

**ORDINANCE 20-2018**

**THE BOARD OF COUNTY COMMISSIONERS OF THE  
COUNTY OF ARCHULETA, STATE OF COLORADO**

**AMENDED AND RESTATED ORDINANCE 20-2018 OF THE  
ARCHULETA COUNTY NOXIOUS WEEDS ORDINANCE**

**WHEREAS**, in Archuleta County, Colorado (the “County”), noxious weeds are, or may in the future be detrimental to the public health, safety, welfare and comfort of the citizens of Archuleta County; and

**WHEREAS**, noxious weeds have been demonstrated to bring harm to agriculture, public health, navigation, irrigation, natural resources, or the environment;

**WHEREAS**, the Board of County Commissioners of Archuleta County, Colorado (the “Board”) approved and adopted the Archuleta County Integrated Pest Management Plan (“IPM”) through Resolution 2017-54 on October 17, 2017; and

**WHEREAS**, the Colorado Noxious Weed Act (the “CNWA”) and the Plant Protection Act (the “PPA”) (collectively, the “Acts”) require the management of all noxious weeds on public and private land.

**NOW, THEREFORE**, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ARCHULETA, STATE OF COLORADO, THAT ORDINANCE 20-2018 BE AMENDED AND RESTATED IN ITS ENTIRETY AS FOLLOWS:

**SECTION 1**  
**NAME**

**1.0** This Ordinance shall be titled the “Archuleta County Noxious Weeds Ordinance”.

**SECTION 2**  
**PURPOSE & SCOPE**

**2.0** The Board of County Commissioners of Archuleta County is charged with providing a comprehensive mechanism for identifying, abating and compelling the integrated management and control of noxious weeds.

**2.1** Pursuant to the Colorado Noxious Weed Act, Section §35-5.5-105, the Board of County Commissioners of Archuleta County has the authority to adopt ordinances for the control of those matters of purely local concern, including compelling and providing for the removal of noxious weeds within unincorporated Archuleta County.

**2.2** This Ordinance shall apply to all property within the unincorporated territory of Archuleta

County, Colorado.

**2.3** Any condition which would constitute a violation, but is duly authorized under any other County, State or federal law, is and shall be an affirmative defense to prosecution.

**2.4** Where possible, the County, through the Enforcement Officer(s) or designee, shall consult with the affected Owner or occupant in the development of a management plan for the abatement of noxious weeds on the premises or Parcel.

### **SECTION 3** **DEFINITIONS**

**3.0** “Abatement” as used herein means the removal or destruction of all present noxious weeds under the definition of the Ordinance, whether by removal and proper, legal disposal, or other plan of mitigation acceptable to the County and in conformance with this Ordinance.

**3.1** “Agricultural Land” as used herein means Agricultural land as that term is defined at C.R.S. §39-1-102(1.6) as amended from time to time.

**3.2** “Archuleta County Integrated Pest Management Plan” (“AC-IPM”) means the guide for noxious weed control that was developed by the Local Weed Advisory Board that seeks methods which are least environmentally damaging and most practical and economically reasonable to be referred to in County Weed and Pest operations. Methods of control include cultural, mechanical, biological and chemical controls to eradicate and manage noxious weeds. The Local Weed Advisory Board is comprised of landowners’ representatives of ownership in Archuleta County and have elected a chairman and secretary.

**3.3** “Board” as used herein means the Board of County Commissioners for Archuleta County, Colorado.

**3.4** “County” as used herein means Archuleta County, Colorado.

**3.5** “Enforcement Officer(s)” as used herein means that County employee(s) responsible for enforcement of this Ordinance. The County Weed and Pest Supervisor, the CSU Extension Director and/or the authorized County Code Enforcement Officer(s) shall act as the Enforcement Officer(s) as they shall have demonstrated prior experience in the area of code or law enforcement and have a full working knowledge of this Ordinance.

**3.6** “Integrated Pest Management Plan” (“IPM”) means the guide for noxious weed control developed by a landowner or a group of landowners that seeks methods which are least environmentally damaging and most practical and economically reasonable. Methods of control include cultural, mechanical, biological and chemical controls to eradicate and manage noxious weeds.

