

The Reserve at Estes Park
Noxious Weed Protocol
Date: October 6, 2022

The Guidelines and Requirements of the Architectural Control Committee ("ACC") require the owner of each lot to keep the lot free of Noxious Weeds in compliance with Section 8.04.030 of the Estes Park Municipal Code. This Protocol explains the basis for this requirement and the procedure that will be followed by the ACC and HOA Board to ensure compliance.

Noxious Weeds are generally defined as non-native aggressive invasive plants that take over native vegetation. In 1992 the State of Colorado adopted the Noxious Weed Act (Colorado Revised Statute, Title 35 Article 5.5). Pursuant to that Act, Larimer County has adopted its Noxious Weed Management Plan which lists plants to be characterized as "Noxious Weeds." ([The Plan](#)) That list has been adopted by reference by the [City of Estes Park at Section 8.04.030 of the City Municipal Code](#). ("the Code") Specifically, the Code provides:

8.04.030 - Noxious weeds.

It is unlawful for the owner, occupant or any agent in charge of any lot, block or parcel of land within the Town to allow, permit or fail to manage noxious weeds growing or remaining when grown upon the property or on or along any alleys or sidewalk areas adjacent to the property. *Noxious weeds* shall be defined as species listed in the Larimer County noxious weed list or the Colorado Department of Agriculture noxious weed list as a noxious weed. Failure to manage a noxious weed is failure to prevent the plant from establishing, growing, reproducing or dispersing itself. Management methods include, but are not limited to, chemical treatment approved by the Colorado Department of Agriculture or mechanical cutting prior to seed maturity, including removal and proper disposal. (Emphasis added.)

Examples of Noxious Weeds common in the Reserve include the following: Knapweed, Cheatgrass, Common Mullein, Clover, Thistles, and Hoary Alyssum. This is not an exhaustive list. See also "Twenty Ob-Noxious Weeds in the Estes Valley Identification and Management Guide 2022" available for free at hardware stores, the library, and other locations throughout Estes Park.

The Code also provides for enforcement of the Noxious Weed provision at Section 8.04.040 pertaining to "Abatement of nuisances, including... noxious weeds." Enforcement includes first notice followed by the potential for **fine, abatement, and a lien to secure the costs of abatement.**

Since the founding of the Reserve, owners in the Reserve have enjoyed an excellent reputation for efforts to control Noxious Weeds both on their private properties and through volunteer efforts on the Conservation Easement located within the development. Neighborhood volunteers, recruited and organized by Susan

Weissenrieder and Marlys Ploson, also watch for Noxious Weeds along assigned segments of the roadways and in the common areas within the cul de sacs. Given the invasive nature of the Noxious Weeds, it is important that landowners continue these efforts in order to comply with the ACC Guidelines and the local ordinance and protect their property and their neighbor's property.

To support this effort the ACC together with the HOA Board will follow the following procedure with respect to Noxious Weeds observed on properties within the Reserve:

1. Seasonal notices will be sent to all landowners reminding landowners of the problem of Noxious Weeds and the requirement to take appropriate measures to address their presence in the Reserve. Contact information for neighbors who are available to discuss weed identification and appropriate weed control measures will be provided.
2. A notice will be sent to individual owners of properties where an infestation of Noxious Weeds is observed requesting that the issue be addressed. (First Notice)
3. If the infestation has not been removed or arrangements have not been made for removal within fourteen (14) days, the landowner will be notified of the HOA Board's intention to advise the City of Estes Park of the potential violation of the Code. (Second Notice)

Noxious Weed control requires vigilance, and this is particularly difficult for nonresident landowners. The goal of these procedures is to support the effort of all our residents and to ensure that owners are aware of adverse conditions existing on their property so appropriate action can be taken. Residents in the Reserve are available to support their neighbors with information regarding Noxious Weeds and alternatives for addressing them. If you have questions about Noxious Weeds or these procedures, please do not hesitate to contact:

Marlys Polson: 970-586-3829 or
Susan Weissenrieder: 970-577-8748