



WESTMINSTER

CHAPTER 1. PROPERTY STANDARDS

8-1-1. Purpose and General Intent.

This chapter has been enacted to preserve and enhance existing neighborhoods, commercial areas, businesses and the community at-large by regulating and controlling the use and maintenance of **all properties** within the City of Westminster. The requirements of this chapter are intended to provide the minimum standards applicable to all properties within the City of Westminster; additional requirements for specific properties may exist.

8-1-2. Adoption of Property Maintenance Code

(a) Intent and Findings: The intent of this chapter is to adopt by reference and with modifications the International Property Maintenance Code, 2021 Edition. The City Council finds that the adoption of such Code is essential in the preservation of the health, safety, and welfare of the citizens of Westminster.

(b) Adoption of Property Maintenance Code: The following document is on file in the Office of the City Clerk, being marked and designated as stated, are hereby referred to, adopted, and made a part hereof as if fully set forth in this codification with, however, the amendments indicated in the following sections of this chapter.

(1) International Property Maintenance Code. The "International Property Maintenance Code, 2021 Edition," published by the International Code Council, Inc., and in particular Chapters 1 through 8 inclusive is hereby adopted as the Property Maintenance Code of and for the City. The International Property Maintenance Code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

8-1-3. International Property Maintenance Code Amendments

101.1 Title. These regulations shall be known as the International Property Maintenance Code of The City of Westminster hereinafter referred to as "this code."

102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the



provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

Where differences occur between the requirements of this code any applicable development plans and restrictions, including, but not limited to, zoning district restrictions, planned unit development restrictions, the contents of any preliminary development plan, or final plat, the applicable development plan and restrictions shall govern.

109.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with section 111.4 shall be deemed in violation of this code and subject to Section 109.4

109.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall upon conviction thereof, be punished by a fine pursuant to Section 1-8-1, W.M.C. Each day that a violation of any of the provisions of this chapter continues to exist shall be deemed to be a separate and distinct violation.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the building codes currently adopted by the City in Title XI, Chapter 9, of the Westminster Municipal Code, such terms shall have the meanings ascribed to them as stated in those codes.-

Exception: When used within this code, the terms unsafe and dangerous shall have only the meanings ascribed to them in this code and shall not have the meanings ascribed to them by the Westminster Building Codes

Section 202: General Definitions is amended to add or modify the following definitions:

BACKYARD. The portion of a lot between the back line of the structure and extending to the back property line

CAMPERS. Any non-wheeled, detachable piece of vehicular equipment, such as, but not limited to sleeping campers, camper shells, and truck toppers that has no independent motor power and that is capable of being placed on a vehicle, but that is not capable of being towed.

FRONT YARD. The portion of a lot between the front line of the structure and extending to the front property line.



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GARAGE SALE. Any type of sales activity, including, but not limited to, neighborhood or block sales, yard sales, estate sales, craft sales, rummage sales or clothing sales.

Graffiti. Any message, symbol, inscription or drawing painted, scratched or written on any surface. Legally permitted signage is not graffiti.

Household Trash. Includes, but is not limited to, items such as garbage, rubbish, trash, waste, refuse, paper, tin cans, bottles, glass, containers, rags, ashes, bones, cloth, or other materials common to household use or objects that may become a breeding place for flies, mosquitoes, or vermin, or that give off unpleasant odors.

INOPERABLE MOTOR VEHICLE. A vehicle that cannot be driven upon the public streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power. Disrepair shall include but not be limited to a vehicle with a flat tire or tires, excessively leaking fluids, broken, damaged or missing head lamps, tail lamps, blinkers, windshield, windows or windshield wipers.

