

ORDINANCE NO. 1320

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO, AMENDING CHAPTER 6 OF THE FORT MORGAN MUNICIPAL CODE CONCERNING NUISANCES, ENFORCEMENT, AND UNDESIRABLE VEGETATION

WHEREAS, the City of Fort Morgan, Colorado (the "City") has been duly organized and is validly existing as a home rule city under Article XX, Section 6 of the Colorado Constitution and the City Charter;

WHEREAS, the City Council has authority to adopt, amend, and codify ordinances for the protection of the public health, safety, and welfare; and

WHEREAS, the City Council finds it necessary to update Chapter 6 of the Fort Morgan Municipal Code to clarify enforcement authority, strengthen nuisance abatement procedures, and establish clear standards for undesirable vegetation; and

WHEREAS, the City Council further finds that unmanaged weeds and diseased vegetation may create fire hazards, harbor pests, obstruct public ways, and otherwise endanger public health and safety, and that the Fort Morgan Municipal Code should be updated accordingly; and

WHEREAS, this Ordinance revises provisions within Chapter 6, and minor editorial changes including format, numbering, capitalization, punctuation, headings, and internal cross references may be necessary to unify the Code during codification; and

WHEREAS, the City Council finds and declares that adoption of this Ordinance is necessary for the protection of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO, AS FOLLOWS:

Section 1. The foregoing recitals are hereby incorporated as conclusions, facts, determinations, and findings by the City Council.

Section 2 Section 6-1-30 of the Fort Morgan Municipal Code, entitled Nuisance prohibited, is amended to read as follows:

Sec. 6-1-30. – Nuisance prohibited.

~~(a) No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the City.~~

(a) It is unlawful for any person to create, cause, continue, maintain, or permit any public nuisance within the City.

(b) ~~It shall be is~~ unlawful to interfere with or prevent, or attempt to interfere with or prevent, the abatement of any nuisance by an officer of the City.

(c) ~~The procedures and remedies set forth in this Chapter may be used in the alternative or in conjunction with Section 6-1-190 below or in lieu of any other remedy or procedure authorized by law for the removal of violations or nuisances.~~

(c) The City may enforce this Article by issuing summonses and complaints, by using the abatement process in Article 2, or both concurrently.

Section 3. Section 6-1-170 of the Fort Morgan Municipal Code, entitled Violations and remedies, is hereby amended to read as follows:

Sec. 6-1-170. – Violations and remedies.

~~(a) In addition to the procedures and remedies set forth in Article 2 below, a summons and complaint may be filed in the Municipal Court for any violation of this Chapter.~~

(a) Any violation of this Chapter is unlawful and may be enforced by summons and complaint in Municipal Court or by any other procedure or remedy included in this chapter. No notice shall be required for summons or complaint.

~~(b) A separate offense shall be deemed committed on each day during or on which a violation of this Chapter continues unabated ten (10) days after the mailing of a notice pursuant to this Chapter. Any person violating this provision shall be fined.~~

Each day that a violation continues is a separate offense, beginning once notice has been given under Article 2. Fines may be assessed for each day until the violation is corrected.

~~(c) The provisions for remedying violations of this Chapter are in addition to other applicable remedies, including but not limited to an action in court for an injunction.~~

(c) The remedies in this Article are in addition to other remedies available at law, including injunctive relief. These remedies may also be used separately or in combination with the abatement procedures in Article 2.

Section 4. A new Section 6-1-100 of the Fort Morgan Municipal Code, entitled Undesirable Vegetation, is hereby added to read in its entirety as follows:

§ 6-1-100. Undesirable Vegetation

It is unlawful for any property owner to allow vegetation or woody perennials which:

(1) ~~Harbors or aids in harboring rats, snakes or vermin;~~
Harbors rats, snakes, vermin, or other animals detrimental to the public health or safety:

(2) ~~Harbors or hosts diseases or insects which may reasonably be expected to injure other forms of life (except the harboring of insects, such as those commonly called ladybugs, used for pest control);~~
Hosts diseases or insects reasonably expected to injure other forms of life (other than beneficial insects used for pest control, such as ladybugs);

(3) Is prohibited by law or ordinance, including but not limited to noxious weeds;

