

Nuisance Abatement Information Sheet

What Is A “Public Nuisance”?

For purposes of this ordinance, “public nuisance” means the condition or use of any parcel on or in which **two or more separate violations of the Boulder Municipal Code have occurred within a twelve-month period**, or **three or more separate violations have occurred within a twenty-four month period**, if, during each such violation, the conduct of the person committing the violation was such as to annoy residents in the vicinity of the parcel or passers-by on the public streets, sidewalks, and rights-of-way in the vicinity of the parcel. However, **there is no public nuisance when the only person annoyed is a law enforcement officer**. In other words, to proceed with the public nuisance process, there must be a civilian witness who is willing to participate.

There are no specific violations or actions which are designated as “public nuisance” acts. Whether or not a violation triggers the nuisance abatement process is a decision left to the responding law enforcement agency. For instance, a trash violation may, in some cases, trigger the nuisance abatement process. In other instances, the problem might be best handled with a municipal court summons. Just because a property or parcel has received a warning letter, constituting the first step in a nuisance abatement proceeding, a second or subsequent violation at that parcel need not rise to the level of becoming the second step in the nuisance abatement proceeding.

Why Do We Need A “Nuisance Abatement” Ordinance?

The nuisance abatement ordinance was enacted as a civil remedy to:

1. Give local law enforcement and the municipal court authority to take civil action to stop properties from being in consistent and repeated violation of municipal laws;
2. Make property owners and tenants vigilant in preventing public nuisances on or in their properties;
3. Make property owners responsible for the use of their properties by tenants, guests and occupants;
4. Provide locally enforceable remedies for violations of local ordinances; and
5. Otherwise deter public nuisances.

This ordinance is one of several options that enforcement agencies and the Office of the City Attorney may use to respond to repeated municipal violations.

What Is The Process?

1. Following the first violation that serves as the basis for a nuisance abatement action, written notice of the violation shall be given.
2. Following a second violation within the relevant period, the city will schedule a settlement meeting involving all persons who might be named as defendants in any nuisance abatement proceeding. The purpose of the settlement meeting is to obtain a voluntary compliance agreement, in which relevant parties agree to take corrective action to abate and avoid nuisance conditions. If no voluntary compliance agreement is achieved or, if an agreement is achieved, but the City determines that a party has failed to comply with the terms of the agreement, the matter may be referred to the City Attorney for evaluation and potential filing of a nuisance abatement action.

What Happens Next?

Upon receipt of a referral for nuisance abatement, the City Attorney will evaluate the case and determine whether or not to initiate a court action. If a decision is made to file a civil nuisance abatement action, the City Attorney will proceed by serving the summons and complaint and filing the case in the municipal court.

This information is intended to be a general overview of the nuisance abatement ordinance.

For the complete text, including definitions, legal requirements and defenses, see Title 10, Chapter 2.5 of the Boulder Revised Code.