

EXPLANATORY COVER SHEET

COUNCILMAN'S BILL NO. CB-1651

SPONSOR: COUNCIL MEMBER PARSONS

TITLE: A BILL FOR AN ORDINANCE AMENDING CHAPTER 9 OF THE NORTHGLENN MUNICIPAL CODE BY THE ADDITION OF A NEW ARTICLE 15 REGULATING NOXIOUS WEEDS WITHIN THE CITY

PURPOSE: TO ESTABLISH A NOXIOUS WEEDS PLAN IN CONFORMANCE WITH THE COLORADO NOXIOUS WEED ACT, C.R.S. 35-5.5-101, *et seq.*

ADDITIONAL EXPLANATORY REMARKS:

SPONSORED BY: COUNCIL MEMBER PARSONS

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ORDINANCE NO.

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WHEREAS, the City Council finds and determines that noxious weeds have become a threat to the natural resources of Colorado and in particular, the City of Northglenn, as many acres of open space, parkland, rangeland and habitat for wildlife and native plant communities are being overrun by noxious weeds;

WHEREAS, the Colorado Noxious Weed Act, C.R.S. 35-5.5-101, *et seq.*, requires every municipality in the state to adopt a noxious weed management plan; and

WHEREAS, to control the spread of noxious weeds and in compliance with the Colorado Noxious Weed Act, the City Council has determined that the City should adopt a noxious weeds management plan.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Chapter 9 of the Northglenn Municipal Code is hereby amended by the addition of a new Article 15 as follows:

CHAPTER 9
GENERAL OFFENSES AND NUISANCE CONTROL

ARTICLE 15
NOXIOUS WEEDS

Section 9-15-1. Title. This ordinance shall be known and cited as the Northglenn Noxious Weeds Ordinance.

Section 9-15-2. Intent. It is the intent of this Article to protect the public health, safety and welfare by preventing the spread of noxious weeds within the City.

Section 9-15-3. Noxious weeds defined. For the purposes of this Article, the term "noxious weed" shall mean an alien plant or part of an alien plant that has been designated as such by the State of Colorado or that has been declared a noxious weed by the City and meets one or more of the following criteria:

- (a) Aggressively invades or is detrimental to economic crops or native plant communities;
- (b) Is poisonous to livestock;
- (c) Is a carrier of detrimental insects, diseases or parasites; or
- (d) The direct or indirect effect of the presence of the weed is detrimental to the environmentally sound management of natural or agricultural ecosystems.

Section 9-15-4. List of noxious weeds. In addition to any noxious weeds designated by the State of Colorado or Adams County, the City declares the following to be noxious weeds in the City:

<u>Common Name</u>	<u>Scientific Name</u>
1. Canadian Thistle	Cirsium arvense
2. Diffuse Knapweed	Centaurea diffusa
3. Leafy Spurge	Euphorbia esula
4. Musk Thistle	Carduus nutans
5. Puncture Vine	Tribulus terrestris
6. Purple Loosestrife	Lythrium salicaria
7. Russian Knapweed	Centaurea repens
8. Sand Bur	Cenchrus longispinus
9. Spotted Knapweed	Centaurea maculosa
10. Teasel	Dipsacus sylvestris
11. Field Bindweed	Convolvulus arvensis
12. Myrtle Spurge	Euphorbia mysinites
13. Poison Hemlock	Conium maculatum

Section 9-15-5. Public nuisance. The City declares noxious weeds to be a public nuisance.

Section 9-15-6. Control of noxious weeds. It is the duty of all landowners in the City to manage and control noxious weeds.

Section 9-15-7. Inspection.

(a) The City, by its authorized representative, may enter upon any premises, lands or places, whether public or private, during reasonable business hours for the purpose of inspecting for the existence of noxious weeds, when one of the following occurs:

- (1) The landowner or occupant requests an inspection;
- (2) A neighboring landowner has requested an inspection; or
- (3) An authorized agent of the City has made a visual observation of noxious weeds from a public right-of-way.

(b) Before entering any premises, lands or places for an inspection, the City shall provide written notice by certified mail to the address of the owner(s) of the property as reflected in the records of the county assessor. The notice shall state that such inspection is pending.

(c) Where possible, the inspection shall be scheduled and conducted with the concurrence of the owner(s) of the property.

(d) If after receiving notice that an inspection is pending, the owner or occupant denies access to the City or its authorized representative, the City may seek a search warrant from any Municipal Judge of the Municipal Court of the City, which shall have power to issue search warrants upon a showing of probable cause for the implementation of the provisions of this Article.

(e) No landowner or occupant shall deny access to such land when presented with a valid search warrant.

Section 9-15-8. Notice to remove.

(a) The City may give written notice to the owner(s) of property on which noxious weed growth exists that such noxious weed growth shall be removed within ten (10) calendar days of receipt of such notice.

(b) The notice shall be sent by certified mail, return receipt requested, to the address of the owner(s) of the property as reflected in the records of the county assessor; provided, however, that if the owner has filed a registration statement with the City, as provided by Section 20-2-1, the notice shall be sent to the agent designated by the owner. The notice shall advise the owner(s) that, if the noxious weeds are not removed and a written protest is not filed with the City Manager, the City shall cause the weeds to be removed at the expense of the owner(s), and if unpaid, the expenses of removal shall constitute a lien on the property.

(c) If there is no address of the owner(s) reflected in the records of the county assessor, or if the certified notice is returned as undeliverable or unaccepted, the City shall post the notice in a conspicuous place on the property for ten (10) consecutive days.

(d) Service shall be deemed complete upon receipt of the notice or upon posting of the property.

Section 9-15-9. Failure to remove noxious weeds--abatement by City.

(a) If the owner(s) of the property on which noxious weed growth exists, within fourteen days of the notice described in subsection (f) herein, fails to remove such weed growth and fails to file a written protest with the City Manager, the City may cause such weeds to be removed at the sole expense of the owner(s).

(b) If a written protest is filed with the City Manager, the City shall proceed in accordance with the procedures set forth in Section 9-11-13.

(c) If the City causes such weeds to be removed, the City Manager or his or her designated representative shall charge the cost of removal to the owner(s) of the property and

shall send a bill for such charge to the owner(s) at the address reflected in the records of the county assessor.

(d) The charge shall be due and payable to the City within thirty days after the date of the charge.

(e) If unpaid, the expense of removal shall constitute a lien on the property as set forth in Section 9-11-12.

Section 9-15-10. Procedures and remedies not exclusive. The procedures and remedies set forth in this chapter are not exclusive, and the City may utilize the procedures and remedies set forth in the Colorado Noxious Weed Act, C.R.S. § 35-5.5-101, *et seq.*, as amended, in addition to or in lieu of the procedures set forth in this chapter.

Section 9-15-11. Local advisory board. The City of Northglenn Parks and Recreation Advisory Board shall act as the local noxious weed advisory board pursuant to C.R.S. § 35-5.5-107.

INTRODUCED, READ AND ORDERED POSTED this ____ day of _____, 2008.

KATHLEEN M. NOVAK
Mayor

ATTEST:

JOHANNA SMALL, CMC
Acting City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____, 2008.

KATHLEEN M. NOVAK
Mayor

ATTEST:

APPROVED AS TO FORM:

JOHANNA SMALL, CMC
Acting City Clerk

COREY Y. HOFFMANN
City Attorney