

STATE OF COLORADO)
)SS Resolution # 2004-033
COUNTY OF OURAY) (Amendment to Resolution No. 2002-017)

At a regular meeting of the Board of the County Commissioners for Ouray County, Colorado, held at the Ouray County Courthouse, on the _____ day of August, 2004, there were present:

Tom Hollenbeck, Chairman
Bill Ferguson, Commissioner
Don Batchelder, Commissioner
Connie Hunt, Administrator

when the following proceedings, among others, were had and done, to wit:

WHEREAS, the Board of County Commissioners adopted a County Noxious Weed Management Plan (“Plan”) dated March 2002 pursuant to the Colorado Noxious Weed Act, Title 35, Article 5; and

WHEREAS, 35-5-101 C.R.S. et seq. sets forth the procedures to be followed to ensure the proper management of noxious weeds; and

WHEREAS, the Ouray County Weed Management Board recommends revisions to the Plan to ensure management of noxious weeds on private lands; and

WHEREAS, the Board of County Commissioners has determined that due to the continual spread of noxious weeds, especially leafy spurge, and current weather conditions, the Ouray County area faces a present and imminent threat to the continued economic and environmental value of land within Ouray County by the spread of noxious weeds; and

WHEREAS, the Ouray County Board of County Commissioners finds that additional procedures to stop, prevent and/or control the spread of noxious weeds within the unincorporated territory of Ouray County is necessary to protect the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Resolution No. 2002-017 is hereby amended to add Section IX to read as follows:

IX. Individual Management Plan and Enforcement

In an effort to support and accomplish goals of the Ouray County Noxious Weed Plan, most specifically goals 1 and 2, individuals may be required to comply with an “Individual Management Plan”. Those who may be required to comply with an individual management plan are:

1. Any landowner who has been notified by the County of the presence of leafy spurge on his/her property; or
2. Any landowner who has been notified by the County that there exists on his/her property an infestation of noxious weeds, as listed on the Ouray County Noxious Weed List, that in the opinion of the County presents an immediate or short-term likelihood of spreading to other properties.

After formal notification by the County that one of the two previous conditions exists, the landowner of such property shall be deemed to be responsible for an individual management plan. The primary component of this plan is to institute integrated management of the weeds on the property such that the following two objects are met annually:

1. The weeds shall not be allowed to produce seed or develop other reproductive propagules; and
2. The population of the weeds is diminished by half each year.

In the event a landowner fails to proceed with an individual management plan and/or fails to meet the two objectives, the County has and may exercise the authority to cause the two objectives to be met and collect the costs plus twenty percent from the landowner pursuant to C.R.S. 35-5.5-109(5)(a)(II).

The specific process to be followed by the County, requiring an individual management plan and the rights of appeal for the landowner are as outlined in 35-5.5-109 C.R.S., as may be amended from time to time.

As the State Commissioner develops rules and regulations pertaining to the management of weeds, the more stringent standard or that standard more likely to achieve the desired results, in the event of a conflict between State law and County Weed Management Plan, shall be the governing rule or regulation.

This Resolution shall take effect immediately upon its adoption.

Executed this _____ day of August, 2004

THE BOARD OF COUNTY COMMISSIONERS OF
OURAY COUNTY, COLORADO

BY: _____
Tom Hollenbeck Chairman,
Board of County Commissioners

ATTEST:

STATE OF COLORADO)

)SS.

COUNTY OF OURAY)

I, Linda Munson-Haley, Deputy County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid, do hereby certify that the annexed and foregoing Resolution is truly copied from the records of the Proceedings of the Board of County Commissioners for said Ouray County, now in my office.

IN WITNES WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Ouray, this _____ day of _____, A.D. 2004.

Linda Munson-Haley, County Clerk & Recorder