

ORDINANCE NO. 2080

INTRODUCED BY: AMADOR, BULLOCK, CARSON, DIAZ, DOUGLAS, ELLIOTT, FORD, TETER

AN ORDINANCE AMENDING SECTION 6-2012 OF THE COMMERCE CITY REVISED MUNICIPAL CODE PERTAINING TO WEEDS AND VEGETATION

WHEREAS, in May 2015, the City Council of the City of Commerce City adopted the Commerce City Noxious Weed Management Plan ("Noxious Weed Plan") as the City's local plan for controlling and containing noxious weeds within the City;

WHEREAS, the Noxious Weed Plan does not provide the City with the ability to take any enforcement actions against residents who allow the presence of noxious weeds on their property; and

WHEREAS, the City Council believes it is in the best interest of the health and welfare of the citizens of the City to amend Section 6-2012 of the Commerce City Revised Municipal Code to explicitly make it unlawful for the owner or occupant of any property to permit the growth of any noxious weed on their property.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

SECTION 1. Section 6-2012 of the Commerce City Revised Municipal Code shall be amended to read as follows:

Sec. 6-2012. - Weeds and vegetation.

- (a) Definitions. When used in this section, the following words, terms and phrases shall have the meanings ascribed herein:
- (1) Brush means the cuttings from trees and/or bushes and shall include fallen branches in excess of two (2) inches thick at the widest point and three (3) feet in length and all stacks of wood, excluding lumber, but including firewood in excess of two (2) neatly stacked cords.
 - (2) Developed property means property upon which a structure has been constructed or that is used for parking or storage.
 - (3) Noxious weed means any plant that has been designated as such on the noxious weed table posted on the city's website.
 - (4) Poisonous plant means any plant that may be detrimental to health including, without limitation, poison ivy and ragweed.
 - (5) Property means the owner or occupant's lot or tract of land, the sidewalk, curb and/or gutter of any street abutting such lot or tract of land and the area from the property line of the lot or tract of land to the center of any alley abutting the lot or tract of land. The term "property" shall not include any city-designated open space or trails.

- (6) Weed means any herbaceous plant that, due to height, smell, appearance, or injurious nature, has a blighting influence on the neighborhood.
 - (7) Undeveloped property means property that is not used for parking or storage and upon which no structure has been constructed.
- (b) Prohibitions.
- (1) Weed and grass growth.
 - a. It shall be unlawful for the owner or occupant of any developed property to permit weeds or grass to grow to a height of more than eight (8) inches anywhere on or within the property.
 - b. It shall be unlawful for the owner or occupant of any undeveloped property less than one (1) acre in size to permit weeds or grass to grow to a height of more than eight (8) inches anywhere on or within the property.
 - c. It shall be unlawful for the owner or occupant of any undeveloped property, the size of which is at least one (1) acre and not greater than five (5) acres, to permit weeds or grass to grow to a height of more than sixteen (16) inches anywhere on or within the property.
 - d. It shall be unlawful for the owner or occupant of any undeveloped property greater than five (5) acres in size to permit weeds or grass to grow to a height of more than sixteen (16) inches on any portion of the property that is within twenty (20) feet of any adjacent developed property, tract, or parcel, or any adjacent road, as measured from the boundary of the right-of-way of the adjacent road that is nearest the undeveloped property.
 - e. Two (2) or more contiguous lots, tracts and/or parcels of undeveloped property under single ownership, whether or not platted, may be aggregated to constitute a single property for the purposes of this section. Lots, tracts and/or parcels of property separated by a public or private roadway or other right-of-way, regardless of ownership, shall not be considered contiguous for the purposes of this section.
 - f. Exceptions. Notwithstanding the foregoing, the prohibitions set forth in this subsection (b) shall not apply to the following:
 - 1. Ornamental grasses;
 - 2. Native grasses and other native plant materials identified in the city's approved plant species list; or
 - 3. Any property, regardless of city zoning classification, identified by the Adams County Assessor as agricultural, with the exception of any portion of such property within twenty (20) feet of any street or highway classified by the city as an arterial roadway, the weed and grass growth upon which such portion shall not exceed sixteen (16) inches in height.
 - (2) Diseased or dead woody vegetation. All trees, shrubs, bushes, hedges and other woody vegetation within the city shall be adequately pruned or removed when such trees, shrubs, bushes, hedges or other woody vegetation harbor insects or disease that constitute a threat to other trees, shrubs, bushes, hedges or other woody vegetation or

constitute a hazard in general to the public health, safety and welfare. The stump of any tree removed due to disease must be completely removed from the ground unless, in the opinion of a certified arborist, the diseased stump poses no danger to surrounding vegetation. Stumps that do not pose a danger to surrounding vegetation may remain on the property at a height not to exceed twenty-four (24) inches.

- (3) Poisonous plants and noxious weeds. It shall be unlawful for the owner or occupant of any property to permit the growth of any noxious weed or poisonous plant upon such property or to allow seed, pollen or other particles or emanations from such weeds and plants to be carried from such property into any public place.
- (4) Brush. It shall be unlawful for the owner or occupant of any property to permit brush to remain upon such property for more than fourteen (14) days.
- (5) Encroachment of vegetation on public spaces. It shall be unlawful for the owner or occupant of any property to fail to cut, trim, prune or remove as necessary any trees and other vegetation located upon such property in accordance with the following requirements:
 - a. Vegetation other than trees shall not encroach upon the plane of a public sidewalk or street.
 - b. Tree branch growth shall be maintained to a height not lower than ten (10) feet above any public sidewalk and not less than fifteen (15) feet above the travel lanes of any street or alley.
 - c. Branches, trees and other vegetation shall not obscure any street name signs, traffic signs, traffic control devices or sight triangles.
 - d. Branches or trees that are broken, hanging, decayed or that otherwise threaten public property or the safe use thereof shall be removed.

SECTION 2. Except as specifically modified herein, the provisions of the Commerce City Revised Municipal Code shall remain unchanged and in full force and effect.

SECTION 3. This ordinance shall take effect on [date].

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED
THIS 2ND DAY OF MAY, 2016.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED
THIS 6TH DAY OF JUNE, 2016.

CITY OF COMMERCE CITY, COLORADO

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk