale of any existing applicable policy, and the enforcement capacity scale. Communities were selected strategically through consideration of the project scope, project timeframe, email communication response, existing main street program, community population, and breadth and variety of vacancy challenges or solutions.

## **Colorado Small Community Context**

Colorado is a large state with a diversity in types of communities across the state both in size as well as in the environment, character, history, and culture. Within the variety of Colorado communities there are over

200 communities with a population of 8,000 or less (Colorado State Demography Office, 2023). Twenty-six communities are part of the Colorado DOLA Main Street Program, and 20 of them have 8,000 or less in population.

## Colorado Small Community Vacancy Context

Communities of 8,000 or less in population face varying challenges and factors which affect their downtowns and contribute to the nature and conditions of their downtown ecosystems. Economic conditions, housing stock availability, history, building ownership, connectivity, tourism, quality of life, job availability, and location are major factors that impact downtowns. The status and conditions of these factors present themselves in Colorado small community downtowns on a continuum of vacancy. The continuum of vacancy is to be used as a tool to understand current conditions and

inform the method selection for addressing vacant properties. The continuum of vacancy recognizes that it has limitations and is not representative of all community situations but acts as a helpful starting point and compass for potential solutions. The continuum is as follows:



The high vacancy range is 30% or more of the downtown, while the medium vacancy consists of 9-29% of the downtown, and low vacancy is 8% or less of the downtown. Demand is harder to quantify and includes the caveat that the demand label does not account for politics, economic forces, absentee owners, or real estate decisions. Demand is hidden unlike vacancy but must be considered as part of understanding outside forces on vacancy.

Along with the continuum of vacancy to guide understanding the vacancy landscape of a place, enforcement, resources, and capacity are important considerations. Small communities have varying levels of enforcement capacity, resources available, and staff capacity. Enforcement, resources, and staff capacity impact vacant policy effectiveness, strategy implementation and gathering of additional resources for addressing downtown vacancies. Deciphering the current status of enforcement, resources, and staff capacity in a community will then guide direction for the community-tailored vacant property strategy and methods adoption.

## Colorado Small Community Examples

The example communities featured in this report are Brush, Elizabeth, San Luis, and Victor. Each of the communities are in the DOLA Main Street program, have a population of 8,000 or less, and fall on the vacancy continuum. Brush has medium vacancy and medium demand while Elizabeth has low vacancy and higher demand. San Luis and Victor have high vacancy and lower demand.

### Brush

Brush! is an agriculturally based small community in Morgan County east of Fort Morgan with a 2022 population of 5,319 people and a median household income of \$64,475. Downtown Brush! has a 9.3% vacancy which consists of nine vacancies in a total of 96 commercial buildings (M. Mares, personal communication, May 6, 2024). Brush! has “six registered historical landmarks, downtown buildings whose structures date back to the early 1900’s” and they “continue to host the longest standing rodeo in Colorado” (City of Brush!, 2022b, para. 3). Brush! has seen economic growth in recent years with population increase, three new industrial primary employers, new downtown businesses, new commercial development and an industrial park (City of Brush!, 2022b).

### Elizabeth

Elizabeth is a small community in Elbert County southeast of Denver. In 2022 Elizabeth had a population of 2,259 people and a median household income of \$99,889. Elizabeth has a main street with historic structures and around 20 businesses (Z. Higgins, personal communication, January 23, 2024). The downtown currently has minimal vacancies, with high demand and a quick turnover when something becomes available. Since there is a high demand, developers have been looking at new space options and determining potential rent prices. The high demand comes with a growing population and recognition that “[t]he Town of Elizabeth is largely influenced by its proximity to communities in Douglas County, including Parker, Castle Rock and the Denver metropolitan area” (Town of Elizabeth, 2024).

# Colorado Small Community Examples



Brush, CO Downtown  
Photo Source: DOLA Main Street

## Brush!



Elizabeth, CO Downtown  
Photo Source: DOLA Main Street

## Elizabeth



San Luis, CO Downtown  
Photo Source: Town of San Luis

## San Luis



Victor, CO

## Victor

## San Luis

San Luis is the oldest town in Colorado, located in Costilla County south of Pueblo and southeast of Alamosa in the San Luis Valley. In 2022 San Luis had a population of 623 people, a median household income of \$27,895. San Luis has a downtown vacancy rate of 48% which consists of 12 vacancy buildings of 25 total commercial buildings (S. Sanderford, Personal Communication, May 6, 2024). San Luis is remote in location, but also “has an exceptional tourist attraction, the Shrine of the Stations of the Cross” (Town of San Luis, 2018b, para. 1). The tourist attraction consists of 15 bronze sculpture stations of the resurrection story along a path starting at the bottom of the mesa and ending on the mesa at the shrine (Town of San Luis, 2018b). In addition to the tourist attraction, San Luis has the Sangre de Cristo Heritage Center which is currently under restoration and will be a “future venue for music, theater productions, cultural events, conferences and workshops” including micro-business training (Town of San Luis, 2018a, para. 1).

## Victor

Victor is a historic mining town, located southwest of Colorado Springs in Teller County, near Pikes Peak. In 2022 Victor had a population of 372 people and a median household income of \$57,679. Victor has 60 commercial buildings in the Victor Business District, of which 47% (28 buildings) have inactive ground floor use (J. Zalewski, personal communication, February 1, 2024). Twenty-three buildings have active commercial ground floor use while 9 commercial buildings have residential use on the ground floor. Victor is around five miles from Cripple Creek, which is a major gambling destination, and both Victor and Cripple Creek are in close proximity to the Cripple Creek and Victor Gold Mine.

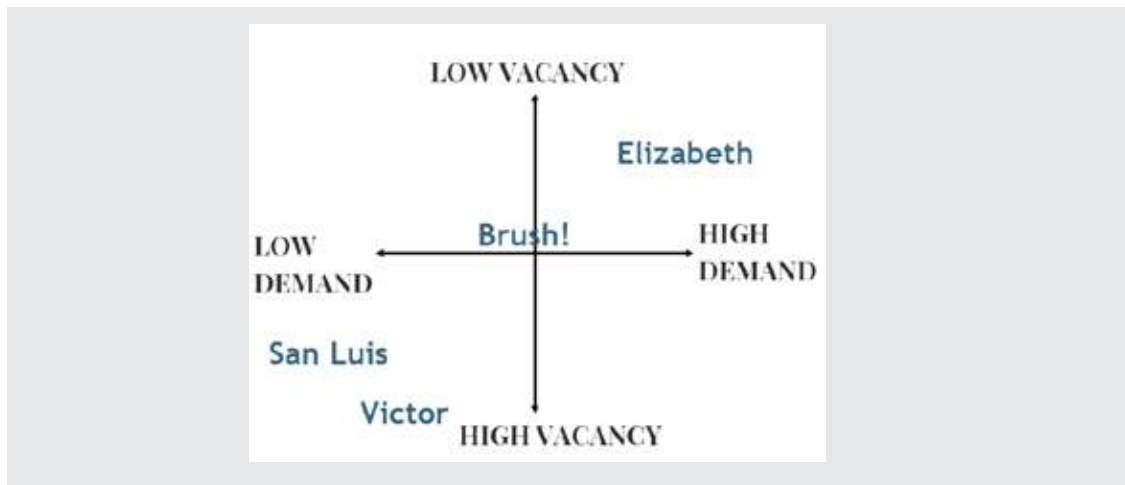


Victor, CO

## Example Communities Contrast

Applying the example communities to the framework of the continuum elements showcases the range of contexts and current conditions. Exhibit 1 showcases the example communities with consideration of their vacancy ranges.

### Exhibit 1



In addition to the vacancy contexts, examining the example communities side-by-side on varying topics shows the differences more clearly and alludes to the variation of factors impacting each of the communities and how they ripple into affecting downtown vacancies. Table 1 showcases that the high-demand community of Elizabeth has seen population growth from 2010 to 2022 while the medium-demand and lower-demand communities have seen population decline. The total community population data points provide perspective for the scale of population change each community has experienced. In addition to population, the median household income shares insight into residents' financial conditions. Data on median household income and percentage of population with incomes lower than the poverty line contributes to understanding the level of discretionary spending community members have and potential cost-of-living circumstances.



# Colorado Small Community Examples

Table 1

	BRUSH	ELIZABETH	SAN LUIS	VICTOR
Population (2022)	5,319	2,258	623	372
Population Change (2010 to 2022)	-149	900	-1	-26
Median Household Income	\$64,475	\$99,889	\$27,895	\$57,679
Percentage of Population with Incomes lower than the Poverty Line	15.9%	4.0%	30.0%	6.5%

Source: State Demography Office Colorado Demographic Profiles

# Rural Colorado Community Strategies

## Rural Colorado Community Strategies

Some small communities in Colorado have adopted strategies for addressing vacant properties which can be used as a reference point for other communities. Since the strategies have been used in a small community and are Colorado based, they can be adapted more readily for other small Colorado communities.

The strategies include:

- Land Use Policy
- Vacant property policy
- Public nuisance policy
- Vacant property inventory
- Temporary vacant property solutions
- Business incentive programs
- Downtown activity support
- Building code enforcement
- Financing mechanisms

### Land Use Policies

Streamlining development processes and having flexible land use policy can be an effective strategy for addressing vacant properties in small Colorado communities. The land use policies do not overtly address vacant property challenges but enable smoother pre-development stages, clearer understanding of property zoning

constraints, and the range of development opportunities allowed under the code. Elizabeth, Colorado has language in their zoning code specifically for downtown with Downtown (DT) District zoning. The DT zoning is put in place to “promote the long-term vitality of the ‘old downtown’ business district; maintain a neighborhood commercial scale; promote pedestrian activity; maintain the unique character of the ‘old downtown’ style; and encourage a live-work-play life style” (Town of Elizabeth, 2023, Sec. 16-1-180). The zoning district is flexible and supports the downtown vision of vitality and vibrancy which requires activated buildings. The flexible and downtown-focused zoning inherently discourages downtown vacancies through removing zoning barriers and limiting zoning delays.



Elizabeth, CO Downtown  
Photo Source: DOLA Main Street

# Rural Colorado Community Strategies

## Vacant Property Policy

Vacant property policy is specific code language that penalizes non activation of properties in the downtown and disincentivizes vacancies with fines. Akron, Colorado has a policy that outlines a fine for inactive properties to cover their water and wastewater services (see Appendix B for the policy). The policy states “inactive status accounts shall be subject to monthly ‘availability of service’ fees for water and wastewater services payable at the rate of the designated base service charge for the given tap size/use” (Town of Akron, 2024, p. 2). Starting in May of 2024, the municipality will designate properties that are not being charged for services as inactive, and it also starts the timeframe when property owners can submit a request to be considered inactive (Town of Akron, 2024). The inactive status and associated fees remove the service cost burden from the municipality, brings a degree of accountability, and helps to push the efforts of further discouraging vacant properties. In addition to water services fees, communities can charge fees for vacancies. Vacancy fee requirements and details are outlined in vacant building registration ordinances

or building registry systems. The 2018 ULI TAP report suggested that Central City, which has high vacancies, should have a vacant building registration ordinance with an annual fee for vacant properties (ULI Colorado, 2018, p. 20).



