

CHAPTER 7

Health and Safety

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ARTICLE I

Nuisances

Sec. 7-1-10. Definitions.

As used in this Article, the following words shall have the following meanings:

Fence means a fence or screen wall of any kind, which is a self-standing structure abutting the City's right-of-way designed to provide semi-privacy, security or sound absorption/reflection, or a retaining wall, which is a self-standing structure designed to provide bank retention between grade separations.

Improvements means all buildings, fences, sidewalks, walls, planters, recreational equipment or structures of any kind, either permanent or temporary, visible from outside the boundaries of the property.

Property means all vacant and improved land located within the City, in the charge or control of any person.

Refuse means trash, waste, junk, litter or other material placed, discarded or otherwise left on property or improvements. (Ord. 99-04 Art. 3; Ord. 01-01 Art. 3; Ord. 04-17 §1)

Sec. 7-1-20. Common law nuisances.

All offenses known to the common law of the land and the state statutes as nuisances may be treated as such and proceeded against as in this Chapter, or in accordance with any other provision of law. (Ord. 99-04 Art. 4)

Sec. 7-1-30. Right of entry.

The City may, by request of any resident or on its own initiative, inspect any property or improvements for compliance with the provisions of this Chapter. (Ord. 99-04 Art. 6 §6.1)

Sec. 7-1-40. Notice to abate nuisance.

Upon determination by the City that a nuisance exists on or in any property and/or improvements, the City shall issue a notice to the person in charge and/or control of the property and if such person is not the owner, to the owner of record of the property at his or her last known address. Such notice shall be delivered by certified mail, return receipt requested. The notice shall state the use or condition which constitutes a nuisance, order that the nuisance be eliminated and that said property and/or improvements be brought into compliance with this Chapter within thirty (30) days. The notice shall also state that in the event that the nuisance is not eliminated and/or said property and/or improvements is not brought into compliance with this Chapter by the date indicated, and the City has not received an explanation satisfactory to the City as to the reason for delay, the City may itself cause the nuisance to be abated and may impose the costs of abatement, along with inspection and administrative costs against the owner. The notice shall further state that any person who fails to comply with the notice under this Article and abate the nuisance shall, upon conviction, be subject to a fine not to exceed one thousand dollars

(\$1,000.00) per violation for each day the violation continues. Failure to abate a nuisance stated in a notice is a violation of this Article. (Ord. 99-04 Art. 6 §6.2; Ord. 08-05 Art. 3)

Sec. 7-1-50. Abatement by City.

In the event that the nuisance is not abated within the period set forth in the notice, the City may itself cause the nuisance to be abated. All costs incurred by the City in abating a nuisance pursuant to the terms of this Chapter shall be assessed against the owner of the property and/or improvement which constitutes the nuisance. Such costs shall include, but shall not be limited to, administrative and legal expenses. (Ord. 99-04 Art. 6 §6.3)

Sec. 7-1-60. Payment of costs.

(a) Upon abatement of any nuisance by the City, the City shall issue notice of all costs and expenses associated with the abatement. The notice shall be issued in the same manner and to the same persons as the notice provided in Section 7-1-40 above, and shall include copies of all related invoices. The owner shall have thirty (30) days from the date of notice to remit payment of all costs and expenses. Failure to remit full payment within thirty (30) days shall result in the City pursuing alternative collection remedies.

(b) Alternative collection remedies shall include the placing of a lien on the property on which the nuisance was abated and/or the initiation of a suit for damages in which the City may seek payment of all expenses, associated fees and costs, including but not limited to administrative and legal fees. (Ord. 99-04 Art. 6, §§6.4, 6.5)

Sec. 7-1-70. Nuisances enumerated.

In addition to those offenses known to the common law of the land and state statutes to be nuisances, the following uses and conditions are specifically declared to be nuisances prohibited within the City:

- (1) The use of any property or improvement which presents a substantial danger or hazard to the physical health or safety of the public, or any use in violation of a City ordinance or state statute.
- (2) The condition of any property or improvement which has not been maintained so as to prevent disrepair and to present a neat and orderly appearance.
- (3) Dry or dead grass, shrubs or trees, refuse or other material growing or left on property within the City which constitutes a fire hazard to property, improvements or other property, or which will in reasonable probability constitute a fire hazard when dry.
- (4) Any obstacle, landscaping or material installed or maintained in violation of City roadway standards contained in Chapter 17, Article XIII of this Code and as amended from time to time, except that existing permanent improvements constructed in accordance with applicable building and zoning regulations shall be permanently excepted.

