

MOWING EXEMPTION PERMIT REQUEST

This form is to apply for a permit to exempt a property from mowing in order to allow natural grasses to grow and for erosion control purposes. Please be advised turning in a request form does not guarantee approval. You will receive a letter advising you of acceptance or denial. Denied properties must be mowed within ten (10) days of the denial date. Approved properties shall ensure 150 feet surrounding the property line and any structures remain mowed to a height no more than 6" and no noxious weeds are permitted on the property. Properties with noxious weeds will not be approved for the exemption permit. The permit is valid for ninety (90) days from the date of acceptance. A Non-Refundable \$40.00 application and inspection fee to the Town of Firestone is to be included with this form. Turn in application, non-refundable fee and support information to the Firestone Police Department. Contact the Community Services Division at (303) 833-0811 with any questions.

Applicant Information

Property Owner Name & Address: _____

Owner Phone Number: _____

Lessee Name & Address: _____

Lessee Phone Number: _____

Property Information

Address or Legal Description of the Property: _____

Existing improvements including oil facilities: _____

Reason for variance request: _____

Will there be any impact on the adjacent properties or the Town (if so explain)?: _____

Is the property currently under contract for sell or on the market: _____

If under contract contact information for the buyer: _____

Have you received notification of Noxious Weeds on this property?: _____

If so, have the Noxious Weeds been mitigated?: _____

What are your mitigation plans to prevent Noxious Weeds from growing during the time the property is under the variance?: _____

Applicant Certification

I hereby certify that the information and exhibits here with submitted are true and correct to the best of my knowledge, In submitting the application materials and signing this application, I acknowledge and agree that the application is subject to all the terms and conditions for a Mowing permit process found in title 8.16.020 of the Firestone Municipal Code. I understand that any false statements or omissions may result in the denial or revocation of this variance. I further acknowledge that I have read the applicable regulations attached to this variance request and agree to fully comply with the regulations set forth by the Town of Firestone any terms and conditions imposed by the decision making body as they are related to the permit process.

Applicant Signature: _____ Date: _____

CO Applicant Signature: _____ Date: _____

OFFICIAL USE ONLY

Site Plan Attached?

Approved or Denied

Approved by:

Is property in compliance with Noxious Weed Act?:

Approval Date:

Date property to be mowed:

ORDINANCE NO. 772

AN ORDINANCE AMENDING CHAPTERS 8.12 AND 8.16 OF THE FIRESTONE MUNICIPAL CODE TO REVISE CERTAIN TOWN REGULATIONS REGARDING THE CUTTING OF WEEDS AND BURNING OF IRRIGATION DITCHES WITHIN THE TOWN

WHEREAS, the Board of Trustees has previously adopted regulations requiring the cutting of weeds within the Town, including regulations codified at Chapter 8.16 of the Firestone Municipal Code; and

WHEREAS, the Board of Trustees desires to amend such regulations to remove certain types of vegetation from the cutting requirement and to provide that, upon Town authorization, the cutting of weeds on larger tracts of vacant land can be limited to areas adjacent to property lines, street improvements and oil and gas wells and facilities; and

WHEREAS, the Board of Trustees desires to amend the Town's regulations concerning the burning of irrigation ditches to require that authorization be obtained from the fire district prior to burning and that the burning comply with any applicable state regulations;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO:

Section 1. Subsection D of Section 8.12.020 of the Firestone Municipal Code is hereby amended, and said Section is further amended by the addition of a new Subsection E, to read as follows (words to be deleted are shown in ~~strikeout~~; words to be added are underlined):

8.12.020. Waste material—Removal required—Burning prohibited.

D. It is unlawful for any person, corporation or entity owning, occupying or managing any lot, tract or parcel of land within the town to burn or allow the burning of waste materials, the removal of which is required by this section. ~~The foregoing prohibition shall not apply to the burning of untreated wood in a fireplace or to the burning of operating irrigation ditches. Persons undertaking a ditch burning shall give prior notice to the fire department.~~

E. The prohibition set forth in subsection D of this section shall not apply to the burning of untreated wood in a fireplace or to the burning of operating irrigation ditches, but any person who intends to burn an operating irrigation ditch shall provide notice to the fire district and receive the fire district's authorization prior to burning. A copy of the fire district's authorization shall be provided to the town prior to the commencement of burning. Further, any person engaging in such burning shall comply with any applicable State laws and regulations concerning open burning, including but not limited to any requirement to obtain an open burning permit from the Colorado Department of Public Health and Environment. If such a permit is required, a copy of said permit shall be provided to the town prior to the commencement of burning.

