

Appendix C: City of Longmont Municipal Code

CHAPTER 9.32. - WEED CONTROL

FOOTNOTE(S):

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State Law reference— Colorado Noxious Weed Act, C.R.S. § 35-5.5-101 et seq.

9.32.010. - Weeds declared nuisance.

- A. Any weeds, such as ragweed, thistle, knapweed, bindweed, dandelion or any Type A, B or C list noxious weeds, as classified by the State of Colorado Noxious Weed Act (C.R.S. § 35-5.5-101 et seq.) ("noxious weeds"), found growing in any lot or tract of land in the city, are a public nuisance and shall be removed.
- B. It is unlawful for any person owning or having possession of any land, including any abutting the public right-of-way, to permit any weeds, grasses or other unsightly vegetation to grow in height exceeding 12 inches or to otherwise become a nuisance. For purposes of this section, the term "public right-of-way" means and includes the nontraveled portion of any street or alley. The following are exempt from the height limitation of this paragraph: vegetation intended to enhance the natural settings on city golf courses, primary greenways, trails, and parks; and production crops on agricultural properties.

(Code 1993, § 9.32.010; Ord. No. O-92-27, § 1; Ord. No. O-2005-91, § 1)

9.32.020. - Notice of violation—Removal by city.

- A. The city manager or designee shall serve a notice upon the owner and any occupant of premises where weeds or noxious weeds are found or permitted to grow in violation of the provisions of this chapter.
- B. The notice shall be effective immediately upon personal service, or if by mailing, upon deposit in the United States mail, postage prepaid, and addressed to the premises. If the owner has a different address as shown by the tax records of the county assessor, then notice shall be sent to the owner as shown by such public record.
- C. The notice shall provide the following:
 1. That the owner or person in possession of the property shall cultivate, mow or chemically spray and remove the weeds and shall eradicate any Type A list noxious weeds from the property within ten days of the mailing of the notice, and certify compliance to the city manager or designee submitting the notice within such time. As used in this chapter, eradicate means to eliminate a noxious weed species or specified noxious weed population and to permanently prevent the species or population from reproducing.
 2. That the owner or occupant may submit, in writing, a request for hearing in the matter to the city clerk and a copy to the office of the city attorney, stating any defenses to the duties of this chapter.

3. That if the owner or occupant fails to cultivate, mow or chemically spray and remove the weeds, or fails to eradicate any Type A list noxious weeds, within the time provided by the notice, as may be extended upon petition for hearing if timely submitted, then the city or its agents may enter upon the property to cut and remove the weeds or eradicate the Type A list noxious weeds. All expenses incurred by the city shall become the joint and several obligation of the owner(s) or occupants of the property.
4. That the costs incurred by the city in such weed cuttings, removal, or eradication, along with a 20 percent administrative service charge, shall be a lien against the property, and shall be an assessment certified by the director of finance to the office of the county treasurer for collection in the same manner as the collection of general property taxes.

(Code 1993, § 9.32.020; Ord. No. O-92-27, § 1; Ord. No. O-2005-91, § 2)

9.32.030. - County treasurer to collect assessment.

Upon receipt of the assessment roll certified by the director of finance, the county treasurer shall collect the amounts so assessed in the same manner as the collection of general property taxes. The finance director may accept payment of the amount of assessment for costs and charges before certification to the county treasurer. After certification, only the county treasurer may accept payment.

(Code 1993, § 9.32.030; Ord. No. O-92-27, § 1)

9.32.040. - Hearing.

- A. If the owner or occupant submits a petition for hearing as provided in subsection 9.32.020.C.2, then a hearing shall be scheduled within five days of submission. Notice of the hearing shall be provided the petitioner and city attorney. The hearing date may be changed only upon written consent of the petitioner and city. Any hearing shall be conducted before the hearing officer of the city according to the principles of due process. The hearing officer, on the evidence presented, shall determine as follows:
 1. Whether the land violates the standards set forth in section 9.32.010;
 2. If in violation, whether the petitioner is responsible for removal, either as owner or occupant.
- B. If the petitioner is not responsible for removal and the property is in violation of this chapter, the hearing officer shall authorize the city to enter upon the property to cut and remove the weeds as provided in subsection 9.32.020.C.3.
- C. If the petitioner is responsible for removal of weeds and violation of this chapter is found, the petitioner may submit a plan for compliance. Removal shall occur within five days of the hearing, unless public safety requires earlier removal. If petitioner fails to comply or submit a plan, then the city may remove the weeds.
- D. Additionally, the petitioner may request only a review of amount of the assessment of costs. If the petitioner makes such a request, the petitioner shall be sent a copy of notice of the costs incurred. The hearing officer may hold a hearing to determine the appropriateness of the assessment. The hearing officer may reduce any assessment which is excessive.

(Code 1993, § 9.32.040; Ord. No. O-92-27, § 1)

9.32.050. - Court action permitted.

In addition to the administrative remedies stated in sections 9.32.020 and 9.32.030, the city attorney is authorized to file an action to abate and enjoin the weed nuisance before any court of competent

jurisdiction. The city attorney may also maintain a claim for damages for costs incurred, lien foreclosure and costs of action, including reasonable attorney's fees.

(Code 1993, § 9.32.050; Ord. No. O-92-27, § 1

9.32.060. - Municipal court jurisdiction—Penalties.

Notwithstanding the administrative and judicial remedies stated in this chapter, it is unlawful for any owner or occupant of property to violate section 9.32.010. The court shall punish offenders by a fine of between \$50.00 and \$500.00. The second conviction within a 12-month period shall carry a minimum fine of \$100.00, which the court shall not suspend.

(Code 1993, § 9.32.060; Ord. No. O-92-27, § 1; Ord. No. O-94-61, § 9)

9.32.070. - Advisory board.

The city council shall be the local advisory board for all state and local noxious weed statutes, ordinances and regulations. The mayor shall be the chair and the mayor pro tem shall be the secretary. A majority of the members of the board shall constitute a quorum.

(Code 1993, § 9.32.070; Ord. No. O-2005-91, § 3)