

D. Ordinances

1. La Junta's Present Tree Board Ordinance

CONSTITUTION AND BYLAWS
TREE BOARD
CITY OF LA JUNTA

ARTICLE I

Name

The name of their board shall be the La Junta Tree Board, as designated in its articles adopted.

ARTICLE II

Membership

The membership of this board is made up of persons appointed by the City Council and this Council action shall be required before a person is eligible to serve on the Board. Vacancies will be filled by the City Council and such persons filling vacancies shall hold office for the remainder of the unexpired term of the person they succeed.

The Board will consist of eight (8) members and their terms of office shall be three (3) years, so arranged that three members' terms shall expire in one and three members the next year. There shall also be a non-voting representative from the City Council on the Board.

Any member absent three consecutive meetings without good cause will be dropped and a new member installed. If a member is unable to attend the meeting, he should contact the chairman, or if unable to contact the chairman, contact the vice chairman, prior to the scheduled meeting.

ARTICLE III

Tree Board's Duties

The La Junta Board shall function under the Director of Parks and Recreation as an advisory board. It shall provide advice and input to the City regarding any and all aspects of urban forestry in the City of La Junta.

Specific duties of the board shall be:

1. To make recommendation for the care, preservation, trimming, planting, replanting, removal, or disposition of trees and shrubs in public ways, streets, alleys, and all City owned property.

2. To study, investigate, counsel, and help develop new methods in maintaining the City's trees.
3. To assist in carrying out the works of the Comprehensive Tree Mater Plan for the City.
4. To submit an annual report to the City Council of La Junta on the first Monday of June. This should state its accomplishment, current projects and recommendations.
5. To consider, investigate, make findings, report and recommend upon any special matter of question within the scope of its work.
6. To help provide communication with the District Forester, Chamber of Commerce, local arborists, nurseries and other specialists in urban forestry.

ARTICLE IV

Chairman

The chairman, elected by the board, shall preside at all meetings. The Chairman shall also have the power to call meetings, appoint subcommittees, and work forces from time to time, as may be deemed necessary.

The chairman's term will be for one (1) year. The chairman will represent the board as necessary at Council meetings, and other meetings involving urban forestry when the board feels attendance is necessary.

ARTICLE V

Vice Chairman

The vice chairman, elected by the board, shall preside at all meetings when the chairman is absent. The vice chairman, in the absence of or with the approval of the chairman shall also have the power to call meetings, appoint subcommittees and work forces from time to time as may be deemed necessary.

The vice chairman's term of office will be for one (1) year, and he automatically becomes chairman the next year.

ARTICLE VI

Secretary

The secretary, elected by the board, shall perform such duties relative to record keeping of all business meetings, to take care of all correspondence, and to keep accurate roll of all the members.

The secretary shall record the minutes in a book, which shall e the property of the La Junta Tree Board and the City Council, and be subject at all times to the use of the Tree Board and the City Council.

The secretary will preside at the meetings in the absence of the chairman and vice chairman.

The secretary's term of office shall be one (1) year.

ARTICLE VII

Meetings

All meetings are open to the public. Notices and agendas shall be given by letter and/or public announcement from the chairman and Director of Parks and Recreation, at least one (1) week prior to date of meeting.

ARTICLE VIII

Tree Board Year

The beginning of each term shall be on January 1, of each year.

ARTICLE IX

Quorum

A simple majority of the members of the board shall constitute a quorum for the transaction of business of the board.

ARTICLE X

Amendments

This Constitution and Bylaws may be amended by a two-thirds (2/3) vote of the members present, at any regular or special meeting of the members. This amendment is subject to City Council approval. Public amendment will be given one (1) week prior to voting.

ADOPTED THIS 19th DAY OF MARCH A.D. 1985, BY THE LA JUNTA TREE BOARD

Chairman

Secretary

City Council Rep.

APPROVED BY CITY COUNCIL THIS 1st DAY OF APRIL A.D., 1985.

