

CHAPTER 15

GOVERNMENT - COUNTY

HOUSE BILL 13-1137

BY REPRESENTATIVE(S) Landgraf, Hamner, Labuda, Lebsock, Singer;
also SENATOR(S) Baumgardner, Nicholson.

AN ACT

CONCERNING THE ELIMINATION OF CERTAIN RESTRICTIONS ON THE LOTS OVER WHICH A BOARD OF COUNTY COMMISSIONERS HAS AUTHORITY FOR WEED REMOVAL.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 30-15-401, **amend** (1) (a) (I.5) (A) as follows:

30-15-401. General regulations - definitions. (1) In addition to those powers granted by sections 30-11-101 and 30-11-107 and by parts 1, 2, and 3 of this article, the board of county commissioners has the power to adopt ordinances for control or licensing of those matters of purely local concern that are described in the following enumerated powers:

(a) (I.5) (A) To provide for and compel the removal of weeds and brush from ~~residential lots of two and one-half acres or less~~ AND TRACTS OF LAND within the county EXCEPT AGRICULTURAL LAND CURRENTLY IN AGRICULTURAL USE AS THE TERM AGRICULTURAL LAND IS DEFINED IN SECTION 39-1-102 (1.6), C.R.S., and from the alleys behind and from the sidewalk areas in front of such property at such time, upon such notice, and in such manner as the board of county commissioners may prescribe by ordinance, including removal performed by the county upon notice to and failure of the property owner to remove such weeds and brush, and to assess the reasonable cost thereof, including ten percent for inspection and other incidental costs in connection therewith, upon the property from which such weeds have been removed. Ordinances passed by a board of county commissioners for the removal of weeds and brush pursuant to this sub-subparagraph (A) shall include provisions for applying for and exercising an administrative entry and seizure warrant issued by a county or district court having jurisdiction over the property from which weeds and brush shall be removed. Any assessment pursuant to this sub-subparagraph (A)

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

shall be a lien against such property until paid and shall have priority ~~over all other liens except general taxes and prior special assessments~~ BASED ON ITS DATE OF RECORDING. A COUNTY SHALL NOT COMPEL THE REMOVAL OF WEEDS AND BRUSH PURSUANT TO THIS SUB-SUBPARAGRAPH (A) UPON ANY LOT OR TRACT OF LAND WITHIN THE COUNTY DURING SUCH TIME THAT A MORTGAGE OR DEED OF TRUST SECURED BY THE LOT OR TRACT OF LAND IS BEING FORECLOSED UPON.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 8, 2013