**3.7** “Management” as used herein means the control of noxious weeds via removal of existing plants, the reduction of reproductive success, and chemical treatment as suggested by the AC-IPM.

**3.8** “Noxious Weed(s)” as used herein means a plant which has been designated illegal by the Colorado Department of Agriculture or the Archuleta County Local Weed Advisory Board via the Integrated Weed Management Plan. Noxious weeds are defined by the Plan Protection Act as bringing harm to agriculture, public health, navigation, irrigation, natural resources, or the environment. Provided further, Noxious Weeds include an alien plant or parts of an alien plant that have been designated by rule as being noxious or have been declared a noxious weed by the Board, and meets one or more of the following criteria: (a) aggressively invades or is detrimental to economic crops or native plant communities; (b) is poisonous to livestock; (c) is a carrier of detrimental insects, diseases, or parasites; (d) has a direct or indirect detrimental effect on the environmentally sound management of natural or agricultural ecosystems.

**3.9** “Noxious Weed Population” as used herein means a group of designated noxious weeds of the same species occupying a particular geographic region and capable of interbreeding.

**3.10** “Owner” as used herein means the owner of record of a Parcel or any person with legal, financial or equitable interest in real property subject to these regulations and on which the alleged noxious weed activity exists at the time of the violation.

**3.11** “Parcel” as used herein shall mean a tract or plot of land; a contiguous area of land, except for intervening easements or rights of way with a continuous boundary defined either by: a) an Aliquot part of a section; b) a metes and bounds description; c) a book and page or reception number reference; or, d) any so called “assessors tract”, all of which above shall require the description of the parcel or a Surveyor’s Plat describing the parcel having been recorded in the office of the Clerk and Recorder of Archuleta County, Colorado, at which a population of noxious weeds is alleged to exist.

**3.12** “Posted” as used herein means sending a Notice of Violation to the Owner via Certified Mail and/or placed on the Parcel in a visible and conspicuous place.

**3.13** “Title Record Owner” shall mean that person(s) that is the owner of record of the real property in question.

#### **SECTION 4** **RESPONSIBILITY FOR MAINTENANCE**

**4.0** Applicability. Every Owner of a parcel of real property within Archuleta County is required to manage noxious weed populations on their Parcel, as defined herein.

#### **SECTION 5** **COMPLAINTS**

**5.0** Complaints from the Public. Any person may file a complaint alleging a violation of this Ordinance. Such complaint shall be in writing and signed by the complainant. The County shall not be obligated to investigate anonymous complaints or complaints not filed in writing. All complaints will automatically grant permission to the Enforcement Officer(s) to inspect the complainant’s property before conducting an inspection of the property with the alleged violation.

**5.1** Enforcement Officer(s). The Enforcement Officer(s) designated by the County under separate

Resolution may act to investigate any complaint when provided with information by: a) law enforcement; b) health services; c) other governmental and quasi-public entities; d) where there is reasonable information to believe that a violation affecting public health, safety, or welfare exists; e) where in the normal conduct of their duty, the Enforcement Officer(s) become aware of a potential violation; or f) upon receipt of a complaint from one or more members of the public.

**5.2** Documentation of Complaints. All complaints shall be logged and recorded on written forms approved by the County.

**5.3** Complaints Maintained Consistent with Retention Policy. All complaints will be maintained consistent with the Archuleta County Records Retention Policy.

## **SECTION 6** **INSPECTION**

**6.0** Procedures for Inspection. Except as provided pursuant to Section 35-5.5-104.5(1)(a) of the Colorado Noxious Weed Act, properties affected by a Noxious Weed Population are subject to inspection, and if necessary, to enforcement pursuant to Section 11, when at least one of the following events has occurred:

- (a) The affected Owner has requested the inspection;
- (b) A neighboring landowner or occupant has reported a suspected Noxious Weed Population and requested an inspection; or
- (c) The Enforcement Officer(s) or designee or other authorized agent of the County or the Board, has made a visual observation from a public right-of-way or area and has reason to believe that a Noxious Weed Population exists.

