

**LARIMER COUNTY ORDINANCE
REGULATIONS RELATING TO THE ACCUMULATION & REMOVAL OF RUBBISH**

This document outlines how Larimer County compels the removal of rubbish, including trash, junk, debris, and garbage, from lots and tracts of land within unincorporated Larimer County.

It specifies procedures for notifying and working with property owners in order to remove rubbish from their property and for obtaining an administrative entry and seizure warrant allowing Larimer County to clean up a property when rubbish has not been removed within a specified time period.

WHEREAS, the State of Colorado has adopted statutes, C.R.S. § 30-15-401, *et. seq.*, as in effect now and hereafter amended, empowering the Larimer County Board of County Commissioners to adopt ordinances for control or licensing of those matters of purely local concern, including the removal of rubbish from lots and tracts of land within unincorporated Larimer County; and

WHEREAS, the Board has previously adopted local ordinances concerning the removal of rubbish from lots and tracts of land within Larimer County in both Ordinance No. 062020170001, dated December 5, 2016, and the amendment to Ordinance No. 062020170001, dated March 11, 2019, and the Larimer County Ordinance Regulations Relating to the Accumulation and Removal of Rubbish, dated March 23, 2026; and

WHEREAS, House Bill 26-1239 was signed into law on May 29, 2026, with an effective date of August 12, 2026; and

WHEREAS, House Bill 26-1239 expands county enforcement authority over property violations by adding civil penalty and injunctive relief remedies, extending the warrant execution period to thirty days, and broadening the scope of rubbish removal authority to include adjacent public rights-of-way; and

WHEREAS, the Board wishes to adopt and clarify such procedure for the removal of rubbish within Larimer County;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Larimer County, Colorado to adopt the following ordinance:

REGULATIONS RELATING TO THE ACCUMULATION & REMOVAL OF RUBBISH

Section 1. Authority.

- A. Pursuant to C.R.S. section 30-15-401, *et. seq.*, as in effect now and hereafter amended, the Board of County Commissioners has the authority to adopt ordinances for the control of those matters of purely local concern, including compelling and providing for the removal of rubbish within unincorporated Larimer County.
- B. The manner by which such an ordinance is enforced may be prescribed by the Board of County Commissioners and may include removal of rubbish performed by Larimer County upon notice and failure of the property owner to remove rubbish. Pursuant to C.R.S. section 30-15-

401(1)(a)(I)(A), as in effect now and hereafter amended, this authority extends to rubbish on any lot, parcel, or tract of land within unincorporated Larimer County, as well as to any public right-of-way immediately adjacent to such property to the extent the condition is caused by the property owner or occupant or originates from the property. The reasonable costs incurred from any such removal by Larimer County may be assessed upon the property from which rubbish has been removed, and collected in the same manner as other taxes.

Section 2. Purpose.

Board of County Commissioners of Larimer County, Colorado, finds and declares that controlling and eliminating the accumulation of rubbish within unincorporated Larimer County is necessary to preserve the public health, safety and welfare of the citizens of Larimer County. The accumulation of rubbish, if not controlled and eliminated, can result in visual blight, attractive nuisances, incompatibility with existing land uses, attraction of disease infested rodents and other vermin, fire and other hazards, depositing of hazardous or toxic substances in unapproved sites, air, noise and water pollution, and negative impacts to property values.

Section 3. Scope of Ordinance.

This Ordinance shall apply within the unincorporated territory of Larimer County, Colorado, including any public right-of-way immediately adjacent to property within the county to the extent a rubbish condition is caused by the property owner or occupant or originates from the property, however, pursuant to C.R.S. section 30-15-401(1)(a)(I)(A), this Ordinance shall not apply to industrial tracts of land that are ten (10) or more acres in size, or to agricultural land currently in agricultural use, as defined in this Ordinance.

Section 4. Definitions.

