

Document Owner: Cynthia Linker/ Emily Richards	Date Created: 1/24/2023
Approver(s): Cynthia Linker/ Emily Richards	Date Approved: 3/15/2023

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**Policy:** Nuisance Enforcement Program Guidelines

**Purpose:** To explain guidelines and processes for the Nuisance Enforcement Program as of January 1, 2023.

**Scope:** CoBH Commercial Property Owners, CP&D, SAFEbuilt Code Enforcement, Baseline Engineering, CoBH Police Department

#### **Definitions:**

1. **CP&D:** CoBH Community Planning and Development department oversees the general administration of the Nuisance Enforcement Program
2. **SAFEbuilt:** The City's primary inspector and point of contact for the Nuisance Enforcement Program
3. **Capital Improvement Plan:** A plan listing major non-recurring repair and maintenance expenses tied to buildings, land, or other infrastructure, along with the deadlines for their funding and completion.
4. **Certificate of Appropriateness (COA):** COA is the certificate issued by the Commission and ratified by the City Council approving an application or permit for the erection, moving, demolition, alteration or addition to, or the external construction or external restoration of a locally designated historic landmark. A COA, once issued, will expire under the same conditions as its associated building permit.
5. **Certificate of Architectural Compatibility (COAC):** COAC is the certificate issued according to Municipal Code Section 16-368. It is required prior to any exterior work for all properties in the City that have not been designated as a local historic landmark. (See SOP\_Land Use COAC General)
6. **Site Development Plan Amendment (SDP Amendment):** Land Use review amending a portion of a site not formerly included in the original SDP approval (see SOP\_Land Use SDP Amendment)
7. **Baseline Engineering:** The City's Land Use Consultant that processes all Land Use applications such as COACs and SDPs.
8. **Cost Reimbursement Agreement:** An Applicant/Owner enters into this Agreement to facilitate the review, evaluation, and processing of all Land Use Applications and to memorialize the obligation by the Applicant/Owner to the City to reimburse the City for all the Consultants' Time, plus the City's 15% Administration Fee and all other City expenses. (See Cost Reimbursement Agreement)

#### **Procedure:**

##### **I. General**

##### **A. Contacts:**

1. Primary Inspector: Jake Cooke, SAFEbuilt Code Enforcement and point of contact for the Nuisance Enforcement Program, can be reached by emailing [codeenforcement@cityofblackhawk.org](mailto:codeenforcement@cityofblackhawk.org)
  2. Secondary inspector Dan Wester: SAFEbuilt, can be reached at the same email, [codeenforcement@cityofblackhawk.org](mailto:codeenforcement@cityofblackhawk.org)
  3. General inquiries: Send to [codeenforcement@cityofblackhawk.org](mailto:codeenforcement@cityofblackhawk.org)
- B.** Inspections are conducted bi-monthly on the first and third Monday of each month between 8:00 a.m. and 3:00 p.m.
- C.** Property Owners may request a meeting with the Code Enforcement Inspector during regularly scheduled inspection times.

## **II. Definitions of Violations**

- A. Nuisance**, as defined in the Municipal Code "any substance or condition of things that result in a condition detrimental to the health, safety, or general welfare of the inhabitants of the City."
- B. Common Municipal Code Violations:** Refer to the [City's Municipal Code](#) for an entire listing with complete definitions.
1. Sec. 7-21 Offensive trade or business (improper clean-up at construction sites or storage operations)
  2. Sec. 7-22 Litter (pick up trash daily)
  3. Sec. 7-24 Blowing Dust (including from vacant lots)
  4. Sec. 7-25 Offensive locations (stagnant ponds, open wells, or sewers)
  5. Sec. 7-26 Offensive discharges (noxious liquids, leaking receptacles)
  6. Sec. 7-27 Weeds (remove weeds regularly)
  7. Sec. 7-28 Trees and Shrubs (removal of dead, broken, or diseased landscaping)
  8. Sec. 7-29 Illuminated buildings or premises
  9. Sec. 7-30 Offensive or unhealthy uses (anything deemed a nuisance, danger, or detriment to public health)
  10. Sec 8-92 Locating, storing, and parking recreational vehicles
  11. Sec. 8-94 Storage of recreational equipment (must be parked in a fully enclosed structure or fence)
  12. Sec. 10-22 Obstructing streets and sidewalks
  13. Sec. 10-24 Limitation on deliveries within the Gaming District (at specified allowed delivery times)
  14. Sec. 10-82 Storage of flammable liquids in vehicles (or the parking of such vehicles)
  15. Sec 10-83 Storage of construction materials (must be covered appropriately and secured)
  16. Sec. 11-2 – Removal of snow and ice from sidewalks; maintenance responsibility – Includes the Creekscape
  17. Sec 11-51 Removal of tree limbs, etc. (overhanging branches abutting the right-of-way of any street, highway, sidewalk, or public way)
  18. Sec. 15-2(f) Signs (must be maintained in good structural condition)
  19. Sec. 15-3 Prohibited Signs
  20. Sec 15-43 Permanent sign regulations for nonresidential districts
  21. Sec. 15-44 Temporary sign regulations for nonresidential districts

