



Ordinance #2268: An update to the Municipal Code Sec. 3-2304 Penalties and Sec. 6-2012.- Maintenance of Property

City Council July 6, 2020

Ordinance 2268 Recap

- May & October 2019: Council study sessions held to discuss nuisance weed regulations for large tract properties.
 - Desired Outcome:
 - Achieve consistency by revising tier system and adjusting height regulations
 - Clarify duty of responsibility to maintain property
 - Action Items based on Council direction:
 - Establish a more consistent regulation for large tract owners regarding weed height not to exceed 16”
 - Increase violation fees
 - Continue education and targeted notices
 - Increase enforcement during months that would be ideal for faster weed growth
 - Update Sec. 6-2012 (weed regulations) and Sec 3-2304 (fines)

Ordinance 2268 Recap Continued

- Staff presented Ordinance 2268 on May 4, 2020 which updated Sec. 6-2012 and 3-2304 that included:
 - Clear language to better address maintenance responsibilities and requirements
 - Established a more consistent look by changing the growth height regulations on undeveloped lots
 - Created a new violation process and fee structure specific to nuisance weed regulations
 - Simplified the three tier system to a two tier system
- Council continued the item to May 18, 2020 meeting for staff to solicit feedback from large tract property owners.
- Council further continued the item to June 1, 2020 meeting for staff to update language to include an exception for certain property conditions.

Updated Exception

- Per Council's motion, language was added to the proposed exceptions in Sec. 6-2012 (b)(1)(d):
 - iv. Public right of way adjacent to Property that (1) has been actively farmed with commercial crops for the last 3 years, (2) is greater than one acre, and (3) lacks curb, gutter, and sidewalk.
- Public Works Department requested to continue this item in order to evaluate the potential operational and budgetary impacts governing the maintenance of the City's rights-of-way.



Summary of Impacts to Public Works Right-of-Way and Open Space Maintenance Costs Due to Proposed Ordinance Revisions

