

For Reference Only

Sec. 6-2012. – Maintenance of Property

(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 any property that is not an undeveloped property.
- (3) *Noxious weed* means any plant that has been designated as such on the noxious weed table as may be posted on the city's website or in the City of Commerce City Noxious Weed Management Plan.
- (4) *Poisonous plant* means any plant that may be detrimental to health of persons or animals including, without limitation, poison ivy and ragweed.
- (5) *Property* means the owner or occupant's real property including its fixtures and appurtenances, regardless of size. The phrase "extended property" shall include, in addition to the privately owned property, the "adjacent public right of way." The phrase "adjacent public right of way" shall include all land and improvements located in the right of way from the centerline of the adjacent right of way to the property line, and in any public alley from the centerline of the alley to the property line. If the centerline is within a roadway, then the extended property shall include only that portion up to the edge of the roadway. The term "adjacent public right of way" shall not include (1) any city-designated open space or (2) center medians within a right of way of a principal or minor arterial roadway.
- (6) *Roadway* means any street or road, regardless of construction method or surface material, regularly open to the public for travel.
- (7) *Undeveloped property* means any property that lacks structures or is not serviced by water, sewer, electrical, and natural gas infrastructure.
- (8) *Weed* means any herbaceous plant that, due to height, smell, appearance, or injurious nature, has a blighting influence on the neighborhood.

(b) *Duty to Maintain.*

- (1) *Weeds and grass.*

- a. The owner or occupant of any developed property and any property less than or equal to one (1) acre in size, shall maintain weeds and grass to a height of no more than eight (8) inches anywhere on or within the extended property.
 - b. The owner or occupant of any undeveloped property, the size of which is greater than one (1) acre, shall maintain weeds and grass to a height of no more than sixteen (16) inches anywhere on the property and eight (8) inches anywhere on or within the adjacent public right of way.
 - c. Two (2) or more contiguous lots, tracts or parcels of undeveloped property under single ownership, whether or not platted, will be aggregated to constitute a single property for the purposes of this section. Lots, tracts 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.
 - d. Exceptions. Notwithstanding the foregoing, the duty to maintain set forth in this subsection (b)(1) shall not apply to the following:
 - i. Ornamental grasses;
 - ii. Wetlands;
 - iii. Native grasses and other native plant materials identified in the city's Approved Plant List.
 - 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.
- (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.* The owner or occupant of any property shall maintain the property such that no noxious weed or poisonous plant grows upon the property and shall not allow seed, pollen or other particles or emanations from such noxious weeds and poisonous plants to be carried from such property.

- (4) *Brush.* It shall be unlawful for the owner or occupant of any property to permit brush to remain upon such extended property for more than fourteen (14) days.
- (5) *Encroachment of vegetation on public spaces.* The owner or occupant of any property shall cut, trim, prune or remove as necessary any trees and other vegetation located upon such extended property in accordance with the following requirements:
 - a. Vegetation other than trees shall be maintained so as not to encroach upon the plane of a public sidewalk or roadway.
 - 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 be maintained so as not to 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.

(Ord. No. 1895, § 1, 6-4-12; Ord. No. [2051](#), § 1, 6-15-15; Ord. No. [2080](#), § 1, 6-6-16)

- (6) *Unsafe sidewalks and rights-of-way.*
 - a. The owner or occupant of any building, property or lot in the city shall maintain the extended property and the sidewalks adjacent to or within such extended property, including those on public rights-of-way, in a clean and repaired condition and free of hazards and obstructions, including, but not limited to, tree limbs, trash, debris, containers and sports equipment.
 - b. The owner or occupant of any building, property or lot in the city shall not deposit, place or otherwise locate, fail to remove, or allow the deposition, placement, or location, upon any public sidewalk or right-of-way adjacent to such building, extended property, or lot, any hazard or obstruction. For the purposes of this subsection (6)b, “hazard or obstruction” includes, but is not limited to, tree limbs, trash, debris, containers and sports equipment.
 - c. *Duty to remove snow and ice.*
 - (1) The owner or occupant of any building, property or lot in the city shall remove snow, sleet, hail and ice from the sidewalks adjacent to such

property, including those on public rights-of-way, within twenty-four (24) hours immediately following the cessation of the snow, sleet, hail or ice event.

- (2) No person, other than an employee or agent of the city acting in the course of scope of their employment, shall deposit, or cause to be deposited, any snow, sleet, hail or ice against any fire hydrant, official traffic control device or other appurtenance, or onto any public or private property that is not owned by, occupied by or otherwise under the legal control of the person without the express consent of the owner or occupant of the property.

(Ord. No. 1848, § 1, 1-10-2011)

Sec. 6-2013 - Reserved.