Akron, CO Downtown  
Photo Source: 9News.com

## Public Nuisance Policy

Public nuisance policy is another form of policy that can apply to vacant buildings and offer enforcement capabilities when vacant and dilapidated buildings are at a state that is a concern for health, safety, and welfare of the public. Health, safety, and welfare concerns fall under the purview of a municipality and are the basis for code requirements. Hugo, Colorado has a nuisance policy in place

# Rural Colorado Community Strategies

which includes vacant buildings as part of applicable nuisances. The Town of Hugo Ordinance 254 (2019) defines vacant buildings as “any unoccupied building that is or has become dangerous or otherwise is deemed to be hazardous to the public health and safety” (p. 1). Public safety is the reasoning behind each of the declarations and definitions in the nuisance policy, which are further outlined in the ordinance in Appendix C. Under the policy, the town will notify vacant building property owners who are required to secure their vacant building within 72 hours (Town of Hugo, 2019, p. 2). Defining and including vacant buildings in public nuisance policy highlights safety concerns and potential impact they can have on the public which has enforceability under nuisance law.



Hugo, CO Downtown  
Photo Source: DOLA Main Street

## Vacant Property Inventory

Vacant property inventories, even informal ones that are maintained by city staff, contribute important information to a municipality’s vacant property strategy. The inventory is a resource tool when there are potential new property owners, knowing what challenges would need to be addressed for property ownership changes, and provides a knowledge base for any new vacant property strategy steps such as vacant property fee enforcement. Victor has an informal list of all the ground floor downtown spaces, which consists of the address, current business or use, and any pertinent building conditions to note, which are included in the assessor’s database as well. The DOLA Main Street Program worked with RPI Consulting over a period of seven years in which they created inventory spreadsheets for communities to update. The spreadsheet has the vacant property information all in one place, while being in a format that is easy to update which is shown in Appendix D. The spreadsheet data consists

# Rural Colorado Community Strategies

of address, property class, zoning, owner, owner care of, owner mailing address, business name, land actual value, improvement actual value, last sale, last sale date, assessor account, and GIS parcel information which can be obtained from the county assessor’s office.

## Temporary Vacant Property Solutions

Municipalities recognize that filling vacant properties can take time and know the impacts of the vacant properties first-hand, which prompts temporary vacant property solutions such as window activation competitions, window display programs, and display



Central City, CO Downtown  
Photo Source: DOLA Main Street

collaborations. The temporary window activation efforts make the building feel more inviting when pedestrians pass and shows that thought and action is being used towards vacant downtown space which can then allude to an existing vacant property strategy and efforts. In instances where there are many vacancies adjacent to one another, temporary window programming diversifies the experience of passersby. The temporary window programming often promotes existing area businesses, programs, or events. At a vacant building in Victor there is a window display that has large historic photos, fake mercantile goods, Main Street program logos, and Main Street sponsors. In Central City, there are displays of large historic photographs in vacant storefronts to temporarily activate the space and enhance the pedestrian experience (G. Langley, personal communication, March 28, 2024). Other downtowns have activated windows encouraging possibilities through “imagine your business here” messaging with contact info and visual graphics of the possibilities.

# Rural Colorado Community Strategies

## Business Incentive Programs

Vacant spaces are activated with new businesses and prevention of more vacancies relies on retention of existing businesses. Business incentive programs contribute to an effective vacant property strategy which can be seen in the example of the City of Brush! Commercial Asset Reinvestment and Enhancement Solution (C.A.R.E.S) Program (see Appendix E for the program overview). The goal of the program is to “revise existing business incentive programs, and create greater opportunity for business success and increase

funding availability for new and expanding businesses” (City of Brush, 2022a, p. 1). The program’s focus on both existing businesses and new businesses further encourages a collaborative culture, supportive business environment, healthy business competition, and recognition of the contribution and importance of existing businesses. The program encompasses various reimbursement opportunities for businesses which include city property taxes, a portion of collected local sales tax, use tax, building permit fees, the fee for code analysis for the redevelopment/reuse of a property, and costs associated with life safety and building improvements (City of Brush, 2022). In addition to the reimbursements, the program offers free architectural drawings for façade improvements ideas (City of Brush, 2022). The program selection process follows a score matrix with a set rubric and criteria which standardizes the program and communicates the importance of elements within the community context and business landscape. The City of Brush! and the Chamber of



Brush!, CO Downtown  
Photo Source: Visitmorgance

# Rural Colorado Community Strategies

Commerce oversees the program and score the applications (City of Brush, 2022). Business incentive programs act as a tool to implement the actions of preventing vacancies and addressing vacancies along with communicating the city’s attitude and cooperation levels towards economic development and business in the community.

Another example is Montrose, which has a population over 8,000, but its funds are a model and worth sharing with small communities to tailor accordingly. Montrose has business opportunity funds through their revitalization incentive program,



Montrose, CO Downtown  
Photo Source: DOLA Main Stre

which includes the Montrose Opportunity Fund and the Downtown Opportunity Fund (City of Montrose, 2024). “Through the programs, property and business owners can receive low-interest loans for up to \$20,000 to complete revitalization projects” (City of Montrose, 2024, para. 1). Items the programs cover include façade improvements, building improvements, signage, roof repair or replacement, code deficiency corrections, building system improvement or replacements, accessibility improvements, and architectural fees (City of Montrose, 2024). The variety of options included in the program help address challenges for businesses, mitigate downtown vacancies and encourage vibrancy.

## Downtown Activity Support

Car and pedestrian traffic shape downtown business, character, vibrancy level, and environment. Downtown activities and programming that point to downtown help drive the traffic. Downtown activities are often holiday related, which can be seen in the example of Brush’s window decorating

# Rural Colorado Community Strategies

competition and tree lighting. Elizabeth holds an annual holiday ornament program where the town buys the annual ornaments, gives them to the businesses and then the businesses sell them. There are various downtown events throughout the year throughout small Colorado communities, such as Oktoberfest in Brush, the Main Street 5K run in Elizabeth, Fiesta de Santiago y Santa Ana in San Luis, Victor Gold Rush Days in Victor and more. In addition to short-term events, longer-term downtown programming such as streetscape improvements drive activity and pedestrian traffic. Elizabeth currently has a streetscape



Elizabeth, CO Downtown  
Photo Source: DOLA Main

project underway which consists of new sidewalks, trash cans, lights, and bike racks. Programming outside of downtown includes wayfinding which directs people downtown. Wayfinding elements are located on popular pedestrian and biking trails as well as roadways adjacent to the downtown. The Elizabeth Parks, Trails and Open Space Master Plan highlights wayfinding plans to connect the main street trails and parks.

## Building Code Enforcement

Building code enforcement addresses safety concerns of vacant buildings, sets requirements for regarding severe dilapidation, and provides a basis for subsequent decisions. The Town of Hugo had local ordinances concerning dangerous buildings. Town of Hugo Ordinance Number 233 defines dangerous buildings, allows abatement of dangerous buildings, and imposes penalties and costs (see Appendix F for Hugo Ordinance 233). The ordinance outlines seven criteria options for the definition of a dangerous building and requires declaration of public nuisance as the precursor to town



# Rural Colorado Community Strategies

inspection. If the Town finds the building dangerous, corresponding abatement proceedings follow along with abatement enforcement (Town of Hugo, 2012). Hugo’s dangerous building process was an important short-term solution since there was no building code standard. The short-term solution involved Ordinance 235 which amended Ordinance 233 until a more comprehensive solution was implemented in 2019 (Town of Hugo, 2012b). In 2019, Hugo adopted ordinance 253, which adopts the 2006 International Building Code and International Residential Code and “include[s] articles on zoning,

development, and extension of town services to undeveloped lands, building codes, subdivision regulations, and annexation, and providing for penalties for violation of the code” (Town of Hugo, 2019a, p. 1). The newly adopted building code supersedes the previous dangerous building ordinance and clearly sets municipality parameters for enforcement. Enforcement then leads to recognition and awareness of consequences from code violations and requirements to prevent code violations. Enforcement and consequence awareness addresses existing vacancies and deters vacancies.



Hugo, CO Downtown  
Photo Source: DOLA Main Street

## Financing Mechanisms

Special districts such as downtown development authorities, business improvement districts, and urban renewal authorities have financing mechanisms that could address vacancies in small Colorado downtowns. In November 2018, ULI Colorado conducted a technical advisory panel (TAP) of Central City which pointed out the striking level of vacancies. One of the financial opportunities identified in the

# Rural Colorado Community Strategies

TAP report was to “deploy additional public finance tools, such as an Urban Renewal Authority (URA) or Downtown Development Authority (DDA)—both of which can leverage Tax Increment Financing (TIF)” (ULI Colorado, 2018, p. 21). URAs address blighted areas, which according to Colorado statute are areas that have at least four of the eleven factors of blight (Colorado Supreme Court, 2022). The statute with the eleven factors of blight is outlined in Appendix H. In September of 2023, Central City created a DDA which can coexist with a URA and has longer to repay tax increment financing than the URA (Leary, 2023b). In addition to a newly formed DDA, Central City has an urban renewal authority which has eminent domain power (Leary, 2023a). La Junta and Leadville are examples of other small towns with URAs.



La Junta, CO Downtown  
Photo Source: DOLA Main Street



Leadville, CO Downtown  
Photo Source: DOLA Main Street

# Vacant Property Engagement Remediation Options

## Vacant Property Engagement Remediation Options

Vacant property remediation is community specific, dependent on conditions as well as awareness of where the community falls on the vacancy and enforcement continuums. As a result, this report does not include community-specific suggestions, such as unique retail options. Instead, wider categories of engagement are mentioned below that relate to the overall strategy and approach for addressing vacancies. The categories of engagement include:

- Approachability and collaboration culture
- Addressing utilization
- Encouraging curiosity
- Engagement with local stakeholders
- Absentee owner engagement
- Local developer support and downtown championing
- Paths to local ownership and maintaining presence

## Approachability and Collaboration Culture

Approachability and collaboration culture for development from a municipality can be a strategy unto itself for addressing vacant properties. A municipality that creates a reputation as one that is easy to collaborate with and is open to new ideas is desirable for people looking to redevelop vacant properties. Montrose, Colorado has a successful approach that smaller communities can tailor accordingly. Montrose's various programs, revitalization efforts, and innovation encouragement has led to downtown



Montrose, CO Downtown  
Photo Source: DOLA Main Street

# Vacant Property Engagement Remediation Options

vitality and desirable downtown experience. In addition to programs, Montrose has a Development and Revitalization Team (DART) along with a Main Street Program. The Main Street Program can be another valuable avenue for growing an approachability and collaboration culture.

## Addressing Underutilization

In addition to fully vacant downtown properties, there are instances of properties with underutilized space. For example, in Victor, Colorado there is a property that is currently vacant on the ground floor but has an Airbnb in the upstairs



La Junta, CO Downtown  
Photo Source: DOLA Main Street

apartment. Communities should recognize opportunities to address the underutilized space, contribute to activating downtown, and address a community need. Colorado Main Street Program worked with the organization UpstairsDowntown to highlight successes of activating upper-floor underutilized space in La Junta and Montrose (UpstairsDowntown, 2020). La Junta created a coworking living space in an underutilized upper floor in their downtown and Montrose created five residential units above retail shops downtown. Trinidad, which has over 8,000 in population, addressed underutilization and artist housing needs through the Space to Create program which is a “state-sponsored initiative to provide affordable housing for creatives and local workers in rural Colorado” (Visit Trinidad Colorado, 2024, para. 1). “The project was a renovation [of] an entire historic block of Trinidad’s Main Street, creating a total of 41 new affordable residential units and multiple commercial spaces” (Visit Trinidad Colorado, 2024, para. 1). Addressing underutilization further activates downtown and collaboration success possibilities.