(5) Any swimming pool, pond or other body of water which is abandoned, unattended, unfiltered or not otherwise maintained, resulting in the water becoming polluted, or any standing or flowing water from a septic tank, cesspool or sewer service line.

(6) Refuse, which by reason of its location and character is dangerous to public health, safety or welfare, unsightly or interferes with the enjoyment of property by neighbors, detrimentally affects property values in the surrounding neighborhood or community or which would materially hamper or interfere with the prevention or suppression of fire upon the premises.

(7) The existence of any of the following conditions on property or improvements:

a. A detriment to public health, safety or general welfare.

b. A defect or condition of disrepair that diminishes the value of surrounding property or is otherwise detrimental to surrounding properties. This condition shall include, but shall not be limited to, keeping, disposing or scattering the following on or over the property:

1. Junk, trash or debris;

2. Abandoned, discarded or unusable objects or equipment such as furniture, appliances or mechanical components; or

3. Any device, decoration, design or improvement which is unsightly by reason of its condition or its inappropriate location, which is no longer in its original or upright position, or which has deteriorated due to lack of maintenance.

c. Maintenance so out of harmony or conformity with the maintenance standards of adjacent property or improvements as to cause diminution of the enjoyment, use or property values of such adjacent property or improvements.

d. Improvements abandoned, boarded up or partially destroyed or left in a state of partial construction.

e. Property that exhibits lack of maintenance as follows:

1. Plant materials have not been adequately irrigated and maintained and are dead or dying;

2. Lawns have grown over six (6) inches or shrubs have not been trimmed and are overhanging sidewalks or public rights-of-way;

3. Weeds have grown over six (6) inches and have not been removed; or

4. Dead or diseased plants have not been removed or replaced.

f. Exterior of improvements that have not been maintained so as to present a neat and orderly appearance. (Ord. 99-04 Art. 5)

Sec. 7-1-80. Penalties; notice to property owner.

(a) Any person found guilty of violating any provision of this Article shall, upon such finding, be subject to a fine not exceeding one thousand dollars (\$1,000.00) for each violation. Each day such violation continues shall be considered a separate offense.

(b) The owner of real property may be found in violation and fined or otherwise penalized for a nuisance committed, continued or suffered on the property by a tenant in lawful possession of the property only if the City has given proper notice of the nuisance to the property owner and tenant. (Ord. 08-05 Art. 3)

ARTICLE II

Fences

Sec. 7-2-10. Purpose.

Whereas the lack of maintenance on some commercial and residential fences may lead to an unsightly and unsafe condition within the City, the purpose of this Article is to require the appropriate level of maintenance and repair of residential and commercial fences which abut the public right-of-way within the City and to establish a means for the maintenance and repair of fences determined to be in disrepair, and thereby to protect the health, safety and welfare of the residents of the City. (Ord. 01-01 Art. 2)

Sec. 7-2-20. Fence requirements declared.

All fences shall be safe, structurally sound and uniform or compatible in color and structure, consistent with the City's design standards; they shall be maintained so that they do not constitute a hazard, blight or condition of disrepair. Samples of hazards, blight or condition of disrepair shall include but not be limited to: leaning fences, fences that are missing slats or blocks, have holes, breaks, rot, crumbling, cracking or peeling of paint or rust, graffiti or damaged material. (Ord. 01-01 Art. 4)

Sec. 7-2-30. Violation and repair.

Each and every violation of this Article is hereby prohibited, and may be remedied by the City as follows:

(1) The City may, by request of any resident or on its own initiative, inspect any fence for compliance with the provisions of this Article;

(2) Upon determination by the City that a violation of this Article exists on or in any property, the City shall issue notice to the person in charge and/or control of the property, and if such person is not the owner, to the owner of record of the property at his or her last known address. Such notice shall be delivered by certified mail, return receipt requested.

