

## RESOLUTION 2024-046

**A resolution authorizing the Boulder County Community Planning & Permitting Director, through the County Attorney, to seek an administrative entry and seizure warrant from the district court to abate impermissible weeds, brush, and rubbish as needed throughout the property, including abandoned, inoperative, or unlicensed vehicles, as defined under Article 14 of the Land Use Code, located at 7642 Aberdeen Way in unincorporated Boulder County.**

### Recitals

A. The Board of County Commissioners of Boulder County (the “Board”) is authorized to provide for and compel the removal of rubbish from tracts of land within the County according to the procedures in Article 14 of the Boulder County Land Use Code (the “Code”) and C.R.S. § 30-15-401(1).

B. The subject property is located at 7642 Aberdeen Way, Boulder County Assessor’s Parcel No. 146313104001, in a Suburban Residential zoning district, in unincorporated Boulder County (the “Property”).

C. Jaroslav V. Vomacka is the owner of record for the Property. His mailing address as noted in Boulder County Assessor’s records is 7642 Aberdeen Way, Boulder, CO 80301.

D. In February 2021, Boulder County Community Planning & Permitting (“CPP”) received a complaint of rubbish on the Property and opened zoning case ZON-21-0012. In May 2021, CPP staff sent a Notice of Violation for rubbish and impermissible accessory outside storage on the Property.

E. In March 2024, CPP staff inspected the Property and found that the violations remained, and the Boulder County Attorney’s Office mailed a letter to Mr. Vomacka describing the violations and providing the required actions to resolve the violations with an April 11, 2024 deadline.

F. On May 29, 2024, CPP staff sent a Notice of Public Hearing to Mr. Vomacka by certified mail.

G. Article 14-400.C of the Code defines rubbish as “[g]arbage, trash, and junk including, but not limited to, unwanted or discarded household items; waste from building construction, remodeling, and repair; tree branches, grass and shrub clippings, leaves, or other general yard and garden waste; motor vehicle parts or tires, or abandoned, unlicensed, or inoperable motor vehicles including without limitation mobile or manufactured homes; newspapers, magazines, packaging materials, waste paper or cardboard; dead animal carcasses; and any other unsightly or discarded material which causes or is likely to cause a public hazard or nuisance, or is unacceptably offensive in light of community standards of cleanliness or generally accepted neighborhood aesthetics.”

H. Despite attempts by the CPP Code Compliance team to work with Mr. Vomacka, the Code violations in ZON-21-0012 remain unresolved and continue to disrupt the community aesthetic and pose a health and safety issue to the public. These efforts included mailing multiple letters with information regarding the nature of the violations and potential penalties and consequences for not resolving the violations.

I. The Article 14 violations of ZON-21-0012 are further described in the memorandum and written recommendation to the Board by CPP staff dated June 13, 2024, together with its attachments (the “Staff Recommendation”). The Staff Recommendation found that the Property contains impermissible weeds, brush, and rubbish, including an unlicensed and inoperable vehicle and a boat, as defined in Article 14 of the Code, and therefore, requested that the Board authorize the CPP Director, through the County Attorney, to seek an administrative entry and seizure warrant from the district court to remove all rubbish from the Property.

J. At a public hearing held on June 13, 2024 (the “Public Hearing”), as reflected in the official record of the Public Hearing, the Board considered the Staff Recommendation, as well as documents and testimony presented by CPP staff. The Board also heard testimony presented by Jaroslav Vomacka and his son, John Vomacka. One member of the public spoke at the Public Hearing.

K. Based on the Public Hearing, the Board finds that the Property is in violation of Article 14 of the Code and authorizes the CPP Director to seek an administrative entry and seizure warrant from the district court to remove all rubbish, either existing or generated in the process of abatement, in violation of Article 14 of the Code from the Property as described in the Staff Recommendation.

Therefore, the Board resolves:

1. The CPP Director’s determination that violations of Article 14 of the Code exist on the Property is upheld.

2. If the Property owner has not entered into a stipulation agreement with Boulder County within 30 days of the date of the Public Hearing and resolved the Article 14 violations per the terms of that stipulation within 90 days of the Public Hearing, the Board authorizes the CPP Director, through the County Attorney, to seek an administrative entry and seizure warrant from the district court to remove all rubbish, including discarded household items and building materials, piles of materials and waste, storage bins/containers, any abandoned, unlicensed, and inoperable vehicles, and any other unsightly or discarded material in violation of Article 14 of the Code, either existing or generated in the process of abatement, from the Property as described in the Staff Recommendation.

3. The cost of abatement, an inspection fee of 5%, and any other costs associated with the execution of the administrative entry and seizure warrant will be billed to the Property owner.

4. The Property owner shall be subject to the terms, conditions, and commitments of record in the file for ZON-21-0012.

Commissioner Claire Levy made a motion to uphold the CPP Director's determination and to authorize the CPP Director to seek an administrative entry and seizure warrant from the district court to remove all the rubbish in violation of Article 14 of the Code from the Property if the Property owner has not entered into a stipulation agreement with Boulder County within 30 days of the Public Hearing and resolved the Article 14 violations per the terms of that stipulation within 90 days of the Public Hearing. The motion was seconded by Commissioner Marta Loachamin and passed by a 2-0 vote. Commissioner Ashley Stolzmann was excused from the Public Hearing.

**[Signature Page to Follow]**

**ADOPTED** as a final decision of the Board on this \_\_\_\_ day of July 2024.

The signatures below indicate approval of the text of the Resolution but are not necessarily reflective of the votes taken at the Public Hearing.

**BOARD OF COUNTY COMMISSIONERS  
OF BOULDER COUNTY:**

\_\_\_\_\_  
Ashley Stolzmann, Chair

\_\_\_\_\_  
Marta Loachamin, Vice Chair

\_\_\_\_\_  
Claire Levy, Commissioner

ATTEST:

\_\_\_\_\_  
Clerk to the Board