- 22. Sec. 16-221 Nuisances, disturbances, and emissions generally (screened storage or trash areas, storm or meltwater run-off, bird droppings, and broken Creekscape lighting)
  - 23. Sec. 16-285 Landscaping - Maintenance (provide annual pruning, remove and replace dead trees and shrubs, keep mulch contained)
  - 24. Sec. 16-286(4) Screening - Maintenance (upkeep of all screening walls, fences, or structures)
  - 25. Sec. 16-368(g) Minimum Improvement Maintenance (keep the site and buildings maintained and in good repair: fix, clean, repair, and replace items as needed, including exterior façade, windows, doors, awnings, sidewalks, railings, etc.)
  - 26. Sec. 16-372 Temporary Uses and Structures (as during construction; permit required)
- C. Capital Improvement:** Larger nuisance items identified as capital improvements typically require budgeting, development, and execution.
- D. Zoning Violations:** Most Common Zoning Violation - Storage of materials in parking garages is addressed in the Black Hawk Municipal Code, Chapter 16, Sec. 16-44 Zoning District Regulations, assessed separately from the standard repair and maintenance or Capital Improvement Plan code violations because additional Land Use requirements may apply.

**16-44: Zoning district regulations**

(3) Use regulations.

- a. *Permitted principal uses* are uses by right that are permitted anywhere within the particular zoning district in which they are identified. *Permitted principal uses* require site development plan approval and building permit approval.
- b. *Permitted accessory uses* are uses which are customarily incidental to the identified permitted uses and are also permitted, provided that they meet any applicable regulations. *Permitted principal uses* require site development plan approval and building permit approval.

**(Storage would fall under accessory use)**

- 1. **Storage in designated non-parking areas** is allowed as a Permitted Accessory Use as long as it is enclosed and not visually intrusive. To correct this violation, an SDP Amendment (1A most likely – Reference Section III.D.1) and a building permit for the change of use and proposed structure to create an enclosure will be required.
  - 2. **Storage in designated parking areas** is allowed as a Permitted Accessory Use as long as it is enclosed and not visually intrusive. To correct this violation, an SDP Amendment (1B or 2 – Reference Section III.D.2 and 3) and a building permit for the change of use and proposed structure to create an enclosure will be required.
- E. Property Maintenance Program:** The City recommends that Property Owners thoroughly review the most common Municipal Code violations list. Develop annual or bi-annual maintenance programs to address all potential repair and maintenance offenses before a violation is issued by SAFEbuilt Code Enforcement.

### III. Requirements to Correct Nuisance Violations

- A. Correct the Violation:** Remove, repair, clean, update, or otherwise correct the nuisance violation cited within the appropriate timeframe.
- B. When is a COAC required:** (Required prior to exterior work for all properties in the City that have **not** been designated as a local historic landmark. Refer to BH\_COAC Guidelines)
- 1. Routine maintenance:** Proposed work for the repair or replacement of an existing approved structure where there is no proposed alteration in the design, materials, or general appearance of elements of the structure or grounds. **A COAC is not required.**
  - 2. Minor work:** Proposed work that is neither routine maintenance nor major work and includes, without limitation, changes in exterior paint color and roof repairs. **An administratively reviewed and approved COAC is required.**
  - 3. Major work:** Proposed work involving a change in the appearance and attributes of a structure or site; alterations, additions, or removals that are substantial; a change in the appearance and attributes of a structure or site; rehabilitation, preservation, new construction, expansion of or significant improvement to a building footprint or significant changes in landscape features; or demolition of a structure. **A City Council-reviewed and approved COAC is required.**
- C. When is a COA required:** (Required prior to exterior work for all properties designated as a local landmark. Reference Black Hawk Municipal Code, Chapter 16, Sec. 16-429 – Criteria for approval.
- D. When is an SDP Amendment required?** Land Use review when a change to a portion of a site was not included in the original SDP approval. (Refer to BH\_SDP Amendment Guide.)
- 1. Minor SDP Amendment Without Public Improvements – Option 1A:** Minor modifications (up to 5% of the site) may be **administratively approved** by the Planning Director in conjunction with the building permit application and without referral to other City departments. These minor modifications may include applications that: (1) do not change an existing use allowed on the property, (2) do not eliminate any required parking spaces or landscaping on the property, and (3) do not warrant any public improvements. Option 1A (as determined by the Planning Director) is processed in conjunction with a building permit submittal and does not necessitate a formal SDP Amendment land use application.
  - 2. Minor SDP Amendment with or without Public Improvements - Option 1B:** Minor modifications (up to 5% of the site) that do not qualify for Option 1A may be **administratively approved** by the Planning Director after a formal SDP Amendment application submittal and referral to other City departments. These minor modifications may include applications that: (1) do not change an existing use allowed on the property, (2) do not eliminate any required parking spaces or landscaping on the property, (3) change some arrangements of improvements currently on the property from the original SDP approval, and (4) may or may not warrant public improvements with such a request. **A formal SDP Amendment land use application is required.**