**6.1** No Verbal Permission. If verbal permission to inspect the land by the affected Owner is not obtained, no entry upon any premises, lands, or places shall be permitted until the County has notified the affected Owner that such inspection is pending by Mail or Posted Notice if the Owner's mailing address is within the United States or mailed in a comparable manner to an Owner whose mailing address is outside of the United States. Where possible, inspections shall be scheduled and conducted with the concurrence of the affected Owner or occupant. The County may notify an affected Owner in an electronic format, in addition to notice by Mail or Posted Notice. Nothing shall require the County to send a noxious weed inspection notification or any other notification required under this Section 6 to all Owners or occupants of a Parcel. Mailing to at least one Owner or occupant of the affected Parcel is sufficient.

**6.1.1** If after ten (10) days from the date of the County providing notification with no response from the affected Owner, or upon denial of access before the expiration of ten (10) days, the Enforcement Officer(s) or designee may seek an inspection warrant issued by a county or district court having jurisdiction over the land. The court shall issue an inspection warrant upon presentation by the County of an affidavit containing:

- (a) The information that gives the Enforcement Officer(s) or designee reasonable

cause to believe that there is or has been a violation of any provision of this Section 6, of any requirement related to the eradication of any Noxious Weeds designated for eradication under the Acts and/or the AC-IPM and/or Section 8 of this Ordinance, below;

- (b) A statement that the affected Owner has failed to respond or the Owner or occupant has denied access to the Enforcement Officer(s) or designee; and
- (c) A general description of the location of the affected land.

**6.1.2** No affected Owner or occupant shall deny access to the Enforcement Officer(s) or designee or other authorized agent of the County or the Board in possession of an inspection warrant. If the Owner or occupant is not present at the time of the inspection as provided in the warrant, the Enforcement Officer(s) or designee may proceed with the inspection, and shall post a copy of the warrant on the Parcel at the time of the inspection.

**6.1.3** An affected Owner shall notify any lessee or occupant of land subject to inspection and enforcement under this Section 6 of all notices of inspection and eradication efforts as soon as practicable.

**6.2** Documentation. The Enforcement Officer(s) shall maintain a detailed record of all findings, including time, date, persons spoken to and titles or agency (if applicable), photographs and copies of any maps, ordinances, or other materials relevant to the inspection.

## **SECTION 7** **NOTIFICATION PROCESS**

**7.0** Noxious Weed Declared. If, after inspecting the Parcel, a Noxious Weed Population is determined to exist, as defined within this Ordinance, then the following abatement procedures shall be followed.

**7.1** Notice. A written Notice of Violation (hereinafter “NOV”) that a documented Noxious Weed Population exists shall be prepared by the designated Enforcement Officer(s) and the NOV shall be Posted at the Parcel, mailed to the Title Record Owner at the address listed in the records of the Archuleta County Assessor’s office and to the mailing address of the Parcel if such address is different from the address in the Assessor’s records. Said mailed NOV’s should be sent by Mail if the mailing address is within the United States or mailed in a comparable manner if the mailing address is outside of the United States.

**7.2** Service Defect Not Fatal. Failure or refusal of the occupant or Owner to receive the NOV does not affect the right of the County to seek abatement, prosecution or any other remedy.

**7.3** Contents of Notice. The NOV shall, at a minimum, contain the following:

- (a) A description of the alleged Noxious Weed Population.
- (b) The general location of the alleged noxious weed.

- (c) The date the noxious weed was discovered.
- (d) A description of the integrated weed management techniques prescribed by the State.
- (e) A statement setting forth the requirements to abate the violation and the date by which abatement must occur which shall not be less than thirty (30) days from the date of issuance of the NOV.
- (f) The penalties for failure to abate the alleged violation.
- (g) The contact person for the County and contact information for appealing the NOV or obtaining additional information.
- (h) A statement that the recipient of the NOV may appeal the NOV and a description of how to appeal the NOV.

**7.4** Within ten (10) days after the County mails the notification to eradicate required in this Section 7, the Owner shall comply with the terms of the notification or submit an acceptable management plan and schedule to the County for the completion of the specified management objective.

**7.5** For purposes of this Section 7, the date of receipt shall be the third day after the date on which the notification is mailed, excluding postal holidays.

