

Title 13PUBLIC SERVICESChapters:13.04 Trees and ShrubsChapter 13.04TREES AND SHRUBSSections:

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13.04.010 Purpose. The purpose of this chapter is to provide uniform policy throughout the town, regarding the planting and removal of trees in easements, rights-of-way, resident-owned and ditch company-owned, property. (Ord. 1-1993 §1(part), 1993)

13.04.020 Policy. The responsibility for the care, maintenance and removal of trees on owner's property is the responsibility of the property owner unless otherwise provided for in this chapter. (Ord. 1-1993 §1(part), 1993)

13.04.030 Definitions. For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the text, words used in the present tense include the future, words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Local Government. "Local government" is an incorporated town, irrigation district, drainage, public corporation or any other kind of public district or political subdivision of the state organized pursuant to law.

Street Tree, Plant. "Street tree" or "tree" or "plant" is any tree, vine, shrub, hedge or lawn. Any of a kingdom (plantae) possessing cellulose cell walls is a tree or shrub in a public place except where otherwise indicated. (Ord. 1-1993 §1(part), 1993)

13.04.040 Property owner's responsibility. It shall be the responsibility of the owner of property (which include easements) adjacent to a public right-of-way, sidewalk, street, avenue, highway or alley, to comply with the provisions of this chapter. (Ord. 1-1993 §1(part), 1993)

13.04.050 Abuse or mutilation of trees. No person shall on public property or on property not owned by him, unless authorized by the owner thereof: (a) damage, cut, carve, transplant or remove any tree or shrub or injure the bark thereof, (b) pick the flowers or seeds of any tree or plant, (c) attach any rope, wire or other contrivance to any tree or plant, or (d) dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any such areas. (Ord. 1-1993 §1(part), 1993)

13.04.060 Certain trees, shrubs prohibited. It is unlawful to plant or set out female cottonwood trees (populus deltoides-female) or box elder (populus alba) and certain other undesirable plants as designated by the town upon any property within the town and the planting or setting out of these certain plants is declared to be a menace to public health, safety and welfare and a public nuisance. (Ord. 1-1993 §1(part), 1993)

13.04.070 Removal of trees. In the event the removal of any plant is necessitated by paving, the expense of such removal will be borne by the town. (Ord. 1-1993 §1(part), 1993)

13.04.080 Aerial overhang. In the event it is determined by the public safety commissioner, public works commissioner and/or building commissioner, that limb(s) from tree(s) or other plant(s) located on one property, overhang another's property, then, the expense for the trimming and removal of such overhanging limb(s) shall be paid by the owner of the property where such tree or plant with overhanging limb(s) is/are located. Where limbs overhang gutter pans and/or streets, and where limbs lay in the gutter pans, the town shall take those measures as outlined in Section 13.04.090. (Ord. 1-1993 §1(part), 1993)

13.04.090 Procedure upon order to preserve or remove.

When the public safety commissioner, public works commissioner and/or building commissioner orders trimming, preservation or removal of trees or plants upon public or private property as authorized in this chapter, or regulations adopted pursuant to the terms hereof, he shall serve a written order to correct the dangerous condition upon the owner, operator, occupant or other person responsible (i.e., property owner, president of homeowners association or head of governmental entity) for its existence:

A. Method of Service. The order required herein shall be served in one of the following ways:

1. By making personal delivery of the order to the person responsible;
2. By leaving the order with some person of suitable age and discretion upon the premises;
3. By affixing a copy of the order to the door at the entrance to the premise in violation;
4. By mailing a copy of the order to the last known address of the owner of the premise by registered or certified mail.

B. Time for Compliance. The order required herein shall set forth a limit for compliance of not less than forty-five days nor more than ninety days.

C. Appeal From the Order. The person to whom an order hereunder is directed shall have the right within seventy-two hours of the service of such order to appeal to the board of adjustment of the town, who shall review such order at its next subsequent meeting date and file its decision thereon. Unless the order is revoked or modified, it shall remain in full force and be obeyed by the person to whom directed. No person to whom an order is directed shall fail to comply with such order within ten days after an appeal shall have been determined.

D. Failure to Comply. When the person to whom the order is directed shall fail to comply within the specified time, the issuing commissioner shall remedy the condition or contract with others for such purpose and charge the costs, plus fifteen percent for administration fees, thereof to the person to whom the order is directed. The person remedying a condition under a contract made hereunder shall be authorized to enter upon the subject property for that purpose.

E. Special Assessment. If the cost of remedying a condition is not paid within ninety days after receipt of a statement therefor from a commission, such cost, plus twenty-five percent of such cost, shall be levied against the property upon which such hazard exists, as a special assessment. The levying of such assessment shall not affect the liability of the person to whom the order is directed to fine and imprisonment as herein provided. Such special

assessment shall be certified by the town clerk to the Arapahoe County treasurer, and shall thereupon become and be a lien upon such property, shall be included in the next tax bill rendered to the owner or owners thereof unless paid before, and shall be collected in the same manner as other taxes against such property are collected.

F. Emergency Actions. In the event the public safety commissioner finds a condition involving a tree, shrub or other plant which constitutes immediate threat to life, limb or property, the commissioner shall have authority to immediately have caused correction or remedy to such condition at the owner's expense without administrative fee. (Ord. 1-1993 §1(part), 1993)

13.04.100 Interference with town commissioners. No person shall in any way interfere or cause any person to interfere with the town's commissioners in or about the performance of their duties as defined in this chapter or regulations adopted hereunder. (Ord. 1-1993 §1(part), 1993)

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(RESERVED)