

**TOWN OF RED CLIFF, COLORADO  
ORDINANCE 11, SERIES 2013**

**AN ORDINANCE ADOPTING NOXIOUS WEED CONTROL REGULATIONS AS REQUIRED BY THE COLORADO NOXIOUS WEED ACT BY THE ADDITION OF A NEW SECTION TO ARTICLE 2 OF CHAPTER 7 OF THE TOWN OF RED CLIFF MUNICIPAL CODE.**

**WHEREAS**, the Town of Red Cliff (“Town”) is a municipal corporation and body politic organized under the laws of the State of Colorado and possessing the maximum powers, authority and privileges to which it is entitled under Colorado law;

**WHEREAS**, the Colorado Noxious Weed Control Act, C.R.S. § 35-5.5-101, *et seq.*, authorizes, directs and requires the Town to take certain actions with respect to noxious weeds; and

**WHEREAS**, the Town seeks to conform the Town of Red Cliff Municipal Code to the requirements of the Colorado Noxious Weed Control Act by the addition of a new section to Article 2 of Chapter 7 of the Town of Red Cliff Municipal Code regulating nuisances.

**NOW, THEREFORE, THE TOWN OF RED CLIFF ORDAINS:**

Section 1: A new section is added to Article 2 of Chapter 7 of the Town of Red Cliff Municipal Code providing in its entirety the following:

**Sec. 7-2-240      Noxious Weeds.**

(a) *Plants Listed.* All plants declared noxious weeds pursuant to the Town of Red Cliff Noxious Weed Management Plan, which plan shall be periodically reviewed and updated by resolution in compliance with the Colorado Noxious Weed Act, C.R.S. § 35-5.5-101, *et seq.*, by the Board of Trustees in their capacity as the local advisory board for purposes of all noxious weed statutes, ordinances and regulations.

(b) *Declaration of Nuisance.* Any and all plants designated noxious weeds by the Town of Red Cliff Noxious Weed Management Plan are declared to be a public nuisance. Such action may be taken as is available for nuisance abatement under the laws of the State of Colorado and this Code and as the Board of Trustees, in its sole discretion, deems necessary.

(c) *Removal of Noxious Weeds Required by Property Owner.* Property owners within the Town shall be responsible for eliminating noxious weeds from their property within a reasonable time. Such removal shall be accomplished in as ecologically feasible and environmentally safe manner as is practicable under the circumstances in accordance with all applicable statutes, ordinances and regulations.

(d) *Enforcement.* The Town shall have the right to enter upon any premises, land or place, whether public or private, during reasonable business hours and upon proper notice, for the purpose of inspecting for the existence of noxious weeds and shall have the right to propose, implement or enforce the management of noxious weeds upon such lands in accordance with the provisions of the Colorado Noxious Weed Act, C.R.S. § 35-5.5-101, *et seq.*

(e) *Advisory Board.* The Board of Trustees shall be the local advisory board for all state and local noxious weed statutes, ordinances and regulations. The mayor shall be the chair and the mayor pro tem shall be the secretary. A majority of the members of the Board of Trustees shall constitute a quorum.

(f) *Penalty.* Violation of this section shall be subject to penalty as provided in §1-4-20 of this Code in addition to any other remedies provided herein or allowed by ordinance, law, rule or regulation.


Section 2: Declaration. The Board of Trustees hereby finds, determines and declares that this Ordinance is necessary and proper to protect the public health, safety and welfare of the Town and its inhabitants.

Section 3: Severability. If any section, paragraph, clause, provision or part of this Ordinance is for any reason held to be invalid or unenforceable, the remainder of this Ordinance shall continue in full force and effect, it being the intent of the Board of Trustees that this Ordinance would have been adopted even if such invalid or unenforceable matter had not been included therein. It is further declared that if any section, provision or part of this Ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of the Ordinance and the application thereof to other persons shall not be affected thereby.

Section 4: Effective Date. This Ordinance shall become effective thirty (30) days after publication following final passage.

INTRODUCED, TITLE READ IN FULL, APPROVED ON THE FIRST READING, APPROVED AND ORDERED POSTED IN FULL THIS 17th DAY OF DECEMBER, 2013. A public hearing on the SECOND READING of this Ordinance shall be held at the regular meeting of the Board of Trustees of the Town of Red Cliff, Colorado, on the 7th day of JANUARY, 2014 at 7:00 p.m. in the Town Hall of the Town of Red Cliff, Colorado.

TOWN OF RED CLIFF, COLORADO


  
\_\_\_\_\_  
Scott Burgess, Mayor

ATTEST:

  
\_\_\_\_\_  
Barb Smith, Town Administrator/Clerk

ADOPTED AND ORDERED PUBLISHED on this 7th day of January, 2014.

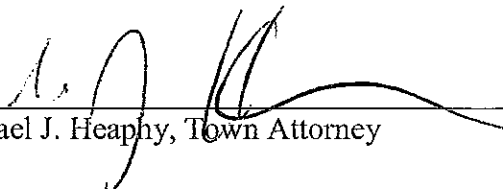
TOWN OF RED CLIFF, COLORADO

  
\_\_\_\_\_  
Scott Burgess, Mayor

ATTEST:

  
\_\_\_\_\_  
Barb Smith, Town Administrator/Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael J. Heaphy, Town Attorney