JUNK AND DEBRIS. Any material or object, used or new, that is not presently useable or designed to be used in their existing condition or location, such as scrap metals, rubber pieces, rope, asphalt, concrete, plaster, tile, bricks, crates, cartons, barrels, boxes, tree limbs, leaves, dead plants and trees, trimmings from plants and trees, grass clippings, tools, fixtures, utensils, lumber, pipe and pipe fittings, machinery or parts thereof, appliances, vending machines, furniture, motor vehicle parts or tires, or any waste material from the premises, including building materials for or produced from remodeling or construction, and material.

NOXIOUS PLANTS. Any plant species designated or identified as noxious weeds pursuant to Title 35, Article 5.5, C.R.S., as amended

RECREATIONAL USE VEHICLE. A motorized or non-motorized device designed for recreational purposes, such as, but not limited to jet-skis, snowmobiles, mopeds, dirt bikes, all-terrain vehicles, canoes, boats and go-carts.

TURF. A grouping of grasses that grow in very close proximity to form a living surface at the ground plane. Turf is generally an area of the ground plane intended to be/or could be walked on and, when regularly mowed, forms a dense growth of leaf blades and root.



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VEHICLE. Any device that is propelled or drawn on land by an engine, motor, or machinery, including automobiles, trucks, buses, motorcycles, motor homes, camping trailers, motorized campers, tractors, trailers and trains. This term does not include any device customarily moved by human muscular power or those whose primary purpose is for recreation, such as bicycles, jet-skis, snowmobiles, mopeds, dirt bikes, all-terrain vehicles, canoes, boats and go-carts.

WEEDS. Any useless, troublesome or injurious plant, including all vegetation that has grown to maturity or to a height in excess of 12 inches, but shall not include flower gardens, shrubbery, vegetable gardens, small grain plots and pastures used for feed, fodder or forage, provided the same are adequately weeded and maintained.

302.3 Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions in accordance with Sections 302.3.1 through 302.3.2.2

Section 302.3.1 Parking

302.3.1 Parking areas and parking lots. All off-street parking areas shall be kept free from potholes, cracks or other deterioration. No dirt, grass or sod parking areas shall be permitted. All striping and signage, including parking signage and fire lane or access signage, shall be maintained in good condition and clearly legible.

Section 302.3.2 Sidewalks open to public is added as follows:

302.3.2 Sidewalks open to public. It shall be unlawful for any person to allow to allow obstructions to remain on any sidewalk, curb, or gutter open to the public and abutting or adjoining property controlled, owned or occupied by such person sidewalk open to the public. Obstructions include, but are not limited to, piles of materials, vegetation, weeds, portable basketball hoops, structures, or any other physical object located within the width of the sidewalk, curb or gutter or obstructions located less than seven feet above the sidewalk.

Section 302.3.2.1 Removal of snow and ice is added as follows:

302.3.2.1 Removal of snow and ice. It shall be unlawful for any person to allow snow or ice to remain on any sidewalk open to the public and abutting or adjoining the property controlled, owned or occupied by such person after 24 hours of the last measurable snowfall or snow drift.

Section 302.3.2.2:



302.3.2.2 Civil liability. Any person who controls, owns or occupies property that abuts or adjoins any sidewalk open to the public owes a duty to all persons using such sidewalk to comply with the provisions of this chapter. Any person injured by the breach of such duty shall have a cause of action for damages against the person who failed to comply with such duty, it being the express intent of this section to impose civil liability on private property owners for injuries incurred on public sidewalks within the city as a result of a failure by any such private property owner to comply with this chapter.

NOTE ONLY: Parking areas shall be kept free from potholes, cracks or other deterioration. No dirt, grass or sod parking areas are allowed. All striping and signage, including parking signage and fire lane or access signage, shall be maintained in good condition and clearly legible.

302.4 Grounds maintenance. All plant material, including trees, shrubs, groundcovers, vines and turf that does not have a 100 percent ongoing survival rate shall not be permitted to be maintained or retained. The grounds of the premises shall comply with Sections 302.4.1 through 302.4.4.

