

2026 Legislative Priority Proposal
Updated: 9/15/25

County Enforcement Authority – Ordinances, Zoning, Building, Pest and Weed Control	
Morgan County (Commissioner Kelvin Bernhardt)	
Preferred Contact:	ksbernhardt@co.morgan.co.us mlinke@co.grand.co.us
Co-Sponsoring Counties/Commissioners:	Grand County (Commissioner Merrit Linke)
Who is your subject matter expert?	• Kathryn Sellars, Morgan County Attorney. 720-376-6528. kms@hpcwlaw.com • Maxine LaBarre-Krostue, Grand County Attorney. 970-725-3045. mlabarre@co.grand.co.us • Shira Cohen, Assistant County Attorney (Grand). 970-725-3045. scohen@co.grand.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.	Enforcement of County ordinances and zoning and building regulations 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, it results in a significant decrease in the capacity to enforce these regulations despite the county community's overwhelming desire to see these issues addressed. In addition, the civil infraction process to prosecute violations of these provisions, and the provisions in the pest and noxious weed statutes, conflicts with the Rules of Civil Infractions. Civil penalties are not available for ordinance violations, and pest and noxious weeds, but should be an avenue for enforcement. 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), even though these violations are all traditionally considered nuisances.
Areas of Impact:	Day-to-day operations of the county; Functionality of county programs or services; Power/Authority/Mandate of county government; General community advancement.
What is the ultimate source of this problem?	Poor legislative drafting, likely brought on by a lack of understanding of court procedure/jurisdiction and abatement processes. Failure to update statutes to allow for more effective enforcement.
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.	View sample language here.
Are there any solutions that do not require state-level legislation? Has your county explored these alternatives?	No, only the legislature can fix these issues.
Has CCI or any other organizations sought a solution to this problem before?	Not to our knowledge.
What possible organization(s) would support your proposed solution?	We believe there will be wide support for these changes among county governments.
What possible organization(s) would oppose your proposed solution?	We cannot identify any organization that would oppose this solution.
Have you spoken with any legislators about your proposed solution? If so, what was their response?	Yes, they want to see how the CCI process turns out.
What are the financial implications of this problem to your county?	It costs counties more time (and fees for counties that do not have in-house counsel) to enforce their regulations under the current law when their citizens are demanding that action be taken.

Are there any financial implications to this solution either?	There are no financial implications to the solution.
What are the financial implications of this problem to any other impacted parties? What are the financial implications of this solution to any other impacted parties? <i>Please consider any relevant Colorado State Departments.</i>	There are no financial implications of the problem to any other impacted parties. There should not be any financial implications of the solution to any other impacted parties.
Staff Feedback	<u>Risk/Difficulties:</u> Medium – While this is strictly a county authority issue, it is possible other organizations have significant concerns with how counties may utilize this authority and the scope of reforms. CCI staff has set up a large stakeholder meeting for next Wednesday to get a better gauge on the matter. <u>Time Commitment:</u> High –While county attorney's have done a fabulous job proposing statutory changes, there could be quite a bit of negotiating with stakeholders on details and combatting their concerns.