

TOWN OF GRANBY

Board of Trustees

MEETING DATE: JANUARY 14, 2020

- Consent Agenda**
- Resolution or Ordinance**
- Citizen Requests**
- Public Hearing**
- Committee/Staff Reports:**
- TOWN CLERK**
- FINANCE DIRECTOR**
- BUILDINGS AND STREETS**
- ECONOMIC DEVELOPMENT**
- PUBLIC SAFETY**
- RECREATION**
- WATER DEPARTMENTS**
- MAYOR**
- TOWN MANAGER**
- TOWN ATTORNEY**
- Other**
- Executive Session**
- Workshop**

TIME OF AGENDA ITEM: 7:00 PM

Agenda Request No. 7

**MEETING TO BE HELD AT:
Town Hall, Zero Jasper Avenue
Granby, CO 80446**

(7) DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE NO. _____, AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE GRANBY MUNICIPAL CODE REGULATING UNDESIRABLE PLANTS, ABANDONED VEHICLES, AND OUTDOOR STORAGE OF WASTE AND RECEPTACLES

7:00 PM

**TOWN OF GRANBY
BOARD OF TRUSTEES
ORDINANCE NO. _____**

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE GRANBY MUNICIPAL
CODE REGULATING UNDESIREABLE PLANTS, ABANDONED VEHICLES, AND
OUTDOOR STORAGE OF WASTE AND RECEPTACLES**

WHEREAS, the Board of Trustees of the Town of Granby, Colorado, pursuant to Colorado statute is vested with the authority of administering the affairs of the Town of Granby, Colorado; and

WHEREAS, the Town Code Enforcement officer has requested a number of amendments to the Granby Municipal Code in order to clarify the code and simplify and clarify compliance with and enforcement thereof;

WHEREAS, the amendments concern Section 8.10.030 regulating abandonment of vehicles, Chapter 8.20 regulating Undesirable Plants, and Section 16.125.120 regulating outdoor storage of waste and receptacles of the Granby Municipal Code; and

WHEREAS, the Board of Trustees, finds it in the best interest of the citizens of the Town of Granby to update the Granby Municipal Code sections as suggested by the Town staff.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE
TOWN OF GRANBY, COLORADO, THAT:**

1. Sections 8.10.030 of the Granby Municipal Code is hereby amended to read in its entirety by adding the underlined portion and deleting the struckthrough portion as follows:

8.10.030 Abandonment of vehicles.

(1) No person shall abandon any motor vehicle within the town of Granby.~~and no person shall leave any vehicle at any place within the town of Granby for such time and under such circumstances as to cause such vehicle to appear to have been abandoned or otherwise discarded.~~

(2) Any person who abandons any motor vehicle upon a street, highway, right-of-way, or any other public property, or upon any private property without the express consent of the owner or person in lawful charge of that private property commits abandonment of a motor vehicle.

(3) To "abandon" means to leave a thing with the intention not to retain possession of or assert ownership over it. The intent need not coincide with the act of leaving.

(4) It is prima facie evidence of the necessary intent that:

(a) The motor vehicle has been left for more than seven consecutive days unattended and unmoved; or

(b) License plates or other identifying marks have been removed from the motor vehicle; or

(c) The motor vehicle has been damaged or is deteriorated so extensively that it has value only for junk or salvage; or

(d) The owner has been notified by a law enforcement agency to remove the motor vehicle, and it has not been removed within three days after notification.

(5) Any person found to have violated this section is subject to the penalties provided by GMC section 1.05.090.

2. Chapter 8.20 of the Granby Municipal Code is hereby amended to read in its entirety by adding the underlined portion and deleting the struckthrough portion as follows:

8.20.010 Undesirable plants.

~~Russian, spotted and diffuse knapweed and leafy spurge and~~ Any and all noxious plants as set forth in the Colorado Noxious Weed Act and/or designated by the board of county commissioners of Grand County or the Board of Trustees of the Town of Granby are declared to be undesirable plants to be controlled in accordance with this code and are the weeds otherwise defined and described as nuisances in this chapter.

8.20.020 Declaration of nuisance.

~~Leafy spurge, Russian knapweed, spotted knapweed, and diffuse knapweed, and~~ Any and all ~~other~~ plants designated "undesirable plants" by the Board of Trustees of the Town of Granby, the board of county commissioners of Grand County or the Colorado Noxious Weed Act are declared to be a public nuisance. Such action may be taken as is available for nuisance abatement under laws of this state and the town of Granby, and as the board of trustees, in its sole discretion, deems necessary.

8.20.030 Removal of undesirable plants required by property owner.

Property owners within the town of Granby shall be responsible for the elimination of undesirable plants from their property. Such removal shall be

accomplished in an ecologically feasible and environmentally safe manner in accordance with all applicable laws, ordinances, rules and regulations. The property owner or occupant shall be given seven days after written notification to comply with this section. Failure to comply after such time may result in abatement, fine, and/or summons and complaint to municipal court.

8.20.040 Enforcement.

The town shall have the right to enter upon any premises, lands, or places, whether public or private, during reasonable business hours or upon proper notice for the purpose of inspecting for the existence of undesirable plants, and shall have the right to propose, implement or enforce the management of undesirable plants upon such lands in accordance with the provisions of Section 35-5.5-109, C.R.S.

3. The title to section 16.125.120 is hereby amended to read “Outdoor storage of waste and receptacles.”

4. **Severability.** If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part hereof irrespective of the fact that any one part or parts are declared unconstitutional or otherwise invalid.

5. **Repeal.** Existing ordinances or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance. Except as specifically amended by this ordinance, all other provisions of the Granby Town Code shall remain in full force and effect.

INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF GRANBY THIS 14th DAY OF JANUARY, 2020.

Votes Approving: _____
Votes Opposed: _____
Absent: _____
Abstained: _____

ATTEST:

**BOARD OF TRUSTEES OF THE
TOWN OF GRANBY, COLORADO**

Deborah K. Hess, CMC
Town Clerk

By: _____
Paul Chavoustie
Mayor