Section 2. Subsection B of Section 8.16.010 of the Firestone Municipal Code is hereby amended to read as follows (words to be deleted are shown in ~~strikeout~~; words to be added are underlined):

8.16.010 Definitions.

When used in this chapter, the following words are defined in addition to their common usage, as set forth below:

...

B. “Grass” means turfgrass and other herbage in general, especially nonwoody vegetation.

Section 3. Section 8.16.010 of the Firestone Municipal Code is hereby amended by the addition of new Subsections 8.16.010.H, I, and J, to read as follows (words to be added are underlined):

8.16.010 Definitions.

When used in this chapter, the following words are defined in addition to their common usage, as set forth below:

...

H. “Ornamental Grass” means grasses generally considered in the landscaping industry in this region to have ornamental qualities, and which typically grow six inches to five feet and do not tolerate being cut below six inches.

I. “Turfgrass” means grasses that are spreading in nature as opposed to a tufted ornamental grass and that endure regular mowing to form a dense growth of leaf blades and root, including any of various grasses such as, but not limited to, Kentucky bluegrass or perennial ryegrass, grown to form turf.

J. “Noxious Weeds” means any plant species that are designated in the Colorado Noxious Weed Act on list A, B, or C, which have been designated by rule as a threat to the economic and environmental value of lands in the State of Colorado.

Section 4. Section 8.16.020 of the Firestone Municipal Code is hereby amended to read as follows (words to be deleted are shown in ~~strikeout~~; words to be added are underlined):

8.16.020 Weeds - Removal required.

It shall be unlawful and is hereby declared a nuisance for any person, corporation or entity owning, occupying or managing any lot, tract or parcel of land within the town:

A. To permit weeds, whether noxious or native, grasses or brush to grow to a height in excess of six inches upon any lot, tract or parcel owned or occupied by such person; however, this six inch limit does not apply to ornamental grass, shrubs, or other plantings (excluding noxious weeds or nuisance brush) that are designed to have a height greater than six inches, including:

1. Trees, bushes, shrubs, flowers; or
2. Any intentionally cultivated agricultural vegetation; or
3. Any vegetation intentionally cultivated or maintained in a clearly defined and physically discrete area for landscaping, ornamental or other aesthetic purposes;

B. To store, keep or permit to remain on any lot, tract or parcel owned or occupied by such person trees, limbs or branches of trees, shrubs or plants, whether alive or dead, which ~~are~~ have been deemed dangerous by the town to safety, health or property;

C. To fail to remove trees, limbs or branches of trees, shrubs or plants, whether alive or dead, which have been deemed dangerous by the town to safety, health or property, together with all rubbish of all kinds, from any lot, tract or parcel owned or occupied by such person;

D. To permit weeds, whether noxious or native, grasses or brush to grow to a height in excess of six inches, to store, keep or permit to remain any trees, limbs or branches of trees, shrubs or plants, whether alive or dead, which ~~are~~ have been deemed dangerous by the town to safety, health or property, or to fail to remove the same together with all rubbish of all kinds, upon and from the area from any lot, tract or parcel owned or occupied by such person to the middle of any alley abutting behind or on the side of the lot, tract or parcel, or upon and from the area from any lot, tract or parcel owned or occupied by such person to the street abutting to the front or on the side of the lot, tract or parcel, such area to include but not limited to the curb, gutter and sidewalk.

E. Any single parcel of three acres or more that has no internal street improvements or internal trail accesses may be granted a seasonal permit exempting the parcel from the requirements of subsection A of this section, pursuant to the procedures set forth in subsection F and subject to the conditions set forth below.

1. Under such permit, the owner and occupant of the parcel may be permitted to keep prairie and native grasses, as used for erosion control purposes, growing in excess of six inches high. The exemption will be limited to only native grass species and areas of the parcel identified within the exemption permit issued pursuant to subsection F.3.a below.