302.4.1 Landscape areas. All landscape areas, improvements and materials shall comply with and be maintained according to the City of Westminster Landscape Regulations and the Westminster Municipal Code Title XI, Chapter 7. All landscape areas shall be landscaped with approved landscaping, including grass, shrubs, and trees. All landscape areas shall be maintained, and all dead or severely damaged plant materials shall be replaced with plant materials, as required by the City of Westminster Landscape Regulations. - Landscape areas may not include tree canopy, dirt, weeds, artificial turf or paving and drive improvements. Properties with an existing official development plan shall be maintained as required by such plan.

302.4.2 Turf. All *turf* areas shall be maintained so that no *turf* area exceeds six inches in height.

302.4.3 Weeds and noxious plants. *Weeds* shall not exceed 12 inches in height. It shall be unlawful for any person to cause, maintain, or permit to remain any *noxious plant*, regardless of condition of said plant.

302.4.4 Accumulation of weeds. It shall be unlawful for any person to cause, maintain, or permit to remain on any premises, excluding open space property owned by the City, a county, or other public entity any accumulation of *weeds* on any premises, on or along the sidewalk, street, or alley adjacent to any premises, or between the property line and the curb or middle of the alley, or for ten feet outside the property line if there is no curb.



302.7 Accessory structures. Accessory structures, including detached garages, tree houses, club houses, well houses, carports, sheds, maintenance buildings, fences and walls, shall be maintained structurally sound and in good repair. Fences and retaining walls shall remain in an upright position. Fencing that contains slats shall maintain the presence of all slats in their complete length. Temporary tents and canopies and skateboard ramps shall be permitted only in a *backyard*. Accessory structures shall be constructed of materials consists for the use of the structure and not constructed in a makeshift or haphazard manner.

302.8 Motor vehicles. Except as provided for in other regulations, *inoperable motor vehicles* shall not be parked, kept or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type shall be permitted to be stored or undergo major overhaul, including body work, provided that such work is performed or the vehicle is stored inside a structure or similarly enclosed area designed and approved for such purposes.

302.9 Defacement of property. A person shall not willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or *graffiti*. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair within seven days of defacement.

302.10 Recreational use vehicles. It shall be unlawful to store recreational use vehicles unless said vehicles are visibly operable and are stored in a backyard not facing a street, in a building or garage, or on a trailer that bears proper and current license plates.

Section 302.11 storage of campers is added as follows:

302.11 Storage of campers. It shall be unlawful for a person to store a camper not mounted on a vehicle, unless such items are stored in a backyard not facing a street, in a building or garage, or in a side yard not facing a street that is paved with concrete or asphalt or is solidly rocked or graveled.

302.10 Storage of campers and recreational use vehicles. Storage of campers and recreational use vehicles shall be permitted only in the following locations:

- 1) On a vehicle or trailer that bears legal and current license plates and is not an inoperable motor vehicle
- 2) In a backyard not facing a street



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- 3) In a side yard not facing a street that is paved with concrete or asphalt or is solidly rocked or graveled
- 4) Inside a building, garage or accessory structure

302.12 Open wells, cisterns, and excavations. It shall be unlawful for any person to cause, maintain, or permit to remain on any premises any excavation exceeding five feet in depth, or any cistern, well or other excavation used for storage of water, unless they are adequately covered with a locked lid or other covering weighing at least 60 pounds, or are enclosed with a continuous secured fence to a height of at least five feet. This section shall not apply to an active construction project.

302.13 Garage sales. *Garages sales* shall be permitted in accordance with this section.

302.13.1 Duration. It shall be unlawful for a person to conduct a *garage sale* for a period exceeding three consecutive days.

302.13.2 Frequency. It shall be unlawful for more than one *garage sale* to be conducted in any 90-day period at the same location.

302.14 Transportable storage units. All types of transportable storage units, such as crates, receptacles, containers or similar designed to be transported and used for temporary storage shall not be permitted on a premises for a period exceeding 30 days, without prior written approval from the code official.

