

**TOWN OF FREDERICK, COLORADO
RESOLUTION 16-R-77**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO,
CERTIFYING VARIOUS LIENS TO THE WELD COUNTY TREASURER'S
OFFICE FOR INCLUSION IN THE APPROPRIATE TAX BILL**

WHEREAS, C.R.S. 31-15-401, empowers municipalities "To provide for and compel the removal of weeds, brush and rubbish of all kinds from lots and tracts of land within such municipalities and from the alleys behind and from the sidewalk areas in front of such property at such time, upon such notice, and in such a manner as such municipalities prescribe by ordinance, and to assess the whole cost thereof, including five percent for inspection and other incidental costs in connection therewith, upon the lots and tracts of land from which the weeds, brush and rubbish are removed." "In case such assessment is not paid within a reasonable time specified by ordinance, it may be certified by the clerk to the county treasurer who shall collect the assessment, together with a ten percent penalty for cost of collection, in the same manner as other taxes are collected; and

WHEREAS, the Town of Frederick adopted Ordinances 809, 1088, and 1097 that address the rights of the Town to remove any weeds, brush or rubbish, as well as to hold the owner of that property responsible for the costs associated with the removal, up to and including placing a lien with the county treasurer; and

WHEREAS, C.R.S. 31-20-105, allows municipalities to "cause any or all delinquent charges, assessments, or taxes made or levied to be certified to the treasurer of the county and be collected and paid over by the treasurer of the county in the same manner as taxes are authorized." if authorized to do so by ordinance; and

WHEREAS, Town of Frederick Ordinance 1157 complies with CRS 31-20-105 and is codified at the Frederick Municipal Code Chapter 4, Article II, Section 4-12; and

WHEREAS, the Town of Frederick adopted Ordinance 1114 that states that "The Town may consider any utility service fee a lien upon the respective lots or parcels of land of each customer from the time when due and a perpetual charge against such lots or parcels of land until paid; the Town may foreclose any lien imposed by this Chapter in accordance with the law. The Town may maintain an action in any court of competent jurisdiction for the amount of the charge due and any interest, costs and attorney's fees as allowed by law. The Town may certify the amount of the charge due to the County Clerk and Treasurer, together with an assessment fee provided for by resolution, to become an assessment upon the property served and to be collected and paid over to the Town Treasurer in the same manner as taxes."

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF
THE TOWN OF FREDERICK, COLORADO;**

Section 1. The Board of Trustees certifies that the accounts on Exhibit A attached hereto are delinquent and should become an assessment on the property served together with any delinquent property abatement fees together and an additional 10% for costs of collection.

Section 2. The Finance Director is authorized to submit the data in any format requested by the Weld County Treasurer no later than December 14, 2016.

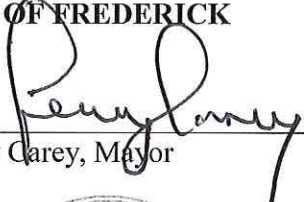
Section 3. Severability. In the event any title, section, paragraph, item, sentence, clause, phrase or word of this resolution is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the resolution which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional were not originally a part of the resolution.

Section 4. Repealer. All laws, ordinances, resolutions, or parts of the same that are inconsistent with the provisions of this resolution, are hereby repealed to the extent of such inconsistency.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 13th DAY OF DECEMBER, 2016.


TOWN OF FREDERICK

By


Tony Carey, Mayor

ATTEST:

By


Meghan C. Martinez, CMC, Town Clerk

