

RESOLUTION NO. 8 SERIES OF 2025

A RESOLUTION OF THE TOWN OF WILLIAMSBURG, COLORADO DECLARING THE PROPERTY AT 1401 CHURCHILL A PUBLIC NUISANCE AND AUTHORIZING EMERGENCY ACTION TO ABATE HEALTH AND SAFETY HAZARDS

WHEREAS, the Town of Williamsburg, a statutory town under Colorado law, is authorized by C.R.S. § 31-15-401 to abate nuisances endangering public health, safety, or welfare, including ordering the vacating of hazardous properties; and

WHEREAS, the property at 1401 Churchill, owned by the estate of a deceased individual with no appointed representative, is occupied by unauthorized persons (squatters) causing imminent harm; and

WHEREAS, the Town's Code Enforcement Officer inspected the property on, but not limited to, February 26, 2025, March 7, 2025, March 28th, April 9, 2025 and documented:

1. A major fire hazard, including collections of flammable debris, and burning activity on March 26, 2025 without water on location endangering life and neighboring properties and necessitated the emergency services of the Florence Fire Department and Sheriff's office;
2. Raw sewage dumping posing a public health threat;
3. Unauthorized occupancy, confirmed by a signed 30-day notice to vacate, dated March 14, 2025, with a deadline of April 14, 2025, which occupants have failed to honor; and
4. Numerous neighbor complaints, reporting debris, foul smells, fires, and unlawfully residing in a trailer, affecting community welfare; and

WHEREAS, the Florence Fire Protection District Fire Chief issued a letter, dated April 14, 2025, confirming numerous calls of unauthorized burning at this location and a recommendation that the property be cleared of refuse and maintained free of combustible materials per the International Fire Code section 304, in violation of C.R.S. § 32-1-1002 and Williamsburg 2004 Code Book, Chapter 10, Section 59.

WHEREAS, the Town sent a certified letter on March 14, 2025 to the deceased owner's heir, incarcerated at Fourmile Correctional Facility, Cañon City, notifying them of the property's condition, but no confirmation of receipt nor response has been received as of April 14, 2025; and

WHEREAS, the conditions violate:

- C.R.S. § 16-13-301 et seq., defining public nuisances as conditions causing danger or injury;
- C.R.S. § 25-8-608, prohibiting sewage discharge (Class 2 misdemeanor); 2025 anti-squatting law, classifying unauthorized occupancy as a misdemeanor;
- Williamsburg 2004 Code Book, Chapter 10, Article III, Section 10-31 (Offenses Against Properties), prohibiting unauthorized use of private property;
- Williamsburg 2004 Code Book, Chapter 7, Article II, Section 7-23 (a-g) (Nuisances and Failure to Comply), addressing illegal occupancy and refuse as public health and safety hazards;
- Williamsburg Code Book, Chapter 18, Article VI, Section 18-31 (Building Regulations), governing property use and maintenance standards.

WHEREAS, the Fremont County Sheriff has declined to enforce laws in Williamsburg absent an intergovernmental agreement, necessitating alternative actions to protect public safety; and

WHEREAS, the Town Board finds that the property constitutes an imminent public nuisance requiring immediate abatement to prevent catastrophic fire, health risks, and community harm;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF WILLIAMSBURG, COLORADO:

Section 1. Declaration of Public Nuisance

The property at 1401 Churchill is hereby declared a public nuisance due to:

- A major fire hazard threatening life and property, as confirmed by the Fire Chief of Florence Fire Protection District
- Raw sewage dumping endangering public health.
- Unauthorized occupancy by squatters violating a signed vacate notice.
- Community disruption from neighbor complaints.

Section 2. Authorization of Emergency Vacate Order

The Code Enforcement Officer, with approval of the Mayor, is authorized to issue an emergency order to vacate the property within 24 hours of posting, pursuant to C.R.S. § 31-15-401, C.R.S. § 16-13-301, and Williamsburg Ordinances, requiring all occupants to leave and cease violations.

Section 3. Enforcement Actions

The Town directs the Code Enforcement Officer and/or Mayor to:

1. Post and deliver the vacate order, notifying occupants and publishing notice per C.R.S. § 31-15-401(e).
2. Coordinate with:
 - Florence Fire Protection District (719-784-2350) for fire hazard abatement or condemnation.
 - Fremont County Public Health (719-276-7450) for sewage violation enforcement.
 - Colorado State Patrol (719-544-2424) for misdemeanor enforcement, if needed.
3. Pursue legal action in Fremont County Court (719-269-0100), including unlawful detainer (C.R.S. § 13-40-104) or nuisance injunction (C.R.S. § 16-13-301), if occupants fail to comply.
4. Request a public administrator (719-269-0100) for the estate to address long-term ownership.

Section 4. Sheriff Notification

The Town shall notify the Fremont County Sheriff (719-276-5555) of this resolution and vacate order, urging enforcement under C.R.S. § 30-10-511, 2025 anti-squatting law, and C.R.S. § 25-8-608, despite

the lack of an intergovernmental agreement, with copies to the Fremont County Commissioners (719-276-7300).

Section 5. Community Engagement

The Town shall inform residents via public notice and meetings, addressing neighbor concerns and encouraging reports to fire, health, or state authorities to support abatement.

Section 6. Cleanup and Securing

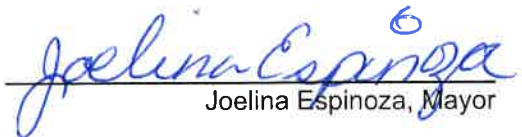
Upon vacating, the Town may secure the property (e.g., boarding, fencing) and order cleanup of fire hazards and sewage, with costs assessed to the estate per C.R.S. § 31-15-401.

Section 7. Effective Date

This resolution is effective immediately upon adoption.

ADOPTED AND APPROVED THIS 18TH DAY OF APRIL, 2025, BY THE BOARD OF TRUSTEES OF THE TOWN OF WILLIAMSBURG, COLORADO.


Attestation: Brenda Orth, Deputy Town Clerk


Joelina Espinoza, Mayor

4/16/25 - Resolution posted via Agenda attachment on website and Public Notice Boards located at:

- Quincy and Iron Horse Road, Williamsburg, CO
- Wilmont Road and Smith Gulch Road, Williamsburg, CO
- 1 John Street, Williamsburg, CO

SEAL:



