

**DATE:** October 4, 2011  
**STAFF:** Laurie D'Audney  
Beth Sowder

**AGENDA ITEM SUMMARY**  
FORT COLLINS CITY COUNCIL

**9**

**SUBJECT**

Items Relating to Turfgrass and Updating Related City Code References.

- A. Second Reading of Ordinance No. 124, 2011, Amending Article IV of Chapter 20 of the City Code Regarding Weeds, Grass and Rubbish.
- B. Second Reading of Ordinance No. 125, 2011, Amending Article VII of Chapter 12 of the City Code Regarding Resource Conservation.

**EXECUTIVE SUMMARY**

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City Code currently requires that all weeds and grasses (except "ornamental" grasses which cannot exceed twenty percent of the landscape) be kept to a maximum of six inches in height. These Ordinances, unanimously adopted on First Reading on September 20, 2011, will allow certain grass types to be exempt from the current six inch height limit. The Code amendments will serve to promote water conservation, lower greenhouse gas emissions, and provide options for Fort Collins residents who are interested in using water-wise turfgrass. The grass types that would be exempt are Blue Grama and Buffalograss, and they would have a height limit of twelve inches.

**STAFF RECOMMENDATION**

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Staff recommends adoption of the Ordinance on Second Reading.

**ATTACHMENTS**

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- 1. Copy of First Reading Agenda Item Summary - September 20, 2011 (w/o attachments)

**DATE:** September 20, 2011  
**STAFF:** Laurie D'Audney  
 Beth Sowder

**AGENDA ITEM SUMMARY**  
 FORT COLLINS CITY COUNCIL

15

**SUBJECT**

Items Relating to Turfgrass and Updating Related City Code References.

- A. First Reading of Ordinance No. 124, 2011, Amending Article IV of Chapter 20 of the City Code Regarding Weeds, Grass and Rubbish.
- B. First Reading of Ordinance No. 125, 2011, Amending Article VII of Chapter 12 of the City Code Regarding Resource Conservation.

**EXECUTIVE SUMMARY**

In an effort to promote water conservation, lower greenhouse gas emissions, and provide options for Fort Collins residents who are interested in using water-wise turfgrass, these Code amendments allow certain grass types to be exempt from the current six inch height limit. The grass types that would be exempt are Blue Grama and Buffalograss, and they would have a height limit of twelve inches.

**BACKGROUND / DISCUSSION**

City Code Section 20-42 requires that all weeds and grasses (except "ornamental" grasses which cannot exceed twenty percent of the landscape) be kept to a maximum of six inches in height. In recent years, staff has heard from citizens who would like to grow certain types of water-wise turfgrass. Some of these grasses need to grow higher than six inches in order to thrive.

It is currently against City Code to have a yard of any grass or weeds in excess of six inches. During the past growing season, Code Compliance Inspectors have sent violation notices to properties using water-wise turfgrass species that were exceeding the height limit. This brought to light inconsistencies with the City's messages encouraging conservation and how the weed/grass height code is enforced.

Staff discussions and research looked at what other communities are doing regarding weed/grass height limits, the allowance of certain native grasses, and the encouragement of water conservation through landscape decisions. Staff also examined current policies and sought the advice of local experts.

City policies, as well as proposed policies in Plan Fort Collins, include strong messages to encourage water conservation and to require quality and ecologically sound landscape design. Colleagues at both Colorado State University and the Larimer County Extension Offices agreed that water conserving landscapes should be encouraged, and they provided their input regarding which grasses should be exempt from the six inch height limit.

Staff is not aware of many properties in Fort Collins that currently have water-wise turfgrass. If adopted, this amendment could encourage more people to use water-wise turfgrass within their landscape. Water-wise turfgrass helps conserve water and reduce greenhouse gas emissions. The water conservation can be significant – Blue Grama and Buffalograss need about three-quarter inch of water every two weeks; bluegrass needs about one and one-half inch per week. This equates to about one-quarter of the water use when using water-wise turfgrass.

