

ORDINANCE NO. 574

**AN ORDINANCE FOR THE PRESERVATION AND PROTECTION OF TREES IN
THE TOWN OF HAYDEN, COLORADO**

WHEREAS, the Town of Hayden is celebrating its 100th year of incorporation; and

WHEREAS, the Town of Hayden has a proud history of tree planting, maintenance, and preservation; and

WHEREAS, the Town of Hayden has recently adopted a Comprehensive Plan desiring future development to continue this community tree planting tradition; and

WHEREAS, the Town of Hayden has made application to become a Tree City; and

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HAYDEN,
COLORADO:**

Section 1. Section 12.06 of Title 12 of the Hayden Municipal Code is hereby adopted and added as follows:

12.06.010. Purpose

It is the purpose of this ordinance to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance, and removal of trees, shrubs, and other plants within the Town of Hayden.

12.06.020. Definitions

Large trees. Those trees attaining a height of 45 feet or more.

Tree lawn. That part of a street or highway, not covered by sidewalk or other paving, lying between the property line and that portion of the street or highway usually used for vehicular traffic.

12.06.030. Tree Board

There is hereby created and established a tree board for the Town which shall consist of at least three members but no more than five members, citizens and residents of this city, who shall be appointed by the Town Board. Members of the board shall serve without compensation. The term of the tree board shall be three years, except that the term of two members appointed to the first board shall be only one year and the term for 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. The tree board will assist the Parks and Recreation Department in the development of a comprehensive plan for the Town, including planning, tree planting, and maintenance programs for all public trees. The board will promote the goals of the tree program.

12.06.040. Town Forester

The Town shall appoint a town forester, urban forester, or arborist. This individual shall be employed by the parks department. The urban forester shall have the following general powers and duties: (1) To direct, manage, supervise, and control the town street program to include all planting, removal, maintenance, and protection of all trees and shrubs on public areas; (2) To guard all trees and shrubs within the town to prevent the spread of disease or pests and to eliminate dangerous conditions that may affect the life, health, or safety of persons or property; (3) Such other powers and duties as are provided by the laws of Colorado; by ordinance of the town and the Hayden Tree Board.

12.06.050. Authority

The town forester shall have the authority and jurisdiction of regulating the planting, maintenance, and removal of trees on streets and other publicly owned property to ensure safety or preserve or enhance the aesthetics of such public sites. The town forester shall have the authority to supervise or inspect all work done under a permit issued in accordance with terms of this ordinance. The town forester shall have the authority to formulate and publish a master tree plan with the advice, hearing, and approval of the tree board.

12.06.060. Permits

No person shall plant, spray, fertilize, preserve, prune, remove, cut above or below ground, or otherwise disturb any tree on any street or municipal-owned property without first filing an application and procuring a permit from the town forester or otherwise specified municipal authority. The person receiving the permit shall abide by the arboricultural specifications and standards of practice adopted by the town forester. The town forester shall have the authority to require posting of a bond adequate to fully repay the town for any and all costs attendant to the completion of the work under the permit. In addition, the contractor is required to show adequate insurance coverage from potential damages during the execution of the work.

12.06.070. Maintenance

All trees planted shall have trunks not less than 1/2-inch in diameter at 6 inches above the ground. No tree shall be planted closer than 3 feet from the curb line or outer line of the sidewalk. All trees shall be planted in line with each other and at a spacing of 40 to 60 feet depending on the species planted. No street tree shall be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground utility wire. No trees shall be planted within 30 lateral feet from corners or intersections. All trees and shrubs on public or private property, which have branches overhanging a public street or sidewalk, shall have said branches trimmed to a clearance height of 14 feet on the street side and 10 feet on the sidewalk side. All public trees designated for removal shall be completely removed from the growing site and disposed of in an authorized manner.

12.06.080. Species, Cultivars, and Varieties

The tree board develops and maintains a list of desirable trees for planting along streets in three size classes: small, medium, and large. A list of tree species not suitable for planting as street trees will also be created and enforced by the tree board.

12.06.090. Obstruction

It shall be the duty of any person or persons owning or occupying real property bordering on any street upon which property there may be trees to prune such trees in a manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct view of any street or alley intersection. The minimum clearance of any overhanging portion thereof shall be 10 feet over sidewalks and 14 feet over all streets. When a person to whom an order is directed shall fail to comply within the specified time, it shall be lawful for the town to prune such trees with the cost assessed to the owner as provided by law in special assessments.

12.06.100. Nuisance and Condemnation

All street trees planted in violation of, or not maintained in strict compliance with the provisions of this ordinance, or that are dead or dangerous are declared to constitute a public nuisance. The town forester or code enforcement officer shall cause written notice to be served on the property owner requiring such nuisances to be corrected within 30 days or the cost of correction will be assessed against the property owner.

12.06.110. Protection of Trees

During development, redevelopment, razing, or renovating, no more than 50 percent of the trees shall be cut, damaged, or removed except by specific permit. No person shall excavate any ditches, tunnels, trenches, or lay any drive within a radius of 20 feet from any tree. No person shall intentionally damage, cut, carve, attach any rope, wire, nails, advertising posters, or other contrivance to any tree; allow any gaseous, liquid, chemical, or solid substance that is harmful to such trees to come in contact with them; or set fire or permit fire to burn when such fire or the heat will injure any portion of any tree. Tree topping is not allowed on any publicly owned tree.

12.06.120. Appeals

Any person who receives an order from the town forester or code enforcement officer and objects to all or a part thereof, may, within 10 days of receipt thereof, notify the town forester and town board, in writing, of the nature of the objection and request a hearing thereon. The hearing shall be held within 21 days of notice to the appellant. Within 10 days after such hearing, the mayor shall notify the appellant and the town forester of the final decision.

12.06.130. Interference

No person shall prevent, delay, or interfere with the town forester or code enforcement officer in the execution or enforcement of the ordinance.

12.06.140. Penalties

Any person or firm, or corporation violating or failing to comply with any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined a sum no less than \$1, nor more than \$1,000, or may be imprisoned for a term not exceeding 90 days, or both.

Section 2. Effective Date

This Ordinance shall be in full force and effect thirty (30) days after its publication. This Ordinance, immediately on final passing and adoption, shall be published in a newspaper of general circulation and recorded in the Town Book of Ordinances kept for that purpose, authenticated by the signatures of the Mayor and Town Clerk.

PASSED, ADOPTED AND APPROVED THIS 26th DAY OF APRIL, 2019.

J. TIMOTHY REDMOND, MAYOR

ATTEST:

SHARON JOHNSON, TOWN CLERK