

Chapter 12.16 - TREES

Sections:

12.16.010 - Definitions.

As used in this chapter:

"Park trees" means trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the town, or to which the public has free access as a park.

"Street trees" means trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the town.

(Prior code § 10-12-010)

12.16.020 - Tree board.

There is hereby created and established a town tree board which shall consist of five members, citizens and residents of this community, who shall be appointed by the mayor with the approval of the town council.

(Prior code § 10-12-020)

12.16.030 - Term of office.

The term of the five persons to be appointed by the mayor shall be three years, except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.

(Prior code § 10-12-030)

12.16.040 - Compensation.

Members of the board shall serve without compensation.

(Prior code § 10-12-040)

12.16.050 - Duties.

It shall be the responsibility of the board to study, investigate, council and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the town council and upon their acceptance and approval shall constitute the official comprehensive town tree plan for the town. The board, when requested by the town council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.

(Prior code § 10-12-050)

12.16.060 - Operation.

The board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

(Prior code § 10-12-060)

12.16.070 - Species to be planted.

The following list constitutes the official street tree species for the town. No species other than those included in this list may be planted as street trees without written permission of the town tree board.

A. Small trees: fifteen (15) to twenty-five (25) feet in height.

Deciduous

Crabapple (Malus sp.)

Adams Spring Snow

Red Splendor Dolga

Royalty Hopa

Snowdrift Kelsey

Hawthorn (Crataegus)

Cockspur Hawthorn (C. crusgalli)

Downy Hawthorn (C. mollis)

Paul's Scarlet Hawthorn (C. oxycatha Pauli)

Alder (Alnus tenuifolia)

Birch, Rocky Mountain (Betula occidentalis)

Evergreen

Arborvitea, Smaragd (Thuja occidentalis "Smaragd")

Pine, Pinyon (Pinus edulis)

Rocky Mountain Juniper (Juniperus scopulorum)

B. Medium trees: twenty-five (25) to forty (40) feet in height.

Deciduous

Ash, European Mountain (Sorbus aucuparia)

Golden Rain Tree (Koelreuteria paniculata)

Canada Red Cherry (Prunus virginiana melanocarpa "Shubert")

Honeylocust (Gleditsia triacanthus inermis) Imperial Honeylocust (G. "Imperial")

Olive, Russian (Elaeagnus angustifolia)

Mayday Tree (Prunus padus)

Evergreen

Pine, Bristle Cone (*Pinus aristata*)

C. Large trees: forty (40) feet and higher in height.

Deciduous

Ash

Marshall's Seedless (*Fraxinus pennsylvanica*)

Summit (*Fraxinus pennsylvanica* "Summit")

Autumn Purple (*Fraxinus americana*)

Cottonwood (*Populus*)

Narrowleaf (*Angustifolia*)

Hackberry (*Celtis occidentalis*)

Honeylocust (*Gleditsia triacanthos inermis*)

Moraine (G. "Moraine")

Shademaster (G. "Shademaster")

Skyline (G. "Skyline")

Linden

American (*Tilia americana*)

Greenspire (*Tilia cordata* "Greenspire")

Redmond (*Tilia euchiora* "Redmond")

Maple, Soft (*Acer saccharinum*)

Silver Queen (A.s. "Siver Queen")

Maple (*Acer platanoides*)

Norway Red Rubrum

Norway Columnar Royal Red

Norway Emerald Queen Schwedler

Norway Jade Glen

Evergreen

Fir, White (*Abies concolor*)

Pine (*Pinus*)

Austrian (*P. nigra*)

Ponderosa (*P. ponderosa*)

Scotch (*P. sylvestris*)

Spruce, Colorado Blue (*Picea pungens glauca*)

D. Large shrubs: over six feet in height.

Deciduous

Burning Bush (*Euonymus alatus*)

Chokecherry (*Prunus virginiana melanocarpa*)