The staff team recommends amending Code Section 20-42 to provide an exemption for "water-wise turfgrass," which includes Blue Grama and Buffalograss, to exceed the six inch height limit but not to exceed twelve inches. Additionally, staff recommends amending the Resource Conservation Ordinance, Code Section 12-120, to include these water-wise turfgrasses as part of the Xeriscape Landscaping definition. This would prohibit homeowner associations from restricting the use of these grasses.

During the review and discussion of these ordinances, staff also found some areas in need of minor updates. The recommended amendments include: changing the title of Code Section 20, Article IV, to "Weeds, Grass, Refuse, and

Rubbish”; changing the title of Code Section 20-42 to “Weeds, unmowed grasses, refuse, and rubbish nuisances prohibited”; adding certain grasses to the list of “ornamental grasses”; adding a definition of grass; updating the weed list; adding “public right-of-way or other public property” to the section prohibiting the deposit or accumulation of refuse, rubbish, or storage of materials within or upon these public areas; and adding “buffer zone for natural habitat” as an exemption from the weed/grass height requirements.

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## **FINANCIAL / ECONOMIC IMPACTS**

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These Code amendments would not have a financial impact on the City of Fort Collins. There could be a cost savings for residents directly related to using less water.

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## **ENVIRONMENTAL IMPACTS**

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Positive environmental impacts include water conservation, lower greenhouse gas emissions from less mowing, improved water quality from having less water runoff into the storm drain, and less pesticides and fertilizers.

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## **STAFF RECOMMENDATION**

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Staff recommends adoption of these Ordinances on First Reading.

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## **PUBLIC OUTREACH**

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An article about water-wise turfgrass was included in the September Neighborhood News e-newsletter, which has over 700 subscribers, and the Neighbors in the Know email list (including over 90 active neighborhood leaders) in order to explain this potential Code amendment and to solicit feedback.

If adopted, these Code amendments will be communicated to the public in several ways including:

- Neighborhood News and CityNews newsletters
- Education through Xeriscape and water-wise classes
- Coloradoan article
- Spotlight on the website
- Email distributions to homeowner associations and neighborhood group contacts

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## **ATTACHMENTS**

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1. An Introduction to Blue Grama and Buffalograss

ORDINANCE NO. 124, 2011  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING ARTICLE IV OF CHAPTER 20 OF  
THE CODE OF THE CITY OF FORT COLLINS  
REGARDING WEEDS, GRASS AND RUBBISH

WHEREAS, Section 20-42 of the City Code requires that all weeds and grasses, with the exception of ornamental grasses consuming not more than twenty percent of the landscape, be kept to a maximum of six inches in height; and

WHEREAS, in recent years, City staff has heard from citizens who would like to grow water-wise turfgrass, which requires a growth height of more than six inches to thrive; and

WHEREAS, staff has researched water-wise turfgrass in collaboration with colleagues at both Colorado State University and the Larimer County Extension Offices and has concluded that Section 20-42 should be amended to provide an exception for water-wise turfgrass, including Blue Grama and Buffalograss, so as to allow such grasses to exceed six inches in height; and

WHEREAS, staff has also concluded that Blue Grama and Buffalograss should be excluded from the definition of “ornamental grasses” under Section 20-42 so as to allow them to exceed twenty percent of the landscape; and

WHEREAS, allowing Blue Grama and Buffalograss to exceed a height of more than six inches and to exceed more than twenty percent of the landscape would be consistent with the City’s message of encouraging water conservation and requiring quality and ecologically sound landscape design; and

WHEREAS, staff has also proposed that the mowing of grasses in areas established as natural habitat or other such features pursuant to the Land Use Code be regulated according to the applicable provisions of the Land Use Code; and

WHEREAS, staff has identified other minor amendments that should be made to City Code Sections 20-41 and 20-42 relating to weeds, grass and rubbish, including clarification of the scope of the prohibition against depositing or storing materials on adjacent open areas and public properties.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That Section 20-41 of the Code of the City of Fort Collins is hereby amended by the addition of a new definition entitled “*Grass*” which shall read in its entirety as follows:

*Grass* shall mean any monocot plants of the family Poaceae, excluding any plants that are weeds, as that term is defined hereinafter.

Section 2. That the definition “*Ornamental grasses*” contained in Section 20-41 of the Code of the City of Fort Collins is hereby amended to read as follows:

*Ornamental grasses* shall mean any of the following grasses: yellow foxtail (*Alopecurus pratensis*), blue or western wheatgrass (*Agropyron smithii* or *Pascopyrum smithii*), big bluestem (*Andropogon gerardii*), bulbous oatgrass (*Arrhenatherum elatius*), sideoats grama (*Bouteloua curtipendula*), rattlesnake or quaking grass (*Briza media*), feather reed grass (*Calamagrostis acutiflora* or *C. arundinacea*), Korean feather reed grass (*Calamagrostis brachytricha*), golden sedge (*Carex elata* ‘Bowles Golden’), blue sedge (*Carex glauca*), Gray’s or morning star sedge (*Carex grayi*), Japanese sedge (*Carex hachijoensis* ‘Evergold’), variegated Japanese sedge (*Carex morrowii*), palm sedge (*Carex muskingumensis*), northern sea oats (*Chasmanthium latifolium*), pampas grass (*Cortaderia selloana*), dwarf pampas grass (*Cortaderia sellonana*), lemon grass (*Cymbopogon citratus*), tufted hair grass (*Deschampsia caespitosa*), blue lyme grass (*Elymus arenarius*), Canada wild rye (*Elymus canadensis*), bottlebrush squirreltail (*Elymus elymoides*), sand love grass (*Eragrotis trichodes*), ravenna or plume grass (*Erianthus ravennae* or *Saccharum ravennae*), Arizona fescue (*Festuca arizonica*), blue fescue (*Festuca cinerea*, *F. ovina* or *F. glauca*), Idaho fescue (*Festuca idahoensis*), variegated mannagrass (*Glyceria maxima variegata*), blue oatgrass (*Helictotrichon sempervirens*), needle-n-thread (*Hesperostipa comata*), New Mexico feathergrass (*Hesperostipa neomexicana*), velvet grass (*Holcus lanatus*), foxtail barley (*Hordeum jubatum*), Japanese blood grass (*Imperata cylindrica*), junegrass (*Koeleria cristata*, *K. gracilis* or *K. macrantha*), woodrush (*Leymus* spp. or *Luzula* spp.), Great Basin wild rye (*Leymus cinereus*), hairy melic grass (*Melica ciliata*), ruby grass (*Melinis nerviglumis*), giant Chinese silvergrass (*Miscanthus floridulus* or *M. giganteus*), Japanese silvergrass (*Miscanthus oligostachys*), flame grass (*Miscanthus purpurascens*), silver banner grass (*Miscanthus sacchariflorus*), maiden grass or silvergrass (*Miscanthus sinensis*), moor grass (*Molina caerulea*), muhly grass (*Muhlenbergia* spp.), green needlegrass (*Nassella viridula*), Indian ricegrass (*Oryzopsis hymenoides* or *Achnatherum hymenoides*), switchgrass (*Panicum virgatum*), feathergrass (*Pennisetum alopecuroides*), purple majesty millet (*Pennisetum glaucum*), tender fountain grass (*Pennisetum setaceum*), feather top (*Pennisetum villosum*), ribbon grass (*Phalaris arundinacea*), ruby grass (*Rychelytrum neriglume*), plume grass (*Saccharum ravennae*), little bluestem (*Schizachyrium scoparium* or *Andropogon scoparius*), autumn moorgrass (*Sesleria autumnalis*), Indian grass (*Sorghastrum nutans* or *S. avenaceum*), cord grass (*Spartina* spp.), frost or graybeard grass (*Spodiopogon* spp.), prairie dropseed (*Sporobolus heterolepis*), giant sacaton (*Sporobolus wrightii*) and any other species of grass approved by the City Manager that is customarily used for ornamental purposes and not as a turf grass.

