

## NOTICE OF INTENT TO ADOPT ORDINANCE

NOTICE IS HEREBY GIVEN that on the 6<sup>th</sup> day of October, 2008, at its regular meeting at 6:00 p.m., in the City Commission Chambers at City Hall, 200 East Broadway, Hobbs, New Mexico, the governing body of the City of Hobbs proposes to adopt an ordinance which reads as follows:

### ORDINANCE AMENDING CHAPTER 8.40 OF THE HOBBS MUNICIPAL CODE PERTAINING TO WEED CONTROL

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the following Sections of Chapter 8.40 of the Hobbs Municipal Code are amended as follows:

#### Chapter 8.40

#### WEED CONTROL

##### 8.40.030 Definitions.

For the purposes of this chapter, the following words and their derivatives shall have the meanings given herein:

When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular, and words used in the singular include the plural number.

The word "shall" is always mandatory and not merely directory.

"City" means the City of Hobbs, New Mexico.

"City Manager" means the City Manager of the City or his or her designee.

"Person" includes one or more persons of either sex, corporations, partnerships, associations, joint stock companies, societies and all other entities of any kind capable of being sued.

“Repeat Offender” is a property owner or agent of the owner, resident or tenant who has received more than two (2) warnings or citations for the subject property.

“Weeds” means all rank, noxious, poisonous, harmful, unhealthful vegetation, deleterious to health, and shall include, but is not limited to, the following named plants:

1. Pigweed (*Amaranthus retroflexus*).
2. Russian thistle (*Salsola pestifer*).
3. Ragweed (*Ambrosia* spp.).
4. Lambsquarter (*Kenopodium* spp.).
5. Kochia.
6. Prickly lettuce (*Latuca sativa*).
7. London Rocket mustard (*Sisymbrium* spp.).
8. Canadian thistle (*Cirsium arvense*).
9. Johnson grass (*Sorghum halepense*).

“Weeds” shall not be construed to mean such vegetation occurring on undisturbed tracts of land or vacant lots, which shall be considered “climax vegetation” for the ecological zone in which the City is located. Such climax vegetation shall consist primarily of natural grasses, mesquite and/or shiner oak.

The City Manager is authorized and delegated the authority and duty to determine if any other plants, due to their unhealthy or dangerous attributes or consequences, should be placed on the list of weeds as defined herein, and shall put such plants on such list if, after a hearing based on the evidence before him or her, it appears that such plants do come within the meaning of the term “weeds” as hereinbefore set out.

#### 8.40.070 Notice to owner or Lessee.

If the provisions of Sections 8.40.040, 8.40.050 or 8.40.060 are not complied with, the City Manager or his or her authorized representative shall notify the owner and, lessee or occupant, or any person having charge or control of any occupied or unoccupied lot or tract of land, of the non-compliance to comply with the provisions of this chapter by the issuance of a ten (10) day written warning. ~~The notification to the owner, lessee or occupant, or any person having charge or control of any such tract of land, shall be in writing.~~ In the event such owner and lessee or occupant, or any person having charge or control of such lot or tract of land, cannot be determined or the owner

shall be a nonresident of the City, such notice may be served by posting a copy of the written notice upon the premises, with a copy mailed to the last known address of the owner. A citation will be issued for all violations remaining after the expiration of the warning period. Repeat offenders will no longer be issued a warning but will be issued a citation for all additional violations of this ordinance.

Copies of the proposed ordinance are available to interested persons during regular business hours in the Office of the City Clerk, City Hall, 200 East Broadway, Hobbs, New Mexico.

/s/ Jan Fletcher  
JAN FLETCHER, City Clerk