# Vacant Property Engagement Remediation Options

## Encouraging Curiosity

When downtown vacant properties gain momentum and see more investment, there's an opportunity to encourage curiosity from passersby. Similar to the temporary vacant property solutions, encouraging curiosity tactics activate a previously empty space. These may involve creative window wrapping during construction or special pop-up events. In Montrose, the city has a fund for businesses to wrap their storefront windows when they are under construction. The window wrapping blocks the view of the inside construction from passersby, has a message about the

new business that will be arriving soon, and further encourages passersby to visit the new business inside after the window wrapping has been removed. In 2018, the Town of Center, with support from Downtown Colorado, Inc. (DCI), held a "Lights on Center" pop-up community event that featured a community meal in the main street, an artistic display, and used a downtown vacant building as the staging area and buffet location. Window wrappings and opportunities for deeper interactions with vacant spaces can catalyze momentum, idea sharing, and creativity.

## Engagement with Local Stakeholders

Engagement with local stakeholders builds relationships, communicates the downtown vision, grows the number of advocates, and provides a platform for different voices. Types of community engagement vary and can be built upon what plans and strategies are taking place. For example, if the municipality is in the process of updating their comprehensive plan, the public engagement for the plan update can encompass



Center, CO Downtown  
Photo Source: Sangre.

# Vacant Property Engagement Remediation Options

downtown vacancy questions and feedback opportunities. More sustained and long-term community engagement can come in the form of boards focused on specific topics and missions that relate to the downtown. For example, both a Main Street Program board and Downtown Development Authority board consist of local stakeholders. The local stakeholders on the established boards are well connected, in tune with current events, and hear from other stakeholders, which can then help inform direction and decision making.



Central City, CO Downtown  
Photo Source: DOLA Me

## Absentee Owner Engagement

Many small communities with high downtown vacancies have challenges with absentee owners. Absentee owners may be a result of people living out of state or inheritance effects as previous owners pass away. Downtown absentee owners are property owners and stakeholders in a downtown.

Processes related to newly proposed plans, strategies, visions, or special districts that impact the downtown, should involve and engage downtown stakeholders, including absentee owners. Updating all stakeholder contact information allows for communication and opportunities to get involved with changes downtown. Since absentee owners are rarely present in person, the engagement processes can be an opportunity for online participation and widening the understanding of activity happening near their property. Engaging the absentee owners can also lead to connection building and interactions with other downtown property owners who have active spaces and businesses.

# Vacant Property Engagement Remediation Options

## Local Developer Support and Downtown Championing

Developers who live locally and own property in small communities often have deep connections, personal interest, and personal investment in the community. Since local developers are present and rooted in the community, they also often have the patience and perseverance for challenging local projects that require more time and that other developers may find to be too much of a burden. Along with a focus on local developers, streamlining the development process can assist in addressing vacancies. During their Technical Advisory Panel, ULI Colorado (2018) recommended

streamlining the development review process in Central City with use-by-right, expediting permit reviews, subsidizing risk capital costs, integrating new development with historic buildings, and partnering with experienced developers (p. 20).

Furthermore, local people who are downtown champions can provide momentum, gather people, innovate, implement activation elements, and advocate for the downtown vision. A downtown champion is often a local business owner, resident, or worker who is very invested and connected in the community and takes action to move things forward before there is wide support. An example of a downtown champion is in Minturn, where a local businessman, Larry Stone, created an Agora, which is a community gathering place, during the pandemic out of one of his property's downtown driveways (Swenson, 2022). The Agora was a catalyst for a wine tasting room, woodfired pizza, local art, local restaurant collaboration, and new outside eating venue. Downtown champions are leaders, can help pave the way for what is possible and encourage others to



Minturn Agora  
Photo Source: Vail Daily

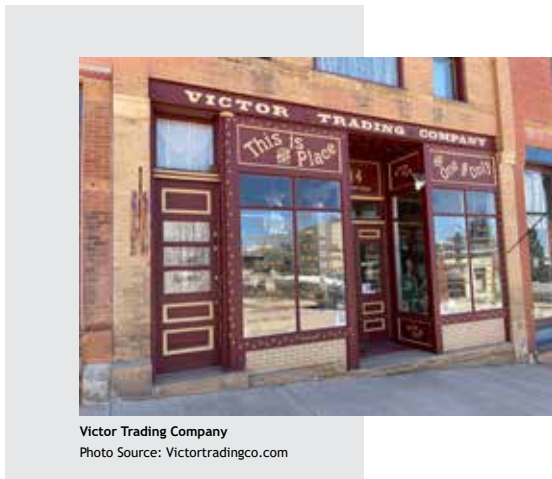
# Vacant Property Engagement Remediation Options

get involved. Perseverance and showcasing possibilities can reinspire existing businesses, support existing downtown activity, and be a tangible example for potential new investment.

## Paths to Local Ownership and Maintaining Presence

Growing pathways to local building ownership can strengthen local businesses and play a role in addressing and preventing downtown vacancies. Property ownership “provid[es] cost efficiencies—such as the ability to live above one’s business, increasing financial stability by minimizing rent

increases and/or introducing additional revenue streams from ancillary residential or commercial tenant rent” (Wisconsin Economic Development Corporation, 2022, para. 18). An example of this is in downtown Victor, where Sam and Karen Morrison own the Victor Trading Co. & Manufacturing Works business and live above it (J. Zalewski, personal communication, March 19, 2024). Additionally, succession planning for existing businesses plays a role in mitigating new vacancies. Succession planning outlines options and strategies for relinquishing a business when a person decides to retire and supports paths to ownership options. The planning includes approach options for selling the business, methods of transitioning, and knowledge sharing. Intentional and fruitful succession planning can contribute to accelerating the timeline for building ownership and expanded capacity to contribute to the community.





## Resources for Implementation

There are a variety of resources and organizations with expertise applicable to addressing downtown vacancies in small communities. This section is limited since this large topic was outside of the main scope of this report. Additionally, some resources available may change depending on federal funding. Access to the resources relies on a strong awareness of current conditions, political will, capacity, and budget abilities. Resources, both direct and indirect, originate from the federal or state level, along with organizations in Colorado which provide related technical assistance, knowledge, and expertise.



Federal-level resources with the possibility of being applicable to addressing vacant properties include brownfields funding from the EPA, federal historic preservation tax credits through the National Park Service, or USDA Rural Business Development Grant funding. State-level resources that could be direct or indirect for addressing vacant downtown properties include the CDOT Main Street Revitalization Program, brownfield support from CDPHE, façade grants from DOLA Main Street, and state historic preservation tax credits. In Colorado there are many organizations that have expertise in small town downtown revitalization, new business support, district formation, and/or preservation, such as the Colorado Main Street Program, Colorado Office of Economic Development and International Trade (OEDIT), Downtown Colorado, Inc (DCI), Community Builders, Ayres Associates, University Technical Assistance Program, Economic Development Council of Colorado (EDCC), Good Business Colorado, Colorado Preservation, Inc. (CPI)

# Resources for Implementation

and more. Additionally, there are organizations that have local connections and resources that could support addressing downtown vacancies, which include chambers of commerce, small business development centers (SBDC), and regional business support entities. The specific resources mentioned above include rural community funding options, capacity support, education sessions, marketing support, strategic plan implementation, stakeholder engagement strategy, technical assistance and more.



Victor, CO Downtown

# Conclusion

## Conclusion

The purpose of the project was to provide tangible, helpful, and Colorado-specific strategies for addressing vacant and dilapidated downtown buildings in small communities around the state. The strategies outlined in this report can be utilized, adapted, and tailored by small communities to create policies and procedures that best fit their context. The communities of focus for the strategies discussed have populations of 8,000 or less.

This report highlights general strategies for addressing vacant property drawn from small non-Colorado community contexts and Colorado vacant property contexts as a basis for strategy and method options for small Colorado communities. The strategy and method suggestions first recognized the Colorado vacant property landscape and contributing factors. The examples of Brush, Elizabeth, San Luis, and Victor showcase varying conditions and factors of vacancy which was further presented in a contrast of the communities. Strategies for addressing vacancies and dilapidation focused on policies, programs, code enforcement and financing tools. In addition to these strategies, vacant property engagement remediation options outlined the benefits of collaboration, participation, innovation with space and creativity. Resource options accompany the strategies and engagement options to support implementation steps and processes.



Victor, CO Downtown



# Conclusion

For the next steps, I would recommend a widening of resource research, a commitment to vacant property inventory upkeep, and implementation method sharing. The resource research widening would compile and categorize resources available from varying sources while consciously considering small community challenges and capacity constraints. The vacant property inventory upkeep commitment would encompass the inventory template, suggested timelines for annual updating, a one-stop data collection resource to complete the inventory, and research into system automation options for the inventory. The implementation method sharing would consist of more in-depth studies and analysis on successful method implementation in Colorado small communities.

In conclusion, the report highlights key takeaways of community-tailoring importance, awareness of existing conditions, capacity understanding and the available strategies and engagement remediation options for addressing downtown vacancies in Colorado small communities.



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**Appendix**

Appendix A: Interview Questions Used During Data Collection

Appendix B: Example Code from Akron, CO

Appendix C: Hugo Public Nuisance Code

Appendix D: Vacant Property Inventory Template

Appendix E: Brush! C.A.R.E.S. Business Incentive Program Overview

Appendix F: Hugo Dangerous Building Code

Appendix G: Hugo Ordinance Amendment

Appendix H: Colorado Urban Renewal Statute Definitions

## Appendix A

### Downtown Vacancy Interview Questions

- How many vacancies do you currently have in the downtown, and what is the percentage in comparison to the whole main street?
- Do you have a vacancy database or system in place for tracking them?
- Does the assessor data include vacant properties?
- Are there any current policies, strategies or regulations for addressing downtown vacancies?
- Have you heard about barriers property owners are facing that are affecting vacancy, and if so what are they?
- What strategies are in place to help drive traffic downtown, which may include placemaking tactics, window programs or events?
- Are there any current business incentive programs that support businesses downtown or prospective businesses? If so, what do those programs entail?
- Are there any currently any “consequences” for vacant or dilapidated properties?
- Are there any programs to support current property owners to address vacancy?

# Appendix B

## TOWN OF AKRON RESOLUTION NO. 24.04

### A RESOLUTION ADOPTING INACTIVE STATUS AND ABANDONMENT OF WATER/WASTEWATER SERVICES REGULATIONS

**WHEREAS**, the Town of Akron, State of Colorado, owns and operates their utility distribution systems, which provide the water, wastewater and sanitation needs and services of its citizens; and,

**WHEREAS**, The Town Manager and Public Works Committee recommends adopting inactive status and abandonment of water/wastewater services regulations to ensure the prudent management, maintenance, and care of the towns water/wastewater system.

