



**2026 Legislative Priority Proposal**  
**Updated: 7/17/25**

<b>Property Abatement</b>	
<b>Morgan County (Commissioner Kelvin Bernhardt)</b>	
Preferred Contact:	ksbernhardt@co.morgan.co.us
Co-Sponsoring Counties/Commissioners:	Morgan County Commissioners
Who is your subject matter expert?	Morgan County Attorney Kathryn Sellars, kms@hpwclaw.com  Planning and Zoning Director Nicole Hay, nhay@co.morgan.co.us
Has this proposal been approved by your BoCC?	Yes.
Have you reviewed the CCI Instructional Memo?	Yes.
Describe the problem your proposal will solve.	<p>Enforcement of County zoning and building regulations and nuisance ordinances is split between the jurisdictions of District and County courts. Generally, if counties want injunctive relief for these violations, they must seek that relief in District Court. If counties want to seek civil penalties, they must seek that relief in County Court. As such, enforcement is not streamlined or efficient, which results in a significant decrease in the capacity to enforce these regulations despite the county community's overwhelming desire to see these issues addressed.</p> <p>The civil penalties for violations of building and zoning regulations (\$100 a day) are woefully inadequate to serve as a detriment or motivator for violators. Counties track far behind municipalities in the amount of fines that may be sought (compare to municipal fines in a court of record that can be up to \$2650 or \$300 for a municipal court which is not of record). Civil infraction penalties (\$100 a day) for violations of zoning and building regulations track behind civil infraction penalties for ordinance violations (up to \$1000), despite the fact that these violations are all traditionally categorized as nuisances.</p>

Areas of Impact:	Power/Authority/Mandate of county government.
What is the ultimate source of this problem?	Poor legislative drafting, likely brought on by a lack of understanding of court procedure/jurisdiction and nuisance abatement processes.
What is your initial proposal to solve this problem?	Legislation is the only means to solve this issue.
Please provide sample language for this solution.	<p>The following statutes would be amended to permit the District Court the authority to issue civil penalties and County Courts to issue injunctive relief and increase penalties/fines where noted. The proposal does not include giving District Courts jurisdiction over civil infractions.</p> <p>C.R.S. § 30-28-124(1). Increase penalty for civil infraction.</p> <p>C.R.S. § 30-28-124(2). Clarify that complaints seeking injunctions, mandamus, abatement, and other similar actions may be brought in either the District or County court.</p> <p>C.R.S. § 30-28-124.5. Permit District Courts to impose civil penalties. Allow for civil penalties to up to \$2,650.00.</p> <p>C.R.S. § 30-28-209(1). Increase penalty for civil infraction.</p> <p>C.R.S. § 30-28-209(2) - Clarify that complaints seeking injunctions, mandamus, abatement, and other similar actions may be brought in either District or County court.</p> <p>C.R.S. § 30-28-210. Permit District Courts to impose civil penalties. Allow for civil penalties to up to \$2,650.00.</p> <p>C.R.S. § 30-15-401 - Authorize District and County Court to impose injunctions and issue abatement orders and include process to impose civil penalties, with the potential amendments to administrative entry and search warrant procedures to make the procedures practical. Allow for civil penalties to up to \$2,650.00</p> <p>The following statute would be amended to permit County Courts to issue injunctive relief under the specific statutes above: C.R.S. § 13-6-105(1)(f).</p>

Are there any solutions that do not require state-level legislation? Has your county explored these alternatives?	No, only the Legislature can establish/change the jurisdiction of state courts.
Has CCI or any other organizations sought a solution to this problem before?	Not to my knowledge.
What possible organization(s) would <b>support</b> your proposed solution?	The majority of Colorado Counties.
What possible organization(s) would <b>oppose</b> your proposed solution?	None identified.
Have you spoken with any legislators about your proposed solution? If so, what was their response?	Sen. Byron Pelton has agreed to sponsor this bill. Also awaiting response from Representative Dusty Johnson.
What are the financial implications of this <b>problem</b> to your county?  Are there any financial implications to this <b>solution</b> either?	The last 2 abatements completed by Morgan County have cost Morgan County over \$60,000 each to complete. This has a negative impact on the county budget, which is already strained. At this time, municipal courts can impose penalties well above what counties can obtain from county court for zoning and building code violations. The proposed legislation will bring District and County courts fines and assessments to a more effective layer.
What are the financial implications of this <b>problem</b> to any other impacted parties?  What are the financial implications of this <b>solution</b> to	The only impacted parties would be the property owner and the County completing the property cleanup and abatement.

any other impacted parties? <i>Please consider any relevant Colorado State Departments.</i>	
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