(4) ~~By reason of its location or condition, constitutes an imminent danger to any person or property;~~
Creates an imminent danger to any person or property due to location or condition:

(5) ~~Hinders the removal of accumulations of junk, garbage and debris;~~
Obstructs inspection or removal of accumulations of junk, garbage, or debris;

(6) ~~Is unmanaged and in excess of six (6) inches in height, provided that cultivated flowers, ornamentals or food plants shall be presumed to be managed vegetation; provided further that vegetation in excess of six (6) inches in height shall be presumed unmanaged (unless predominantly composed of cultivated flowers, ornamentals, cultivated wildflowers or food plants), including vegetation which interferes with or obstructs the view or passage on any street, alley or other public way.~~
Is unmanaged and exceeds six (6) inches in height.

- A. Presumption of management. Cultivated flowers, ornamentals, cultivated wildflowers, and food-producing plants shall be presumed to be managed vegetation.
- B. Presumption of violation. Vegetation in excess of six (6) inches in height shall be presumed to be unmanaged and in violation of this Section, unless predominantly composed of cultivated flowers, ornamentals, cultivated wildflowers, or food-producing plants.
- C. Right-of-way interference. Unmanaged vegetation that interferes with or obstructs passage or vision on any street, alley, sidewalk, or other public way is a violation of this Section.
- D. Exception. This Section shall not apply to property designated as a natural preserve, conservation area, or stormwater drainage facility by a political subdivision of the State.

Section 5. Section 6-2-30 of the Fort Morgan Municipal Code, entitled Notice to Abate, is hereby amended to read as follows:

§ 6-2-30. Notice to Abate

(a) Upon determining that a public nuisance exists on If the Chief determines a nuisance exists on private property and that there is danger to the public health, safety, peace, morals or decency, the Chief of Police or his/her the Chief's designee shall cause a will order notice to be delivered to the owner and the occupant of the private property where the public nuisance exists or to the person causing, permitting or maintaining such nuisance, if such owner, occupant or person causing the nuisance can be found, and must shall post a copy of the notice on the premises where the public nuisance exists.

(b) Such notice shall specifically describe the public nuisance and shall direct the owner and the occupant of the private property where the public nuisance exists or the person causing, permitting or maintaining such nuisance to abate or remove such nuisance within twenty four (24) hours of service or posting of the notice. Such notice shall contain a telephone number and a name of the City officer or employee who made the inspection resulting in the notice and shall state that telephone inquiries may be made. If the owner, occupant or person cannot be located after reasonable inquiry, posting shall be sufficient notice. The notice shall state that, unless such nuisance is so abated or removed, the City will cause it to be abated or removed; that the cost thereof will be charged to the owner, occupant or person causing, permitting or maintaining the nuisance; and that such cost shall be a lien on the real property where the nuisance was abated or removed. Such notice shall also state that the failure of such owner, occupant or person to abate the nuisance as required by such notice shall be deemed an implied consent for the City to abate or remove such nuisance.

If the City elects to abate the nuisance using City resources, written notice must be delivered to the owner, occupant, or person causing or maintaining the nuisance and a copy of the notice must be posted on the property. The notice must:

- (1) describe the nuisance;
- (2) direct the responsible party to abate or remove the nuisance within twenty-four (24) hours of service or posting;
- (3) provide the name and telephone number of the inspecting officer; and
- (4) state that, unless the nuisance is abated, the City will abate the nuisance and charge the cost to the responsible party as a lien on the subject property.

(c) If the public nuisance does not constitute a great and immediate danger to the public health, safety or welfare, the Chief of Police or his/her designee may serve the owner or occupant of such premises or the person in whose name such real estate was last billed for property tax purposes a notice to demand the

abatement or removal of the violation within ten (10) days. Service may be had by certified mail, personal service or posting the notice on the property and mailing notice by first-class mail.

If the nuisance does not constitute a great and immediate danger to the public health, safety, or welfare, the Chief of Police or the Chief's designee may require abatement within ten (10) days instead of twenty-four (24) hours. Service may be made by certified mail, personal delivery, posting, or by first-class mail.

