

Chapter 5.52

TREES, SHRUBS AND PLANT
DISEASE CONTROL

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5.52.010 Definitions.

As used in this chapter:

A. “Communicable disease” means any disease or insect infestation causing harm, death or eventual death to trees, shrubs or plants.

B. “Owner” means and includes the record owner, whether a person, firm or corporation, any agent or representative of the record owner, and any occupant of any lot or parcel of land within the city.

C. “Parking” means that portion of any deeded or platted street or other road which is adjacent to but not physically occupied by a roadway.

D. “Parks superintendent” means the superintendent of parks of the city.

E. “Person” means any natural person, firm, corporation, contractor or subcontractor, or tree service, or any agent or representative of any natural person, firm, corporation, contractor or subcontractor or tree service.

F. “Public place” means and includes any street, alley, parking, parkway, public parks or grounds, or other area in the city dedicated, deeded, used or held for public use. (Prior code § 5.60.010)

5.52.020 Rules and regulations.

The parks superintendent shall, with the approval of the council, issue such rules and regulations as may be required for the orderly, safe and effective trimming, pruning, removal and planting of trees. (Prior code § 5.60.080)

5.52.030 Planting on public grounds—Permit required.

No person shall plant, move or install any tree or shrub in any street, avenue, public highway, public parks or public place of the city without first applying for and obtaining a permit. Each planting permit shall contain the same information and is subject to the same limitations as the trimming permit described in 5.52.050. (Prior code § 5.60.040)

5.52.040 Planting specifications.

The superintendent of parks shall issue, and make available to the public during regular business hours, rules, regulations and specifications for the placement or planting of trees, shrubs and bushes on the public rights-of-way, streets, avenues, parkings or any other public place. (Prior code § 5.60.050)

5.52.050 Trimming on public grounds—Permit requirements.

It is unlawful for any person to trim, prune or remove any tree located in any public place, including any parking adjacent to the premises of any owner of private property, without first securing a permit to do so from the parks superintendent. Each such permit, which shall be issued without charge, shall state the type of work for which the permit is given, the variety, number and location of the trees to which such permit relates, and the expiration date of such permit. It shall be issued upon the condition that the permittee, in the performance of such work, shall comply with all regulations issued by the parks superintendent relating to the trimming, pruning, and removal of trees. (Prior code § 5.60.020)

5.52.060 License—Required when—Fee and issuance conditions.

A. No person shall engage in or solicit the business of trimming, pruning or removing of trees within the city on public or private property without first obtaining a license therefor from the city clerk. No such license shall be issued unless the applicant passes a written and/

or practical test administered by the superintendent of parks, and evidence is filed with the city clerk that there is then in force a public liability and property damage insurance policy or policies issued by a reputable insurance carrier authorized to do business in the state insuring the operations of such applicant for such amounts, in such form and for such protection as shall be required by the regulations of the parks superintendent.

B. The fee for such license shall be ten dollars per year or fraction thereof, payable annually in advance, and each license shall expire on December 31st of the year in which the same is issued.

C. Persons who spray or apply pesticides to shrubs, trees or any parts of trees for hire shall be licensed by the State Department of Agriculture. (Prior code § 5.60.030)

5.52.070 License—Suspension and revocation.

A. Any license issued under the provisions of this chapter is subject to suspension or revocation by the city administrator for any violation of this chapter or for violation of rules or regulations adopted or issued hereunder.

B. The city administrator may suspend or revoke such license upon the written complaint of any person, including any administrative official of the city, or upon motion of the council; however, no suspension of said license shall be for a period greater than thirty days. (Prior code § 5.60.060)

5.52.080 Tree services—Vehicle identification.

Tree services operating within the city shall clearly identify each piece of vehicular equipment used on the job with their company's name. The lettering shall be a minimum of three inches in height and be visible from both sides of each piece of equipment at all times. (Prior code § 5.60.090)

5.52.090 Diseased or infested trees—Inspection.

The superintendent of parks and forestry shall have the power to inspect any trees, logs or branches existing upon any property within the city. The superintendent of parks and forestry shall from time to time conduct surveys to determine if any Dutch Elm or other communicable disease or insect infestation exists in the city which may be detrimental to or endanger the good health and well-being of trees within the city. (Prior code § 5.60.100)

5.52.100 Diseased or infested trees—Notice to abate.

A. Upon discovery of any Dutch Elm or other communicable disease, European elm bark beetle or other insect infestations, dead or dying elm or other trees, or stacked or stockpiled elm wood or branches existing upon any privately owned property located within the city which endangers the growth, health, life or well-being of other trees, or which is capable of causing an epidemic of Dutch Elm or other communicable disease or insect infestation, the superintendent of parks and forestry shall at once notify in writing the owner, agent or occupant of

the premises upon which the same is located of the condition thereof, and direct such owner, agent or occupant to eradicate, remove or otherwise control such condition.