- A. *Agricultural Land* shall have the meaning as set forth in C.R.S. section 39-1-102(1.6).
- B. *Board* means the Board of County Commissioners of Larimer County, Colorado.
- C. *County* means the unincorporated areas of Larimer County, Colorado.
- D. *Industrial Tract* means a lot, parcel or tract of land that is currently zoned for industrial uses or otherwise authorized by variance or nonconforming use status to operate activities restricted to industrial zone districts.
- E. *Larimer County Community Development Director* is the designated Larimer County employee with the authority under this Ordinance to pursue rubbish violations. The Larimer County Community Development Director may designate their authorities under this Ordinance to other Larimer County employees in their discretion.
- F. *Property Owner* means the owner of record of the property as shown in the records of the Larimer County Assessor's Office.
- G. *Rubbish* means any trash, junk, garbage, litter, refuse, debris, scrap, unlicensed or inoperable motor vehicles or mobile or manufactured homes, unlicensed or inoperable recreational vehicles (RVs), dead animal carcasses, and any object or material which causes or is likely to cause a

public hazard or nuisance. Rubbish does not include collector's items properly stored in accordance with C.R.S. section 42-12-402, as in effect now and hereafter amended.

Section 5. Violations of this Ordinance.

It shall be unlawful for any property owner to allow the accumulation of rubbish on any lot, parcel, or tract of land, or on any public right-of-way immediately adjacent to such lot, parcel, or tract of land to the extent such condition is caused by the property owner or occupant or originates from the property, in the County except industrial tracts of ten or more acres and agricultural land which are excluded from this Ordinance.

Section 6. Procedure for Notice of Violations of this Ordinance.

- A. If probable cause exists to believe that a violation of this Ordinance has occurred, notice of the violation shall be sent by the Larimer County Community Development Director, or their designee, as follows:
 - a. Written notice of the violation shall be sent via mail to the property owner at the address listed in the records of the Larimer County Assessor's Office and to the mailing address of the property if such address is different from the address in the Assessor's records.
- B. The notice shall:
 - a. Provide a description of the violation and measures required to correct the violation.
 - b. Describe any potential enforcement authority of the County, including any possible liens that may result from abatement costs and any civil penalties that may be imposed pursuant to C.R.S. section 30-15-401(2)(d), as in effect now and hereafter amended.
 - c. Identify whether the violation exists on the property, on a public right-of-way adjacent to the property, or both, and if on a public right-of-way, describe the basis for the County's determination that the condition was caused by or originates from the property owner or occupant.
 - d. Establish a correction deadline of thirty (30) days from the notice date. The Larimer County Community Development Director may, at their sole discretion, modify this timeframe as follows:
 - i. Extended deadline: Grant additional time when circumstances warrant, with the revised deadline clearly stated in the notice; or
 - ii. Require immediate correction when the violation poses an imminent threat to public health, safety, or welfare, with the accelerated timeline and justification specified in the notice.
 - e. Include a statement informing the Property Owner that if they believe that the notice has been issued in error or without just cause, the property owner may request in writing, no later than seven business days after the date of the notice, a hearing before the Board of

County Commissioners in order to obtain a written determination from the Board whether the condition of the property violates this Ordinance.

- i. If a hearing is requested by the Property Owner pursuant to Section 6(B)(c):
 1. The date of any requested hearing shall be as soon as practicable considering the Board's calendar. Written notice of the date of the hearing shall be sent via mail to the Property Owner at least seven (7) business days prior to the date of the hearing.
 2. At the hearing, the Board will receive relevant information from the property owner and others bearing on the issue of whether the condition of the property violates this Ordinance. The Property Owner shall have the burden to show by a preponderance of the evidence that the property does not violate this Ordinance.
 3. The Board will provide a written determination within ten (10) days of the hearing. If the Board determines the condition of the property violates this Ordinance, the Board shall set the date by which the violation must be corrected. The Board's determination is final and appealable only through applicable civil court procedures.

Section 7. Administrative Entry & Seizure Warrant.

- A. **Statutory Authority.** Pursuant to C.R.S. section 30-15-401(1)(a)(I)(A), if the violation of this Ordinance is not fully corrected within the time period established in the written notice of violation as prescribed in Section 6 of this Ordinance, or within the time period established in the Board's written determination if a hearing was requested, the Larimer County Community Development Director, or their designee, without further notice to the Property Owner, may initiate proceedings for an administrative entry and seizure warrant through the district or county court of Larimer County authorizing Larimer County to enter the property and remove the rubbish.
- B. **Requirements for filing of a Petition.** Pursuant to C.R.S. section 30-15-401(1)(a)(I)(A), in seeking an administrative and seizure warrant, a sworn or affirmed affidavit shall be presented to the court which sets forth the factual basis for the warrant as follows:
 - a. A general description of the location of the property.
 - b. Documentation establishing property ownership, including the owner of record as shown in the Larimer County Assessor's records and identification of any additional parties with legal interest in the property.
 - c. Evidence that the property is located in unincorporated Larimer County.
 - d. Evidence that the property is not an Industrial Tract, as defined by this Ordinance, that is ten (10) or more acres in size.