**3. Major Modifications – Option 2:**

Major Modifications – Option 2: (more than 5% of the site or as determined by the Planning Director) are **subject to review by the City Council** in the same manner as a new site plan in accordance with Section 16-362 of the City's Municipal Code. **A formal SDP Amendment land use application is required.**

**E. Building Permits**

1. A building permit is required anytime there is construction, alteration, relocation, enlargement, replacement, repair, equipment, use and/or occupancy change, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.
2. Every application for a building permit for a locally designated historic landmark shall first be submitted to the Historic Preservation Commission. Reference Black Hawk Municipal Code, Chapter 16, Sec. 16-428 – Review procedures for building permits.

**IV. Fees**

- A. The City hired SAFEbuilt to provide an all-inclusive Commercial Code Enforcement Program. No fees incurred by SAFEbuilt Code Enforcement are passed to the Property Owner for inspections or time spent on paperwork.
- B. If a Land Use and/or Building application is required to correct a code violation, the Property Owner **is responsible for paying** all fees associated with those applications. All applicable Land Use and Building inspections are required. Land Use fees commence with a Pre-Application submittal.
- C. Land Use applications, such as a COAC and SDP Amendment, require the Property Owner to enter into a Cost Reimbursement Agreement at the time of application submittal.
- D. Building Permits require fees to be paid at the time of permit issuance.

**V. Violation Notification Process**

- A. **First Notice:** If the inspector notes any nuisance violation on an initial visit, the First Notice of Violation is issued. The Property Owner has twenty-eight (28) days to correct the violation, corresponding with the twice-monthly inspection schedule. If the offense falls under a Capital Improvement Plan that requires budgeting, development, and execution and cannot be completed within the 28-day time frame, the Property Owner must immediately contact SAFEbuilt Code Enforcement and provide a Capital Improvement Plan for funding and completion.

**Unsafe Structures and Equipment Violations (IBC 116):**

1. Any Unsafe Structure and/or Equipment hazard identified and documented during an inspection is noted on a separate Nuisance Violation, and Code Enforcement sends it to the Property Owner with courtesy copies to CP&D, Building, and the Fire Department.

2. Code Enforcement inspector issues a separate notice and written report for Unsafe Structures and Equipment Violations. The written report includes a timeframe to correct the violation.
  3. After issuing the notice and written report, the Code Enforcement inspector schedules an inspection with the Property Owner and the Building Department to review the hazard(s) identified.
  4. The Property Owner corrects the violation within the period provided in the written report.
  5. The Property Owner cannot include an Unsafe Structure and/or Equipment violation in a Capital Improvement Plan. The Property Owner must correct the violation within the period outlined in the written report.
  6. On the follow-up inspection date, Code Enforcement notifies the Building Department of the status of the violation, and subsequent notices may be issued.
  7. Code Enforcement will follow this section's nuisance notification and violation process.
  8. The Property Owner should note that Building violations have separate processes and associated fees for which they are responsible if building permits and inspections are required.
- B. Second Notice:** Twenty-eight (28) days later, on the Second follow-up visit, if the violation remains uncorrected or the Capital Improvement Plan has not been submitted and approved, a Second Notice of Violation is issued. The Property Owner is given an additional twenty-eight (28) days to correct the violation.
- C. Third Notice:** Fifty-six (56) days later, on the Third follow-up visit, if the violation remains uncorrected or the Capital Improvement Plan has not been submitted and approved, a Third Notice of Violation is issued. The Property Owner is given an additional twenty-eight (28) days to correct it.
- D. Fourth and Final Notice:** Eighty-four (84) days later, on the Fourth and Final follow-up visit, if the violation remains uncorrected or the Capital Improvement Plan has not been submitted and approved, SAFEbuilt Code Enforcement turns the case over to the Black Hawk Police Department.
- E. Court Citation:** The Black Hawk Police Department contacts the Property Owner and issues a citation to Black Hawk Municipal Court.
- F. Capital Improvement Plan Approval:** Once the City has reviewed and approved the Capital Improvement Plan, the City will discontinue the nuisance inspections. No inspections will occur if the Property Owner meets the deadlines throughout the Capital Improvement Plan. If the Property Owner fails to meet their deadlines, the City will restart the violation from the prior Notice.

**Related Documents:**

SOP\_2022 to 2023 Nuisance Enforcement Program Transition  
 SOP\_Nuisance Enforcement Program\_General  
 BH\_COAC Guidelines  
 BH\_SDP Amendment Guide  
 Cost Reimbursement Agreement  
 Building Plan Commercial Submittal Checklist

**References:**

AHJ Website: [Black Hawk, CO | \(cityofblackhawk.org\)](http://cityofblackhawk.org)

**Quality Records**

Title	Location Kept	Duration Kept	Disposal Method
City of Black Hawk Municipal Code			