### **NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF AKRON, COLORADO:**

**Section 1:** Effective May 1, 2024, the " Inactive Status and Abandonment Of Water/Wastewater Services Regulations " as attached to this resolution be adopted and implemented.

**Section 2.** That any ordinance or resolution passed, approved, and adopted prior to the passage and approval of this resolution in conflict with its provisions is repealed as of May 1, 2024.

**Section 3.** That this resolution shall take effect and be in full force from and after its passage and approval as required by law.

**Section 4.** That the provisions of this resolution are separable, and the invalidity of any phase, clause, or part of this resolution shall not affect the validity or effectiveness of the remainder of this resolution.

**Section 5.** That the Town Board of Trustees will evaluate and monitor each fund and its rates on a bi-annual basis.

**INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF AKRON THIS 5<sup>th</sup> DAY OF FEBRUARY, 2024.**

For: \_\_\_\_\_  
Against: \_\_\_\_\_  
Abstain: \_\_\_\_\_

ATTEST: TOWN OF AKRON

\_\_\_\_\_  
Dencia Raish, Town Clerk/Treasurer

By: \_\_\_\_\_  
Brandon Hill, Mayor

[SEAL]

## **Inactive Status and Abandonment of Water/Wastewater Services Regulations**

### **Voluntary inactive status; inactive fee**

Any property owner may request that the water and/or sewer services be placed in inactive status. As of May 1, 2024, all properties not presently charged for services are deemed to be in inactive status. All such inactive status accounts shall be subject to monthly "availability of service" fees for water and wastewater services payable at the rate of the designated base service charge for the given tap size/use. Such fees shall begin to accrue on said date.

### **Payment of inactive fees, no abandonment**

If the property owner remains current for the monthly "availability of service" fees for water and wastewater services, no abandonment shall be deemed to have occurred, regardless of the length of time that has passed for inactive status.

### **Abandonment of Water and Wastewater Services**

#### **Nonpayment and abandonment**

If the account for active water and wastewater services for any premises has been delinquent for a period of twenty-four (24) months, the service licenses for that premises shall be void and considered abandoned. For the purposes of this Section, delinquent shall mean that, for twenty-four (24) months, neither active nor inactive charges have been voluntarily paid outside of the property tax lien process. Payment of delinquent charges, service charges or any other charges shall not change an account's status once voided under this Section. All water accounts shut off for delinquency shall be deemed inactive and subject to charges for such status. At the discretion of the Town Manager, the tap and service may be disconnected from the main. After a license has become void under this Section, the subject premises shall not thereafter be served with water and wastewater services until new service licenses for each service are issued. No such new licenses shall be issued until the following conditions have been satisfied:

- Both water and wastewater components of this service connection must comply with the Town's standards applicable at the time of a new license application, as verified by inspection
- The water and wastewater services must be physically available for use at the premises
- All utility charges due against the property must be paid
- All costs associated with the reactivation of the tap, including a turn-on charge, must be paid
- A new tap fee must be paid for each service

Landowner's voluntary abandonment - A landowner may request to abandon water and wastewater services by written request to the Town Manager. No such request will be accepted unless both services are simultaneously abandoned and all utility charges are paid in full.

Irrigation-only taps - This policy on abandonment does not apply to "irrigation-only" water taps.

#### **Termination of service commitments**

Water supply commitments and wastewater service commitments are associated with a particular tap at each premise. Voiding the service license and abandonment of any tap will result in the forfeiture of the associated service commitment.

#### **Removal of meter**

After abandonment of the associated water tap and service commitment, the meter may be removed by the Utility Department.

#### **Notice of abandonment**

Before the effective date of the involuntary abandonment of the water and wastewater taps, notification of the effective date shall be mailed to the last known address of the property owner or manager and published one (1) time in the official newspaper of the Town no less than thirty (30) days before the effective date of such abandonment.

#### **No refund of fees**

When abandonment has occurred, there shall be no refund of any fees, charges or any other monies paid for the services to the affected premises.

### **Reactivation of Abandoned Service**

#### **Fees payable to reactivations**

In order to renew the abandoned services to the property, the owner must apply for such services in accordance with the Towns current rules and regulations and shall pay all applicable fees associated with a new service.

ORDINANCE NUMBER 254

**AN ORDINANCE CONCERNING NUISANCES AND PROVIDING FOR PENALTIES FOR VIOLATIONS.**

**WHEREAS**, the Board of Trustees has determined that it is necessary, in order to protect the health and welfare of the citizens of the Town of Hugo, that certain nuisances be defined and made illegal, and

**WHEREAS**, the Board of Trustees has determined that, in the interest of justice, a method of enforcement, which includes notice and penalties, should be established.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HUGO, COLORADO:**

Section 1. Prohibited Generally.

No person being the owner, agent or occupant or having under his or her control any building, lot or premise or unimproved real estate within the Town of Hugo shall maintain or allow any nuisance to be or remain therein.

Section 2. Definitions.

- a. Hazard to health or safety includes any activity so recognized by the United States, the State of Colorado or the ordinances of the Town of Hugo. Such hazard to health or safety shall constitute a nuisance.
- b. "Nuisance" means any substance, act, condition or use of property declared a nuisance by this ordinance or declared a nuisance by the State of Colorado or by any court or agency thereof, or known as a nuisance at common law or which is of such nature and duration as to:
  1. Substantially annoy, injure or damage the comfort, health, repose or safety of the public;
  2. In any way render the public insecure in life or in the use of property;
  3. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, or other public way.
- c. "Person" as used in this ordinance means a natural person, corporation, limited liability company, business trust estate, partnership, association, joint stock company, joint venture, two (2) or more persons having a joint or common interest, any other legal or commercial entity, or a receiver, executor, trustee, conservator, personal representative, or any other representative appointed by order of any court.
- d. "Vacant building" is any unoccupied building that is or has become dangerous, or otherwise is deemed to be hazardous to the public health and safety. A vacant building may serve as a breeding ground for flies, mosquitoes, rats and other disease-bearing insects, rodent and small animals; may contain broken glass or sharp metal or wood protrusions; may be a ready source of fire and explosion; and may encourage pilfering and theft constituting a blighting influence upon the area in which it is located, and such vacant building shall constitute a nuisance. All broken windows and non-secured doors that allow access to a vacant building shall be secured by the owner or agent within seventy-two (72) hours after notice is given by the Town.

### Section 3. Policy.

It is the policy of the town pursuant to Section 31-15-401 of the Colorado Revised Statutes, as amended, that every public nuisance shall be restrained, prevented, abated, and perpetually enjoined. It is the duty of the town attorney or enforcement officer of the town to bring and maintain an action, pursuant to the provisions of this chapter, to restrain, prevent, abate, and perpetually enjoin any such public nuisance. Nothing contained in this chapter shall be construed as an amendment or repeal of any other of the criminal laws of this state, but the provisions of this ordinance, insofar as they relate to those laws, shall be considered a cumulative right of the people in the enforcement of such laws. Further, it is not the policy or purpose of this chapter to repeal or preempt any zoning ordinance or other ordinances of this town which regulates the use of property and all other ordinances shall be construed along with this chapter and read together with this ordinance.

### Section 4. Nuisances ----- Defined and Declared

#### a. Vacant Buildings

Any Vacant Building within the Town of Hugo shall be secured, by the owner or agent within seventy-two (72) hours after notice is given by the Town, all broken windows and non-secured doors that allow access to a vacant building.

#### b. Refuse, Waste and Junk.

1. Refuse, waste matter and junk, which by reason of its location and character, is dangerous to public health, safety or welfare, unsightly or interferes with the reasonable enjoyment of property by neighbors, detrimentally affects property values in the surrounding neighborhood or community, or which would materially hamper or interfere with the prevention or suppression of fire upon the premises. Refuse, waste and junk include but are not limited to rubbish, refuse, debris, rubble, asphalt, concrete, plaster, tile, rocks, bricks, soil, crates, cartons, containers, boxes, inoperable machinery or parts thereof, scrap metal and other pieces of metal whether ferrous or non-ferrous, dead plants and trees, trimmings from plants and trees, cans, bottles, barrels, bones, rags, used rubber or used rope.

2. Junk shall also be defined as any material or object used or new, which is not presently usable, including, but not limited to: scrap metals and their alloys, bones, rags, cloth, rubber pieces, rope, tinfoil, bottles, tools, fixtures, utensils, lumber, boxes, crates, pipe or pipe fittings, automobile or airplane tires, machinery and appliances. Objects or material shall be considered junk if they are so worn, deteriorated or obsolete as to make them unusable in their existing condition. If they are not capable of being used in their present location on the property, or if they cannot legally be used due to the absence of legal prerequisites to use.

3. Keeping of Junk Restricted. It shall be unlawful for any person to store or keep or allow to be stored or kept any articles or materials which may be classified as junk according to the definition contained in this chapter, adjacent to or in close proximity to any schoolhouse, church, public park, residence or in a zoning district prohibiting outdoor storage or processing of junk unless such junk is kept in proper and tight buildings or fencing. A building shall be considered proper for the storage of junk if, it meets all town requirements for buildings or fencing, and it effectively shields its contents from the view of the public. Junk stored or kept in violation of this section is declared to be a public nuisance and may be abated pursuant to the provisions specified in this chapter.

4. Nothing in this definition shall preclude a person from repurposing items, defined in this ordinance, as ornamental lawn decoration, provided that it is not obscene, unkept, or dangerous to the general public.

c. Weeds and Weed Control

1. Growth and Accumulation on Premises and Adjoining Sidewalks and Alleys Prohibited. No owner of any lot, block or parcel of ground within the Town, nor any tenant or agent in charge thereof, shall allow or permit weeds to grow or remain when grown on such lot, block or parcel of ground or on or also any sidewalks adjoining the same or in the alley behind the same, but such weeds shall be cut close to the ground and kept so cut.

2. Any vegetation of little or no value and not used for ornamental or agricultural purposes. No owner, occupant or manager of any real property shall allow or permit weeds to grow or accumulate on any property located in the Town of Hugo (except undeveloped parcels one acre in size or larger) to a height in excess of twelve (12) inches above ground level. Such weeds shall constitute a nuisance.

d. Fire Hazards.

Dry or dead shrubs, dead trees, combustible refuse and waste, or any material growing on a street, sidewalk or upon private property within the town which by reason of its size, manner of growth and location constitutes a fire hazard to a building, improvement, crop or other property or when dry, will in reasonable probability constitute a fire hazard.

e. Hazardous Obstructions.

An obstacle, landscaping or tying, installed or maintained in the sight triangle reaching a height higher than four feet above the adjoining top of curb at the applicable corner of the street intersection or four feet above the nearest pavement surface where there is no curb, or the existing traveled roadway at the corner in question where there is no curb or pavement. Hazardous obstructions do not include existing or future permanent buildings otherwise constructed or maintained in accordance with applicable zoning and building regulations, public utility poles, and trees trimmed at the trunk at least eight feet above the level of the ground surface, provided that such trees are spaced so that trunks do not obstruct the vision of motorists.

f. Polluted Water.