**7.6** Once a noxious weed management notification has been sent or a final management plan established under this Section 7, the Enforcement Officer(s) or designee shall have the right to perform routine inspections of the Parcel during regular County business hours, upon giving reasonable prior notice to the responsible Owner or occupant, until the level of management specified in the management plan is achieved. Once the Enforcement Officer(s) or designee determines that the required level of management has been achieved, the Enforcement Officer(s) or designee shall notify the Owner or occupant of that fact, and that compliance with the management plan is no longer required, although it may be encouraged.

## **SECTION 8** **ABATEMENT**

**8.0** Remedies of Law. Consistent with this Ordinance, failure to respond or comply with a NOV shall result in the seeking by the County or its designated agents, of any and all permissible remedies under the law to abate the conditions which constitute the noxious weed violation, as identified in the NOV and may include:

- 8.0.1** Seeking a complaint by the Sheriff's Office to be served upon the Owner and/or parties identified in the NOV.
- 8.0.2** Requesting the court to award an administrative entry and seizure warrant for the County to execute or to contract to execute abatement of the violations.
- 8.0.3** Any and all other remedies applicable to the condition to be abated/remediated and consistent with and permissible under the laws of Archuleta County, the State of Colorado and the United States Government.

**8.1** Responsible Parties. The Title Record Owner of the Parcel, premises, location or structure at the

time of a NOV shall be responsible for complying with the NOV, and will be liable for any costs incurred by the County therewith, notwithstanding the fact that an interest in said Parcel is transferred to any other party(ies) after such NOV is issued.

**8.2** Abandonment Vacancy not a Defense. It shall not be a defense if a determination is made where a Noxious Weed Population exists when the Parcel is vacant, abandoned, foreclosed, under contract, boarded up or otherwise enclosed, unoccupied or encumbered.

**8.3** The County shall not provide for or compel the management of an identified Noxious Weed Population on private or public property without first applying the same measures to any land or rights-of-way owned or administered by the County that are adjacent to the Parcel.

**8.4** Once a Notice of Abatement has been duly issued, the County, through its Enforcement Officer(s) or designee or other authorized agent shall have the right to enter upon any premises, lands, or places during reasonable business hours for the purpose of ensuring compliance with the requirements of the notice concerning noxious weed abatement.

**8.5** If, in the opinion of the Board, the County fails to adequately perform any of the duties set forth in this Ordinance, the Board is authorized to conduct any of the functions or duties of the County pursuant to this Section.

**8.6** The Board or the County may require the affected Owner to pay fines in the amount of \$100 per day for noncompliance.

**8.7** Affected Owners may apply to the Board for a waiver of compliance with an abatement designation or other obligation related to specified abatement requirements in accordance with Section 35-5.5-108 (2.7) of the CNWA and the associated rules promulgated by the Board, specifically the Archuleta County Integrated Pest Management Plan, as amended from time to time.

**8.8** For the purposes of this Section 8, an “occupant” shall not include the owner of an easement or right-of-way.

**8.9** Required Integrated Management Plans on Private Properties. Whenever an inspection shows the presence of a Noxious Weed Population which has been designated by the County (vs. the State) for eradication, or designated for management objectives other than eradication, on private property, the Enforcement Officer(s) or designee shall determine whether an AC-IMP should be required to control the infestation. The Enforcement Officer(s) or designee may consult with the Agricultural Extension Agent in making this determination. If the Enforcement Officer(s) or designee determines that an AC-IMP should be required, it shall send a noxious weed management notification to the Owner or occupant advising the Owner or occupant of the following:

- (a) The presence of noxious weeds including the names of the noxious weeds (common and scientific) found on the property;
- (b) The requirement to manage the noxious weeds found on the property;
- (c) A plan setting forth the required, best available integrated management methods or techniques for controlling the noxious weeds found on the property;
- (d) A statement that if the Owner or occupant does not comply with the management

- notification, the Board may authorize the County to undertake the required management and bill the Owner or occupant, without further prior notice; and
- (e) That the Owner is responsible and shall take all necessary measures to prevent the dispersal of seed.

