

CITY OF WHEAT RIDGE, COLORADO  
INTRODUCED BY COUNCIL MEMBER FITZGERALD  
Council Bill No. 19  
Ordinance No. 1608  
Series of 2016

**TITLE: AN ORDINANCE AMENDING SECTION 15-4 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING THE DEFINITION OF LANDSCAPING FOR NUISANCE PURPOSES**

**WHEREAS**, the City of Wheat Ridge, Colorado, is a Colorado home rule municipality, duly organized and existing pursuant to Section 6 of Article XX of the Colorado Constitution; and

**WHEREAS**, pursuant to its home rule authority and C.R.S. § 31-15-401, the City, acting through its City Council, is authorized to declare and compel the removal of nuisances upon private property, including nuisance weeds, brush and vegetation; and

**WHEREAS**, pursuant to this authority, the Council previously adopted certain rules and requirements concerning nuisances, codified as Chapter 15 of the Wheat Ridge Code of Laws ("Code"); and

**WHEREAS**, the definition of "landscaping" under Code Section 15-4 includes "living plants," while Code Section 15-15(c) prohibits "damaged or dead landscaping"; and

**WHEREAS**, in administering this Code language, City staff has concluded that it is not clear whether dead landscaping may constitute a nuisance condition because landscaping, by its very definition, must be living; and

**WHEREAS**, City staff therefore recommends an amendment to this Code language to clarify that dead and damaged landscaping may constitute a nuisance condition if it is a detriment or danger to surrounding property or the public, as required by Code Section 15-15(c); and

**WHEREAS**, in furtherance of the public health, safety and welfare, the Council desires to make the amendment recommended by City staff to clarify the scope of "landscaping" for purposes of nuisance enforcement.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:**

**Section 1.** Section 15-4 of the Wheat Ridge Code of Laws, concerning definitions in the context of nuisance regulation, is hereby amended by amending the definition of "landscaping" set forth thereunder as follows:

*Landscaping* means a combination of ~~living~~ plants, such as trees, shrubs, vines, groundcover, flowers, vegetable plants, sod or grass; and may include natural features, such as rock, stone and bark; and structural features, including, but not limited to, fountains, reflecting pools, art work, screen walls, fences and benches. Uncontrolled weeds shall not be considered as landscaping; however, maintained natural grasses and natural flowers may be considered as landscaping. Sidewalks, whether paved or gravel, which serve as functional links between parking areas and main structures, or which serve as general public access routes around a main structure, or between a main structure and a public street or alley, is not landscaping. Other sidewalks or paths which serve as casual access to or through landscape areas may be considered nonliving landscape features

**Section 2. Safety Clause.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

**Section 3. Severability; Conflicting Ordinances Repealed.** If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 4. Effective Date.** This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

**INTRODUCED, READ, AND ADOPTED** on first reading by a vote of 8 to 0 on this 22<sup>nd</sup> day of August, 2016, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for September 12, 2016, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

**READ, ADOPTED AND ORDERED PUBLISHED** on second and final reading by a vote of 7 to 0, this 12th day of September, 2016.

SIGNED by the Mayor on this 12th day of September, 2016.



ATTEST:

Janelle Shaver  
Janelle Shaver, City Clerk

Joyce Jay  
Joyce Jay, Mayor

Approved AS To Form  
Gerald E. Dahl  
Gerald E. Dahl, City Attorney

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