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. The exterior finish must consist of materials commonly used and meeting industry standards of acceptable construction.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair, rodent-proof and weather tight.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in a closed position by window hardware. Windows that are designed to open vertically shall be capable of remaining open without the use of tools, props or special knowledge.

304.14 Insect screens. Every door, window and other outside opening required for ventilation and all other windows provided in habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured,



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packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition. All screens, including screen doors, shall be maintained in good repair and free from tears, holes, or other imperfections of either screen or frame that would admit insects, such as flies, flying insects or mosquitoes. Screens with holes one square inch or larger or with tears in excess of two inches shall be repaired or replaced. Screens shall not be damaged or warped, shall fit tight in the framework of the window, and be removable for cleaning and maintenance purposes. Sliding screen doors are required wherever sliding glass doors are present.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

304.15 Doors. Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Doors at all entrances to dwelling units and sleeping units shall be provided a deadbolt locking device that tightly secures the door. Locks on means of egress doors shall be in accordance with Section 702.3. Exterior doors shall be solid core or equivalent

308.1 Accumulation of rubbish, garbage, household waste or junk and debris. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish, garbage or household waste.

308.1.1 Keeping of junk and debris. No person shall be permitted to cause, maintain or permit to remain, or store, keep or allow to be stored or kept, any on any lot or parcel of land unless such *junk or debris* is kept in a *building, garage or accessory structure*, except *junk or debris* may be stored for a period of time not to exceed 14 days in/on a trailer or in a truck bed, fully covered and secured.

308.2 Dumpsters and Roll-offs. It shall be unlawful for a person in a one- or two-family dwelling to maintain trash dumpsters one cubic yard or larger without prior written authorization from a code enforcement officer. This section shall not apply to one- and two-family dwellings that have a valid building permit issued by the City of Westminster Building Division.

308.2.2 Refrigerators. Refrigerators, freezers, iceboxes and similar equipment not in operation shall not be discarded, abandoned or stored outside on the premises.



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308.3 Disposal of garbage and household waste. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved household waste containers, in such a manner as to not become scattered. All garbage and household waste shall be kept inside the enclosure in a manner that will not it to become scattered.

308.3.1 Household waste facilities. The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside household waste container complying with section 308.3.2

308.3.2 Containers. The operator of every establishment producing *garbage* or *household waste* shall provide, and at all times cause to be utilized, an *approved household waste* container in accordance with all of the following:

1. Containers shall be leakproof with close-fitting covers for the storage of such materials until removed from the premises for disposal.
2. Containers stored outside prior to trash removal service shall be limited to eight in number, and cannot be stored in a front yard, a side yard facing the street or a *backyard* facing a street.
3. There is no restriction to the number of household trash containers when placed out for household trash removal, provided the containers are put out no sooner than 24 hours prior to scheduled trash removal service. Plastic bags or cardboard boxes are deemed suitable containers only for the purpose of placing household trash out the day of trash removal service. Household trash containers must be returned to their permissible storage area within 24 hours after the scheduled trash removal service.

308.4 Compost. It shall be unlawful for a person to compost household trash or yard waste.

Exception: Yard waste shall be permitted to be composted in a compost holding unit that complies with all of the following:

1. Shall not exceed five feet in any dimension;
2. Shall be constructed of wood, wire, metal, or plastic, excluding plastic bags;
3. May be a stationary or rotating unit;
4. Shall be located in the backyard, and shall be screened or fenced so that it is not visible from a public right-of-way;
5. Shall be maintained to minimize odors;
6. Shall not be allowed to attract rodents or to become a health or safety hazard; and



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7. Shall be located a minimum of three feet from any adjoining property line.

Section 308.5 Establishment of Dumping Grounds. The City Manager is authorized and empowered to establish within or without the City limits a dumping ground for the use of the City, its employees and agents.