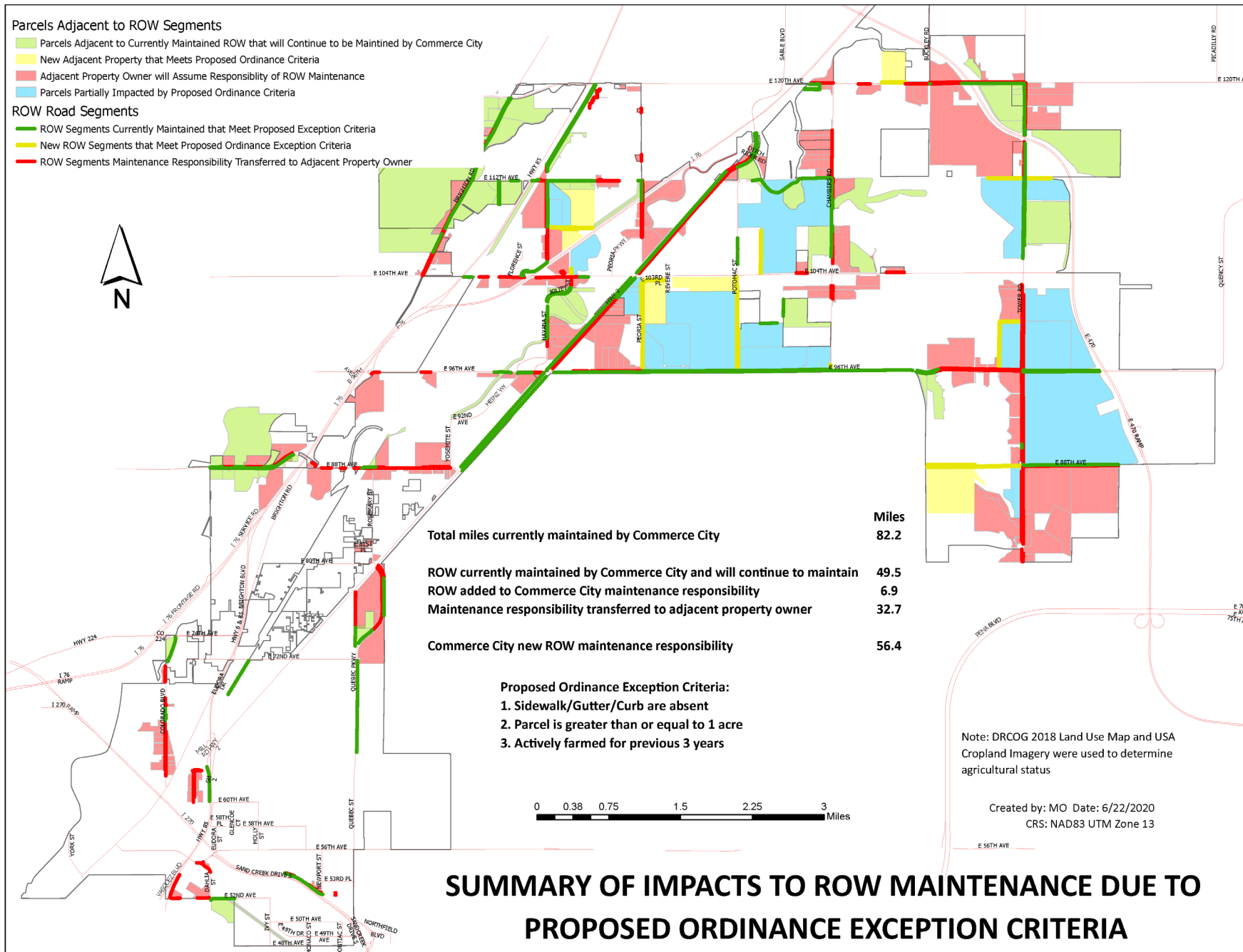


Summary of Impacts to ROW Maintenance Due to Proposed Ordinance

.....●

●.....

	Miles
Total miles currently maintained by Commerce City	82.2
ROW currently maintained by Commerce City and will continue to be maintained	49.5
ROW added to Commerce City maintenance responsibility	6.9
Maintenance responsibility transferred to adjacent property owner	32.7
Total Commerce City new ROW maintenance responsibility	56.4



Current Public Works Right-of-Way Maintenance Practices

- **Most right-of-way segments currently maintained with 2 passes (24' swath) when mowed by tractor/flail mowers**
 - Mowing to adjacent property lines will increase total acreage maintained (average 12' wide additional swath for each road segment)
 - Recommend maintaining current practice of 2 passes (24' swath)
- **Historically, right-of-way segments maintained by Commerce City have been mowed on a schedule of 3 times per year, at approximately 5 weeks intervals.**
 - Proposed ordinance 8" growth height restriction will increase the frequency, thus the number of mowings needed (typical spring/summer/fall temperature and precipitation conditions can support weed growth up to 12 inches within 2 weeks)

Estimated Right-of Way Maintenance Budget Implications Associated With Proposed Ordinance

- **Current right-of-way mowing practice**
 - 24' swath, 3 mowings per season, 82.2 miles - \$114,010.04 (staff hours, equipment maintenance and fuel)
- **Proposed ordinance**
 - Mow from edge of street to adjacent property line requiring additional pass with mower in most instances, apply 8" growth height restriction (estimated 7 mowings per season)
 - **56.4 miles - Additional \$110,257.07** (seasonal staff hours, equipment maintenance and fuel)

Estimated Right-of Way Maintenance Budget Implications Associated With Proposed Ordinance

- **Proposed ordinance**
 - Retain 32.7 miles and add additional 6.9 miles added to City responsibility
 - Mow from edge of street to adjacent property line requiring additional pass with mower needed in most instances, apply 8" growth height restriction (estimated 7 mowings per season)
 - **89.1 miles - Additional \$173,675.13** (seasonal staff hours, equipment maintenance and fuel)
- **Recommend continuation of current practice of 24' wide mowing swath**