1. A swimming pool, pond or other body of water, which is abandoned, unattended, unfiltered, or not otherwise maintained, resulting in the water becoming polluted. For purposes of this section, "polluted water" means water contained in a swimming pool, pond or other body of water, which contains one or more of the following: bacterial growth, including algae; remains of insects, remains of deceased animals, reptiles; rubbish, feces, refuse, debris, papers, and any other foreign matter or material which because of its nature or location constitutes an unhealthy, unsafe or unsightly condition.

2. Any unlawful pollution or contamination of any surface or subsurface waters in the town or of the air, or any water, substance or material intended for human consumption, but no action shall be brought under this subsection if the State Department of Health or any other agency of the state charged by and acting pursuant to statute or duly adopted regulation has assumed jurisdiction by the institution of proceedings on the pollution or contamination.



g. Public Burning.

1. The burning of wood, leaves, branches, and rubbish within the town limits is permitted, provided there are no countywide burn restrictions in place at the time, and;
2. Permission has been obtained, by the property owner or agent, from the fire marshal for the jurisdiction of the Town of Hugo.

h. Maintenance of property.

Owning, leasing, occupying, managing or having possession of any premises in the town in such manner that any of the following conditions are found to exist thereon:

1. The premises are a detriment to public health, safety or general welfare;
2. The premises are so defective, unsightly or in such condition of disrepair that they substantially diminish the value of surrounding property or are otherwise substantially detrimental to surrounding properties. Manifestation of this condition shall include, but not be limited to, the keeping on, or disposing of on, or the scattering over the premises of any of the following:
  - I. Junk, trash or debris,
  - II. Abandoned, discarded or unusable objects or equipment such as furniture, stoves, hot water heaters, refrigerators or freezers,
  - III. Stagnant water or an excavation,
  - IV. Any device, decoration, design, fence, or structure which is unsightly by reason of its condition or its inappropriate location;
  - V. A substantial number of windows are cracked or broken.
3. The premises are so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment, use, or property values of such adjacent properties;
4. The exterior of commercial establishments or multifamily buildings have not been maintained to present a neat and orderly appearance which is compatible with the area as follows:
  - I. A substantial number of windows are cracked or broken,
  - II. Painted surfaces are substantially cracked or peeling, or the paint has deteriorated to the point where the bare surface is substantially exposed, or
  - III. The building has otherwise not been substantially maintained;
5. Allowing vegetable or animal waste, garbage, litter, filth or refuse of any nature to accumulate within or upon any private alley, yard, or area except when it is temporarily deposited for immediate removal;
6. Permitting the accumulation of manure in any stable, stall, corral, feed yard, or in any other building or area in which any animals are kept. This provision does not apply to a light spread of manure upon lawns or gardens or which is plowed under the surface of the ground;
7. Keeping or collecting any stale or putrid grease or other offensive matter;
8. Any toilet or sanitary sewer facilities not constructed and maintained in accordance with the ordinances of the town;
9. Neglecting or refusing to discontinue use of, clean out, disinfect, and fill up all privy vaults, septic tanks, and cesspools or other individual wastewater disposal systems within twenty days (20) after notice from any enforcement officer or official of the town.

10. Keeping or allowing any substance on a property within the town which creates or excretes noxious or offensive odors.
- i. Any building, land, premises, or business, occupation or activity, operation or condition which, after being ordered abated, corrected, or discontinued by lawful order of the town or any officer thereof, continues to be conducted or continues to exist in violation of:
    - 1. Any ordinance of this town,
    - 2. Any regulation enacted pursuant to the authority of an ordinance of this town
  - j. Any place where people congregate, which encourages the disturbance of the peace, or where the conduct of persons in or about the place is such as to annoy or disturb the peace of the occupants of or persons attending such place, or the residents in the vicinity, or the passerby on the public streets or highways.
  - k. Any building, fence, structure, or land within the town, the condition of which presents a substantial danger or hazard to public health and safety.
  - l. Any cellar, vault, or sewer which is in such condition to produce unwholesome or offensive odors, or which is injurious to the public health.
  - m. Discharging or placing any offensive water, liquid waste, or refuse of any kind into any street, alley, sidewalk, gutter, stream, wash, natural watercourse, ditch, canal, or any vacant lot or which as the result of continued discharge will render the place of discharge offensive or likely to become so.
  - n. Obstructing or tending to obstruct or interfere with or render dangerous for passage any street or sidewalk, lake, stream, drainage, canal or basin, or any public park without first obtaining the written permission of the town.
  - o. The maintenance of any drainage system, canal, ditch, conduit or other water course of any kind or nature, natural or artificial, in a manner so as to become so obstructed to cause the water to back up and overflow therefrom, or to become unsanitary.
  - p. Sewer inlet. Any article or materials accumulated in any sewer or sewer inlet that shall have a sewer connection, which causes or might cause such sewer or sewer inlet to become noxious or offensive to others or injurious to public health.
  - q. Unsheltered storage of old, unused, stripped and junked machinery, implements, or personal property of any kind which is no longer safely usable for the purpose for which it was manufactured, for a period of thirty days or more [except in licensed junkyards, or if it meets the provisions of Section 4(b)(4)] within the town.
  - r. Junkyards and Dumping Grounds. All places used or maintained as junkyards or dumping grounds or for the wrecking or disassembling of automobiles, trucks, tractors or machinery of any kind or for the storing or leaving of worn out, wrecked or abandoned automobiles, trucks, tractors, trailers, boats and house trailers or machinery of any kind, or any of the parts thereof, or for the storing or leaving of any machinery or equipment, used by contractors or builders or by other persons, which places essentially interfere with the comfortable enjoyment of life or property by others. All such materials must be kept in a building or fence which is capable of screening such materials from the view of the public.
  - s. Those offenses which are known to the common law of the land and the statutes of the state as nuisances when the same exists within the town limits.

- t. Dead Animals. The body of any animal which has died, and which is undisposed of after twelve hours after death.
- u. Open Wells, Cisterns or Excavations. It is declared that excavations exceeding five feet in depth, cisterns and wells or an excavation used for storage of water are public nuisances unless the same are adequately covered with a locked lid or other covering weighing at least sixty pounds or are securely fenced with a solid fence to a height of at least five feet, and it shall be unlawful for any person to permit such nuisance to remain on premises owned or occupied by him. Any well or cistern on any property within the limits of the town, whenever a chemical analysis or other proper test or the location of the same shows that the water of the well or cistern is probably contaminated, impure or unwholesome, shall be deemed a nuisance. Any abandoned or unused well or cistern shall be filled with dirt and covered.
- v. It is unlawful for any person to leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied, or abandoned building, structure, or dwelling under his control, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator, or other container which has a door or lid, snap lock or other locking device, which may not be released from the inside, without first removing the door or lid, snap lock or other locking device. Such icebox, refrigerator or other container shall be a public nuisance which may be abated without judicial proceedings by removal of the door or lid, snap lock or other locking device.
- w. Transporting of Garbage or Manure. The transport of manure, garbage, swill or offal upon any street in this town in a vehicle which is not fitted with a substantially tight enclosed box thereon allowing no portion of such filth to be scattered or thrown into such street is declared a nuisance.
- x. It is unlawful for any person to store or keep or permit to be stored or kept any junk vehicle, or parts thereof, unless in a fully enclosed structure. For purposes of construing this subsection, "person's means the owner of the vehicle or parts thereof, or the owner, manager, lessee or possessor of the property where the vehicle or parts are stored. The following definitions shall apply in the interpretation and enforcement of this subsection:
  - 1. "Antique vehicle" means any vehicle, at least twenty-five years old, which is valued principally because of its early date of manufacture, design, historical interest or as a collector's item, and licensed as a collector's series or horseless carriage by the state of Colorado or another state with similar license provisions;
  - 2. "Junk vehicle" means any vehicle not capable of travel under its own power, or any vehicle not bearing current registration plates, or if bearing such plates, which remains stationary or unused for more than thirty consecutive days; or any automobile, truck or self-propelled vehicle which does not comply with the minimum safety requirements of the Colorado Motor Vehicle Law; provided, however, that such definition shall not include antique vehicles, which are capable of travel under their own power but which do not bear current registration plates when such vehicles are located upon vehicle sale lots which hold current city business licenses;
  - 3. "Private property" means real property which is owned by a private person or entity;

4. "Vehicle" means a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides to transport persons or property or pull machinery and shall include, without limitation, automobile, airplane, truck, trailer, motorcycle, motor scooter, tractor, buggy and wagon.

y. **Unpermitted Camping**

No unpermitted camping shall be allowed in any public parks or on any public property within town limits.

Section 5. Author of Nuisance ---- Defined

Where a nuisance exists upon property and is the outgrowth of the usual, natural or necessary use of the property, the owner or his agent, then tenant or his agent, and all other persons having control of the property on which such nuisance exists shall be deemed to be authors thereof and shall be jointly and equally liable and responsible. Where any such nuisance shall arise from the unusual or unnecessary use of such property or from the business thereof conducted, then the occupants and all other persons contributing to the continuance of such nuisance shall be deemed the authors.

Section 6. Authority.

- a. Declaration of a nuisance. Any act, condition, substance, occupation or use of property which substantially meets the criteria of a nuisance as defined in Section 2 above may be so declared by the Town, and nothing contained elsewhere within this ordinance shall be construed to limit the power of the Town to make such declaration.
- b. Filing a complaint. Any Person may file with the Town Clerk, or any enforcement officer of the town a direct, written complaint against any person alleged to be in violation of any provision of this ordinance.

Section 7. Notice and Abatement.

a. Notice to abate. Except as defined in Section 4(c), of this ordinance concerning regulation of weeds and weed control, It shall be the duty of the Town to cause notice to be served upon the person responsible for any nuisance, whether declared by the Town or by direct, written complaint, requiring said person to abate the same in a reasonable time and in such reasonable manner as prescribed, and such notice may be given or served by any officer directed or deputized to give or make the same. In causing notices to be served, the Town may authorize the Town Marshal, other Town officials, inspectors, or any other appropriate Town employee, to issue notice of abatement. The reasonable time for abatement shall not exceed fourteen (14) days, unless it appears from the facts and circumstances that compliance could not reasonably be made with fourteen (14) days or that a good-faith attempt at compliance is being made, except, such time for abatement may be as brief as necessary to protect the public health and safety. Such notice shall be in writing, signed by the official issuing the same, and shall be personally served upon the owner or occupant of the premises upon which said nuisance exists, or, if not occupied, then by posting of the same prominently at some place on the premises upon which said nuisance exists. If service is by posting as aforesaid, then a copy of said notice shall also be mailed by certified mail, return receipt requested, to the owner of such property as shown upon the tax rolls

of Lincoln County, Colorado, at the address of such owner therein shown. The Town may exercise its authority to issue one abatement notice per violation per calendar year, to allow the person responsible for any nuisance to come into compliance. However, the second alleged violation of this ordinance within any calendar year will result in a mandatory summons to the Hugo Municipal Court being served on the person responsible for the alleged nuisance.

b. Abatement by Town concerning Section 4(c) Weeds and Weed Control. If any owner, tenant or agent shall fail to cut weeds as required by this section, within seven (7) days after being notified to do so by the Town Clerk or designated enforcement officer, by personal delivery of written notice, or registered or certified mail, the Board may direct that the weeds be cut by an employee of the Town and charge the cost thereof to such owner, tenant, or agent in charge, together with ten percent (10%) additional for inspection and other incidentals.