B. The notice referred to in subsection A of this section shall be in writing, and shall advise the addressee of the existence of Dutch Elm or other communicable disease, European elm bark beetle or other insect infestations, dead or dying elm or other trees, or stacked or stockpiled elm wood or branches, the location thereof designated by street address or legal description, and shall inform the addressee that he shall within twenty days of service of the notice remove the tree, trees or wood to an approved sanitary landfill or burn the tree, trees or wood immediately, with proper permit.

C. Such notice shall be served personally in accordance with the Colorado Rules of Civil Procedure or by mailing, by certified or registered mail, to the owner of the premises at the address of the owner maintained in the office of the Fremont County assessor in the event the owner, his agent or occupant of the premises cannot with reasonable diligence be located within the corporate boundaries of the city. Such notice will be effectively served when personally served or when deposited in the United States mail, properly addressed, postage prepaid.

D. Failure to comply with terms of the written notice shall render the owner, his agent, or occupant of the premises liable to the penalty provisions of Section 5.52.140. (Prior code § 5.60.110)

5.52.110 Diseased or infested trees—Abatement by city when—Costs.

In the event that the owner, his agent, or occupant of any premises fails or

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refuses to comply with the terms of the written notice provided for in subsections B through D of Section 5.52.100, the superintendent of parks and forestry may enter upon the premises and cause to be removed, treated or otherwise cared for by any approved manner, any infected or infested trees, logs or branches, in order to eradicate or control the same or to prevent the spreading of the communicable disease or insect infestation, the cost of which shall be borne by the owner, agent or occupant of such premises. (Prior code § 5.60.120)

5.52.120 Abatement by city—Cost assessment.

A. Assessment of costs of control, removal or abatement of infected or infested trees by the city after the superintendent of parks and forestry shall complete or cause to be completed the work authorized by Section 5.52.110, may be certified by the council, by ordinance, to the Fremont County treasurer, state of Colorado, for collection by the treasurer in the same manner as general property taxes are collected.

B. The city clerk shall give notice to all property owners whose property is proposed to be assessed for unpaid costs of control, removal or abatement of infected or infested trees by publication in a newspaper of general circulation in the city, once, not less than ten days prior to the council meeting at which the assessing ordinance shall be considered on first reading. The notice shall include:

1. The name of the property owner;
2. The legal description of the parcels of real property to be assessed;

3. The amount of the proposed assessment, the amount of any penalty fee, and the interest rate to be charged on unpaid assessments;

4. The date when the assessing ordinance will be considered by the council on first reading;

5. That all objections to any proposed assessment will be heard by the council at the meeting at which such ordinance is to be considered, or at some subsequent meeting thereof before final action upon such ordinance.

C. The city clerk shall mail the notice by ordinary mail, postage prepaid, to owners of all real property whose real property may be assessed, at their last known address determined by the city clerk from telephone directories, city directories and records in the office of the county assessor, at least ten days prior to the date of the public hearing, a copy of the notice being published. (Prior code § 5.60.130)

5.52.130 Injuring or defacing public trees unlawful.

No person shall move any building or other object as to injure or interfere with any tree or shrub standing in any street, public highway, public park or ground or any other public place. No person shall attach or place any advertisement, announcement or notice upon, or print upon, or attach wires, cables, mailboxes, reflectors or any other device to any tree or shrub situated in any street, highway, public park or ground, or any other public place. (Prior code § 5.60.070)

5.52.140 Violation — Penalty.

Any person who violates any of the provisions of this chapter, or any notice, regulation or direction given by the city under the provisions hereof, is guilty of a misdemeanor and shall, upon conviction thereof, be fined in any amount not to exceed one thousand dollars. (Ord. 15-1993 § 1)