

## RECORD OF PROCEEDINGS

## ORDINANCE NO. 1-1994

AN ORDINANCE AMENDING ORDINANCE NO. 1-1982, SECTION 3-2.16, RELATING TO WEEDS, TALL GRASS, AND BRUSH, AND THE CUTTING AND REMOVAL OF SUCH.

BE IT ORDAINED BY THE TOWN COUNCIL OF FLEMING, COLORADO:

THAT Section 3-2.16 of Ordinance No. 1-1994, be changed as follows:

3-2.16. WEEDS, TALL GRASS AND BRUSH.

3-2.16.A. DUTY OF OWNER OR OCCUPANT OF PRIVATE PROPERTY TO CUT AND REMOVE. All weeds and tall grass on private property, and all brush on such property, and on the alley in the rear and the sidewalk and parking areas adjacent thereto within the town limits, are hereby declared to be a nuisance and a menace to the health and safety of the inhabitants of the town, and every person owning or occupying real property within the corporate limits of the town, or his agents, are hereby required to cut to the ground all weeds and brush, and to keep mowed all grass when such weeds, grass or brush exceeds twelve (12) inches in height, and are further required to remove the same, together with all rubbish of all kinds, from his lots, tracts or parcels of land.

3-2.16.B. DESTRUCTION AND REMOVAL BY TOWN UPON FAILURE OF OWNER OR OCCUPANT: COST TO BE LIEN ON PROPERTY. Whenever any land or lot within the town is infested with weeds, tall grass, or rubbish as defined in this ordinance, the town may, at its election and in addition to any other penalty provisions contained herein, and if such owner, occupant, tenant or agent shall fail or refuse to destroy and remove same as provided in this ordinance, proceed to have such weeds and brush destroyed or grass mowed at the expense of the owner of the land or lot.

Charges for mowing, cutting and destroying weeds, grass or brush by the town, as authorized by this section, shall be billed monthly along with the monthly water charges for the premises from which the weeds, grass or brush were removed and shall be paid to the Town Clerk on or before the 20th day of the next succeeding month following rendition of the bill. Such charges shall constitute a lien upon the property benefited by such mowing, cutting and removal, and in the event such charges are not paid when due, the water connection for the premises may be severed by the town without further notice, or the Town Clerk may certify the charges to the County Treasurer to be by him placed upon the tax list of the current year, to be collection in the same manner as other taxes are collected. Such costs shall include the reasonable cost of such mowing, cutting and removal, including cost of inspection and other incidental cost in connection therewith, together with ten percent added thereto to defray the cost of collection. All laws of the state for the assessment and collection of general taxes, including the laws for the sale of property for taxes and the redemption of the same, shall apply to such cases.

3-2.16.C. TERMS DEFINED. The term "brush" used in this ordinance is hereby construed to be volunteer growth of brushes and such as is growing out of place at the location where growing, and shall include all cuttings from trees and bushes; also, high and rank shrubbery growth which may conceal filthy deposits.

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The term "weed" used in this ordinance is hereby construed to be an unsightly, useless, troublesome or injurious herbacious plant including, without any limitation whatsoever, weeds commonly known as the dandelion, Russian thistle, bee weed, sweet clover, crab grass or other such grass, and such plant as is out of place at the location where growing, and shall include all rank vegetable growth which exhales unpleasant and noxious odors, and also, high rank vegetable growth that may conceal filthy deposits.

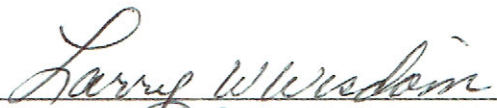
The term "tall grass" used in this ordinance is hereby construed to be any grass of any variety which exceeds twelve (12) inches in height.

INTRODUCED, READ, AND NOTICE OF PUBLIC HEARING ORDERED POSTED IN THE FOLLOWING THREE PLACES, this 6th day of September, 1994.


Fleming Town Hall  
First National Bank of Fleming  
Fleming Post Office

Notice of Public Hearing posted this 16th day of September, 1994.

Second Reading and adopted this 4th day of October 1994.

  
Larry W. Wisdom, Mayor

ATTEST:

  
Susan J. Einspahr, Town Clerk