Where possible, the Enforcement Officer(s) or designee shall consult with the Owner or occupant in determining the appropriate AC-IMP for the Parcel prior to mailing the noxious weed management notification. Nothing shall require the Enforcement Officer(s) or designee to send a noxious weed management notification to all Owners or occupants of a Parcel. Mailing to at least one Owner or occupant of the affected Parcel is sufficient.

No later than ten (10) calendar days after receipt of the noxious weed management notification required in this Section 8, the Owner or occupant shall do one of the following:

- (a) Comply with the terms of the notification;
- (b) Acknowledge the terms of the notification by submitting to the Enforcement Officer(s) or designee an affirmation that the required AC-IMP will be implemented along with an acceptable schedule for completion; or
- (c) Submit a request for an arbitration panel to determine the final management plan, which panel shall be constituted as required under C.R.S. § 35-5.5-109(4)(b) and as more fully described in Section 9.3 below.

**8.10** If the responsible Owner or Occupant does not comply with this Section 8, fines will be levied starting at \$100 per day.

- (a) The Board shall not direct the Enforcement Officer(s) or designee or any duly retained contractor to initiate implementation of the noxious weed management plan unless the Board determines that the County has first applied the same or greater management to any land or rights-of-way which it owns or controls directly adjacent to the affected property. In addition, in considering whether to authorize implementation of the noxious weed management plan on property adjacent to exempt municipal lands, the Board shall determine whether such response will be beneficial in light of the status of noxious weed management on the exempt lands.
- (b) If the Board directs the Enforcement Officer(s) or designee to initiate implementation of the noxious weed management plan, the Weed and Pest Supervisor or designee shall request the County Finance Director to bill the responsible Owner or occupant for the County's entire incurred costs, including up to 25 percent (25%) for inspection and other incidental cost in connection with the implementation. No such request for payment shall be made until the Enforcement Officer(s) or designee determines that the implementation undertaken by the County or its independent contractor has successfully achieved the result or response called for in the required noxious weed management plan.
- (c) If the County bills the responsible Owner or occupant and the bill is not paid in full within ninety (90) days, the Board may certify any unpaid amount to the County Treasurer, by action taken at a regularly scheduled public meeting of which the Owner or occupant need not receive prior notice. Upon such certification, this amount shall be a lien against the lot



or tract of land on which noxious weeds are found until paid, and shall have priority over all other liens except general taxes and prior special assessments. Any funds collected pursuant to this section shall be deposited in the County's weed fund or any similar fund. The County shall levy no tax lien against land which it administers as part of a public right-of-way.

## **SECTION 9** **APPEAL**

**9.0** Procedure to Appeal to Enforcement Officer(s). The Owner of the identified Parcel may, in writing, contest or provide written explanation to the Enforcement Officer(s) or propose a detailed plan and time frame to abate the violation.

**9.1** Service of Appeal to Enforcement Officer(s). All appeals must be either hand delivered to the Archuleta County Weed and Pest Department or sent to that office by Registered Mail. Such appeals must be served on the Archuleta County Weed and Pest Department on or before twenty (20) days following service of the NOV on the Owner.

**9.2** Determination of Appeal to Enforcement Officer(s). The Enforcement Officer(s) shall provide a written response and deposit such response in the United States Mail by Registered Mail within ten (10) days after receiving the explanation or plan from the cited party.

**9.2.1** The response by the Enforcement Officer(s) may include, based upon a proposed abatement plan, an extension of the period allowed for abatement or may present a counter-proposal to the Parcel's Owner to secure abatement.

**9.3** Arbitration. In the event Owner or occupant requests for an arbitration panel to determine the final management plan, the following procedures will be followed.

