

**TOWN OF BERTHOUD
ORDINANCE NO. 1271**

**AN ORDINANCE OF THE TOWN OF BERTHOUD, COLORADO AMENDING
PORTIONS OF CHAPTER 16 OF THE BERTHOUD MUNICIPAL CODE
GOVERNING WEED AND BRUSH GROWTH**

WHEREAS, the Town of Berthoud Municipal Code already regulates the growth of weeds, brush, and undesirable plants on property within the Town; and

WHEREAS, the Town Board of the Town of Berthoud desires to amend the already existing code to add clarity to the regulation of said weeds, brush, and undesirable plants; and

WHEREAS, the Town Board recognizes the benefit to its citizens of clarity in the code provisions of the Town; and

WHEREAS, the Town Board finds that the growth of weeds, brush, and undesirable plants into sidewalks, streets, public rights of way, and alleys can create a public health issue and damage the aesthetic appeal of the Town of Berthoud; and

WHEREAS, the Town Board hereby determines that this ordinance is necessary for the health, safety, and general welfare of the residents of the Town;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF BERTHOUD, COLORADO THAT:

Section 1. The definition of “Person or Occupant” located in Chapter 16 section 16.1 of the Berthoud Municipal Code is repealed.

Section 2. The definition of “Undesirable Plant” located in Chapter 16 section 16.1 of the Berthoud Municipal Code is amended to read as follows: Undesirable Plant means any noxious species of plant as designated by the Colorado Department of Agriculture.

Section 3. The definition of “Desirable Vegetation” is added to Chapter 16 section 16.1 of the Berthoud Municipal Code to read as follows: Desirable Vegetation means any grass, plant, or shrub that is not an “Undesirable Plant” and that is grown in maintained gardens or in maintained landscape features for decorative purposes; or, any grass, plant or shrub that is not an “Undesirable Plant” and that is grown in maintained gardens or in maintained landscape features for the purpose of harvesting and consuming.

Section 4. Chapter 16 section 16.2 is amended to read as follows:

16.2 - Containers Required

It shall be the duty of all persons in charge of real property, and all other persons producing or having trash, to provide and keep watertight garbage containers of galvanized metal or other

nonabsorbent material in which all trash or recycling shall be kept. All trash and recycling shall be placed and kept in such containers until it is hauled away and in a manner that is not accessible to birds, raccoons, and other animals. Trash and recycling containers cannot be set out for collection before 6:00 PM on the day preceding scheduled collection. All trash and recycling containers must be removed from the street and stored by 12:00 PM on the day after collection. When not out for collection, trash containers must be stored on private property.

Section 5. Chapter 16 section 16.5-1 is amended to read as follows:

16.5-1 Weed Growth, Undesirable Plants, and Trash, Rubbish, or Refuse, Accumulation – Deemed a Public Nuisance:

A. No owner, lessee, agent, occupant, or person in possession or control of any occupied or unoccupied lot or tract of land or any part thereof in the Town of Berthoud shall permit or maintain on any such lot or tract of land or along the sidewalk, street, right-of-way, or alley adjacent thereto any growth of weeds, grass or brush to a height greater than twelve inches.

B. No owner, lessee, agent, occupant, or person in possession or control of any occupied or unoccupied lot or tract of land or any part thereof in the Town of Berthoud shall permit or maintain on any such lot or tract of land or along the sidewalk, street, right-of-way, or alley adjacent thereto any accumulation of trash, rubbish, or refuse.

C. Failure to abide by the provisions of this Section shall result in violating property being declared a public nuisance.

Section 6. Chapter 16 section 16.7 is repealed and re-enacted as follows:

16.7 Exemptions: Desirable Vegetation that is maintained and free from Undesirable Plants is exempt from 16.5-1(A). The height of Desirable Vegetation is subject to the intersection visibility requirements in section 30-2-105 of the Berthoud Municipal Code.

Section 7. Chapter 16 section 16.9 is amended to read as follows:

16.9 Abatement of Nuisance – Notice Required: Any violation described in Section 16.5 or 16.8 of the Berthoud Municipal Code shall entitle the administrative authority or any code enforcement officer to transmit by certified mail and first class mail, postage prepaid, or hand-deliver to such owner, occupant, or other person in charge of the lot, block, or parcel of land, or post in a conspicuous place on the premises, a notice advising such individual to comply with the requirements listed in such notice within ten days of the date of such notice, or a formal code violation warning to the same effect shall be issued. After one such notice, citations may be issued by Code enforcement officer without additional prior notice.

PASSED, ADOPTED, SIGNED AND APPROVED this 9th day of July 2019.

TOWN OF BERTHOUD

William Karspeck
William Karspeck, Mayor

ATTEST:

Christian Samora
Christian Samora, Town Clerk

