

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 13-0341.01 Nicole Myers x4326

HOUSE BILL 13-1137

HOUSE SPONSORSHIP

Landgraf,

SENATE SPONSORSHIP

Baumgardner,

House Committees
Local Government

Senate Committees
Local Government

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The board of county commissioners (board) of any county currently has the authority to provide for and compel the removal of weeds and brush from residential lots within the county that are 2.5 acres or less. The bill eliminates the size and zoning restrictions on the lots over

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
3rd Reading Unamended
February 26, 2013

SENATE
2nd Reading Unamended
February 25, 2013

HOUSE
3rd Reading Unamended
February 12, 2013

HOUSE
Amended 2nd Reading
February 11, 2013

which the board has authority to provide for and compel weed and brush removal; except that the board does not have the authority to compel weed and brush removal on agricultural land that is in agricultural use.

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

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

4 **30-15-401. General regulations - definitions.** (1) In addition to
5 those powers granted by sections 30-11-101 and 30-11-107 and by parts
6 1, 2, and 3 of this article, the board of county commissioners has the
7 power to adopt ordinances for control or licensing of those matters of
8 purely local concern that are described in the following enumerated
9 powers:

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

1 or district court having jurisdiction over the property from which weeds
2 and brush shall be removed. Any assessment pursuant to this
3 sub-subparagraph (A) shall be a lien against such property until paid and
4 shall have priority ~~over all other liens except general taxes and prior~~
5 ~~special assessments~~ BASED ON ITS DATE OF RECORDING. A COUNTY SHALL
6 NOT COMPEL THE REMOVAL OF WEEDS AND BRUSH PURSUANT TO THIS
7 SUB-SUBPARAGRAPH (A) UPON ANY LOT OR TRACT OF LAND WITHIN THE
8 COUNTY DURING SUCH TIME THAT A MORTGAGE OR DEED OF TRUST
9 SECURED BY THE LOT OR TRACT OF LAND IS BEING FORECLOSED UPON.

10 **SECTION 2. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly (August
13 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
14 referendum petition is filed pursuant to section 1 (3) of article V of the
15 state constitution against this act or an item, section, or part of this act
16 within such period, then the act, item, section, or part will not take effect
17 unless approved by the people at the general election to be held in
18 November 2014 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.