- (a) The arbitration panel selected by the County shall be comprised of a weed management specialist or weed scientist, a landowner of similar land in the county, and a third panel member chosen by agreement of the first two panel members. The Owner or occupant shall be entitled to challenge any one member of the panel, and in that event the County shall name a new panel member from the same category. The decision of the arbitration panel shall be final. The Owner or occupant shall be responsible for all costs associated with convening the arbitration panel.
- (b) If the Owner or occupant chooses to exercise the right to challenge any one of the proposed arbitration panel, the Owner or occupant shall do so by filing a written challenge with the Enforcement Officer(s) or designee no later than three (3) calendar days after receiving written notice from the Enforcement Officer(s) or designee proposed panel. The Owner or occupant shall be entitled to only one such challenge. The challenge shall specify the member being challenged and the reason for the challenge, and shall provide the names, addresses and telephone number(s) of two proposed panel members to substitute for the challenged member who meets the required qualifications for that member. The Enforcement Officer(s) or designee shall agree to one of these two proposed members unless the Enforcement Officer(s) or

designee believes that neither of the tow is sufficiently qualified or objective, and shall mail written notice of the final chosen panel to the Owner or occupant.

- (c) The Enforcement Officer(s) or designee shall convene the arbitration panel at the soonest possible date after the challenge deadline has passed. The arbitration panel shall render its decision on the required management plan no later than one (1) calendar week after the date on which the panel convenes, unless the Enforcement Officer(s) or designee agrees to a longer time; or
- (d) Submit a sworn (notarized) statement to the Enforcement Officer(s) or designee stating that the Owner or occupant noticed does not have surface control over the Parcel for noxious weed management purposes; providing the basis for this conclusion and attaching any relevant documentation (such as a deed, lease, easement, or other proof of agreement); and supplying the name and current mailing address of the Owner or occupant who does have surface control over the parcel for noxious weed management purposes. The Enforcement Officer(s) or designee shall then mail the notice to the latter identified Owner or occupant, as provided above. However, in the event that the latter identified Owner, or occupant disclaims control over the surface, or a dispute arises over the identity of the responsible Owner or occupant for noxious weed management purposes, the Enforcement Officer(s) or designee shall have the discretion to determine, based on the information available, which Owner or occupant should reasonably be held responsible for noxious weed management.

**9.4** Stay of Enforcement. No action shall be taken regarding the NOV during any period between the filing of an appeal and/or request for an arbitration panel and service of the determination of the appeal or arbitration panel. Provided, however, the fact that an appeal or abatement plan was being processed shall not be ground for defense or failure to abate within the required thirty (30) days.

**9.5** Extensions. Extensions or agreements granted shall not be deemed a dismissal of the original NOV and any failure to complete the terms of the extension or abatement agreement can result at the sole discretion of the Enforcement Officer(s) in reinstating the timeframe for the original NOV.

**9.5.1** Only the Enforcement Officer(s) signing the NOV, or their replacement shall be authorized to grant extensions of an original NOV.

**9.5.2** All stays or extensions and dismissals of NOV must be in writing to be valid under this Ordinance.

**9.6** Failure to Satisfy Notice of Violation (NOV). Failure to respond to the NOV within the thirty (30) days allowed within the Ordinance or failure to provide or adhere to the terms of an abatement plan or extension granted in writing by the Enforcement Officer(s) shall be deemed as failure to abate. In such cases, the Enforcement Officer(s) shall submit the NOV in accordance with County procedures, for prosecution as a violation of law for appearance before the appropriate court or whatever other remedies the County may pursue.

**SECTION 10**  
**ENFORCEMENT/PENALTIES**

**10.0** Criminal Prosecution. Upon discretion of the County, a criminal prosecution may be brought against the Owner in accordance with C.R.S. §30-15-402 and 410.

**10.0.1** Summons and Complaint. A summons and complaint may be issued by the County Sheriff or his deputies upon receipt of a sworn statement.

**10.0.2** Fine. Violation(s) of the provisions of this Ordinance shall be punishable by a fine of \$100 per day.

**10.0.3** How Paid. All fines, inspection fees, costs and forfeitures (except surcharges) for the violation of these regulations shall be paid to the Treasurer of Archuleta County not later than thirty (30) days after imposition.

**SECTION 11**  
**ADDITIONAL REMEDIES**

**11.0** Supplement to Existing Law. The remedies provided for are supplemental and complementary to all of the provisions of this Code, and State and Federal law, and nothing herein shall be read, interpreted or construed in any manner to limit any existing right or authority of the County to abate and compel removal of any and all noxious weeds.

