

**Sec. 7-1-90. - Show cause.**

(a) If the owner or occupant shall fail to eliminate a nuisance after receiving notice to do so pursuant to [Section 7-1-80](#) above and the Investigating Official chooses to issue a show cause order, the Investigating Official shall give written notice to the owner, occupant, lessee or any party in interest, as determined from the records of the County Assessor, to appear at a hearing before the Town Administrator on a specified date to show cause why conditions complained of should not be removed or eliminated.

(b) The notice to show cause referred to in Subsection (a) above shall be specific as to the condition of nuisance or other violation, shall state that the owner's property may be subject to assessment for all costs associated with removal or elimination by the Town of the stated conditions, and shall be served on the necessary parties personally or by mail. In addition, a copy of the notice of hearing shall be posted in a conspicuous place on the premises where the nuisance is found to exist. No further notice shall be necessary.

(c) The Town Administrator may issue subpoenas, enforceable in the Municipal Court, under Section 13-10-112(2), C.R.S., and Colorado Rules of Civil Procedure Rule 107, to compel attendance of witnesses or production of evidence. At the hearing referred to in Subsections (a) and (b) above, the Town Administrator shall hear such statements and consider such evidence as the Investigating Official, other Town employees, officers, the owners, occupant, lessee or other party in interest, or any other witness shall offer relevant to the existence of and removal or elimination of the weeds, junk, rubbish or nuisance. The hearing officer shall make findings of fact from the statements and evidence offered as to whether the condition complained of exists and must be eliminated. If the hearing officer determines that a nuisance does exist and must be removed or eliminated, he or she shall issue an order based on the findings of fact within seven (7) days of the hearing, directing the owner, occupant, lessee or any other party in interest to remove or eliminate said nuisance.

(d) The order of the hearing officer made pursuant to Subsection (c) above shall be appealable to the Municipal Court within fourteen (14) days of the issuance of the order of the hearing officer. If the order of hearing officer is not appealed, the Municipal Court shall enter an order of default judgment adopting the order of the hearing officer. The decision of the Municipal Court shall be a final decision and may be appealed to the District Court pursuant to the Colorado Rules of Civil Procedure Rule 106(a)(4). Failure of a party in interest to timely appeal the decision of the Municipal Court said order constitutes a waiver by him or her of any right he or she may otherwise have to contest the Town's right to eliminate or remove the nuisance

from his or her property, and to charge the resulting costs against him or her and/or the property.

(e) If an order issued by the hearing officer has not been complied with within thirty (30) days after its issuance, the Town, at the discretion of the Town Administrator, may cause the elimination or removal of the nuisance.