



Weed Ordinance Update: Large Tract Properties

City Council Study Session October 2019

May Study Session Recap

- Council requested an informational update regarding the City's nuisance weed regulations for large tract properties. inquired about possible changes to Sec. 6-2012. –Weeds and vegetation
- Possible change suggestions:
 - Maximum height of (8) inches anywhere on the property but incentivize active agricultural operations
 - Maximum height of (16) inches anywhere on the property but incentivize active agricultural operations
 - Significantly increase penalties for weed violations
 - Add surcharge and administrative costs for weed abatements when a notice of violation was issued and property owner did not comply



Action Items

- Council requested staff to reach out to large tract owners to solicit engagement.
 - 157 letters were sent identifying ideas that were discussed
 - Written feedback in response to the study session was requested
- Highlights from the letters received from the property owners are:
 - No change needed
 - Additional hardship and expense to maintain lower height
 - Lowering height would create more work for land owners and staff and would be difficult to enforce
 - This feels like a penalty for their investment in the community
 - Would like owners of undeveloped parcels to be required to spray, mow, or farm until such time development occurs



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Council Direction

- Staff would like direction on any changes Council would like to consider or incorporate.
- From the suggestions that came out of the May study session:
 - Remove unlimited height and require consistent height overall property
 - Remove unlimited height and require 16 inches anywhere on property and 8 inches on portions that are within 20 feet of any adjacent developed property, tract, or parcel or any adjacent road
- Currently there we have a 3 tier system to regulate growth height standards: <1 acre; 1-5 acres; and >5 acres.
 - CHANGE TO less than one acre or one plus acre:
 - Merge the 1-5 acre and >5 acre to read >1 acre shall be unlawful to permit weeds or grass to grow to a height of more than 16 inches anywhere on or within the property .
- OR No change needed at this time and height standards are adequate



Council Direction

- In addition to maximum height regulations:
- Staff is proposing the following:
 - Update the Municipal Code section 6-2012(b)(1)(d) to better identify the owner's responsibility of maintaining and mowing beyond property lines to a street, highway or arterial roadway.
 - Change the penalty structure from current state:
 - \$100.00 first notice; \$300.00 second notice; \$500.00 third notice and \$999.00 for forth notice in one year regardless of property size -to-
 - \$500.00 first notice and \$999.00 second notice for property's <1 acre
 - Increase abatement charges from 15% of abatement fee plus contracted abatement cost to 30% of abatement cost to de-incentivize property owners from using the City as property managers
 - Currently, our cost for a 20 acre flat parcel to be abated is about \$4,000. We would then bill the property owner 15% above that to be \$4,600.

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- April: Courtesy notice re: weed management is sent
 - Complaint of property or enforcement:
 - Another courtesy notice
 - Assessment of fine \$100 - 17 day to comply
 - \$300 17 day to comply
 - \$500 17 day to comply
 - Order of abatement plus \$999
 - Complaint of Property or proactive enforcement:
 - Assessment of Fine= \$500.00
 - 17 day to comply
 - Failure to comply:
 - Assessment of Fine= \$999.00
 - Order Abatement = abatement cost + additional 30%

Next Steps

- Change in Height?
- Change in Fee?
- Change in property size: <1 acre | >1 acre?
- Update municipal Code?
- Increase abatement charges
- Change assessment of fine (\$500/\$999)



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Questions and Discussion

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