

# Town of Peralta

## Weed Control Ordinance

### Number 2015-03

#### An Ordinance Requiring the Maintenance of and/or Prohibiting the Accumulation of Weeds.

**PURPOSE:** This Ordinance is intended to promote the general health, safety, and welfare of the people of the Town of Peralta and preserve the esthetic beauty of the Town by requiring the maintenance of and/or accumulation of those weeds determined to be a fire hazard, health hazard, or nuisance to the inhabitants of the Town.

#### Definitions:

**"Code Enforcement Officer"** is the person designated by the Governing Body to enforce this Ordinance and issue the appropriate citations and carry out the enforcement of this Ordinance as provided herein.

**"Costs"** shall mean the expenses to correct the unlawful growth or accumulation of weeds determined on the basis of man-hours required, expendable material used, and vehicle hours calculated at a normal equipment rental rate per day plus any direct costs paid by the Town to correct the condition.

**"Person in charge of Property"** shall mean owner and tenant or lessee or manager or occupant, or agent, or servant, or representative of employee.

**"Town"** means the Town of Peralta.

**"Weeds"** means all rank, noxious, poisonous, harmful, unhealthful vegetation, or any growth whatsoever of an offensive or unsightly nature as defined by "Weeds of the West".

#### Owner Responsibility:

The person in charge of the real property is required and responsible to take the appropriate action for the control of weeds in conformance with the ordinance:

- 1, On the real property owned or occupied by him; and
2. In the alley abutting such real property to its center line; and
3. In the area between such real property and the edge of any abutting street right-a-way.

Each such person in charge of property shall destroy, cut, control, and remove such weeds as often as growth and condition of such weeds may require, to maintain a maximum height of eighteen inches (18”).

**Violations:**

It shall be unlawful for any person in charge to any real property to fail or refuse to meet the requirements set forth in this Ordinance.

**Notification of Violation:**

Upon the determination by the Enforcement Officer that a violation of this ordinance exists, a notice shall be posted on the property in violation. The notice posted will contain the following information:

1. The penalty to be assessed should the violation continue;
2. Proposed action to be taken by the person in charge so as to be in compliance with this Ordinance and the proposed action to be taken by the Town in the event the person in charge neglects, refuses, or does not comply with the violation notice.
3. Should the person in charge not comply with the necessary and appropriate action to remove the weeds within fifteen (15) days from the date of the violation notice as described within the violation notice, the person in charge shall be sent a certified letter, return receipt requested and given seven (7) days to comply.
4. Failure to comply will subject the property owner to enforcement action and penalty for non-compliance as provided to herein.

**Enforcement:**

Upon failure, neglect or refusal of any person in charge or property, to take the proper corrective action as set forth in the violation notification letter within the time prescribed therein,

1. The Mayor or authorized representative shall direct the enforcement office to obtain entry on the subject property as proved by law to take the appropriate action to bring subject’s property into conformance with this Ordinance;
2. The authorized actions will include but not be limited to contracting with a third party, or by Town employees at Town expense, for corrective action and removal of the weeds.
3. All cost, expenses and legal fees and costs shall be assessed to and charged to the person in charge of the property who will be responsible for payment in full.

**Penalty:**

A. The actual cost of the cutting or removal of weeds plus any other legal costs and expenses and other penalties allowed by law in connection therewith shall be reclaimed by the Town using any and all methods and procedures allowed by law to include the filing of a lien against the property of the person in charge for the costs and expense incurred to have the subject property conform to this Ordinance, all of which shall be assessed and charged against the person in charge of the property.

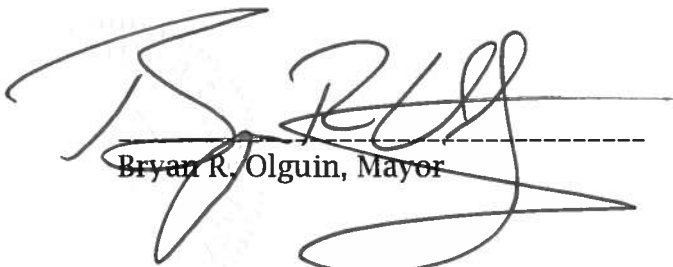
B. Any person who shall fail, refuse, and/or neglect to cut and remove the weeds and debris or any accumulation of weeds whatsoever and/or who shall fail, refuse and/or neglect to comply with the provisions of this Ordinance whatsoever and/or who shall resist or obstruct the Enforcement Officer from carrying out his/her duties and responsibilities as provided herein shall be issued a citation by the Enforcement Officer to the person in charge which will required that person(s) to appear in the Town of Peralta Municipal Court for a hearing on the citation.

C. Upon conviction thereof, the violator shall be subject to a fine of not more than \$500.00 plus costs, or imprisonment for not more than ninety (90) days in jail or both, each day of which violation shall continue and exist shall constitute a separate offence for which the offending party may be charged.

**Severability:**

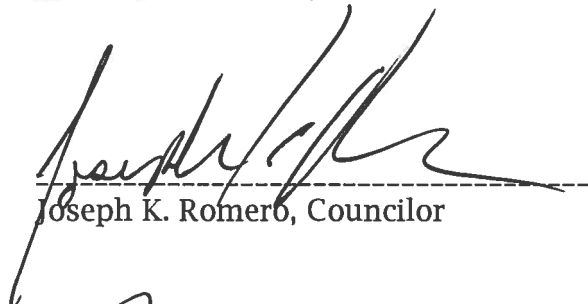
If any action, subsection, paragraph, phrase, or other portion of this Ordinance shall be declared invalid for any reason whatsoever by a court of competent jurisdiction, then such decision shall not affect the validity or enforceability of the remaining portions of this Ordinance.

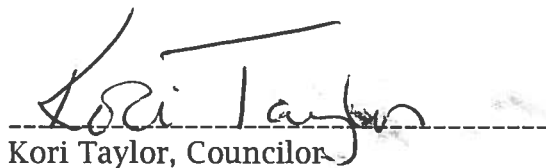
APPROVED, PASSED AND ADOPTED THIS 24<sup>th</sup> DAY OF June, 2015

  
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Bryan R. Olguin, Mayor

  
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Michael Leon Otero, Councilor

  
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Tracy Aragon, Councilor

  
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Joseph K. Romero, Councilor

  
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Kori Taylor, Councilor

  
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Julie Pluemer, Town Clerk