

ORDINANCE NO. 593

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF ARTICLE III OF TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF LAS ANIMAS AS RELATES TO WEEDS.

WHEREAS, the City of Las Animas, Colorado has previously enacted legislation with regard to the required removal of weeds; and

WHEREAS, the City Council has determined that it is in the best interest of the City that the requirements be made more stringent so as to ensure that the citizens comply with the timely removal of weeds.

BE IT ORDAINED AS FOLLOWS:

SECTION 1. That Section 17-18 through 17-22.1, inclusive, are repealed in their entirety.

SECTION 2. The following new sections are enacted.

Section 17-18. Removal Required.

- A. Any unauthorized accumulation of weeds, brush, refuse or rubbish, on any premises, is declared to be a public nuisance and a health hazard and is strictly prohibited.
- B. It shall be unlawful for any owner, lessee, agent, occupant or person in possession or control of any occupied or unoccupied lot or tract of land, or any part thereof, within the City to permit or maintain on such lot or tract of land, or on or along the sidewalk, street, or alley adjacent to the lot or tract of land, any growth of weeds, in excess of eight inches in height, or any accumulation of weeds, brush, refuse or rubbish.
- C. All weeds, eight inches high or taller, brush and rubbish of any and all kinds shall be removed from all lots and tracts of land within the City and from the alleys behind and the sidewalk areas and parking in front thereof. Such weeds, brush or rubbish shall be removed within five days of receipt of the notice specified in Section 17-19.

Section 17-19. Notice to Remove.

Written notice shall be given to the last known address of the property owner and tenant, if any, to remove the weeds, brush or trash on said property within five days of the

receipt of such notice. Notice shall be issued by the Code Enforcement Officer and shall be given to the property owner by certified mail, to be delivered to addressee only, with return receipt required.

Section 17-19.1. Review Hearing.

Upon request of an owner, lessee, agent, occupant or person in possession, for a review of the determination of the Code Enforcement Officer, the Mayor, or his authorized representative shall conduct a hearing within three working days after receipt of a notice of request for hearing. The person requesting the hearing shall be given an opportunity at such hearing to explain why such weeds, refuse, rubbish or trash should not be cut or removed. The decision of the Mayor, or the Mayor's authorized representative, shall be final.

Section 17-20. Removal by City.

If, after notice is given, or after a review hearing has been conducted as provided in Section 17-19 or Section 17-19.1, an owner or tenant of any lot or tract of land in the City shall fail or refuse to remove weeds, brush or rubbish in the manner and within the time specified in Section 17-18, the City shall proceed to remove or have removed all such weeds, brush and rubbish from all such lots and tracts of land.

Section 17-21. Assessment of City's Expenses in Removing; Assessment to Constitute Lien; Payment in Assessment.

The City Clerk shall assess the cost of the removal of the weeds, brush and rubbish, plus five percent of the cost thereof, or the sum of \$25.00, which ever is greater, for inspection, against the owners of each lot or tract from which the weeds, brush and rubbish were removed. The amount so assessed shall be a lien in the several amounts assessed against each lot or tract of land until the same is paid and shall have priority over all other liens, except general taxes and prior special assessments, and shall be due and payable at the time of the assessment by the owners of the property. Such assessment shall be paid within thirty days from the time the assessment is made.

Section 17-22. Collection of Assessment.

In case any assessment due and payable under this article is not paid within thirty days from the time the assessment is made, the City Clerk shall certify the same to the Bent County Treasurer, to be placed upon the tax list of the current year, and to be collected with a ten percent penalty thereon to defray the cost of collection.

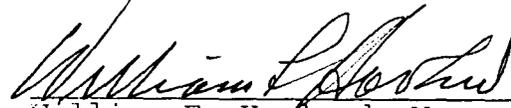
Section 17-22.1 Penalty.

Any person violating the provisions of Section 17-18 of this code shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in such fine amounts or incarceration as authorized by law. Each day such violation is committed, or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

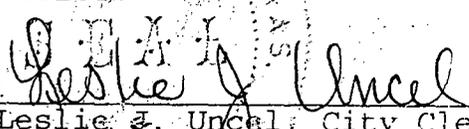
ADOPTED on first reading this 14th day of October 1997.

PASSED on second reading this 12th day of November, 1997.

CITY OF LAS ANIMAS



William F. Howland, Mayor

ATTEST


Leslie J. Uncel, City Clerk

CITY OF LAS ANIMAS
COLORADO

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