

ORDINANCE NUMBER 245

AN ORDINANCE TO AMEND ORDINANCE NUMBER 232, ADDING SECTION 5 CONCERNING WEED REGULATIONS, ABATEMENT BY THE TOWN, AND COLLECTION OF COST OF ABATEMENT BY THE TOWN.

WHEREAS, the Town of Hugo, hereinafter referred to as the "Town", in the County of Lincoln, State of Colorado, is the body corporate operating as a statutory town pursuant to the general statutes of the State of Colorado; and

WHEREAS, Colorado Revised Statutes, C.R.S. 31-15-401(d)(I) and (II) gives to the municipalities the authority to provide for and compel the removal of weeds from lots and tracts of land within the municipality and from the alleys behind and from the sidewalk area in front of property, upon such notice, and in such manner as the municipality may prescribe by ordinance, and to assess the whole cost thereof, including five percent for inspection and other incidental costs in connection therewith, upon the lots and tracts of land from which the weeds are removed, the assessment being a lien against each lot or tract of land until paid and having priority over all other liens except general taxes and prior special assessments; and

WHEREAS, in the event the assessment is not paid within a reasonable time specified by ordinance, the cost may be certified by the Town Clerk to the Lincoln County Treasurer who shall collect the assessment, together with a ten percent penalty for cost of collection, in the same manner as other taxes are collected; and

WHEREAS, Ordinance Number 232 was adopted by the Town on January 9, 2012, and weeds are defined in said Ordinance and declared a nuisance along with junk, rubbish, trash and other nuisances; and

WHEREAS, the Board of Trustees, hereinafter referred to as the "Board" has determined that because of the immediate need to address weeds during the growing season and the adverse effect of weeds on mosquito and vermin control, unsightliness, and other results of a continuing nuisance; and

WHEREAS, the Board wishes to amend Ordinance Number 232 so as to create a different time frame for enforcement for weeds apart from rubbish and other nuisances;

NOW, THEREFOR BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HUGO, COLORADO:

SECTION 1: Amendment of Ordinance Number 232 by amending the title to Section 4, adding a new Section 5, pertaining specifically to weeds, and amending the section numbers following new Section 5. Upon the adoption of this Ordinance, the following changes to Ordinance No. 232 shall occur:

A. The title to Section 4 shall henceforth read: "4. Notice and Abatement of Nuisances (Excluding Weeds)."

B. A new Section 5 shall be added to Ordinance Number 232 as follows:
Section 5, Regulations Pertaining to Weeds and Weed Control.

a. Growth and Accumulation on Premises and Adjoining Sidewalks and Alleys Prohibited. No owner of any lot, block or parcel of ground within the Town, nor any tenant or agent in charge thereof, shall allow or permit weeds to grow or remain when grown on such lot, block or parcel of ground or on or also any sidewalks adjoining the same or in the alley behind the same, but such weeds shall be cut close to the ground and kept so cut.

- b. Abatement by Town. If any owner, tenant or agent shall fail to cut weeds as required by this section, within seven (7) days after being notified to do so by the Town Clerk or Town Marshal, by personal delivery of written notice, or registered or certified mail, the Board may direct that the weeds be cut by an employee of the Town and charge the cost thereof to such owner, tenant, or agent in charge, together with ten percent (10%) additional for inspection and other incidentals.
- c. Collection of Costs of Abatement by Town. In the event the weeds on any lot, block or parcel of ground, or along the sidewalk adjoining the same or the alley behind the same, are cut by order of the Board, the whole cost of cutting such weeds, together with ten percent (10%) for inspection and other incidentals, shall be paid to the Town Clerk within (30) days after mailing by the Town Clerk to the owner of such lot, block or parcel of ground by registered or certified mail, notice of the assessment of such cost. Failure to pay such assessment within such period of thirty (30) days shall cause such assessment to become a lien against such lot, block, or parcel of land and shall have priority over all liens, except general taxes and prior special assessments, and the same may be certified at any time after such failure to so pay the same within thirty (30) days, by the Town Clerk to the County Treasurer to be placed upon the tax list for the current year and to be collected in the same manner as other taxes are collected, with ten percent (10%) penalty to defray the cost of collection.

C. Sections 5, 6, 7, 8, and 9, shall be renumbered, respectively, as Sections 6, 7, 8, 9, and 10.

SECTION 2 – SEVERABILITY.

If any one or more sections or parts of this Ordinance shall be adjudged unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, it being the intention that the various provisions hereof are severable.

SECTION 3 – REPEALER.

All acts, orders, resolutions, ordinances, or parts thereof, of the Town of Hugo that are inconsistent or in conflict with this Ordinance are hereby repealed to the extent only of such inconsistency or conflict.

SECTION 4 – EMERGENCY EXISTS.

The Board has determined that an emergency situation exists in that a wet summer season has placed many areas of the Town in an overgrown weed situation requiring that the accelerated procedure set forth in this Ordinance be implemented at this time. Accordingly, this Ordinance shall become effective immediately upon adoption. Following adoption, this Ordinance shall be authenticated by the signature of the Mayor and the Town Clerk, shall be published, and shall be recorded in the Town of Hugo book of ordinances.

INTRODUCED, READ, ADOPTED, AND ORDERED PUBLISHED this 12th day of October, 2015.

/s/ Patsie Smith; Mayor

ATTEST:

/s/ Maria Nestor; Town Clerk