(3) Said notice shall:

a. State the use or condition which constitutes a violation; and

b. Order that the violation be eliminated and that said fence be repaired and brought into compliance with this Article within thirty (30) days; and

c. State that if the violation is not remedied and/or said fence is not repaired and brought into compliance with this ordinance by the date indicated, and the City has not received an explanation satisfactory to the City as to the reason for the delay, the City may itself cause the fence to be repaired and may impose the costs of repair, along with inspection and administrative costs against the owner or the owner's property.

(4) In order to promote uniformity and extend its expected lifetime, a wooden fence which extends along the City's right-of-way between intersections or other termini and crossing one (1) or more properties between, may be required by the City to be painted periodically, but not less than once every five (5) years, in its entirety, using a single color which approximates the original and is consistent with the City's design standards. If and when the action described in Subsection (2) above becomes necessary, the City, if it so determines, will provide notice to all affected persons that, although only a portion of the fence abutting their collective properties may require maintenance or structural repair, the entire fence must be repainted following such maintenance and/or repair.

(5) In the event that the fence is not repaired within the period set forth in the notice, the City may itself cause the fence to be repaired. All costs incurred by the City in repairing a fence pursuant to the terms of this Article shall be assessed against the owner of the fence or against the owner's property. Such costs shall include, but shall not be limited to, administrative and legal expenses.

(6) Upon repair of any fence by the City, the City shall issue notice of all costs and expenses associated with the repair. The notice shall be issued in the same manner and to the same persons as the notice provided in Subsection (2) above and shall include copies of all related invoices. The City shall pro rata apportion the costs of repairs or maintenance as described in Subsection (4) above, among the affected properties. The owner shall have thirty (30) days from the date of notice to remit payment of all costs and expenses. Failure to remit full payment within thirty (30) days shall result in the City pursuing alternative collection remedies permitted by law or this Article.

(7) Alternative collection remedies shall include the placing of a lien on the property on which the fence is located and/or the initiation of a suit for damages in which the City may seek payment of all expenses, associated fees and costs, including but not limited to administrative and legal fees. (Ord. 01-01 Art. 5)

ARTICLE III

Trees

Sec. 7-3-10. Purpose.

The purpose of this Article is to establish policies for planting, maintenance and removal of trees, and to establish the position of City Forester. (Ord. 01-06 Art. 2)

Sec. 7-3-20. Definitions.

For purposes of this Article, the following terms shall have the meanings indicated:

Park trees means trees, shrubs, bushes and all other woody vegetation in public parks and open space, all areas owned by the City and private/special district-owned parks to which the public has free access.

Street trees means trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets or rights-of-way within the City. (Ord. 01-06 Art. 3; Ord. 04-17 §1)

Sec. 7-3-30. City Forester.

(a) There is hereby established the position of City Forester, which shall be appointed by the City Council by separate instrument.

(b) The City Forester shall be compensated in an amount as may be determined by the City Council.

(c) The City Forester shall be responsible for investigating, developing and administering a plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, open space, along streets and in other public areas. Such plan shall be reviewed periodically by the City Council, and upon their acceptance and approval, the plan shall constitute the official City Tree Care Plan. In addition, upon the request of the City Council, the City Forester shall investigate, report and make findings and recommendations regarding any special matter within the scope of the City Forester's duties.

(d) The City Forester, or other person designated by the City Council, shall be responsible for the coordination of annual Arbor Day celebrations/activities, and will act as City liaison to any area Arbor Day committees. (Ord. 01-06 Arts. 4-6)

Sec. 7-3-40. Street tree species, spacing and location.

(a) Specific species of trees permitted for use as street trees within the City shall be submitted to the City Forester for review and approval prior to planting. The quantity and spacing of street trees shall also be submitted to the City Forester for review and approval.

(b) The distance that trees shall be planted from curbs or curblines and sidewalks adjacent to rights-of-way shall be subject to review and approval by the City Forester prior to planting.

