

**TOWN OF EAGLE, COLORADO
ORDINANCE NO. 38
(Series of 2018)**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE,
COLORADO ADDING A NEW CHAPTER 7.05 TO THE EAGLE MUNICIPAL CODE
ESTABLISHING A TREE DEPARTMENT AND THE STANDARDS FOR TREE CARE ON
TOWN PROPERTY**

WHEREAS, "Tree City USA" is a designation given by the Arbor Day Foundation to communities that meet the four designated standards of having a viable tree management program;

WHEREAS, communities designated as a Tree City USA commonly enjoy cleaner air, improved stormwater management, energy savings, increased property values, and increased commercial activity, among other benefits;

WHEREAS, the Board of Trustees wishes to establish the Town as a designated Tree City USA community;

WHEREAS, the Arbor Day Foundation and National Association of State Foresters have established forth four standards for obtaining such designation;

WHEREAS, one such standard for obtaining such designation is to implement a public tree care ordinance; and

WHEREAS, the Board of Trustees wishes to amend the Eagle Municipal Code by adding a new Chapter 7.05 establishing the standards of tree care and creating a tree department to manage such care.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO AS FOLLOWS:

Section 1. The Eagle Municipal Code is hereby amended by the addition of a new Chapter 7.05, to read as follows:

CHAPTER 7.05. REGULATION OF TREES.

7.05.010. Purpose.

The purpose of this Chapter is to promote and enhance the beauty of the Town through tree preservation and protection on Town and private property by establishing a Tree Department with the authority and responsibility of establishing standards for tree care, placement, and removal.

7.05.020. Definitions.

For purposes of this Chapter, the following terms shall have the following meanings:

Tree means a woody, perennial plant, ordinarily with one main stem or trunk, which develops many branches and which ordinarily grows to a height of ten (10) feet or more with a diameter in excess of four (4) inches at a height of five (5) feet.

Town property means any public right-of-way, street, alley, park, or recreation area in the Town which is owned, leased, operated or controlled by the Town.

7.05.030. Tree Department.

A. There is hereby created and established a Town Tree Department, which department shall be under the direction of the Public Works Department and consist of employees within the Public Works Department.

B. The Tree Department shall be responsible for the study, investigation and development of a written plan for the care, preservation, pruning, planting, removal or disposition of trees on Town property. Such plan shall be presented to the Board of Trustees and, upon its approval, shall constitute the official Comprehensive Town Tree Plan.

C. The Tree Department shall have the right to plant, prune, maintain and remove trees on Town property as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such property.

7.05.040. Pruning of private trees.

The owner of any tree overhanging any street or sidewalk in the Town shall prune the branches so that such branches do not obstruct the light from any streetlight or obstruct the view of any street intersection, and so that there is a clear space of eight (8) feet above the surface of the street or sidewalk.

7.05.050. Removal of dangerous trees on private property.

A. Property owners shall remove all dead, diseased or otherwise dangerous trees and broken or decayed limbs which constitute a public safety hazard.

B. The Tree Department shall have the right to prune any tree on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign, provided that the tree may be accessed from public property.

C. The Tree Department shall have the right to order removal of any dead or diseased tree on private property which cannot be accessed from public property when such tree constitutes a public safety hazard to life and property, or harbors insects or disease which threaten other trees within the Town. The Tree Department shall issue written notice to the owner of such tree, and removal shall be completed by at the owner's expense within sixty (60) days after the date of the notice.

7.05.060. Permit required.

No person shall remove or plant trees on Town property without a tree planting or removal permit. Such permit may be obtained from the Tree Department in accordance with standards and procedures set by the Tree Department.

7.05.070. Spacing of trees.

A. Trees shall be spaced at least thirty (30) feet apart within the public right-of-way. No trees shall be planted closer than five (5) feet from a driveway or alley or be planted in such a way so as to interfere with or obstruct any improvements such as traffic and street signs and signals, fire hydrants, overhead utility wires, street lights, utility poles and the like.

B. When a space of less than five (5) feet in width exists between the curb and the abutting property line, no trees or woody plants shall be planted in such space.

7.05.080. Species of trees permitted.

It is unlawful to plant any tree on Town property of a species not listed on the Approved Tree Planting List in the Comprehensive Town Tree Plan. It is the responsibility of the owner of any private property in the Town, to remove any tree from the parkway adjacent to his or her property upon notification from the Town.

7.05.090. Violations.

Any person violating any of the provisions of this Chapter shall be deemed, upon conviction thereof, guilty of a municipal offense and punished in accordance with Section 1.12.010 of this Code.

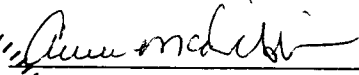
Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of

Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 3. Safety. This Ordinance is deemed necessary for the protection of the public health, safety and welfare.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 11th day of December, 2018.

TOWN OF EAGLE, COLORADO


Arne McKibbin, Mayor

ATTEST:


Jenny Rakow, Town Clerk