Estimated Right-of Way Maintenance Budget Implications Associated With Proposed Ordinance

1. Current ROW Mowing Practice - Staff, Equipment & Fuel Cost	\$114,010.04
Mow 24' swath, 3 mowings per season	82.2 miles
2. Proposed Ordinance - Additional Staff, Equipment & Fuel Costs	\$110,257.07
Mow from edge of pavement to property line, apply 8" growth height restriction, estimated 7 mowings per season	56.4 miles
3. Recommendation - Additional Staff, Equipment & Fuel Costs	\$82,632.75
Mow 24' wide swath (instead of mowing from edge of pavement to property line), apply 8" growth height restriction, estimated 7 mowings per season	56.4 miles
4. Consideration of Mileage - Additional Staff, Equipment & Fuel Costs	\$173,675.13
Retain all of current inventory (including 32.7 miles ordinance does not require), add 6.9 miles, mow from edge of pavement to property line, apply 8" growth height restriction, estimated 7 mowings per season	89.1 miles

Public Works Open Space/Drainageway Maintenance Practices

- **Proposed ordinance**
 - 16” maximum growth height restriction for undeveloped property over one acre is not conducive to the management and restoration of open space.
 - Frequent mowings are detrimental to growing or maintaining healthy stands of native grasses.
 - Significantly reduces ability to effectively restore open space to native grasslands
 - Mowing too frequently or at wrong times stresses native grasses and can encourage weed growth and propagation
- **Recommend exempting City designated open spaces/drainageways from the proposed ordinance**

Estimated Open Space/Drainageway Maintenance Budget Implications Associated With Proposed Ordinance

- **Current Open Space Mowing Practice**

- Perimeter mowing (trail edges, ROW edges and fence lines only) 143 acres - \$38,678.62 (staff hours, equipment maintenance and fuel)

- **Proposed Ordinance**

- Mowing entire site, 16" growth height restriction, 4 mowings, 744 acres - **additional \$59,034.03** (seasonal staff hours, equipment maintenance and fuel)
- Recommend adding exemption to the proposed ordinance for City designated open spaces/drainageways

Estimated Equipment Budget Implications Associated With Proposed Ordinance

- **Additional Equipment Costs for ROW Maintenance - \$580,000**
 - Tractor/Flail mowers (4) @ \$130,000 = \$520,000
 - Rough/Slope mowers (2) @ 18,000 = \$36,000
- **Additional Equipment Cost for Open Space Maintenance - \$130,000**
 - Tractor/Flail mower (1) @ \$130,000
 - Recommended Open Space/Drainageway exemption would negate the need for this additional tractor/flail mower
- **Annual cost for equipment maintenance and fuel \$32,860.95**
- **Total Equipment Costs - \$ 744,860.95 (capital and 1st year operating)**

Total Estimated Budget Implication Ranges

- **Total Additional Staffing Costs -**
 - \$ 82,632.75 (56.4 miles, 24' swath, open space exemption)
 - \$232,709.16 (89.1 miles, 36' swath, no open space exemption)
- **Total Additional Equipment Costs –**
 - \$609,384.13 (4 flail mowers, 2 rough mowers, associated maintenance/fuel)
 - \$744,860.95 (5 flail mowers, 2 rough mowers, associated maintenance/fuel)
- **Total Additional Budget Implication Associated With Proposed Ordinance -**
 - \$695,493 (56.4 miles, 24'swath, open space exemption)
 - \$975,570.11 (89.1 miles, 36'swath, no open space exemption)
- **Recommend current ROW mowing practice of 24' wide swath, (56.4) lane miles and exempting City designated open spaces/drainageways. -**
\$695,493 initial 1st year cost



Questions?