308.6 Unlawful Dumping. It shall be unlawful for any person to place household *trash, garbage, rubbish or junk and debris* into any trash receptacle located on private property that the person does not own or have the legal right to possess, unless the person has written permission from the owner or lessee of the property

404.8 Improper occupancy. Buildings or structures shall not be used for purposes other than those for which the building or structure was designed or intended or in violation of any other provisions of the Westminster Municipal Code or ordinances.

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404.4.1 Room area. Every living room shall contain not less than 120 square feet (11.2 m²) and every bedroom shall contain not less than 70 square feet (6.5 m²) and every bedroom occupied by more than one person shall contain not less than 30 square feet (4.6 m²) of floor area for each occupant thereof.

Exception. The building official may waive or modify the minimum area requirements in Section 404.5 in appropriate circumstances, such as the birth or adoption of additional children, a temporary need for medical care for a family member, or care of children by a non-custodial parent.

504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning. Each toilet shall have a clearance of no less than 27 inches of width.

501.3 Privacy. Every room containing a toilet, bathtub or shower shall be completely enclosed by partitions, doors, or windows from floor to ceiling and wall to wall that will afford privacy to the occupant.

605.5 Electrical panels. Electrical panels shall be readily accessible, shall not be blocked or covered by storage or decoration, and shall not be painted shut. There shall be no unapproved openings within any electrical enclosure.



8-2-1. RESIDENTIAL RENTAL CODE

(A) Purpose: The purpose of this Residential Rental Code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the use and occupancy, location, and maintenance of all residential rental structures within the City. This Residential Rental Code establishes minimum standards for basic equipment and facilities, for light, ventilation and heating; for safety from fire; for the use and amount of space for human occupancy; and for the safe and sanitary maintenance of residential rental properties.

(B) Scope: The provisions of this Residential Rental Code shall apply to all existing residential rental buildings, and structures, excluding manufactured homes, and all existing premises, or portions thereof used, designed, or intended to be used for dwelling purposes on a rental basis, as well as the site, including parking lots, driveways and landscaping, and accessory structures, such as fences, retaining walls, sheds, and other such structures. Rooming houses, congregate residences or lodging houses shall comply with all the requirements of this Residential Rental Code. Except as provided herein, properties, including buildings, or portions thereof, equipment, devices and safeguards that were required by the building codes shall be maintained in conformance with the building codes under which they were installed, provided such continued use is not dangerous to life. Where there are conflicts between the building codes and this Residential Rental Code, the provisions of this Residential Rental Code shall apply.

(C) Nonconforming Rights: Except for smoke detectors and carbon monoxide alarms as required by Subsections 11-12-5(B) and 11-12-5(C), W.M.C., of this Residential Rental Code, existing residential rental units that were constructed and approved under a previous edition of the building codes shall be considered as demonstrating compliance with the construction provisions of this Residential Rental Code, provided that the approved construction is not dangerous to life or health. Nothing in this Residential Rental Code shall be construed to allow the degradation of those systems, devices and equipment required by the building codes under which the building was constructed.

8-2-2. Minimum Standards.

No person shall lease to another for occupancy any structure that does not comply with the requirements of this Residential Rental Code and the Westminster Municipal Code Title VIII, Chapter 1 Property Standards. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of compliance as required herein.

8-2-3. License Required, Rental Property.



Prior to leasing any rental property for occupancy, an owner shall obtain and maintain in good standing a rental property license from the City pursuant to Title V, Chapter 12, of the Westminster Municipal Code.

8-2-4. Registration Required, Rental Dwellings.

Prior to leasing any rental dwelling for occupancy, an owner shall obtain and maintain in good standing a rental dwelling registration with the City pursuant to Title VIII, Chapter 1, of the Westminster Municipal Code.

8-2-5. Inspections.