Section 3. That Section 20-41 of the Code of the City of Fort Collins is hereby amended by the addition of a new definition entitled “*Water-wise*” which shall read in its entirety as follows:

*Water-wise turfgrass* shall mean blue grama (*Bouteloua gracilis* or *Chondrosum gracile*) or buffalo grass (*Buchloe dactyloides*).

Section 4. That Section 20-42 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 20-42. Weeds, unmowed grasses, refuse and rubbish nuisances prohibited.**

(a) All weeds, or unmowed grasses required to be mowed under Subsection (c) of this Section, refuse and rubbish on a property within the City are hereby declared to be a nuisance and a menace to the health and safety of the inhabitants of the City.

(b) It shall be unlawful for the owner or occupant of any property to permit refuse, or rubbish to accumulate on any part of the property. All refuse shall be stored for prompt disposal on the premises in refuse containers, and the storage area shall be kept free of loose refuse. Any refuse or rubbish which by its nature is incapable of being stored in refuse containers may be neatly stacked or stored for prompt disposal. The number and size of refuse containers shall be sufficient to accommodate the accumulation of refuse from the property. Containers shall be secured and placed where they are screened from view of the street and are not susceptible to being spilled by animals or wind or other elements.

(c) It shall be unlawful for the owner or occupant of any property to permit weeds to grow upon such property to a height of more than six (6) inches.

(d) Except as is provided in Subsection (e), (f) or (g) of this Section, it is unlawful for the owner or occupant of any property to permit grasses to grow upon such property to a height of more than six (6) inches; provided, however, that this Subsection (c) shall not be applicable to any ornamental grass so long as it is used solely, or in combination with any other ornamental grass or grasses, as a supplement to the property's overall landscaped area and does not constitute in square footage more than twenty (20) percent of the property's overall landscaped area.

(e) It shall be unlawful for the owner of any open area, ditch, ditch right-of-way or railroad right-of-way to allow weeds or grasses other than those grown for agricultural purposes upon such open area, ditch or right-of-way to grow to a height of more than twelve (12) inches.

(f) It shall be unlawful for the owner or occupant of any property to allow grasses in any area planted predominantly in water-wise turfgrass to grow to a height of more than twelve (12) inches.

(g) Notwithstanding any other provisions of this Section which may be construed to the contrary, the owner or occupant of any property that includes an area that has been established as a natural habitat or feature pursuant to Section 3.4.1 (D) of the Land Use Code, or a buffer zone for natural habitat or feature pursuant to Section 3.4.1 (E) of the Land Use Code, which area is managed and maintained in accordance with specific conditions established in a site-specific development plan or development agreement, shall not be required to mow said areas other than as required in such development plan or agreement.

(h) It shall be unlawful for the owner or occupant of any property to permit the growth of noxious weeds as designated by the Colorado Weed Law or Larimer County Weed District, regardless of height.

(i) No person shall cause or allow the disposal of refuse or rubbish by burning except in an incinerator that is designed for such purpose and pursuant to an operating permit from the State Department of Public Health and Environment. In no event may rubbish or refuse be burned in a stove or fireplace except for clean, dry, untreated wood.

(j) No person shall, for a period longer than twenty-four (24) hours at any one (1) time, store or permit to remain on any business, commercial or industrial premises owned or occupied by such person, any manure, refuse, animal or vegetable matter or any foul or noxious liquid waste which is likely to become putrid, offensive or injurious to the public health, safety or welfare.

(k) No owner or occupant of any premises which are adjacent to any portion of any open area, vacant lot, ditch, detention pond, storm drain, watercourse, or public right-of-way or other public property, nor any other person, shall cause the deposit or accumulation of refuse or rubbish, or the deposit, accumulation or storage of materials, chattels, or fixtures other than those ordinarily attendant upon the use for which the premises are legally intended, within or upon such adjacent areas.