Section 6. Section 6-2-40 of the Fort Morgan Municipal Code, entitled Failure to Abate; Abatement by the City, is hereby amended to read as follows:

§ 6-2-40. Failure to Abate; Abatement by the City

(a) If a nuisance is not abated or removed after notice pursuant to this Section and within the time specified in the notice, the Chief of Police or his/her designee may cause the abatement or removal of such public nuisance. The reasonable cost thereof shall be a lien on the real property where the nuisance was abated or removed.

If a nuisance is not abated within the time specified in a notice issued pursuant to § 6-2-30, the City may abate or remove the nuisance using City resources.

(b) The owner or occupant of the private property where the public nuisance exists who fails to abate or to remove the nuisance required by this Section thereby consents, under the terms of this Section, to have the City abate or remove the nuisance at the expense of the owner or occupant.

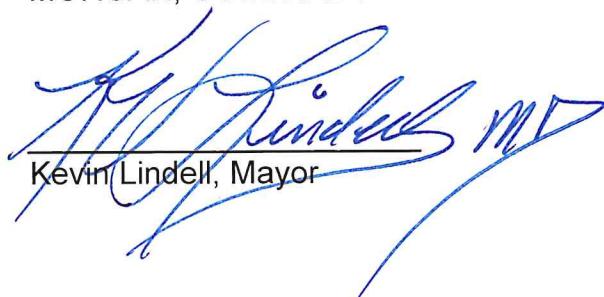
The reasonable cost of any City-performed abatement will be charged to the owner, occupant, or person responsible. By failing to abate the nuisance after notice, the responsible party is deemed to have consented to abatement by the City and to the assessment of costs.

Section 7. Severability. The provisions of this Ordinance are severable. The invalidity of any section, subsection, sentence, clause, phrase, or portion of this Ordinance, as determined by a court of competent jurisdiction, shall not affect the validity or effectiveness of the remainder.

INTRODUCED, READ, AND ADOPTED ON FIRST READING AND ORDERED
PUBLISHED ON THE 21ST DAY OF OCTOBER, 2025.



THE CITY COUNCIL OF THE CITY OF FORT
MORGAN, COLORADO



Kevin Lindell, Mayor

ATTEST:

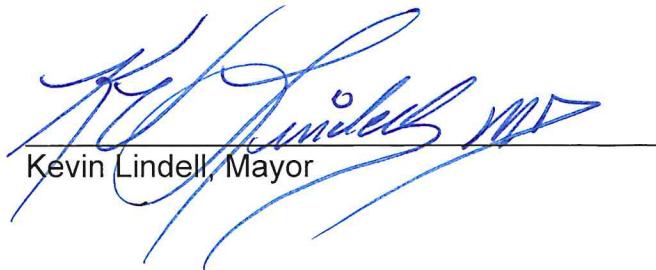


Jill Curtis, City Clerk

PASSED, APPROVED, AND ADOPTED ON THE SECOND AND FINAL READING AND
ORDERED PUBLISHED THIS 4th DAY OF NOVEMBER, 2025.

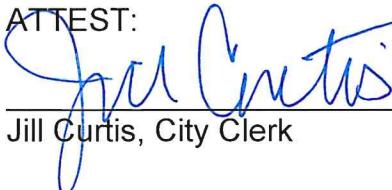


THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO



Kevin Lindell, Mayor

ATTEST:

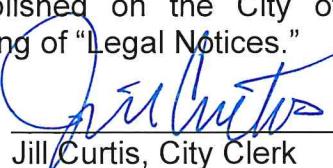


Jill Curtis, City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN)ss.
CITY OF FORT MORGAN)

CERTIFICATE

I, Jill Curtis, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing **Ordinance No. 1320** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 21st day of October, 2025. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 22nd day of October, 2025, published on the City of Fort Morgan website (www.cityoffortmorgan) under the heading of "Legal Notices." Said proposed ordinance was again taken up and read a second time, duly and legally, passed, approved and adopted at a regular meeting of the City Council held on the 4th day of November 2025. Within five (5) days after its final passage, said **Ordinance No. 1320** was again published on the City of Fort Morgan website (www.cityoffortmorgan) under the heading of "Legal Notices."



Jill Curtis, City Clerk