(A) General:

- (1) The City Manager, acting by and through the building division, shall establish a regular and orderly schedule to inspect all rental property within the City. Such schedule shall not preclude inspection of a rental property at other times, based on a request of a resident, owner or manager, or other complainant.
- (2) Rental dwellings shall be inspected by the City on a complaint basis or as conditions warrant with no regular inspection schedule.
- (3) Any violations shall be documented, and a photographic record may be made of the property or of any violations discovered on the property.

(B) Right of Entry:

- (1) When necessary to make an inspection for compliance with the provisions of this Residential Rental Code as part of scheduled inspections, or when the City has probable cause to believe that there exists upon any premises any condition that constitutes a violation of the provisions of this Residential Rental Code, the city manager or authorized representative, hereinafter referred to as the "inspector," may enter a premise at all reasonable times to inspect or to perform any duty imposed on him, provided that the following procedure has been followed:
 - (a) If a premise is currently leased, the inspector shall first present proper credentials and request permission to enter from a tenant or other person having common authority over the premise. If the leased premise is currently unoccupied, the inspector shall make a reasonable effort to locate the tenant and, upon locating the tenant, shall present proper credentials and request permission to enter. If a tenant or other person having common authority over the premise cannot be located after a reasonable effort, a notice of intent to



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inspect shall be posted on the premises, giving notice that an inspection may proceed after a court order is obtained from the municipal judge of the City.

(b) If entry is refused, or 24 hours after the premises have been posted, the inspector may appear before the Municipal Judge and shall request, pursuant to Rule 241(b)(2) of the Municipal Court rules of procedure, as amended, a court order entitling the inspector to enter upon the premises. Upon presentation of the court order and proper credentials, or possession of same in the case of unoccupied premises, the inspector may enter upon the premises, using such reasonable force as may be necessary to gain entry.

- (2) For purposes of this section, "probable cause" for a court order exists upon a showing that the inspection is part of the systematic schedule of inspections that is a condition of licensing the rental property, and that the tenant or other person having common authority over the premise has failed or refused to grant entry to the inspector, or upon a showing that the facts and circumstances within the inspector's knowledge are sufficient to warrant a person of reasonable caution in the belief that a violation of this Residential Rental Code may exist. The inspector shall not be required to demonstrate specific knowledge of the condition of the particular premises at issue in order to obtain a court order.
- (3) Unlawful Resistance: It shall be unlawful for any owner, tenant, or person having common authority of a rental property or rental dwelling to deny entry of an inspector acting pursuant to a court order that has been issued according to the procedure outlined in this section.

8-2-6. Inspection Procedures.

(A) Authority: The City Manager, acting by and through the building division, may inspect rental properties and rental dwellings, individual units thereof, and their associated properties, in order to determine compliance with the provisions of this Residential Rental Code.

(B) Scheduled Inspections of Rental Properties:

The frequency of inspections on rental properties shall be as follows:

- (1) Properties less than six years old shall not be scheduled for inspection.
- (2) Properties between six and 20 years old shall be inspected every four years.
- (3) Properties older than 20 years shall be inspected every two years.



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(4) Inspections may be increased in frequency upon a determination that violations of this Residential Rental Code, revealed during an inspection, individually or in combination, demonstrate a failure to maintain the rental property in a decent, safe, and sanitary condition.

(4) Inspections may be decreased in frequency based on satisfactory results of the latest inspection of the entire rental property; however, a modification of the scheduled inspection schedule shall not be extended more than two years for any property and no inspection schedule shall exceed six years between inspections.

(5) Any rental property may be inspected at any time due to complaints or as conditions warrant.