(l) The property owners and the prime contractors in charge of any construction site shall maintain the construction site in such a manner that refuse and rubbish will be prevented from being carried by the elements to adjoining premises. All refuse and rubbish from construction or related activities shall be picked up at the end of each workday and placed in containers which will prevent refuse and rubbish from being carried by the elements to adjoining premises.

(m) The accumulation of refuse and rubbish which constitutes or may create a fire, health or safety hazard or harborage for rodents is unlawful and is hereby declared to be a nuisance.

(n) The owner or occupant of any premises within the City, whether business, commercial, industrial or residential premises, shall maintain the property in a neat, tidy, methodical, systematic, clean and orderly condition, permitting no deposit or accumulation of materials other than those ordinarily attendant upon the use for which the premises are legally intended. If a property is used for a purpose (including, without limitation, a junkyard) which, by its fundamental nature, cannot be maintained as required above, then, in lieu thereof, such property, or any affected portion thereof, shall be completely screened from public view and from the view of any abutting property that is used for residential purposes.

Introduced, considered favorably on first reading, and ordered published this 20th day of September, A.D. 2011, and to be presented for final passage on the 4th day of October, A.D. 2011.

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Mayor

ATTEST:

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Chief Deputy City Clerk

Passed and adopted on final reading on the 4th day of October, A.D. 2011.

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Mayor

ATTEST:

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Chief Deputy City Clerk

ORDINANCE NO. 125, 2011  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING ARTICLE VII OF CHAPTER 12 OF THE  
CODE OF THE CITY OF FORT COLLINS  
REGARDING RESOURCE CONSERVATION

WHEREAS, on this same date, the City Council has adopted on First Reading, Ordinance No. 124, 2011, which amends Chapter 20, Article IV of the City Code pertaining to weeds, grass and rubbish; and

WHEREAS, the effect of these amendments is to allow water-wise turfgrass, including Blue Grama and Buffalograss, to exceed the six inch height limit contained in City Code Section 20-42; and

WHEREAS, City staff has recommended that Section 12-120 of the City Code also be amended to include these water-wise turfgrasses as part of the Xeriscape landscaping definition, thereby prohibiting homeowner associations from restricting the use of these grasses; and

WHEREAS, in addition, staff has developed an updated and improved definition of the term Xeriscape landscaping and has recommended that Section 12-120 be amended to reflect this improved language.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the definition of “*Xeriscape landscaping*” contained in Section 12-120 of the Code of the City of Fort Collins is hereby amended to read as follows:

*Xeriscape landscaping* shall mean landscaping planned, designed, installed and maintained so as to create a landscape that is sustainable in Colorado’s semi-arid climate, based on seven basic principles:

- (1) Preparation of a plan identifying major elements of the landscape, including structures and plantings and characteristics influencing water requirements;
- (2) Soil improvements appropriate to optimize absorption and release of water for plantings given the soils present;
- (3) Use of efficient watering systems and practices to supplement water naturally supplied to plantings, as appropriate;
- (4) Grouping plants with similar light and water requirements together in an area that matches these requirements;
- (5) Use of appropriate mulches to keep plant roots cool, prevent soil from crusting, minimize evaporation and reduce weed growth;

- (6) Limiting the use of turf and plantings with high water requirements, with consideration of visibility and functional needs, and incorporating water-efficient alternative species, specifically including, but not limited to, water-wise turfgrasses, as defined in Section 20-41;
- (7) Providing appropriate water, pruning and fertilization, pest control and other maintenance to preserve the sustainability and health of the landscape.

*Xeriscape landscaping* shall not include artificial turf or plants; mulched (including gravel) beds or areas without landscape plant material; paving of areas not required for walkways, patios, or plazas or parking areas; bare ground; or weed-covered or weed-infested surfaces.

Introduced, considered favorably on first reading, and ordered published this 20th day of September, A.D. 2011, and to be presented for final passage on the 4th day of October, A.D. 2011.

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Mayor

ATTEST:

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Chief Deputy City Clerk

Passed and adopted on final reading on the 4th day of October, A.D. 2011.

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Mayor

ATTEST:

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Chief Deputy City Clerk