

ORDINANCE O-2024-

A BILL FOR AN ORDINANCE AMENDING TITLE 9, CHAPTER 13.24, AND SECTION
2.97.010 OF THE LONGMONT MUNICIPAL CODE CONCERNING PROHIBITING
ALLEYWAY OBSTRUCTIONS TO ENSURE ACCESS TO CITY SERVICES

THE COUNCIL OF THE CITY OF LONGMONT, COLORADO, ORDAINS:

Section 1

The Council amends Title 9 of the Longmont Municipal Code by adding the following
chapter:

Chapter 9.80 – Alleyway Obstructions.

Section 9.80.010. – Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the
meanings ascribed to them in this section, except when the context clearly indicates
a different meaning:

Alley means a minor or secondary right-of-way that provides only a secondary
means of access to abutting property and that is used primarily for vehicular
service to the back or side of properties that otherwise front on a street. Alley
includes public alleys and private alleys used for emergency and solid waste,
recycling, and organics collection containers.

Center means the middle of the paved portion of an alleyway.

Temporary means longer than 25 minutes. See Longmont Municipal Code
11.04.108.

Section 9.80.020 – Requirement.

1 No person or entity shall cause or permit to cause a temporary or permanent
2 obstruction of an alley such that it interferes with the safe use and operations of the
3 alley by vehicles and pedestrians.

4 Section 9.80.030 – Responsibility.

5 A. Unless responsibility for an obstruction lies with another person or entity,
6 the adjacent property owner is responsible for ensuring alleys remain free of
7 obstructions up to the center of the alley. This includes, but is not limited to,
8 ensuring alleys remain free of rubbish, furniture, trees, plants, and vehicles/trailers
9 such that vehicles and pedestrians are not impaired in their ability to use the alley.

10 To the extent the adjacent property owner is not responsible for the obstruction, the
11 person or entity causing the obstruction shall be responsible for ensuring the alley
12 remains free.

13 B. The City Manager or their designee, has the authority to promulgate policies
14 and procedures to regulate enforcement of this code provision.

15 Section 9.80.040 – Violation; Abatement.

16 A. Violations of Chapter 9.80 shall be an administrative civil penalty as
17 defined in Chapter 2.97 and subject to all relevant provisions as described therein.

18 B. In addition to the administrative civil penalty, the City has the authority to
19 correct any violation of this Chapter. Violations related to weeds will use the
20 abatement procedure and review process provided by Chapter 9.32. Violations
21 related to trees and plants will use the abatement procedure and review process
22 provided by Chapter 13.24. All other violations will use the abatement procedure
23 and review process provided by Chapter 9.04.

C. Each and every day a violation of the provisions of this chapter is committed, exists or continues shall be deemed a separate offense.

Section 2

The Council amends chapter 13.24 of the Longmont Municipal Code, by adding italicized material and deleting stricken material. In this ordinance, ellipses indicate material not reproduced as the Council intends to leave the material in effect as it now reads.

Section 13.24.030. Clearance requirements.

It shall be the obligation of the owner of any property to remove, trim, or otherwise treat trees and plants which:

A. Project into or encroach upon any public right-of-way in such a manner as to interfere with, obstruct, or endanger the safe public use of the right-of-way for pedestrian or vehicular traffic.

B. Fail to provide clearance over streets and ~~alleys~~*other rights of way* of at least 15 feet and over sidewalks of at least eight feet.

C. Block the visibility of a streetlight or traffic control device, as defined in the manual on uniform traffic control devices, such as a traffic regulatory sign or street identification sign.

D. Create a sight distance triangle obstruction. See forestry services standards and specifications for diagrams and additional information.

E. Grow within three feet of a fire hydrant.

The city is authorized to prune any tree or shrub to create a clearance need listed above and to assess the cost of such trimming against the owner of the encroaching tree or plant.

1 . . .

2 Section 13.24.070. Emergencies.

3 In the event the city finds a condition involving a private tree, shrub, or plant which
4 constitutes an immediate threat to life, ~~or~~ property, *or safe use and access of public*
5 *rights of way*, the city is authorized to immediately abate the threat. The property
6 owner shall be responsible for costs associated with the work performed.

7 . . .

8 Section 3

9 The Council amends section 2.97.010 of the Longmont Municipal Code, by adding
10 italicized material. In this ordinance, ellipses indicate material not reproduced as the Council
11 intends to leave the material in effect as it now reads.

12 Section 2.97.010. General intent.

13 A. The purpose of this chapter is to provide for and promote the health, safety
14 and welfare of the general public; to identify processes and methods to encourage
15 compliance with this Code, ordinances and regulations; and to provide for
16 administrative penalties and opportunity for a prompt hearing, decision, and appeal
17 as to violations of certain sections of this Code.

18 B. This chapter applies to the following provisions of this Code:

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20 *24. Chapter 9.80, Alleyway Obstructions*

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Introduced this _____ day of _____, 2024.

Passed and adopted this _____ day of _____, 2024.

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

DATE _____

DATE _____

1 APPROVED AS TO FORM AND SUBSTANCE:

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5 _____
ORIGINATING DEPARTMENT

DATE

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7 CA File: 24-002726