Cotoneaster, Peking (*Cotoneaster acutifolia*)

Dogwood (*Cornus stolonifera*)

Red Twig (*C.s. coloradensis*)

Variegated (*C. alba argento-marginata*)

Yellow Twig (*C.s. flauimera*)

Forsythia

Lilac (*Syringa vulgaris*)

Oak, Gamble (*Quercus "Cambeli"*)

Peashrub, Siberian (*Caragana arborescens*)

Plum, American (*Prunus americana*)

Serviceberry (*Amelanchier alnifolia*)

Sumac

Cutleaf (*Rhus typhina laciniata*)

Smooth (*Rhus glabra*)

Threeleaf (*Rhus tryobata*)

Fragrant (*Rhus aromatica*)

Staghorn (*Rhus typhina*)

Viburnum

Willow, Pussy (*Salix caprea*)

(Prior code § 10-12-070)

12.16.080 - Spacing.

The spacing of street trees will be in accordance with species size classes listed in Section 12.16.070, and no trees may be planted closer together than the following:

- A. Small trees: twenty (20) feet;
- B. Medium trees: thirty (30) feet;
- C. Large trees: forty (40) feet; except in special plantings designed or approved by a landscape architect.

(Prior code § 10-12-080)

12.16.090 - Distance from curb and sidewalk.

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in Section 12.16.070, and no trees may be planted closer to any curb or sidewalk than the following:

- A. Small trees: two feet;
- B. Medium trees: three feet;
- C. Large trees: four feet.

(Prior code § 10-12-090)

12.16.100 - Distance from street corners and fireplugs.

No street tree shall be planted closer than twenty-five (25) feet from any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than ten (10) feet from any fireplug.

(Prior code § 10-12-100)

12.16.110 - Utilities.

No street trees other than those species listed as small trees in Section 12.16.070 may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

(Prior code § 10-12-110)

12.16.120 - Public tree care.

- A. The town shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.
- B. The town tree board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of such trees is in accordance with Sections 12.16.070 through 12.16.110.

(Prior code § 10-12-120)

12.16.130 - Tree topping.

It is unlawful as a normal practice for any person, firm or town department to top any street tree, park tree, or other 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 section at the determination of the town tree board.

(Prior code § 10-12-130)

12.16.140 - Pruning—Corner clearance.

Every owner of any tree overhanging any street or right-of-way within the town shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be clear space of eight feet above the surface of the street or sidewalk. The owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs that constitute a menace to the safety of the public. The town shall have the right to prune any tree or

shrub 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.

(Prior code § 10-12-140)

12.16.150 - Dead or diseased tree removal.

The town shall have the right to cause the removal of any dead or diseased trees on private property within the town, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the town. The town tree board will notify in writing the owners of such trees. Removal shall be done by the owners at their own expense within sixty (60) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the town shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

(Prior code § 10-12-150)

12.16.160 - Stump removal.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(Prior code § 10-12-160)

12.16.170 - Interference with tree board.

It is unlawful for any person to prevent, delay or interfere with the town tree board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this chapter.

(Prior code § 10-12-170)

12.16.180 - Arborist's license.

It is unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the town without first applying for and procuring a license. The license fee shall be set by the town's fee schedule provided, however, that no license shall be required of any public service company or town employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of fifty thousand dollars (\$50,000.00) for bodily injury and one hundred thousand dollars (\$100,000.00) property damage indemnifying the town or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

(Ord. 2007-11 § B(11))

12.16.190 - Review by town council.

The town council shall have the right to review the conduct, acts, and decisions of the town tree board. Any person may appeal from any ruling or order of the town tree board to the town council who may hear the matter and make final decision.

(Prior code § 10-12-190)

12.16.200 - Penalty.

Any person violating any provision of this chapter shall be, upon conviction or a plea of guilty, subject to a fine not to exceed three hundred dollars (\$300.00).

(Prior code § 10-12-200)