

Chapter 8.06**TREE CARE AND MAINTENANCE****Sections:**

- 8.06.010** **Definitions**
- 8.06.020** **Creation and establishment of a Tree Board**
- 8.06.030** **Duties and responsibilities of Tree Board**
- 8.06.040** **Elm trees**
- 8.06.050** **Street and public park tree types to be planted**
- 8.06.060** **Spacing newly planted street and public park trees**
- 8.06.070** **Distance from street corners and fire hydrants**
- 8.06.080** **Utilities**
- 8.06.090** **Public tree care**
- 8.06.100** **Pruning and clearance**
- 8.06.110** **Tree topping**
- 8.06.120** **City right and powers to enforce tree safety**
- 8.06.130** **Removal of stumps, dead, diseased and hazardous trees**
- 8.06.140** **Adoption of tree and shrubbery regulations**

8.06.010 DEFINITIONS

- A. "Private Trees" are herein defined as trees, shrubs, bushes, and other wood-like vegetation located within a private property boundary line, but may project or exist over or outside the property line.
- B. "Public Park Trees" are herein defined as trees, shrubs, bushes, and other wood-like vegetation located in established public parks, cemeteries, along designated trails, and other areas within the City's jurisdiction to which the public has free access to as a park.
- C. "Street Trees" are herein defined as trees, shrubs, bushes, and all other wood-like vegetation which is found on land existing between property lines on either side of all streets, avenues, and ways within the City.

(Ord. 1993-19)

8.06.020 CREATION AND ESTABLISHMENT OF A TREE BOARD. There is hereby created and established a Tree Board for the City of Fruita which shall consist of five (5) to seven (7) members. Members of the Board may include both residents of the City of Fruita and nonresidents who are interested and enthusiastic about improving and protecting trees, who shall be recommended by the Mayor and approved by a majority vote of the City Council. This Tree Board shall be governed by by-laws recommended by the Tree Board and approved by the City Council. (Ord. 1993-19; Ord 2005-17)

8.06.030 DUTIES AND RESPONSIBILITIES OF TREE BOARD. It shall be the responsibility of the Tree Board to study, investigate, counsel, monitor, and foster community forest care for the City of Fruita, by way of the following activities:

- A. The Tree Board will develop, accordingly update, and administer an annual work plan for the care, preservation, pruning, planting, replanting, and removal or disposition of trees, shrubs, bushes, and other wood-like vegetation considered "Public Park Trees".
- B. The Tree Board is responsible for any community education programs and or literature concerning community forestry, and is authorized to arrange, advertise, and conduct educational programs.
- C. The Tree Board is responsible for conducting the annual Arbor Day Celebration.
- D. The Tree Board will be responsible for cooperating with the Director of Public Works concerning reporting and treating areas where "Street Trees", "Public Park trees" and "Private Trees" pose a threat or danger to the public safety for any reason and need immediate attention. The board will not have the authority to contact any private citizen concerning these public safety hazards, and shall report only to the Director of Public Works. Any action taken concerning these trees will not involve the Tree Board.

(Ord. 1993-19)

8.06.040 ELM TREES. The City of Fruita shall be considered as an area or zone within which healthy elm trees are to be protected from infestation with Dutch Elm Disease and from harboring the European elm bark beetle, *Hylurgopinus Rufipes*. Any infected or infested trees, or parts thereof, shall be considered a public nuisance and shall be removed or destroyed in accordance with the public nuisance provisions of this Code. It shall likewise be considered a nuisance to maintain stumps or store wood which may harbor Dutch Elm Disease or furnish breeding places for the European elm bark beetle. (Ord. 1993-19)

8.06.050 STREET AND PUBLIC PARK TREE TYPES TO BE PLANTED. The types of trees to be planted as "Street Trees" or "Public Park Trees" will be determined by and at the discretion of the Tree Board. A list of allowable and undesirable trees will be produced and amended by the Tree Board as a part of the Tree Board Annual Work plan. (Ord. 1993-19)

8.06.060 SPACING NEWLY PLANTED STREET AND PUBLIC PARK TREES. The minimum spacing of newly planted "Street Trees" and "Public Park Trees" will be no less than the following:

Small trees - 18 to 20 feet
Medium trees - 25 to 30 feet
Large trees - 35 to 40 feet

The only exception to these distances is in a special planting approved by the Tree Board. (Ord. 1993-19)

8.06.070 DISTANCE FROM STREET CORNERS AND FIRE HYDRANTS. No "Street Trees" or "Public Park Trees" or "Private Trees" will be planted closer than twenty feet (20') to any street corner, measured from the point of the nearest intersecting curbs or curb-lines. No "Street Trees" or "Public Park Trees" or "Private Trees" shall be planted within ten feet (10') of any fire hydrant. (Ord. 1993-19)