(c) The location of street trees at street corners, adjacent to fire hydrants, and in relation to existing overhead utility lines or utility easements of record shall be subject to review and approval by the City Forester prior to planting. (Ord. 01-06 Art. 7)

Sec. 7-3-50. Public tree care, removal and planting.

(a) The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the right-of-way lines of all streets, alleys, avenues, lanes, squares and public grounds, as may

be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(b) The City may remove or cause to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sanitary or storm sewer lines, electric power lines, gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest.

(c) This Article does not prohibit the planting of street trees by adjacent private property owners, provided that the selection and location of said trees is in accordance with Section 7-3-40 above. (Ord. 01-06 Art. 8)

Sec. 7-3-60. Tree topping.

It shall be discouraged as a normal practice for any person or City agent or representative to top any street tree, park tree or other tree on public property. *Topping* is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms, disease, insects or other causes, or certain trees under utility lines or other obstructions where other pruning practices are impractical, may be exempted from this Article. (Ord. 01-06 Art. 9)

Sec. 7-3-70. Pruning; corner clearance.

At the written request of the City, an owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street light or obstruct the view of any street intersection and so that there shall be a clear space of eight (8) feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs that constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with the visibility of any traffic control device or sign. (Ord. 01-06 Art. 10)

Sec. 7-3-80. Dead or diseased tree removal on private property.

(a) The City shall have the right to remove or cause to be removed any dead or diseased trees on private property within the City limits, when such trees are determined to constitute a hazard to life and property, or to harbor insects or disease which constitute a potential threat to other trees within the City. The City Forester shall issue a notice to the owners of any such trees. Such notice shall be delivered by certified mail, return receipt requested. Said notice shall state the condition that constitutes a violation, and order that the trees be removed. Removal shall be performed by said owners at their own expense within sixty (60) days of the date of the written notice. In the event of the failure of an owner to comply with such provisions, the City shall have the authority to remove or cause to be removed such trees. All costs incurred by the City pursuant to this Article shall be assessed against the owner or against the owner's property. Such costs shall include, but shall not be limited to, administrative and legal expenses.

(b) Upon removal of any dead or diseased tree by the City, the City shall issue notice of all costs and expenses associated with the removal. The notice shall include copies of all related invoices. The owner shall have thirty (30) days from the date of the notice to remit payment of all costs and

expenses. Failure to remit full payment within thirty (30) days shall result in the City pursuing alternative collection remedies permitted by law, including placing a lien on the property on which the tree was located, and/or initiation of a suit for damages in which the City may seek payment of all expenses, associated fees and costs, including but not limited to, administrative and legal fees. (Ord. 01-06 Art. 11)

Sec. 7-3-90. Removal of stumps.

All stumps of street or park trees shall be removed to a point that is below the surface of the ground so that the top of the stump shall not project above the surface of the ground. (Ord. 01-06 Art. 12)

Sec. 7-3-100. Interference with City.

It is unlawful for any person to prevent, delay or interfere with the City or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removal of any street trees, park trees or trees on private property as authorized in this Article. (Ord. 01-06 Art. 13; Ord. 04-17 §1)

Sec. 7-3-110. Penalty.

(a) Any person violating any provision of this Article shall be, upon conviction or a plea of guilty, subject to a fine not to exceed one hundred dollars (\$100.00).

(b) If, as the result of the violation of any provision of this Article, the injury, mutilation or death of a tree, shrub or other plant located on City-owned property is caused, the cost of repair or replacement, or the appraised dollar value of such tree, shrub or other plant, shall be borne by the party in violation. The value of trees and shrubs shall be determined in accordance with the cost of plant materials of the same size and species available at local nurseries or garden supply centers. (Ord. 01-06 Art. 14)

ARTICLE IV

Weeds

Sec. 7-4-10. Definitions.

For the purposes of this Article, the following definitions shall apply:

Advisory Board means the City Noxious Weed Advisory Board, as provided for herein, or its designee.

Eradication means the reduction of the reproductive success of a noxious weed or specified noxious weed population in largely uninfested areas to zero (0) and the permanent elimination of noxious weeds from said area within a specific period of time, including continued intensive efforts, until the existing noxious weed seed bank is exhausted.

