

CITY OF GRAND JUNCTION, COLORADO

Ordinance No. 2832

AN ORDINANCE AMENDING CHAPTER 16 OF THE CODE OF ORDINANCES, CITY OF GRAND JUNCTION, SECTION 26, DEFINITIONS; AND SECTION 27, DUTIES OF PROPERTY OWNER AND LESSEE, UNLAWFUL ACCUMULATIONS, INSPECTIONS AND WEED REMOVAL.

RECITALS:

The existing Section 16-26 (Definitions) includes the definition of a "weed" and specifically includes "four designated undesirable plants known commonly as leafy spurge, and diffuse, russian and spotted knapweed." These are weeds which are designated by the State of Colorado as extremely noxious and invasive plants. A fifth plant (Purple Loosestrife) is now beginning to infest areas of Colorado, has been designated by Mesa County as a noxious weed, and should be included within the definition of an "undesirable plant," and therefore, a "weed" within the City of Grand Junction.

The proposed Section 16-27 (Duties of Property Owner and Lessee; unlawful accumulations; inspections,) removes the requirement for maintaining a weed-free perimeter from the centerline of adjacent right-of-way, with the exception of the designated undesirable plants, for agricultural lands. The weed ordinance should not apply to lands on which farming or grazing is occurring because farmers and ranchers typically manage their weeds in order to protect their crops and their livestock. In addition, because farming and ranching operations occur on large tracts, it may be onerous to require that all weeds be removed from the perimeter of the property abutting rights-of-way and/or other agricultural uses.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

1. That section 16-26 of the Code of Ordinances is amended so that the definition of "weed" shall now read:

*Weed* means an unsightly, useless, troublesome or injurious herbaceous plant and such plant as is out of place at the location where growing, and includes all rank vegetable growth which exudes unpleasant or noxious odors, and also high and rank vegetable growth that may conceal filthy deposits, specifically including, but not limited to, five designated undesirable plants known commonly as leafy spurge, purple loosestrife and diffuse, russian and spotted knapweed.

2. Section 16-27 (Duties of property owner and lessee; unlawful accumulations; inspections) of the Code of Ordinances is amended to read:

(a) (i) It shall be the duty of each and every owner and each and every lessee of any tract or parcel of real property in the City to keep the property free of junk and rubbish and to cut to within three inches of the ground all weeds and brush exceeding six inches in height and to keep such growth down on each lot or tract of ground on or along any street or avenue adjoining such lot or tract between the property line and the curblineline thereof, and on or along any alley adjoining such lot or tract between the property line and the center of such alley;

(ii) The requirements of (i), above, shall not apply to undeveloped lands over one acre in size, instead, such owners or lessees of such lands shall be required to keep weeds down or cut between the property line of such land and the center of any adjacent right-of-way and shall be required to keep the weeds down or cut within twenty feet (20') feet of any adjacent tract, parcel or area on which the weeds are kept down or cut, as provided or required in (i) above or as otherwise set forth in this chapter.

(iii) The requirements of (i), above, shall not apply to agricultural lands (as defined in 39-1-102 (1.6) (a), C.R.S.) instead, such owners or lessees of such lands shall not be required to keep weeds down or cut between the property line of such land and the center of any adjacent right-of-way and shall be required to keep the weeds down or cut within twenty feet (20') of any adjacent tract, parcel or area on which the weeds are kept down or cut, as provided or required in (i) or (ii) above or as otherwise set forth in this chapter.

(iv) Notwithstanding any language to the contrary in (i) through (iii), above, every owner and every lessee of any tract or parcel, whether or not agricultural or undeveloped, shall remove and cut the five undesirable plants from such property.

Introduced on first reading this 19th day of April 1995.

PASSED and ADOPTED on second reading this 3rd day of May, 1995.

/s/ Ron Maupin  
Mayor

ATTEST:

/s/ Stephanie Nye  
City Clerk