- e. Evidence that the property is not agricultural land currently in agricultural use, as defined by C.R.S. section 39-1-102(1.6).
- f. A general description of any rubbish to be removed from the property.
- g. If the rubbish to be removed is located on a public right-of-way adjacent to the property, evidence establishing that the condition was caused by the Property Owner or occupant or originates from the property.
- h. Evidence that the Property Owner has received notice of the violation and has failed to abate the violation within the time prescribed by such notice.
- i. A proposal about whether the rubbish to be removed should be disposed of or temporarily impounded.

C. Execution of Warrant.

- a. Pursuant to C.R.S. section 30-15-401(1)(a)(I)(B), within thirty (30) days following the date of issuance of an administrative entry and seizure warrant, the Board, by and through Larimer County forces, contract, agent or otherwise, shall execute the warrant in accordance with the directions of the issuing court.
- b. A copy of the issued warrant shall be provided or mailed to the property owner.
- c. Proof of the execution of such warrant, including a written inventory of any property impounded by the executing authority, shall be submitted to the court by the Board.

D. Disposal and Impoundment.

Any rubbish removed pursuant to an administrative entry and seizure warrant shall be dealt with in accordance with the terms of such warrant, including the impoundment of rubbish and/or the disposal of rubbish in the manner specified by the court in the warrant.

E. Costs of Removal.

- a. All reasonable costs associated with the removal of rubbish and impoundment, if ordered by the court, shall be paid by the property owner. An additional ten percent (10%) of those removal costs shall also be assessed to cover inspection and other incidental expenses.
- b. A bill of costs shall be mailed to the property owner and payment in full shall be due within thirty (30) days of the date of the bill.
- c. In the event that the bill remains unpaid as of the deadline outlined in section 7(E)(b) above, the costs may be assessed as a lien against the property until paid and shall have priority over all other liens except general taxes and prior special assessments, and such costs together with a ten percent (10%) penalty for collection expenses shall be certified to the Larimer County Treasurer for collection in the same manner as other taxes are collected.

- d. The laws of the State of Colorado for assessment and collection of general taxes, including the laws for the sale and redemption of property taxes, shall apply to the collection of assessments pursuant to this Section 7.
- e. The Board of County Commissioners, in their sole discretion, may waive such fees.

Section 8. Civil Penalties & Injunctive Relief.

- A. **Civil Penalty Enforcement.** Pursuant to C.R.S. section 30-15-401(2)(d), as in effect now and hereafter amended, in addition to the warrant and abatement procedures set forth in Section 7 of this Ordinance, the County may seek court-ordered civil penalties against a property owner who fails to abate violations of this Ordinance after written notice as provided in Section 6.
 - a. Upon a property owner's failure to abate a violation after written notice as set forth in Section 6, the County may request the County Court or District Court of Larimer County to impose a civil penalty of not less than one hundred dollars (\$100) nor more than two thousand six hundred fifty dollars (\$2,650) per day of the violation. Each day a violation continues is deemed a separate offense, and the penalty continues to accrue until the violation is fully remedied.
 - b. Any civil penalty ordered by the court and unpaid shall, as of recording, be a lien against the property on which the violation has been found to exist. If an assessment is not paid within thirty (30) days, the County Clerk and Recorder or County Attorney may certify the nonpayment to the Larimer County Treasurer, who shall collect the assessment together with a ten percent (10%) penalty for the cost of collection in the same manner as other taxes are collected. Any such lien must be recorded with the Clerk and Recorder of Larimer County. For purposes of this Section, "Property Owner" does not include a state agency.
- B. **Injunctive Relief and Court-Ordered Abatement.** In addition to civil penalties, the County Attorney may bring an action in the County Court or District Court that has jurisdiction over the property for an order enjoining a violation, ordering the violation's restraint, removal, termination, or abatement by the property owner, and authorizing abatement by the County or its agent pursuant to C.R.S. section 30-15-401(2)(d)(IV), as in effect now and hereafter amended.
 - a. To bring an injunctive or abatement action, the County Attorney shall file a verified complaint. The court shall review the complaint, schedule a preliminary hearing no later than thirty (30) days after the complaint is filed, and direct issuance of a summons stating the time, date, and place of the hearing. The County shall serve the summons and complaint on the property owner in accordance with applicable rules of civil procedure at least ten (10) days prior to the hearing.
 - b. If the County is unable, after reasonable effort, to personally serve the summons and complaint, the County may post the summons and complaint on the property and mail them, by certified mail with return receipt requested, to the property owner's address in the records of the Larimer County Assessor as alternative service. Alternative service must be completed at least ten (10) days prior to the preliminary hearing. A property owner's failure to appear at a duly noticed preliminary hearing is grounds for the court to enter a default judgment against the property owner. For good cause shown, and prior to