Noxious weed means an alien plant or part of an alien plant that has been designated by the City's Noxious Weed Management Plan, as provided for herein, the Douglas County Noxious Weed List or the State Noxious Weed Act, Title 35, Article 5.5, C.R.S. (the "Noxious Weed Act"), as being noxious and aggressively invades or is detrimental to economic crops or native plant communities, is poisonous to livestock, is a carrier of detrimental insects, diseases or parasites, or has the direct or indirect effect of being detrimental to the environmentally sound management of natural or agricultural ecosystems. (Ord. 07-07 Art. 3)

Sec. 7-4-20. Noxious Weed Management Plan.

(a) The City shall develop and adopt a Noxious Weed Management Plan (the "Management Plan") for all incorporated property within the territorial limits of the City. Upon adoption, the Management Plan shall be available at the Department of Public Works office and may be updated to include additional noxious weeds according to the determination of the Advisory Board or changes in state law. In addition to the Management Plan and any other applicable authority granted to the City, the City may adopt any ordinance, resolution, rule or other regulation deemed necessary or proper to enforce the Management Plan and otherwise provide for the management of noxious weeds within the City, except that no City ordinance, resolution, rule, regulation or other exercise of power pursuant to this Article shall apply to unincorporated property or facilities that are not owned or leased by the City.

(b) The Management Plan may be implemented by authorized agents, delegates, employees or contractors of the City. Any agent, delegate, employee or contractor applying or recommending the use of chemical management methods for the removal of noxious weeds shall be certified by the Colorado Department of Agriculture for such application or recommendation.

(c) The City may cooperate by intergovernmental agreement with neighboring counties and municipalities to implement the Management Plan and for the exercise of any power and authority granted by the Noxious Weed Act. (Ord. 07-07 Art. 4)

Sec. 7-4-30. Noxious Weed Advisory Board.

(a) There is hereby established a Noxious Weed Advisory Board (the "Advisory Board") the purposes of which shall be to: assist with development of the Management Plan, implement the Management Plan after adoption and advise and make recommendations to the City Council on matters related to noxious weeds and related natural resources according to the powers and duties set forth in this Section. The City Council shall serve as the Advisory Board until it appoints individual landowners to act as the Advisory Board. City appointees to the Advisory Board shall be City residents. The Advisory Board shall elect a chairperson and secretary annually. A majority of the members of the Advisory Board shall constitute a quorum for the conduct of business.

(b) The Advisory Board shall:

(1) Develop and recommend the Management Plan which shall provide for the integrated management of noxious weeds and, if appropriate, other undesirable plants, and recommended management criteria.

(2) Review the Management Plan at regular intervals but not less than once every three (3) years.

(3) Submit the Management Plan and any amendments thereto to the City Council for approval, modification or disapproval.

(4) Designate noxious weeds to be subject to integrated management and inclusion in the Management Plan.

(5) Recommend to the City Council that identified property owners be required to submit an individual integrated management plan to manage noxious weeds on their property.

(6) Hear requests for the granting of variances with respect to the Management Plan and management criteria developed pursuant to this Article, except that no variance will be available regarding the designation of a plant as a noxious weed.

(c) The City Council shall have the sole and final authority to approve, modify or not approve the Management Plan, management criteria, management practices and any other decision or recommendation of the Advisory Board. (Ord. 07-07 Art. 5)

Sec. 7-4-40. Noxious weeds prohibited.

(a) The plants designated as noxious in the Management Plan, the Douglas County Noxious Weed List and the Noxious Weed Act are hereby declared noxious and, accordingly, are declared a threat to the economic and environmental value of the property within the City.

(b) It shall be unlawful and a nuisance for any property owner, lessee, agent, occupant or person in possession or control of any real property or portion thereof within the incorporated area of the City, including the public right-of-way adjacent to said real property or portion thereof, to permit the growth of any noxious weed. It shall be unlawful to intentionally introduce, cultivate, sell or offer for sale any noxious weed. These prohibitions shall not apply to:

(1) Research sanctioned by a state or federal agency or an accredited university or college.