Mayor

ATTEST:

City Clerk

2. La Junta's Present Tree and Shrub Ordinance

Chapter 12.08

TREES AND PLANTS

Sections:

- 12.08.010 Planting of trees.
- 12.08.020 City manager--Authority to make regulations concerning trees.
- 12.08.030 City manager--Enforcement of regulations.
- 12.08.040 City manager--Inspection of trees, shrubs, and hedges--Treatment of elm species.
- 12.08.050 Trees may not obstruct or damage streets or sidewalks.
- 12.08.060 Property owner or occupant--Responsibility to care for trees adjoining public streets.
- 12.08.070 Property owner or occupant--Responsibility to remove dead trees.
- 12.08.080 Cost of tree care assessed to property owner.
- 12.08.090 Failure to pay assessment--Collection.

12.08.010 Planting of trees. All trees planted on the streets of the city shall be placed as follows:

A. Where the curbline is thirteen feet from the property line, trees shall be set ten feet from the property lines.

B. Where the curbline is more than thirteen feet from the property line, trees shall be placed twelve feet from the property line.

12.08.020 City manager--Authority to make regulations concerning trees. The city manager shall have the power to promulgate, amend and repeal rules, regulations, and specifications for the trimming, spraying, removal, planting, pruning, and protection of trees, shrubs, vines, hedges, and other plants within the limits of any street, alley, sidewalk, or other public place in the city.

12.08.030 City manager--Enforcement of regulations. The city manager shall have the power to have all trees, shrubs, vines, hedges, and other plants within the limits of any street, alley, sidewalk, or other public place trimmed, sprayed, removed, planted and protected, or to require the owner of any property abutting on any street, alley, sidewalk, or other public place to trim any tree, shrub, hedge or other plant, which may project beyond the property line of such owner, onto or over public property, or which may obstruct the light from any street lamp, the movement of pedestrians, or the vision of drivers of vehicles at intersections, or which may interfere with powerlines at the expense of such owner.

12.08.040 City manager-- Inspection of trees, shrubs, and hedges--Treatment of elm species. A. It shall be the responsibility of the city manager to cause to be inspected, all trees, shrubs, vines, hedges, plants, logs, or branches upon any property within the limits of the city. Upon discovering any such trees, shrubs, vines, hedges, plants, logs, or branches to be infected with any disease or infested by any insect detrimental to the growth, health, and life of such plants, the city manager will at once notify, in writing, the owner, agent, or occupant of the premises whereon the same is located, of the condition thereof, and direct such owner, agent, or occupant to eradicate, remove, and destroy such condition, or to remove and destroy such trees, shrubs, vines, hedges, logs, branches or other plants. Trees, or parts thereof, of elm in a dead or dying condition that are, or may serve, as breeding places for the European elm bark beetle, shall be considered a public nuisance and shall be removed and destroyed or buried by the owner of the tree or trees.

B. Without notice, it is and shall be the duty of every person, firm, or corporation owning, controlling, or occupying any premises upon which any elm tree or bushes of any variety is located to spray or otherwise treat such elm tree, trees, bush or bushes with such material or materials in such manner at such time or times, at least annually, as may be determined by the city manager of the city, to be effective in the control of elm beetles or any other pest or disease which may exist in or be a threat to the elm trees of the city. Such treatment, to be effective and in compliance with this procedure, must be completed after April 15th and prior to June 15th of each year.

12.08.050 Trees may not obstruct or damage streets or sidewalks. A. Any tree growing on a public alley, street, or highway, but also located as to extend its branches over a public alley, street, or highway, shall be so trimmed by the owner of the property on which on which the tree stands, or by his agents, that there shall be a clear height of twelve feet above the surface of the street, alley, or highway and eight feet above the surface of the sidewalks unobstructed by branches and such owner or his agents shall remove all dead branches and stubs on such tree or trees which are or may become a menace to travelers on the public highways, streets, or alleys of the city. Trees whose roots are causing upraised sidewalk slabs or are similarly causing trouble, are declared a nuisance. If a tree or its parts in any other way cause a hindrance to the general public or if it is considered "troublesome," or in any way may endanger

the security and usefulness of any public street, highway, alley, sewer or sidewalk, as determined by the city manager, it is declared to be a public nuisance.

