

TOWN OF PAGOSA SPRINGS, COLORADO

**ORDINANCE NO. 952
(SERIES 2021)**

**AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS
ESTABLISHING A TREE POLICY AND TREE ADVISORY BOARD**

WHEREAS, the Town of Pagosa Springs ("Town") is a home rule municipality duly organized and existing under Article XX of The Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003, as amended ("the Charter"); and

WHEREAS, pursuant to Section 1.4 (A) of the Charter, the Town has all power of local self-government and home rule and all power possible for a municipality to have under the Constitution and laws of the State of Colorado; and

WHEREAS, the Town will be applying for and wishes to be recognized as a Tree City USA by The National Arbor Day Foundation and desires to continue its tree-planting ways; and

WHEREAS, the Town Council hereby finds and determines that adopting a Tree Policy and Tree Advisory Board is appropriate and necessary to the function and operation of the Town, and necessary and proper for the public health and safety of the residents and visitors of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows:

- I. Adoption of Chapter 14, Article 4 - Tree Policy and Advisory Board, of the Municipal Code:

CHAPTER 14 – PARKS AND RECREATION

ARTICLE 4 – TREE POLICY AND ADVISORY BOARD

Sec. 14.4.1 – Purpose

To enhance the quality of life and the present and future health, safety, and welfare of all citizens, to enhance property values, and to ensure proper planting and care of trees on public property, the Town Council herein delegates the authority and responsibility for managing public trees, creates a Tree Advisory Board, establishes practices governing the planting and care of trees on public property, and makes provision for the emergency removal of trees on private property under certain conditions.

Sec. 14.4.2 – Definitions

Sec. 14.4.4 – Tree Advisory Board

The Town Council hereby creates a “Tree Advisory Board,” hereinafter referred to as the “Board.”

(1) Membership. The Combined Parks and Recreation Advisory Board shall serve as the Members of the Tree Advisory Board under the same terms and conditions as provided by Sec. 14.3.2. – Parks and Recreation Commission.

(2) Meetings. The Board shall meet a minimum of four (4) times each year. All meetings shall be open to the public. The Board chair may schedule additional meetings as needed.

(3) Duties. The Board shall act in an advisory capacity to the Director and shall:

- (a) Coordinate and promote Arbor Day activities;
- (b) Review and update a five-year plan to plant and maintain trees on Town property;
- (c) Support public awareness and education programs relating to trees;
- (d) Review Town department concerns relating to tree care;
- (e) Submit an annual report of its activities to the Town Council;
- (f) Assist with the annual application to renew the Tree City USA designation;
- (g) Develop of a list of recommended trees for planting on Town property, and a list of prohibited species; and
- (h) Other duties that may be assigned by Town Council.

Sec. 14.4.5 – Tree Care Standards

(1) Standards. All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations" and shall follow all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture.

(2) Requirements of franchise utility companies. The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards.

(3) Preferred species list. The Director shall maintain an official list of desirable tree species for planting on public property.

(4) Planting distances. The Director shall develop and maintain an official set of

threatens public health, safety, and welfare is declared a nuisance pursuant to Chapter 11 of the Municipal Code and the Town may require its treatment or removal.

(2) Private property owners have the duty, at their own expense, to remove or treat nuisance trees on their property. The Town may remove such trees at the owner's expense if the owner does not comply with treatment and/or removal as specified by the Director within the written notification period, or the Town may take any and all actions prescribed by Chapter 11- Nuisances, including but not limited to right of entry, abatement, summons, fines and assessments, and other remedies.

Sec. 14.4.9 – Violations and Penalty

(1) Any person, firm or corporation violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall be subject to a fine not to exceed one-thousand dollars (\$1000) for each offense.

(2) No remedy provided herein shall be exclusive, but the same shall be cumulative and the taking of any action, including charge or conviction in Municipal Court, shall not preclude or prevent the taking of other actions to abate or enjoin any nuisance. The abatement provision provided herein shall constitute a concurrent remedy over and above any charge or conviction of a municipal offense.

- II. Recitals. The foregoing recitals are incorporated herein as if set forth in full.
- III. Public Inspection. The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.
- IV. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.
- V. Effective Date. Pursuant to Section 3.9 of the Town Charter, this Ordinance shall become effective and be in force immediately upon final passage at second reading.

INTRODUCED, READ, AND ORDERED PUBLISHED BY TITLE ONLY PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE _____ DAY OF _____, 2021.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: _____
Don Volger, Mayor