c. Abatement and costs. If the person notified in accordance with Section 7(a), of this ordinance shall neglect or refuse to comply with the requirements of this notice to abate the nuisance within the time specified, or shall fail to maintain compliance by allowing a nuisance or nuisances to exist on their property within the next twelve (12) months following notification of a prior nuisance, such person shall be served a summons to appear in the Hugo Municipal Court to defend such neglect or refusal to comply. If such person is found to be guilty in the Municipal Court of a violation of this ordinance, the Town, in its discretion, or by order of the Municipal Court, may enter upon the premises and engage the necessary assistance and incur the necessary expenses to accomplish the abatement. Such parties shall proceed with due care and without any unnecessary destruction of property, and with proper respect for the occupant's constitutional rights. All costs of abatement shall be the responsibility of the owner of the property and/or the person responsible for the nuisance, and such costs and expenses may be collected by the Town in any action at law, including reasonable attorney's fees in the prosecution and collection thereof. All costs of abatement shall be delivered in writing by the Town to the person responsible for the nuisance, and such statement shall describe the date of the work and nature of the work performed, together with a ten percent (10%) assessment for inspection and other incidental costs incurred by the Town in connection therewith, along with reimbursement to the Town of legal costs incurred in enforcement of this ordinance. Such statement shall require payment within thirty (30) days of the statement date, and if not timely paid, shall accrue interest on the unpaid balance thereof at twelve percent (12%) per year. Each assessment and statement shall be a lien against each parcel of land where the nuisance existed until paid and shall have priority over other liens except general taxes and prior assessments.

d. Collection of Costs of Abatement by Town pursuant to Section 7(b), of this ordinance. In the event the weeds on any lot, block or parcel of ground, or along the sidewalk adjoining the same or the alley behind the same, are cut by order of the Board, the whole cost of cutting such weeds, together with ten percent (10%) for inspection and other incidentals, shall be paid to the Town Clerk within thirty (30) days after mailing by the Town Clerk to the owner of such lot, block or parcel of ground by registered or certified mail, notice of the assessment of such cost. Failure to pay such assessment within such period of thirty (30) days shall cause such assessment to become a lien against such lot, block, or parcel of land and shall have priority over all liens, except general taxes and prior special assessments, and the same may be certified at any time after such failure to so pay the same within thirty (30) days, by the Town Clerk to the County Treasurer to be placed upon the tax list for the current year and to be collected in the same manner as other taxes are collected, with ten percent (10%) penalty to defray the cost of collection.

e. Certification to County Treasurer. In the event the assessment of the abatement of the nuisance is not paid within thirty (30) days of the final billing by the Town, or such deadline as may be established by the Hugo Municipal Court, whichever

the case may be, the Town, through the Town Manager or Town Attorney, may certify the sum owed to the Lincoln County Treasurer, who shall collect the assessment, together with a ten percent (10%) penalty for cost of collection, and all other costs as set forth in this Section 7, in the same manner as other taxes on real property are collected.

Section 8. Fines and Penalties.

In addition to the costs of abatement, a fine of not less than twenty-five dollars (\$25.00) or a maximum assessed by the Hugo Municipal Court per day shall be assessed for any violation of this ordinance not abated within the time period provided in the notice to abate.

Section 9. Severability.

If any one or more sections of parts of this ordinance shall be adjudged unenforceable or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this ordinance, it being the intention that the various provisions hereof are severable.

Section 10. Repealer.

All acts, orders, resolutions, ordinances, or parts thereof, of the Town of Hugo that is inconsistent or in conflict with this ordinance is hereby repealed to the extent only of such inconsistency or conflict. Town of Hugo Ordinances Number 232, 245, and 246 are repealed in their entirety upon adoption of this ordinance.

Section 11. Recording and Authentication.

Following adoption, this ordinance shall be authenticated by the signature of the Mayor and the Town Clerk and shall be recorded in the Town of Hugo book of ordinances.

Section 12. Effective Date.

This ordinance shall take effect thirty (30) days after publication as required by law.

**INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 8th day of July, 2019.**



Tom Lee; MAYOR

ATTEST:



Maria Nestor; TOWN CLERK













**City of Brush! C.A.R.E.S.**  
**Commercial Asset Reinvestment & Enhancement Solution**  
*Program Guidelines*

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The City of Brush! seeks to enhance the investment in our local businesses and business infrastructure in partnership with community organizations to further build our local economy. Through a portion of the funds received through the American Rescue Plan Act (ARPA), we want to revise existing business incentive programs, and create greater opportunity for business success and increase funding availability for new and expanding businesses. In addition to increasing funds for the historical uses through the former Brush Downtown New Business Program of reimbursement for rent, advertising, and City utility expenses, and revising the funding structure for the Façade Enhancement Grant, the new Brush Small Business Program will include an expansion of the uses of funds to include the following opportunities:

- Reimbursement of City property taxes
- Reimbursement of a portion of collected local sales tax
- Reimbursement of use tax
- Reimbursement of all or a portion of building permit fees
- Reimbursement for a code analysis for the redevelopment/reuse of a property
- Reimbursements for various life safety and building improvements such as roofing, plumbing, electrical, mechanical, water, sewer, and ADA accessibility
- Free architectural drawings for façade improvements ideas

As part of the revised process and approval, businesses will be required to demonstrate their knowledge of good business practices through criteria described in the application that connects the businesses with professional knowledge in key elements of business operations. The intention is to help position business owners for success prior to being made stewards and beneficiaries of the incentive investment.

Through the application submission process, each application will be scored based on a rubric that prioritizes City investment categories in comparison to the business project. The rubric consists of the following:

- Level of capital improvement investment (how much is being reinvested into the building improvements and infrastructure)
- Number of jobs created (both full-time and part-time)
- Average wages of created jobs equal to or more than county average (the current AMI in Morgan County)
- Longevity in the community (the amount of time a business has been operating in the City of Brush!)
- Sales tax generation (whether the business will be generating sales tax, for retail operations only)
- Property tax generation (whether the business will be paying property tax)
- Brush Chamber Member (whether the business is investing into the Chamber, who is not only a partner in the operation of the program, but vital component to the health of the community)
- Products sourced locally (whether any components of the business operation acquired locally)

- Xcel Energy Business Energy Assessment (Xcel offers a program to uncover ways of minimizing energy wasters and improving energy efficiency)
- Community reinvestment (whether or not the business reinvests back into Brush! Community needs through time and/or financial investment with community events and community non-profit partners)

That metric's scoring will determine the amount of funds available to a business for the Incentive Program. Providing oversight and scoring for the application will consist of representatives of the City of Brush! and the Brush Area Chamber of Commerce. Approval will be given in accordance with the process established, and businesses will be notified within three (3) days of a decision, and a discussion with the applicant will take place regarding the best use of allocating the awarded dollars. Project awards will not exceed the project value. An application for the funds does not guarantee approval for funds.

The Program funds are intended to incentivize investment into the Brush business community and supporting business environment. A project scope will need to be supplied to understand what the applicant intends to invest in, as well as any applicable designs, and building and site plans. Fulfillment of the performance for which any granted incentives are given will be tied to the distribution of the funds. If a business fails to complete its obligations of project scope, reimbursement shall not be given. Reimbursement shall be initiated upon the submission of necessary documentation to the City of Brush!, and approved through the City's bill approval process. This Incentive Program will operate as funds are available throughout a fiscal year. If funds originally dedicated to the Program are exhausted or limited at any point in any given year, there is the possibility of unequal distribution of incentives based on comparable merit. Furthermore, as the Program is implemented, aspects of it may be subject to revision to be more efficient in achieving its intent. Therefore, any previous versions may no longer be applicable.

**Contacts for the Brush! Business Incentive Program**

Tyler Purvis  
[City of Brush!](http://CityofBrush!)  
 970.842.5002  
[tpurvis@brushcolo.com](mailto:tpurvis@brushcolo.com)

Matt Gordon  
[Brush Area Chamber of Commerce](http://BrushAreaChamberofCommerce)  
 970.842.2666  
[executivedirector@brushchamber.org](mailto:executivedirector@brushchamber.org)

**Business Partner Contacts**

[East Colorado Small Business Development Center](http://EastColoradoSmallBusinessDevelopmentCenter)  
 970.351.4274  
[info@eastcoloradosbdc.com](mailto:info@eastcoloradosbdc.com)

[Morgan Community College](http://MorganCommunityCollege)  
 970.542.3100  
[leah.thomas@morgancc.edu](mailto:leah.thomas@morgancc.edu)

[Headley Tax Service](http://HeadleyTaxService)  
 970.842.2264

[Bank of Colorado](http://BankofColorado)  
 970.842.2444

[Morgan County Economic Development Corp.](http://MorganCountyEconomicDevelopmentCorp)  
 970.467.7100

[Farmers State Bank](http://FarmersStateBank)  
 970.542.5101

[Xcel Energy](http://XcelEnergy)  
 855.839.8862



**City of Brush! C.A.R.E.S.**  
**Commercial Asset Reinvestment & Enhancement Solution**  
*Program Guidelines*

Incentives	Details
City of Brush! property tax	Applicable if business owner is building owner, and while applicable business still in clear operation, and/or tied to projects with building improvements. Reimbursed on an annual basis. Year 1 – 75%      Year 2 – 50% Year 3 – 25%      Year 4 – 15%
City of Brush! sales tax	For retail sales only. Reimbursement of 10% of collected local 4.0% sales tax collected. Will be done for one year and will require a copy of documentation of collected reports sent to Colorado Department of Revenue.
City of Brush! use tax	Reimbursement for use tax on materials purchased locally for construction or expansion. Original sales receipts will be required.
Building permit fees	Reimbursement of all or a portion of fees.
Business mortgage/rent	Up to 1/3 of monthly mortgage/rent reimbursed, not to exceed \$750 per month, for three months (\$2,250 max). Will require a submission of mortgage agreement or lease agreement.
Advertising costs	\$750 maximum reimbursement. Receipt(s) will be required.
City utility costs	Up to \$125 per month reimbursements for one year while business is still in clear operation, and/or tied to projects with building improvements (\$1,500 max). Reimbursements will be quarterly. Submission of receipt of payments required. No late fees or reconnection fees will be reimbursed.
Grants	Details
Façade building improvements	25% matching grant, up to \$10k (façade being the exterior sides of a primary structure adjacent to and clearly visible from the public street Categories of façade improvement: Design (up to \$1,000) Paint (up to \$1,000) Awnings (up to \$1,000) Signs (up to \$1, 000) General Façade improvement (up to \$3,500) Historic Character enhancement (up to \$5,000)
Code analysis for the redevelopment/reuse of a property	Reimbursement of up to \$3,000 for a consultant to provide analysis in determining the code compliance requirements. Submission of invoice required.
Life safety and building improvements	Reimbursements for a portion of necessary building enhancements. Examples include structural, roofing, plumbing, electrical, mechanical, water, sewer, ADA accessibility.
Free architectural drawings for façade improvements ideas	Colorado Main Street can provide these services to the community as part of the Brush Chamber’s participation.