enforcement, the court may set aside an entry of default and the judgment entered thereon.

- c. If the County abates a violation pursuant to a court order, the actual costs of abatement plus ten percent (10%) of such costs for inspection and other incidental costs shall be a lien against the property until paid, with priority over all other liens except general taxes and prior special assessments. If unpaid within thirty (30) days, the County Clerk and Recorder or County Attorney may certify the nonpayment to the County Treasurer, who shall collect the assessment together with a ten percent (10%) penalty for the cost of collection in the same manner as other taxes are collected.

C. **Non-Exclusivity of Remedies.** The County Attorney has the discretion to determine whether to pursue civil penalties, injunctive relief, the warrant/abatement process, or any combination thereof, or any other remedies available at law or in equity. None of these remedies are intended to be mutually exclusive.

Section 9. Other Remedies.

Nothing in this Ordinance shall be construed to limit or restrict the Board's ability to pursue other remedies available under other Larimer County regulations or pursuant to state or federal law. The remedies provided in this Ordinance are not exclusive in any way and may be pursued by the Board singly or in combination to achieve the most expeditious resolution to the accumulation of rubbish.

Section 10. Severability.

If any section, clause, sentence, or part of this Ordinance is declared invalid by a court of law for any reason, such determination shall not affect the validity of the remaining provisions of this Ordinance.

Section 11. Publication & Effective Date.

Following its adoption, this Ordinance shall be published in a newspaper of general circulation for Larimer County once by title only with the date of the initial publication and containing any section, subsection or paragraph of the Ordinance which was amended following the initial publication and shall take effect thirty (30) days after the date of the publication in said newspaper.

Section 12. Supersession.

This Ordinance supersedes and replaces all prior Larimer County ordinances concerning rubbish accumulation and removal.

Effective this 10th day of August, 2026.

BOARD OF COMMISSIONERS OF
LARIMER COUNTY, COLORADO

By: Jodye Shadduck-McNally
Chair

(SEAL)



ATTEST:

Approved as to Form:

8-12-2026

FIRST READING:

INTRODUCED, READ AND APPROVED ON FIRST READINGS ON July 13, 2026 and ordered published in full.

SECOND READING:

ADOPTED ON SECOND AND FINAL READING ON August 10, 2026.

CERTIFICATE: I hereby certify that the foregoing Amended Rubbish Ordinance was introduced and read at the regular meeting of the Board of County Commissioners of the County of Larimer on July 13, 2026, and the same was published in full in The Coloradoan newspaper, a newspaper of general circulation published in Larimer County on July 14, 2026, and thereafter was adopted on second and final reading at a regular meeting of the Board of County Commissioners of the County of Larimer on August 10, 2026. Said Amended Rubbish Ordinance was republished by Title with any changes made by the Board of County Commissioners on August 11, 2026 in The Coloradoan newspaper, a newspaper of general circulation in Larimer County. Said Amended Rubbish Ordinance shall be effective on September 11, 2026.

CERTIFICATION AS TO AUTHENTICITY I, Tina Harris, Larimer County Clerk and Recorder, do hereby certify that the foregoing Amended Rubbish Ordinance entitled "**LARIMER COUNTY ORDINANCE REGULATIONS RELATING TO THE ACCUMULATION & REMOVAL OF RUBBISH**" is a true, correct and complete copy from the records of my office, that said Amended Ordinance was duly adopted by the Board of County Commissioners of Larimer County and is in full force and effect.

Larimer County Clerk/Deputy Clerk
[SEAL]

