

## ORDINANCE 2007-13

### AN ORDINANCE AMENDING CHAPTER 8.04 OF THE FRUITA MUNICIPAL CODE CONCERNING WEEDS, BRUSH AND RUBBISH

**WHEREAS**, the Fruita City Council has determined that it is necessary to amend and clarify the definition of brush, rubbish and weeds and to include provisions for the management of noxious weeds within the Fruita Municipal Code in order to facilitate better enforcement of cutting and removal of weeds, brush, rubbish and noxious weeds.

**NOW, THEREFORE, BE IT ORDAINED BY THE FRUITA CITY COUNCIL AS FOLLOWS:**

Section 1: Section 8.04.010 of the Fruita Municipal Code and Ordinance 213, S3, 1965; Ord. 1993-08, is hereby amended to read as follows:

**8.04.010 DEFINITIONS.** As used in this chapter:

- A. "Brush" means a volunteer growth of bushes and such brush as is growing out of place in the location where growing, **INCLUDING and shall include** all cuttings from trees and bushes, **AND** also high and rank vegetable growth which may conceal filthy deposits.
- B. "Rubbish" means places of **DISCARDED** building material, waste, or rejected matter, trash or refuse.
- C. "Weed" means any unsightly, useless, troublesome or injurious, herbaceous plant, **exceeding twelve (12) inches in height** and **ALSO includes** rank vegetable growth which exudes unpleasant or noxious odors or that may conceal filthy deposits, **AND INCLUDING THOSE NOXIOUS PLANT SPECIES DESIGNATED IN SECTION 1.3 MESA COUNTY NOXIOUS WEED LIST WITHIN THE MESA COUNTY NOXIOUS WEED MANAGEMENT PLAN.** (Ord. 213 S3, 1965; Ord. 1993-08).

Section 2: Section 8.04.020 of the Fruita Municipal Code and Ordinance Ord.457, S2, 1981; 1983-47, S3; Ord. 2003-28, is hereby amended to read as follows:

**8.04.020. CUTTING WEEDS - DUTY OF PROPERTY OWNER.** It shall be the duty of each and every owner, agent or lessee of any lot or tract of ground in the city to cut to the ground all weeds **TWELVE (12) INCHES IN HEIGHT OR HIGHER, INCLUDING PUNCTURE VINES REGARDLESS OF HEIGHT, OR ANY DESIGNATED NOXIOUS WEED, OR and** brush; and to keep such growth down on each lot or tract of ground, on or along any street or avenue adjoining the same between the property line and the curb line thereof, and on or along any alley adjoining the same between the property line and the center of such alley. In the event a curbline does not exist, the City shall maintain a distance of ten feet (10') on both sides of the pavement. The property owner adjacent to said right of way shall be responsible for the maintenance of remaining right of way up to their property line along the length of said property line adjacent to the pavement. (Ord. 457, S3, 1981; 1983-47 S3; Ord 2003-28).

Section 3: Section 8.04.030 of the Fruita Municipal Code and Ordinance Ord.457, S3, 1981; 1983-47, S4, is hereby amended to read as follows:

**8.04.030. CUTTING AND REMOVAL REQUIRED.** It shall be the duty of the owner, agent or lessee of any lots, tracts, or parcels of land to cut such weeds or brush and to remove the same together with **ANY** rubbish herein mentioned, and to keep such weeds down each year. All such weeds and brush shall immediately, upon cutting, be removed and properly disposed of.  
**NOXIOUS WEEDS SHALL BE CONTROLLED PURSUANT TO SECTION 5.0 BEST MANAGEMENT PRACTICES FOR NOXIOUS WEEDS IN MESA COUNTY WITHIN THE MESA COUNTY NOXIOUS WEED MANAGEMENT PLAN.** (Ord. 457, S3, 1981; 1983-47, S4)

Section 4: Section 8.04.040 of the Fruita Municipal Code and Ordinance Ord.457, S3, 1981; 1983-47, S5, is hereby amended to read as follows:

**8.04.040 NOTICE TO CUT AND REMOVE – PUBLICATION REQUIRED – CONTENTS.** The **CODE ENFORCEMENT OFFICER** ~~City Clerk~~ shall publish annually after April 15<sup>th</sup> and before June 15<sup>th</sup>, once each week during two consecutive weeks, a notice in a newspaper published regularly in the County of Mesa, State of Colorado, and qualified to accept and publish legal notices, notifying all residents, **LESSEES** ~~lessors~~ and owners of property, without naming them, that it is their duty to cut and to keep cut the weeds and brush and to remove the same, together with the rubbish from their property and from the streets and alleys as in this chapter provided, and that in default of such cutting and removal the work shall be done under the orders of the City Council and the costs thereof shall be assessed to the respective lots, tracts or parcels of land. A notice of the assessment shall be sent to the property owner by certified mail. (Ord. 457, S3, 1981; 1983-47, S5)

PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL  
THIS 21<sup>st</sup> DAY OF AUGUST, 2007

CITY OF FRUITA

\_\_\_\_\_  
E. James Adams, Mayor

Attest:

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City Clerk