**ORDINANCE NUMBER 233**

**AN ORDINANCE TO DEFINE DANGEROUS BUILDINGS, TO ALLOW FOR THE ABATEMENT OF DANGEROUS BUILDINGS, AND TO IMPOSE PENALTIES AND COSTS FOR ALLOWING A DANGEROUS BUILDING**

**Whereas**, the Town of Hugo, hereinafter referred to as the “Town”, in the County of Lincoln, State of Colorado, is the body corporate operating as a statutory town pursuant to the general statutes of the State of Colorado; and

**Whereas**, Colorado Revised Statutes, C.R.S. 31-15-401, et. seq., gives to the governing bodies of municipalities the authority to regulate the police of the municipality and pass and enforce all necessary police ordinances 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 to declare what is a nuisance and to abate the same, imposing fines upon parties who may create or continue nuisances or suffer nuisances to exist; and

**Whereas**, Colorado Revised Statutes 31-15-601, et, seq., gives to the governing bodies of municipalities the authority to direct that any buildings or structures when the same have been damaged by fire or decay to the point that the building or structure is a fire hazard or otherwise dangerous or harmful to the citizens of the municipality be torn down or removed or placed in a safe condition; and

**Whereas**, the Board of Trustees, hereinafter referred to as the “Board” has determined that there may be dangerous buildings or structures within the community, which are a nuisance and dangerous, or potentially dangerous to the citizens, which buildings or structures should be subject to rehabilitation or removal;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HUGO, COLORADO:**

**SECTION I – PURPOSE AND SCOPE:** It is the purpose of this Ordinance to provide a just, equitable, and practicable method whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety, or welfare of the general public or their occupants may be required to be repaired, vacated, or demolished. The provisions of this Ordinance shall apply to all dangerous buildings, as herein defined, which are now in existence or which may hereafter become dangerous within the Town of Hugo.

**SECTION II - DANGEROUS BUILDING DEFINED:** A “dangerous building” is any building or structure deemed to be dangerous under any of the following provisions:

A. Whenever the building or structure, or any portion thereof, because of dilapidation, deterioration, decay, faulty construction; removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; the deterioration, decay, or inadequacy of its foundation; or any other cause, is likely to partially or completely collapse.

B. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

C. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children; a harbor for vagrants, criminals or immoral persons; or as to enable persons to resort thereof for the purpose of committing unlawful or immoral acts.

D. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by a town, county, or state health officer, or caseworker to be unsanitary, unfit for human habitation or in such a condition that it is likely to cause sickness or disease.

E. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the town fire marshal, or appropriate county or state officials, to be a fire hazard.

F. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or by state statute.

G. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

**SECTION III - NUISANCE DECLARED; PROHIBITED:** All buildings or portions thereof which are determined after inspection by the Town's Representative to be dangerous as defined in this Ordinance are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures set forth in this Ordinance.

#### **SECTION IV - ENFORCEMENT; INSPECTION; DETERMINATION:**

A. The Town Board shall appoint a Town Representative to enforce the provisions of this Ordinance. This Town Representative shall have at least the minimum training or education necessary to interpret and enforce the provisions of this Ordinance and may employ, if deemed necessary, engineering or other technical expertise to determine those portions of the dangerous building definition applicable to structural or construction issues.

B. The Town Representative is hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this Ordinance.

C. When it is necessary to make an inspection to enforce the provisions of this Ordinance, or when the Town Representative has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this Ordinance which makes the building or premises unsafe, dangerous or hazardous, the Town Representative may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Ordinance, provided that if such building or premises is occupied, that credentials be presented to the occupant and entry requested. If such building or premises are unoccupied, the Town Representative shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the Town Representative shall have recourse to the remedies provided by law to secure entry.

#### **SECTION V - ABATEMENT; PROCEEDINGS:**

A. When the Town Representative has inspected or caused to be inspected any building and has found and determined that such building is a dangerous building, the Town Representative shall commence proceedings to cause the repair, vacation or demolition of the building.

B. The Town Representative shall issue a notice and order directed to the record owner of the building and to the occupant of the building, if known.

1. The notice and order shall contain the following:

a. The street address and a legal description sufficient for identification of the premises upon which the building is located.

b. A statement that the Town Representative has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of this Ordinance.



c. A statement of the action required to be taken as determined by the Town Representative. Such statement of action may be one of the following:

(1) If the Town Representative has determined that the building or structure must be repaired, the order shall require that the owner obtain all necessary permits, if any, and that all repairs commence within such time (not to exceed sixty days from the date of the order) and completed within such time as the Town Representative shall determine is reasonable under all of the circumstances.

(2) If the Town Representative has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the Town Representative to be reasonable.

(3) If the Town Representative has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the Town Representative shall determine is reasonable (not to exceed sixty days from the date of the order); that all required permits be secured therefore within sixty days from the date of the order; and that the demolition be completed within such time as the Town Representative shall determine is reasonable.

d. Statements advising that if any required repair or demolition work is not commenced within the time specified, the Town Representative will order the building vacated and posted to prevent further occupancy until the work is completed and may proceed to cause the work to be done and charge the costs thereof against the property or its owner.

e. Statements advising that any person having any record title or legal interest in the building may appeal from the notice and order of any action of the Town Representative to the Town Board, provided the appeal is made in writing and filed with the Town Clerk within thirty (30) days from the date of service of such notice and order; and that failure to appeal in a timely manner will constitute a waiver of all right to an appeal hearing. Any appeal shall state with specificity the reasons for the appeal.

f. Statements advising that the order may be enforced by the Municipal Court for the Town of Hugo.

2. Service of the notice and order may be made upon the owner or possessor of the property by either mailing a copy of the notice and order to the owner or possessor by certified mail, delivering a copy of the notice and order to the owner or possessor at his or her address or wherever he or she may be found, and / or by posting such notice and order to the front door or other visible portion of the subject property.

## **SECTION VI - ABATEMENT ENFORCEMENT**

A. Refusal to Comply: Should the owner, or person or persons in control of the dangerous building fail or refuse to comply with the notice and order issued by the Town's Representative, and further fails to appeal to the Town Board within the time required by this Ordinance, the Town's Representative shall cause a summons and complaint to be served upon the person or persons, in accordance with the Colorado municipal court rules of procedure, requiring the person or persons to appear in Hugo Municipal Court on a date certain to answer the charges against him or her. Nothing in this Ordinance shall be construed to prevent the Town from taking immediate action to abate the dangerous building if in the Town's Representative's discretion immediate action is required due to an imminent and immediate hazard, danger, and safety factor existing to the public at large if immediate action is not taken.

B. Abatement: The Town, through its appointed Representative, upon the determination that an owner, person, or persons, in control of a dangerous building, has failed and refused to bring the dangerous building into compliance, and / or upon a finding of the Hugo Municipal Court Judge that the subject property is in violation of this Ordinance, may take such action as is necessary to abate the dangerous building and to bring the subject property into compliance. The whole cost, thereof, including the Town's reasonable costs (including legal, engineering, and other technical expenses) incurred in enforcing this Ordinance, together with five percent (5%) for inspection and other incidental costs in connection therewith, shall be assessed upon the lots and tracts of land which have been adjudicated to be a dangerous building. The assessment shall be a lien against each lot or tract of land until paid, the expenses and assessment to be paid within thirty (30) days of assessment. The land owner may request a hearing upon the reasonableness of the assessment provided that such request is made within ten (10) days of the assessment.

C. Certification to County Treasurer: In the event the assessment for the abatement of the dangerous building is not paid within thirty (30) days of the final billing of the Town, or of such deadline as is established by the Hugo Municipal Court, whichever the case may be, the Town may certify the sum owed to the Lincoln County Treasurer who shall collect the assessment, together with a ten percent (10%) penalty for cost of collection, in the same manner as other taxes are collected against real property.

**SECTION VII - VIOLATION; PENALTY:** It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, maintain, or allow any building or structure or cause or permit the same to be done in violation of the terms of this Ordinance. Those persons or entities in violation of the provisions of this Ordinance may be subject to a fine not to exceed five hundred dollars (\$500.00) for each violation of this Ordinance, and for each day that the property is not in compliance with the provisions of this Ordinance.

**SECTION VIII – SEVERABILITY.**

If any one or more sections or parts of this Ordinance shall be adjudged unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, it being the intention that the various provisions hereof are severable.

**SECTION IX – REPEALER.**

All acts, orders, resolutions, ordinances, or parts thereof, of the Town of Hugo that is inconsistent or in conflict with this Ordinance is hereby repealed to the extent only of such inconsistency or conflict.

**SECTION X – RECORDING AND AUTHENTICATION.**

Following adoption, this Ordinance shall be authenticated by the signature of the Mayor and the Town Clerk and shall be recorded in the Town of Hugo book of ordinances. This Ordinance shall take effect thirty (30) days after publication as required by law.

INTRODUCED, READ, ADOPTED, AND ORDERED PUBLISHED this twelfth day of March, 2012.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
TOWN CLERK

Published in the Eastern Colorado Plainsman on March 29, 2012.

**ORDINANCE NUMBER 235**

**AN ORDINANCE TO AMEND ORDINANCE NUMBER 233  
CONCERNING DANGEROUS BUILDINGS**

**Whereas**, the Town of Hugo, hereinafter referred to as the “Town”, in the County of Lincoln, State of Colorado, is the body corporate operating as a statutory town pursuant to the general statutes of the State of Colorado; and

**Whereas**, Colorado Revised Statutes, C.R.S. 31-15-401, et. seq., gives to the governing bodies of municipalities the authority to regulate the police of the municipality and pass and enforce all necessary police ordinance 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 to declare what is a nuisance and to abate the same, imposing fines upon parties who may create or continue nuisances or suffer nuisances to exist; and

**Whereas**, Colorado Revised Statutes 31-15-601, et, seq., gives to the governing bodies of municipalities the authority to direct that any buildings or structures when the same have been damaged by fire or decay to the point that the building or structure is a fire hazard or otherwise dangerous or harmful to the citizens of the municipality; and

**Whereas**, the Board of Trustees, hereinafter referred to as the “Board” had previously determined in Ordinance No. 233 that there may be dangerous buildings or structures within the community, which are a nuisance and dangerous, or potentially dangerous to the citizens, which buildings or structures should be subject to rehabilitation or removal; and

**Whereas**, since the adoption of Ordinance No. 233, the Board has determined that Ordinance No. 233, Section IV.C., should be amended for reasons of clarity;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF  
THE TOWN OF HUGO, COLORADO:**

**SECTION I – AMENDMENT OF SECTION IV, ENFORCMENT; INSPECTION;  
DETERMINATION; PARAGRAPH C.** Upon passage of this Ordinance, Section IV,  
Paragraph C shall be amended to state as follows:

C. The Town, upon receiving a written complaint from a citizen or officer of the Town concerning an allegation of a dangerous building, and when it is necessary to make an inspection to enforce the provisions of this Ordinance, or when the Town Representative has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this Ordinance which makes the building or the premises unsafe, dangerous, or hazardous, as defined herein, the Town Representative may enter the building or premises at reasonable times to inspect

or to perform the duties imposed by this Ordinance, provided that if such building or premises are occupied, that credentials be presented to the occupant and entry requested. If such building or premises are unoccupied, the Town Representative shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the Town Representative shall have recourse to the remedies provided herein and by law to secure entry.

