

**TOWN OF NEDERLAND, COLORADO**

**ORDINANCE NUMBER 736**

**AN ORDINANCE AMENDING SECTIONS 7-1, 7-73 AND 7-74 OF THE NEDERLAND MUNICIPAL CODE CONCERNING NOXIOUS WEEDS**

**WHEREAS**, the Town Board of Trustees (“Board”) has adopted ordinances related to the definition and abatement of nuisances; and

**WHEREAS**, in the interests of best addressing public health, safety and welfare, the Board desires to adopt regulations that are intended to allow citizens to enjoy peace and quiet without unduly stifling business or personal freedoms; and

**WHEREAS**, pursuant to C.R.S. § 31-15-401, the Town of Nederland (“Town”) possesses the authority to regulate the definitions and enforcement of nuisances within its jurisdiction and to prohibit and/or regulate conduct that poses a threat to the public health, safety and welfare; and

**WHEREAS**, pursuant to C.R.S. § 35-5.5-106, the Board has the authority to adopt and enforce a noxious weed management plan and to otherwise provide for the management of noxious weeds within the Town; and

**WHEREAS**, pursuant to this authority, the Board previously adopted nuisance provisions related to noxious weeds, codified in Chapter 7 of the Nederland Municipal Code (“Code”); and

**WHEREAS**, the Board, after taking into consideration the recommendations of Town staff, members of the Town Noxious Weed Committee, the Nederland Noxious Weed Management Plan and all other information it deems prudent, now desires to adopt certain amendments to Chapter 7 of the Code to create noxious weed regulations that more closely meet the goals and vision of the Board, as well as the needs of residents and those who will enforce the regulations, as set forth herein.

**NOW THEREFORE, BE IT ORDAINED** by the Board of Trustees of the Town of Nederland, Colorado, as follows:

**Section 1.** Section 7-1 of the Nederland Municipal Code, setting forth certain definitions applicable to Chapter 7 of the Code, is amended by adding the following new definitions and by amending the existing definition, as set forth below:

*Abatement* means to repair, replace, remove, destroy or otherwise remedy a condition which constitutes a violation by such means, in such a manner, and to such an extent as the applicable authorized inspector or Municipal Judge determines is necessary in the interest of the general health, safety and welfare of the community.

Noxious Weed means an alien plant, or parts thereof, which is classified as a List A, List B or List C Noxious Weed pursuant to the Colorado Noxious Weed Act, Sections 35-5.5-101 through 119, C.R.S. "List A" includes rare noxious weed species that by law are subject to eradication wherever detected statewide in order to protect neighboring lands and the State as a whole. "List B" includes noxious weed species with discrete statewide distributions that by law are subject to eradication, containment or suppression in portions of the State designated by the State Agriculture Commissioner, or designee, in order to stop the continued spread of these species. "List C" includes widespread and well-established noxious weed species for which control is recommended but not required by the State, although local governing bodies may require management. ~~unsightly, useless, troublesome or injurious growing herbaceous plant, and shall include all rank vegetable growth which exhales unpleasant and noxious odors and also high and rank vegetable growth that may conceal filthy deposits.~~

- a. Eradicate means to remove the reproductive portions of noxious weed species or specified noxious weed populations in largely uninfested areas to zero and/or permanently eliminate the species or populations.
- b. Contain means to maintain an intensively managed buffer zone that separates infested regions where suppression activities prevail, from largely uninfested regions where eradication activities prevail.
- c. Suppress means to reduce the vigor of weed populations within an infested region, decrease the propensity of noxious weed species to spread to surrounding lands, and mitigate the negative effects of noxious weed populations on infested lands.

**Section 2.** Section 7-73 of the Nederland Municipal Code, concerning the duty of a property owner to cut weeds and brush, is hereby amended as follows:

**Sec. 7-73. Duty of property owner to cut, eradicate, contain or suppress.**

It shall be the duty of each and every person owning, occupying or possessing any lots, tracts or parcels of land within the Town to cut to the ground all ~~weeds and~~ brush when said brush grows to a height of twelve (12) inches or more.

It shall be the duty of each and every person owning, occupying or possessing any lots, tracts or parcels of land within the Town to eradicate all Colorado Noxious Weed List A species.

It shall be the duty of each and every person owning, occupying or possessing any lots, tracts or parcels of land within the Town to eradicate, contain or suppress Colorado Noxious Weed List B and List C species in accordance with the adopted Nederland Noxious Weed Management Plan.

**Section 3.** Section 7-74 of the Nederland Municipal Code, concerning the removal of weeds and brush from Town, is hereby amended as follows:

**Sec. 7-74. ~~Removal from Town~~ Disposal of portions of noxious weeds.**

~~All weeds and brush cut in accordance with Section 7-73 hereof shall, immediately upon being cut, be removed from the Town or otherwise entirely destroyed by the owner of the lot upon which the weeds and brush have been cut.~~

All reproductive portions of noxious weeds cut in accordance with Section 7-73 hereof shall, immediately upon being cut, be placed in sealed plastic bags and disposed in a solid waste landfill which covers refuse daily with six inches of soil or alternative material. Alternatively, noxious weeds can be composted in sealed compostable bags at a commercial facility that accepts noxious weeds, and monitors and assures temperatures attain greater than 131 degrees Fahrenheit for 15 days.

**Section 4.** Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

**Section 5.** Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

**Section 6.** This Ordinance shall become effective on January 1, 2016.

**INTRODUCED, ADOPTED AND ORDERED PUBLISHED THIS 20<sup>TH</sup> DAY OF JANUARY, 2015.**

**TOWN OF NEDERLAND, COLORADO**

  
Joe Gierlach, Mayor

**ATTEST:**

  
Laura Jane Baur, Town Clerk

**APPROVED AS TO FORM:**

  
Carmen Beery, Town Attorney