(2) Activities specifically permitted by the State Commissioner of the Department of Agriculture or his or her designee;

(3) Noxious weed management plans that are part of an approved reclamation plan pursuant to Section 34-32-116(7) or Section 34-32.5-116(4), C.R.S.;

(4) Noxious weed management activities that are conducted on disturbed property as part of an approved reclamation plan pursuant to Section 34-33-111(1), C.R.S.; or

(5) Noxious weed management activities that are part of activities conducted on disturbed property pursuant to Section 34-60-106(12), C.R.S. (Ord. 07-07 Art. 6)

Sec. 7-4-50. Inspection and enforcement.

(a) The City, through its authorized employees or agents, shall have the right to enter upon any property or premises for the purpose of inspecting for the presence of noxious weeds when any of the following has occurred:

- (1) The property owner or occupant has requested an inspection;
- (2) A neighboring property owner or occupant has reported the presence of noxious weeds and requested an inspection; or
- (3) An authorized City employee or agent has made a visual observation from public property and has reason to believe that noxious weeds are present.

(b) No City employee or agent shall enter upon any property or premises until the property owner or occupant has been notified by personal, verbal communication, by certified mail or by written notice posted at a conspicuous place on the property or premises that an inspection for noxious weeds is required. City employees or agents shall use good faith efforts to schedule and conduct inspections with the permission of the property owner or occupant.

(c) If, after receipt of notice that an inspection is required, the property owner or occupant denies access to the City's inspector, the inspector may petition the Municipal Court for a search warrant pursuant to Section 16-3-302, C.R.S. It shall be unlawful and a violation of this Article for a property owner or occupant to deny access for an inspection to a City employee or agent who presents a search warrant.

(d) The City shall give written notice to the property owner or occupant of any premises upon which noxious weeds are discovered advising the property owner or occupant of the presence of noxious weeds. The notice shall be delivered to the property owner or occupant by personal service, certified mail or posting in a conspicuous place at the affected premises. The notice shall identify the noxious weeds, request the property owner or occupant to remove and manage the noxious weeds and specify the best available control method or methods of integrated management. The notice shall state that, within ten (10) days of receipt of the notice, the property owner or occupant shall comply by either removing the noxious weeds and commencing management activities according to the notice, or submitting to the City an acceptable alternative management and control plan and schedule for complying with the notice.

(e) Within ten (10) days after receipt of the notice described in Subsection (d) above, the property owner or occupant shall either comply with the best available control method or methods as specified in the notice, or submit to the City an acceptable alternative management and control plan and schedule for complying with the notice. It shall be unlawful and a violation of this Article for any property owner or occupant to fail or refuse to comply with a notice or a management plan approved by the City.

(f) The City, through its authorized agents and employees, shall have the right to enter upon any property or premises for the purpose of ensuring compliance with the requirements of a notice or City-approved management plan.

(g) If the property owner or occupant fails to comply with the notice, the City may have the noxious weeds removed or controlled, including any efforts and means necessary to achieve eradication, and charge the cost thereof, plus twenty percent (20%) for inspections and incidental costs in connection therewith, to the property owner or occupant. The charges shall be assessed to the property owner or occupant by written invoice delivered by certified mail. Any charges assessed to the property owner or occupant shall be paid to the City not later than thirty (30) days after the property owner's or occupant's receipt of the invoice. If the property owner or occupant fails to pay the assessment within said thirty (30) days, the assessment shall become a lien against the property and the lien shall have priority over all other liens except general taxes and prior special assessments. Any amount remaining unpaid may be carried over and charged on the tax roll of the succeeding year, and any unpaid balance so carried over shall bear interest at the highest rate allowed under state law. (Ord. 07-07 Art. 7)

Sec. 7-4-60. Penalties.

Any person found guilty of violating any provision of this Article shall, upon such finding, be subject to a fine of not more than five hundred dollars (\$500.00) for each separate offense, and may be enjoined from any further or continued violation. The City may also seek an injunction, abatement, restitution or any other remedy to prevent, enjoin, abate or remove the violation. Each day a violation of this Article continues shall constitute a separate offense. Any penalties provided for herein shall be cumulative and not exclusive and shall be in addition to any other penalties provided by law. (Ord. 07-07 Art. 8)