

ARTICLE VIII. WEED AND LITTER ABATEMENT*

***Editor's note:** Ord. No. 2009-7, §§ 1--6, adopted May 12, 2009, eff. June 11, 2009, did not specifically amend the Code; hence, inclusion herein as Art. VIII, §§ 30-301--30-306, was at the discretion of the editor. See also the Code Comparative Table.

Sec. 30-301. Short title.

[This article shall be known as the] **Weed** and Litter Abatement **Ordinance**.
(Ord. No. 2009-7, § 1, 5-12-09, eff. 6-11-09)

Sec. 30-302. Purpose.

This article is intended to promote the general health, safety, and welfare of the people of the unincorporated areas of Bernalillo County by protecting their lives and property from fire hazards arising from the maintenance, accumulation or storage of noxious **weeds** and other rank vegetation plants as well as litter. This article intent is further advanced by regulation of **weed** growth on streets, sidewalks or private property. This article shall be known as the Bernalillo County **Weed** and Litter Abatement **Ordinance**.
(Ord. No. 2009-7, § 1, 5-12-09, eff. 6-11-09)

Sec. 30-303. Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Assessor means the elected official responsible for effecting the valuations of real properties in Bernalillo County to be used for the assessment of property taxes.

Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

Litter means garbage, refuse or rubbish as defined herein and all other waste material, which if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, and welfare.

Owner means any owner, tenant, agent, lessee, occupant, or person in charge of any lot, parcel, tract or piece of land.

Refuse includes, but is not limited to, all putrescible and nonputrescible solid wastes (except body wastes) such as garbage, rejected or waste food, swill, carrion, ashes, dirt, slop, waste paper, trash, rubbish, waste and street clearings.

Rubbish includes but is not limited to all nonputrescible solid wastes (excluding ashes), both combustible and noncombustible, such as paper, cardboard, cans, wood, yard clippings, leaves, dirt, glass, bedding, crockery, and similar materials.

Weed means an economically useless plant; a plant of unsightly appearance; a tree or shrub of low economic value that tends to grow freely; a form of vegetable life of exuberant growth and injurious effect.

(Ord. No. 2009-7, § 3, 5-12-09, eff. 6-11-09)

Sec. 30-304. Penalties.

Except as provided in this article, violations of this article are punishable as provided in Section 1-6 of this Code. Each day such violation is committed or permitted to continue shall be considered a separate offense and shall be punished as such.

(Ord. No. 2009-7, § 4, 5-12-09, eff. 6-11-09)

Sec. 30-305. Violations.

(a) *Weeds*.

(1) It shall be unlawful for any owner to allow the accumulation and/or outgrowth of **weeds** on any lot, parcel, tract or piece of land less than two acres in area under the owner's control or possession, or upon any alley or sidewalk adjacent to such lot, parcel, tract or piece of land.

(2) It shall be unlawful for any owner to allow the accumulation and/or outgrowth of **weeds** on any lot, parcel, tract or piece of land greater than two acres in area under the owner's control or possession unless there is a strip of land (firebreak), 20 or more feet in width, on the boundaries of said lot, parcel, tract or piece of land, cleared of all **weeds**. The county manager or designee may require firebreaks greater than 20 feet in width or the disking of an entire lot, parcel tract or piece of land when he/she deems it necessary for the protection of public health, safety or welfare.

(b) *Litter*. It shall be unlawful for any owner to allow the accumulation of litter on any lot, parcel, tract or piece of land.

(Ord. No. 2009-7, § 5, 5-12-09, eff. 6-11-09)

Sec. 30-306. Notice.

(a) Upon a determination of probable cause that a violation of the **Weed** and Litter Abatement **Ordinance** has occurred; the county manager or designee shall provide a notice of violation by posting a copy thereof in a conspicuous place on the property containing the violation. A copy shall also be either personally delivered to the owner or sent via first class mail to the owner's mailing address as listed in the records of the Bernalillo County Assessor's Office and to the mailing address of the property in question if one exists.

(b) The notice of violation shall describe the nature of the violation and shall require that the violation be corrected within ten days after the date of the notice. The notice of violation may require that the violation be corrected within a period of time of less than ten days if the county manager or designee determines, in his or her sole discretion, that the violation presents an immediate risk to the public health, safety or welfare.

(c) Any extension of time for the deadlines set forth in the previous subsection shall be valid on if granted in writing from the county manager or designee.

(d) If any violation is not corrected within the time period established by the notice of violation or by written extension of time, the county manager or designee may institute a criminal or civil proceeding with a court of competent jurisdiction, including the issuance of a temporary restraining order and/or injunction.

(Ord. No. 2009-7, § 6, 5-12-09, eff. 6-11-09)