(C) Notification Prior to Inspections:

It shall be the responsibility of the owner or agent to notify the individual tenants of the property of the scheduled inspection and to request that permission for the City to enter the premises be granted at the time of the inspection by a tenant or person with common authority over the premise, either in person or in writing. Without such express permission to enter a unit scheduled for inspection, the City shall not proceed to inspect and shall instead obtain a court order, according to the process outlined in Subsection 8-2-5(B), W.M.C. In addition to the right of entry process set forth in Subsection 8-2-5(B), W.M.C., regular inspections may be preceded by the following notice:

(1) A letter of intent to inspect a property, based on the systematic inspection schedule mailed to the owner or agent of the property stating the proposed date and time of the inspection and given a minimum of 30 days before inspection.

(2) Notice to the owner or agent at least seven days in advance of the scheduled inspection to verify the time and date.

(3) If it is necessary for the city to cancel a scheduled inspection, it may send a cancellation notice to the owner or agent of the affected property at least three days prior to the scheduled inspection date.

(D) Inspections of Rental Dwellings: Inspection of rental dwellings shall be on a complaint basis or as conditions warrant, with no regular inspection schedule, and shall proceed according to the process for right of entry set forth in Subsection 8-2-5 (B), W.M.C.

8-2-7. Notice of Non-Compliance; Inspection Report.

(A) When the City determines that noncompliance with this Residential Rental Code exists, a notice of noncompliance and order to correct shall be issued. The notice of noncompliance shall be in writing and shall describe the violation with sufficient detail



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for it to be properly addressed and corrected. The notice of noncompliance shall provide a reasonable time for correction, no less than seven and no more than 90 days.

(B) Inspection Report: A report of inspection results, including notice of noncompliance, if any, shall be sent to the property owner or agent within ten days of completion of an inspection.

(1) The inspection report shall include the results of the inspection, including **code sections** herein in violation thereof, the period of time for correction of any noncompliant conditions, and the scheduled reinspection date and time.

(2) An inspection report containing only satisfactory results with no notice of noncompliance need not be personally served and may be mailed to the owner or agent at the address currently on file with the City as part of the licensing or registering of the property pursuant to Title V, Chapter 12, of the Westminster Municipal Code.

(C) Any notice of noncompliance and order to correct, and any inspection report containing a notice of noncompliance and order to correct, shall be served by one of the following methods:

(1) Personally, upon the owner or agent, in which case service shall be deemed complete on the date such service occurs.

(2) Notice posted on the premises and mailed to the owner or agent at the address currently on file with the City as part of the licensing or registering of the property pursuant to Title VIII, Chapter 1, of the Westminster Municipal Code. Service by this method shall be deemed complete three days after mailing and posting, even if no acknowledgment of receipt is provided.

(D) Reinspection's may be conducted to verify that the violations identified in a notice of noncompliance have been corrected. Violations that were not noted during the initial inspection, but are discovered on the reinspection, shall not be subject to correction as part of the initial notice of noncompliance, but may result in the issuance of an additional notice of noncompliance. Imminent hazards identified on a reinspection shall be subject to the provisions of Section 8-2-12, W.M.C.

(E) Owner Certification for Corrections: The City may accept written affirmation from the owner or agent confirming correction of any or all violations documented in the formal notice of noncompliance.



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(F) Reinspection Fees: A reinspection fee may be assessed for each follow-up inspection required after the initial reinspection due to an owner's failure to correct satisfactorily the identified violations. For each follow-up inspection required after the initial reinspection, a reinspection fee of \$50.00 per unit and common area may be assessed, which fee amount may be amended by subsequent resolution of City Council. Reinspection fees not paid in full within 30 days of assessment shall constitute a lien on the property and shall be recorded as such with the County Clerk.

(G) Extensions: If an owner cannot complete the required corrective action in the time set forth in the notice of non-compliance, the owner or agent may request an extension to the completion date, which may be granted upon a determination that substantial progress is being made to correct the violation(s). Such request shall be made in writing and shall contain the reasons that an extension is necessary and the requested length of extension. A request for extension shall be made no less than three days prior to a scheduled reinspection or the required completion date, whichever is earlier.