B. If the owner of such private property does not correct or remove such nuisances within a reasonable time specified in writing by the city manager, he shall cause the nuisance to be corrected or removed and the cost shall be assessed to such owner.

12.08.060 Property owner or occupant--Responsibility to care for trees adjoining public streets.

A. The city manager is authorized to require any owner or agent of any premises to trim, spray, remove, or otherwise care for trees upon which such premises abut. It shall be the duty of such owner, agent or occupant of such premises to comply with such requirements within a reasonable time after receiving written notice to do so from the city manager, such time to be stated in the notice.

B. In the event the owner or occupant of any premises fails or neglects to comply with the notice provided in sub-section A of this section, the city manager is authorized to take action required by the notice at the expense of the owner, agent or occupant of the property, which expenses shall be collected as provided in Sections 12.08.080 and 12.08.090.

12.08.070 Property owner or occupant--Responsibility to remove dead trees or branches. It shall be the duty of the owner or occupant of any property to remove any dead trees or dead overhanging boughs dangerous to life, limb, or property located on the premises of such owner, upon receipt of written notice of the city manager to do so and within such reasonable time as specified in the notice.

12.08.080 Cost of tree care assessed to property owner. A. The cost of spraying or other tree care, pursuant to Section 12.08.060 shall be and is assessed upon the lots and tract of land upon which the trees are located. After the completion of the spraying or other tree care, the city manager shall prepare and send to the city clerk, a schedule showing the description of the lots and tract of land upon which the trees were located, that were sprayed or otherwise cared for, and the costs thereof and the names of the owners thereof.

B. Upon the receipt of the schedule, the city clerk shall assess the cost of the spraying or other tree care, to the owner of the tract of land, and the amount so assessed shall be a lien in the several amounts assessed against each lot or tract of land until the same is paid, and shall have priority over other

liens, except general taxes and prior special assessments, and shall be due and payable at the time of the assessment by the owners of the property.

C. Such assessment must be paid within thirty days from the time the assessment is made.

12.08.090 Failure to pay assessment--Collection. In case any assessment due and payable under this chapter and Chapter 12.04 is not paid within thirty days from the time the assessment is made, the city clerk shall certify the same to the county treasurer to be placed by him upon the tax list of the current year and to be collected with ten percent penalty thereon to defray the cost of collection.

3. Colorado Stature Relating to Trees

COLORADO STATUTES RELATING TO TREE PLANTING

General Powers - City & Towns

31-12-101. Powers of governing bodies. - The governing bodies in cities and towns shall have the following powers:

(Municipal Works and Services)

(20) Streets and Public Grounds. - (a) To lay out, establish, open, alter, widen, extend, grade, pave or otherwise improve streets, alleys, avenues, sidewalks, parks and public grounds, and vacate the same, and to direct and regulate the planting of ornamental and shade trees in such streets, avenues and public ground; to plant trees upon the same; obstructions upon the same; to provide for the lighting of the same; and to provide for cleansing of the same;

Source: Colorado Revised Statutes 1973

24-11-104. Arbor Day--tree planting. The third Friday in April of each year shall be set apart and known as "Arbor Day", to be observed by the people of this state in the planting of forest trees, for the benefit and adornment of public and private grounds, places and ways, and in such other efforts and undertakings as shall be in harmony with the general character of the day so established.

Source: Colorado Revised Statutes 1973

24-11-105. Governor to issue proclamation. Annually, at the proper season, the governor shall issue a proclamation, calling attention of the people to the provisions of sections 24-11-104 and recommending and enjoining their due observance. The commissioner of education shall promote, by all proper means, the observance of the day.