**SECTION II - ONLY AMENDMENT.** All other provisions of Ordinance No. 233, not amended by this Ordinance, shall remain in full force and affect.

**SECTION III – SEVERABILITY.**

If any one or more sections or parts of this Ordinance shall be adjudged unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, it being the intention that the various provisions hereof are severable.

**SECTION IV – REPEALER.**

All acts, orders, resolutions, ordinances, or parts thereof, of the Town of Hugo that is inconsistent or in conflict with this Ordinance is hereby repealed to the extent only of such inconsistency or conflict.

**SECTION V – RECORDING AND AUTHENTICATION.**

Following adoption, this Ordinance shall be authenticated by the signature of the Mayor and the Town Clerk and shall be recorded in the Town of Hugo book of ordinances. This Ordinance shall take effect thirty (30) days after publication as required by law.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this thirteenth day of August, 2012.

*Patsie F. Smith*  
Patsie E. Smith; MAYOR

ATTEST:  
*Gerald L. Ensign*  
Gerald L. Ensign; TOWN CLERK

Document: C.R.S. 31-25-103

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**C.R.S. 31-25-103**

**Copy Citation**

Statutes current through Chapter 123 of the 2024 Regular Session, effective as of April 22, 2024. The 2024 legislative changes are not final until compared and reconciled to the 2024 work product of the Colorado Office of Legislative Services later in 2024.

**Colorado Revised Statutes Annotated Title 31. Government - Municipal (§§ 31-1-101 – 31-35-712) Powers and Functions of Cities and Towns (Arts. 15 – 35) Article 25. Public Improvements (Pts. 1 – 13) Part 1. Urban Renewal (§§ 31-25-101 – 31-25-116)**

**31-25-103. Definitions.**

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As used in this part 1, unless the context otherwise requires:

**(1)** "Agricultural land" means any one parcel of land or any two or more contiguous parcels of land that, regardless of the uses for which the land has been zoned, has been classified by the county assessor as agricultural land for purposes of the levying and collection of property tax pursuant to sections 39-1-102 (1.6)(a) and 39-1-103 (5)(a), C.R.S., at any time during the five-year period prior to the date of adoption of an urban renewal plan or any modification of such a plan.

**(2)** "Blighted area" means an area that, in its present condition and use and, by reason of the presence of at least four of the following factors, substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare:

- (a)** Slum, deteriorated, or deteriorating structures;
- (b)** Predominance of defective or inadequate street layout;
- (c)** Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- (d)** Unsanitary or unsafe conditions;
- (e)** Deterioration of site or other improvements;
- (f)** Unusual topography or inadequate public improvements or utilities;
- (g)** Defective or unusual conditions of title rendering the title nonmarketable;
- (h)** The existence of conditions that endanger life or property by fire or other causes;

**(i)** Buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidation, deterioration, defective design, physical construction, or faulty or inadequate facilities;

**(j)** Environmental contamination of buildings or property;

**(k)** (Deleted by amendment, L. 2004, p. 1745, § 3, effective June 4, 2004.)

**(k.5)** The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements; or

**(l)** If there is no objection by the property owner or owners and the tenant or tenants of such owner or owners, if any, to the inclusion of such property in an urban renewal area, "blighted area" also means an area that, in its present condition and use and, by reason of the presence of any one of the factors specified in paragraphs (a) to (k.5) of this subsection (2), substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare. For purposes of this paragraph (l), the fact that an owner of an interest in such property does not object to the inclusion of such property in the urban renewal area does not mean that the owner has waived any rights of such owner in connection with laws governing condemnation.

**(3)** "Bonds" means any bonds (including refunding bonds), notes, interim certificates or receipts, temporary bonds, certificates of indebtedness, debentures, or other obligations.

**(3.1)** "Brownfield site" means real property, the development, expansion, redevelopment, or reuse of which will be complicated by the presence of a substantial amount of one or more hazardous substances, pollutants, or contaminants, as designated by the United States environmental protection agency.

**(3.3)** "Business concern" has the same meaning as "business" as set forth in section 24-56-102 (1), C.R.S.

**(3.5)** "Displaced person" has the same meaning as set forth in section 24-56-102 (2), C.R.S., and for purposes of this part 1 shall also include any individual, family, or business concern displaced by the acquisition by eminent domain of real property by an authority.

**(3.7)** "Governing body" means the governing body of the municipality within which an authority has been established in accordance with the requirements of this part 1.

**(4)** "Obligee" means any bondholder, agent, or trustee for any bondholder, or any lessor demising to an authority property used in connection with an urban renewal project of the authority, or any assignee of such lessor's interest or any part thereof, and the federal government when it is a party to any contract or agreement with the authority.

**(5)** "Public body" means the state of Colorado or any municipality, quasi-municipal corporation, board, commission, authority, or other political subdivision or public corporate body of the state.

**(6)** "Real property" means lands, lands under water, structures, and any and all easements, franchises, incorporeal hereditaments, and every estate and right therein, legal and equitable, including terms for years and liens by way of judgment, mortgage, or otherwise.

**(7)** "Slum area" means an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, and which, by reason of dilapidation, deterioration, age or obsolescence,

inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire or other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime and is detrimental to the public health, safety, morals, or welfare.

**(7.5)** "Urban-level development" means an area in which there is a predominance of either permanent structures or above-ground or at-grade infrastructure.

**(8)** "Urban renewal area" means a slum area, or a blighted area, or a combination thereof which the local governing body designates as appropriate for an urban renewal project.

**(8.5)** "Urban renewal authority" or "authority" means a corporate body organized pursuant to the provisions of this part 1 for the purposes, with the powers, and subject to the restrictions set forth in this part 1.

**(9)** "Urban renewal plan" means a plan, as it exists from time to time, for an urban renewal project, which plan conforms to a general or master plan for the physical development of the municipality as a whole and which is sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.

**(10)** "Urban renewal project" means undertakings and activities for the elimination and for the prevention of the development or spread of slums and blight and may involve slum clearance and redevelopment, or rehabilitation, or conservation, or any combination or part thereof, in accordance with an urban renewal plan. Such undertakings and activities may include:

**(a)** Acquisition of a slum area or a blighted area or portion thereof;

**(b)** Demolition and removal of buildings and improvements;

**(c)** Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out the objectives of this part 1 in accordance with the urban renewal plan;

**(d)** Disposition of any property acquired or held by the authority as a part of its undertaking of the urban renewal project for the urban renewal areas (including sale, initial leasing, or temporary retention by the authority itself) at the fair value of such property for uses in accordance with the urban renewal plan;

**(e)** Carrying out plans for a program through voluntary action and the regulatory process for the repair, alteration, and rehabilitation of buildings or other improvements in accordance with the urban renewal plan; and

**(f)** Acquisition of any other property where necessary to eliminate unhealthful, unsanitary, or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise remove or prevent the spread of blight or deterioration or to provide land for needed public facilities.



## History

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**Source:****L. 75:**Entire title R&RE, p. 1159, § 1, effective July 1.**L. 99:**(2) amended, p. 529, § 1, effective May 3.**L. 2004:**(2)(f), (2)(h), (2)(j), (2)(k), and (2)(l) amended and (2)(k.5), (3.3), (3.5), and (3.7) added, p. 1745, §§ 3, 2, effective June 4.**L. 2005:**IP(10) amended, p. 1264, § 3, effective June 3.**L. 2010:**(1) amended and (3.1), (7.5), and (8.5) added,(HB 10-1107), ch. 89, p. 298, § 2, effective June 1.

### ▼ Annotations

#### Research References & Practice Aids

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##### **Hierarchy Notes:**

C.R.S. Title 31

C.R.S. Title 31, Art. 25

C.R.S. Title 31, Art. 25, Pt. 1

#### State Notes

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#### Notes

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##### **Editor's note:**

This section is similar to former § **31-25-103** as it existed prior to 1975.

#### ANNOTATION

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##### **Law reviews.**

For comment on Rabinoff v. District Court, appearing below, see 35 U. Colo. L. Rev. 269 (1963).

##### **Basis for finding area blighted.**

The fact that there were not widespread violations of building and health ordinances does not of itself establish arbitrariness on the part of the responsible authorities in the finding that the area was slum and blighted. *Rabinoff v. District Court*, 145 Colo. 225, 360 P.2d 114 (1961).

**One well-kept building does not in itself defeat the determination of a blighted area.**

If the building owned by plaintiff, be, as claimed, a magnificent victorian type edifice such would not in itself defeat the determination that the area, taken as a whole, is a slum and blighted area. *Interstate Trust Bldg. Co. v. Denver Urban Renewal Auth.*, 172 Colo. 427, 473 P.2d 978 (1970).

**"Blighted area" construed.**

The definition of "blighted area" contained in subsection (2) is broad and not only encompasses those areas containing properties so dilapidated as to justify condemnation as nuisances, but also envisions the prevention of deterioration. The absence of widespread violations of building and health ordinances does not of itself establish arbitrariness on the part of a city council in finding blight. *Tracy v. City of Boulder*, 635 P.2d 907 (Colo. App. 1981).

**Determination of "blighted area" by council is legislative question.**

A city council's determination as to whether an area is blighted, when such determination relates to the need for an ordinance, is a legislative question and scope of review by the judiciary is restricted. *Tracy v. City of Boulder*, 635 P.2d 907 (Colo. App. 1981).

**If actual purpose behind a particular urban renewal plan is not the elimination or prevention of blight or slums,**

the urban renewal authority does not have the power to condemn land in furtherance of that plan because the determination of necessity is not supported by the record. *City & County of Denver v. Block 173*, 814 P.2d 824 (Colo. 1991).

**Proper purpose for which a condemnation action may be instituted**

in the context of urban renewal is limited to plans adopted to remedy identified slum or blight conditions, and fact that such conditions were found to exist is not dispositive if the purpose in designating a large study area and in targeting block 173 as part of that area was to acquire block 173 for private purposes. *City & County of Denver v. Block 173*, 814 P.2d 824 (Colo. 1991).

**Quarry lake property is no longer subject to municipality's 1981 blight determination, because the statutory procedures for removing blight were followed.**

The urban renewal authority disposed of the quarry lake property according to the terms of state's urban renewal law and certified the uses to which the lake was devoted comported with the urban renewal plan. After duly disposing of the lake property, certifying that the property was being used in accordance with the urban renewal plan, and having notice at all relevant times of the developer's efforts to incorporate the lake into its office park, the urban renewal authority cannot now claim that the lake has never been developed in accordance with the urban renewal plan. On the contrary, the quarry lake has been developed in accordance with the procedures laid out in the state's urban renewal law and, thus, can no longer be considered "blighted" under the municipality's 1981 blight determination. *Arvada Urban Renewal Auth. v. Columbine Prof'l Plaza Ass'n*, 85 P.3d 1066 (Colo. 2004).

**Applied**

in *Bailey v. People*, 200 Colo. 549, 617 P.2d 549 (1980).

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## Master of Urban and Regional Planning

COLLEGE OF ARCHITECTURE AND PLANNING

UNIVERSITY OF COLORADO **DENVER**



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satisfaction of the requirement for the degree  
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