(H) No Show Fees: If an owner or agent fails to attend an inspection or reinspection, fails to request a timely extension, or fails to provide notice to tenants of the City's request for permission to enter, a no-show fee of \$50.00 per missed appointment may be assessed. The fee amount may be amended by subsequent resolution of City Council.

8-2-8. Unlawful Conduct; Public Nuisance.

(A) It shall be unlawful for any owner or agent to lease or to allow the use, maintenance, or occupancy of any residential dwelling or residential property that does not comply with the requirements of this Residential Rental Code.

(B) Securing Structures: Any residential dwelling or residential property that is abandoned or uninhabited and is dilapidated, deteriorated or has become a place frequented by trespassers or transients or has otherwise been declared as a hazard shall be deemed a public nuisance.

(C) The City Manager or authorized representative is hereby deemed a peace officer for the limited purpose of enforcing the provisions of this Residential Rental Code and shall have the power to issue complaints and summons for violations of these provisions, pursuant to Rule 204, Municipal Court rules of procedure, as amended, and Section 1-22-18, W.M.C.

(D) Any person found guilty of violating any of the provisions of this Residential Rental Code shall, upon conviction thereof, be punished by a fine or imprisonment or both, pursuant to Section 1-8-1, W.M.C. Each day that a violation of any of the provisions of this Rental Code continues to exist shall be deemed to be a separate and distinct violation.



(E) A violation of any of the provisions of this Rental Code is hereby declared to be a public nuisance and may be abated according to the procedures established in Title VIII, Chapter 4, of the Westminster Municipal Code for the abatement of nuisances.

(F) In addition to all other penalties available, a violation of the provisions of this Rental Code may result in an action to revoke or suspend a rental property license or a rental dwelling registration according to the process set forth in Title V, Chapter 12, of the Westminster Municipal Code.

8-2-9. Enforcement.

If, after notice and order to correct, an owner fails to timely correct the violation and fails to timely appeal the notice and order, the City manager or authorized representative may issue a complaint and summons for prosecution in Municipal Court or for abatement as a nuisance.

8-2-10. Appeal.

(A) An owner may appeal a notice of noncompliance and order to correct to the Building and Fire Code Appeals Committee established in Title XI, Chapter 14, of the Westminster Municipal Code. Any such appeal shall be filed in writing with the City Manager within 30 days of the date of service of the notice of noncompliance.

(B) The Building and Fire Code Appeals Committee shall hear the appeal within a reasonable time. Procedure for the hearing shall be as established in Title XI, Chapter 14, of the Westminster Municipal Code. Compliance with a notice of noncompliance shall be stayed until the committee has met and issued its decision.

(C) Any appeal of the decision of the Committee shall be made to the District Court. The appellant shall pay for the costs of preparing a transcript and other expenses of preparation of the record of hearing before the committee.

8-2-11 Remedies; Recovery of Costs.

The cost of enforcement proceedings, together with the cost of abatement, if so ordered, shall be assessed in any judgment rendered. If the costs identified are not paid, they shall constitute a lien upon the property.

8-2-12. Imminent Danger.

(A) If any structure, premise or portion thereof is found to present an imminent hazard to life or health, the premises shall be posted, and the property shall be ordered vacated. Upon order to vacate, the property, or portion thereof, shall be posted as "Dangerous, Do Not Occupy" and



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written notification of the violations that deem the property, or portion thereof, as an imminent hazard shall be served as required in Subsection 8-2-7(C), W.M.C.

(B) It shall be unlawful for any person to remove or deface the posted notice, or to occupy the property or to enter the structure except for the purpose of repair. The violations identified as causing the property or portion thereof to be an imminent hazard shall be corrected and reinspected before the posting is removed and the property or portion thereof is reoccupied.

(C) The owner or agent may appeal the order to vacate to the Building and Fire Code Appeals Committee in the same manner as stated in Section 8-2-10, W.M.C., except that the duty to comply with the order to vacate shall not be stayed pending a hearing.

