

## ORDINANCE NO. 25-2009

### AN ORDINANCE AMENDING THE TOWN OF GRAND LAKE MUNICIPAL CODE CHAPTER 13 ARTICLE 1 URBAN FORESTRY MANAGEMENT

**WHEREAS**, the Town of Grand Lake Board of Trustees has the authority to adopt Ordinances; and

**WHEREAS**, the Town of Grand Lake Board of Trustees desires to have a cohesive and enforceable Municipal Code; and

**WHEREAS**, the Town of Grand Lake Board of Trustees has determined the Town needs to update its list of Noxious Weeds in order to conform to the State of Colorado and Grand County Weed Control laws,

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE, COLORADO THAT:**

Part 1. Section 4 of Article 1 of Chapter 13 of the Municipal Code of the Town of Grand Lake, Colorado is hereby amended to read as follows:

#### 13-1-4 NOXIOUS WEED AND UNDESIRABLE PLANT CONTROL

##### A. Undesirable Plants.

1. Noxious weeds, as identified by the Colorado Department of Agriculture, are declared to be undesirable plants to be controlled in accordance with this Article and State law.

##### B. Declaration of Nuisance

1. Noxious weeds and all other plants designated as “undesirable plants” by the Town are declared to be a public nuisance. Such action may be taken as is available for nuisance abatement under the laws of the State of Colorado and the Town of Grand Lake and as the Board of Trustees, in its sole discretion, deems necessary.

Part 2: Section 7 of Article 1 of Chapter 13 of the Municipal Code of the Town of Grand Lake, Colorado is hereby amended to read as follows:

#### 13-1-7 ABATEMENT OF NUISANCE

- A. It shall be unlawful for any owner of any lot or parcel of land in the Town to permit or maintain on such lot or parcel any dead or live tree that is a “public nuisance” as defined in this Article, and it shall be the duty of the owner of such property to promptly remove or otherwise abate or eradicate such nuisance as may be appropriate, under the supervision or at the direction of the Town Manager or his designee.
- B. It shall be unlawful for any owner of any lot or parcel of land in the Town to permit or maintain on such lot or parcel any noxious weeds or undesirable plants that are defined as a “public nuisance” in this Article, and it shall be the duty of the owner of such property to promptly remove or otherwise abate or eradicate such nuisance as may be appropriate, under the supervision or at the direction of the Town Manager or his designee.

Part 3: Section 8 of Article 1 of Chapter 13 of the Municipal Code of the Town of Grand Lake, Colorado is hereby amended to read as follows:

#### 13-1-8 VIOLATIONS

##### A. It shall be unlawful:

1. to top any tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or

certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance by the Greenways Board.

- 2. to remove any tree on public property without the written permission of the Town.
- 3. to deface, mar, damage, destroy or vandalize a tree on public property.
- 4. to remove or destroy any wetland plants which are protected under the Clean Water Act.
  - a. The pruning of wetland willows should be minimal and leave at least four foot (4') lengths of branches to maintain natural cover for wildlife and other vegetation. Wetland willows may not be mechanically cut. All cuttings must be removed from the wetland area.

Part 4: Section 7 of Article 1 of Chapter 13 of the Municipal Code of the Town of Grand Lake, Colorado is hereby amended to read as follows:

13-1-9 PENALTIES

A. Any person violating any of the provisions of this Article by failing, neglecting or refusing to comply with the provisions of any notice herein provided within the time specified, or who shall resist or obstruct the carrying out of the provisions of this Article shall, upon conviction of such violation, shall be fined in an amount not to exceed Three Hundred Dollars (\$300.00) in addition to any other remedies provided herein or allowed by ordinance, law, rule or regulation. Each day of violation shall constitute a separate offense.

Part 5. Repeal - Existing ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

Part 6. Validity - If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town of Grand Lake hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE AND SIGNED THIS 26th DAY OF MAY, 2009.**

( S E A L )

Votes Approving:	7
Votes Opposing:	0
Absent:	0
Abstaining	0

**ATTEST:**

**TOWN OF GRAND LAKE**

\_\_\_\_\_/s/\_\_\_\_\_  
Ronda Kolinske, CMC  
Town Clerk

By: \_\_\_\_\_/s/\_\_\_\_\_  
Judy M. Burke  
Mayor