8.06.080 UTILITIES. No trees other than what is considered a small tree may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground water, sewer, transmission, or any other utility line. No trees may be planted in close proximity to any curb or sidewalk, which will detrimentally impact on the curb or sidewalk. It is recommended that the minimum between curb or sidewalk and newly planted trees be four feet (4'). (Ord. 1993-19)

8.06.090 PUBLIC TREE CARE. The City shall have the right to plant, prune, maintain, and remove any tree, shrub, bush, or other wood-like vegetation within the right-of-ways of all streets, alleys, easements, and public grounds as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. This section does not prohibit the planting of "Street Trees" by an adjacent property owner, provided the location and size of such trees are in accordance with this ordinance, as well as other guidelines that the Tree Board may develop. (Ord. 1993-19)

8.06.100 PRUNING AND CLEARANCE. Every owner of any tree on their property which overhangs any street, right-of-way, alley, corner, or any other public area or way within the City shall prune the branches so that such branches shall not obstruct the light of a street light, street signs or obstruct the view of any intersection, so that there shall be a clear space of nine feet (9') above the sidewalk or driveway and thirteen feet (13') above the street. Said owners shall remove all dead, diseased, or dangerous branches, or broken or decayed limbs on their trees which constitute a menace to the safety of the public, and shall bear the full financial burden of removal. (Ord. 1993-19)

8.06.110 TREE TOPPING. It shall be unlawful as a normal practice for any person, firm, or City department to top any "Street Trees" or "Public Parks Trees", or any 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 trees 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 trees located in areas where normal maintenance is impractical or dangerous may be exempted from this section only with approval by the Tree Board. (Ord. 1993-19)

8.06.120 CITY RIGHT AND POWERS TO ENFORCE TREE SAFETY. This ordinance outlines the City's ability to enforce tree safety and care concerning public/private overlap.

- A. The Director of Public Works shall have the power to determine if a safety or obstruction concern exists with regard to "Street Trees" or "Public Park Trees" or "Private Trees", and can take the actions necessary to abate the problem.
- B. The Director of Public Works and his authorized representative or agent shall have the right to trim, remove, prune, and protect any tree, shrub, bush, or other wood-like vegetation which is

on public right-of-way or any street, alley, sidewalk, or other public place, or to require the owner or occupant of the property, or their agent, abutting on the right-of-way of any street, alley, sidewalk, or other public place to trim, remove, prune, or protect any tree, shrub, bush, or other wood-like vegetation which may project or exist beyond the property line (including right-of-way trees adjacent to private property) of such owner, occupant, or agent, onto or over public property in a manner which interferes with the safe use of the right-of-way, at the expense of said owner.

- C. If the property owner, occupant or agent, refuses or neglects to trim, remove, prune, or protect any such tree, shrub, bush, or other wood-like vegetation within fifteen (15) days after receipt of a written notice sent by certified mail with return receipt requested from the Director of Public Works to do so, the Director may do or cause to be done the necessary work incident thereto, and the expenses thereof shall be collected from the owner of such property, and if not collected with thirty (30) days the amount shall be made a lien against said property until paid. Upon demonstration of a financial hardship the City may consider development of a payment plan.

(Ord. 1993-19)

8.06.130 REMOVAL OF STUMPS, DEAD, DISEASED, AND HAZARDOUS TREES. The City shall have the right to cause the removal of any stumps which exist in any street, alley, right-of-way, or other public place and extends above the surface of the ground. Removal will be undertaken in the same manner as in Section 8.06.120, except the property owner will be given thirty (30) days to comply with a written notice.

The City shall have the right to cause the removal of any such trees on private property within the City, when such trees constitute a hazard to life and property, or harbor insects or diseases which are a potential threat to other trees within the City. The owner will be notified in writing by certified mail, return receipt requested as to why the request is being made by the Director of Public Works. Removal shall be done by the owner at their expense within sixty (60) days after the notice is served. In the event there is a failure of owners to comply with the notice, the City shall have the authority to remove such trees and charge the cost of removal to the owners. If payment is not received within thirty (30) days the amount shall be made a lien against said property until paid. Upon demonstration of a financial hardship the City may consider development of a payment plan.

(Ord. 1993-19)

8.06.140 ADOPTION OF TREE AND SHRUBBERY REGULATIONS. The City Council may, from time to time, adopt tree and shrubbery regulations, which may be promulgated by the Tree Board, by resolution. Any regulation so adopted shall be for the exclusive purpose of providing for the care of trees and shrubs in the City and shall be deemed as mandatory for any removal, destruction, trimming, or pruning of any tree, shrub, or hedge in the City. (Ord. 1993-19)