**11.1** Cumulative. The remedies provided in these regulations shall be cumulative and in addition to any other remedies, which may be available to the County, including but not limited to injunctive actions. Nothing contained herein shall be construed to preclude the Board of County Commissioners from seeking such other remedies in addition to, or in lieu of, the remedies herein specified.

**SECTION 12**  
**MISCELLANEOUS**

**12.0** Period of Public Education Requirement. The Archuleta County Weed and Pest Department shall, upon passage of this Ordinance, coordinate a period of public education and information regarding the Ordinance, as well as to publicize legal and available means of disposal of all noxious weeds and shall meet with currently known potential violators to recommend and coordinate possible mutually acceptable remedies in advance of implementation.

**12.1** Evaluation and Monitoring. The Archuleta County Weed and Pest Department shall coordinate and cause to be implemented, in conjunction with the Noxious Weed Ordinance Enforcement Officer(s), a one-hundred and eighty (180) day evaluation of the performance of the Ordinance and shall report to the Board of County Commissioners with its findings and any recommendations for the amendment of the Ordinance.

**12.1.1** At least two (2) subsequent six (6) month reviews shall also be conducted and reported to the Board of County Commissioners.

**12.1.2** All evaluations and monitoring shall endeavor to include any effected metro districts, home owners associations and other citizen representation by effected property owners and areas of enforcement, and shall include the opinions of participating residents in its findings.

**12.2** Safety Clause. The Board of County Commissioners hereby finds, determines and declares that these regulations are necessary for the health, safety and welfare of the citizens of Archuleta County, Colorado.

**12.3** Severability. If any section, subsection, clause or phrase is, for any reason, held to be invalid, such holding shall not affect the validity of the remaining portions of these regulations.

**12.4** Conflicting Provisions. Where any provision of these regulations conflict with any other provision of these regulations, or any other law, the more stringent requirement, regulation, restriction or limitation shall apply.

**SECTION 13**  
**EFFECTIVE DATE**

**13.0** This Ordinance shall be effective thirty days after publication pursuant to C.R.S. § 30-15-405.

**SECTION 14**  
**CERTIFICATION**

**14.0** The County Clerk shall certify to the passage of this Ordinance and make it available for inspection by the public during regular business hours.

INTRODUCED, READ AND ORDERED PUBLISHED BY THE BOARD OF COUNTY COMMISSIONERS OF ARCHULETA COUNTY, STATE OF COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD ON THE 18<sup>th</sup> DAY OF JANUARY, 2022.

BOARD OF COUNTY COMMISSIONERS OF  
ARCHULETA COUNTY, STATE OF  
COLORADO

By: \_\_\_\_\_  
Alvin Schaaf, Chair

I hereby certify that the above Ordinance was introduced to the Board of County Commissioners of Archuleta County, State of Colorado, at its meeting of January 18, 2022 and ordered published one time in full in *The Pagosa Sun* newspaper and on the County website on \_\_\_\_\_, 2022.

ATTEST:

By: \_\_\_\_\_  
Kristy Archuleta

FINALLY ADOPTED, PASSED, APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED PUBLISHED BY TITLE ONLY, IN *THE PAGOSA SUN* NEWSPAPER AND ON THE COUNTY WEBSITE, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS MEETING HELD ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2022, BY A VOTE OF \_\_\_\_ IN FAVOR AND \_\_\_\_ AGAINST.

BOARD OF COUNTY COMMISSIONERS OF  
ARCHULETA COUNTY, STATE OF  
COLORADO

By: \_\_\_\_\_  
Chair

I hereby certify that the above Ordinance was finally adopted by the Board of County Commissioners of Archuleta County, State of Colorado, at its meeting of \_\_\_\_\_, 2022 and ordered published one time by title only in *The Pagosa Sun* newspaper and on the County website on \_\_\_\_\_, 2022.

ATTEST:

By: \_\_\_\_\_  
Kristy Archuleta

Published in full on the Archuleta County website, [www.archuletacounty.org](http://www.archuletacounty.org) on \_\_\_\_\_, 2022.

By: \_\_\_\_\_  
Mary Helminski, Paralegal