2. An exemption shall not be granted with regard to noxious weeds or nuisance brush.

3. All areas within 150 feet of the property lines of the parcel must be mowed to a height of less than six inches.

4. All areas within 150 feet of any oil and gas well or any oil and gas facility must be mowed to a height of less than six inches.

5. Approved exemption permits will expire 90 days from the date of issuance as indicated on the permit.

6. No more than two exemption permits shall be issued per calendar year.

7. The parcel shall be mowed within five days of the expiration of the exemption permit unless a second permit has been previously approved to run consecutively.

8. The parcel shall comply with all conditions which are attached to the granting the permit and deemed necessary to further the purposes of this chapter.

F. Exemption permit procedures. The owner or occupant of a parcel which qualifies for an exemption permit may seek an exemption from the requirements of subsection A above in the following manner:

1. The chief of police or chief's designee shall decide requests for approval of an exemption permit. An exemption permit request shall be submitted on a form supplied by the police department. The request shall contain the name, address, and contact phone number of the applicant parcel owner and any occupant(s) of the parcel, a correct legal description of the parcel involved, a site plan depicting the exemption requested, the reasons supporting the request, and a description of the land and existing improvements thereon in sufficient detail to enable the reviewing authority to assess with reasonable accuracy the potential impact which the proposed exemption would have on adjacent and nearby properties and on the town as a whole. The request shall be signed by all owners of the parcel involved. If there is pending at the time of the request an outstanding notification to the owner regarding the presence of weeds or

noxious weeds, an exemption request shall not be considered.

2. The request for an exemption permit shall include a non-refundable \$40.00 application and inspection fee payable to the town.

3. The exemption permit request shall be acted upon within a reasonable time, not to exceed 30 days from the date of receipt of a complete request.

a. The chief of police or chief's designee may grant an exemption request by issuing a permit therefor or may deny the request, in which case the reasons for denial shall be stated in a written decision, copies of which shall be filed in the office of the chief of police and mailed to the owner at the address stated on the application. The decision shall be final and not subject to appeal.

b. If the exemption permit request is denied, the parcel must come into compliance with all applicable regulations within ten days from the date of the decision denying the request.

Section 5. Subsection B of Section 8.16.030 of the Firestone Municipal Code is hereby amended, and said Section is further amended by the addition of a new Subsection C, to read as follows (words to be deleted are shown in ~~strikeout~~; words to be added are underlined):

8.16.030. Weeds—Duty to remove—Burning prohibited.

B. It shall be unlawful for any person, corporation or entity owning, occupying or managing any lot, tract or parcel of land within the town to burn or allow the burning of weeds, grasses, brush, trees, limbs, shrubs, plants or rubbish of any other kind, the removal of which is required by this section. ~~The foregoing prohibition shall not apply to the burning of untreated wood in a fireplace, or to the burning of operating irrigation ditches. Persons undertaking a ditch burning shall give prior notice to the fire department.~~

C. The prohibition set forth in subsection B of this section shall not apply to the burning of untreated wood in a fireplace or to the burning of operating irrigation ditches, but any person who intends to burn an operating irrigation ditch shall provide notice to the fire district and receive the fire district's authorization prior to burning. A copy of the fire district's authorization shall be provided to the town prior to the commencement of burning. Further, any person engaging in such burning shall comply with any applicable State laws and regulations concerning open burning, including but not limited to any requirement to obtain an open burning permit from the Colorado Department of Public Health and Environment. If such a permit is required, a copy of said permit shall be provided to the town prior to the commencement of burning.

Section 6. If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Board hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 7. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 8. The repeal or modification of any provision of the Municipal Code of the Town of Firestone by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

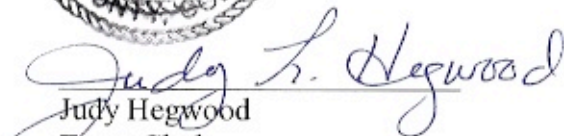
INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL this 10th day of March, 2011.

TOWN OF FIRESTONE, COLORADO



Chad Auer
Mayor





Judy Hegwood
Town Clerk