

Ordinance No. 357

AN ORDINANCE PROVIDING FOR THE PROMOTION AND PRACTICE OF GOOD ARBORICULTURE PRACTICES

WHEREAS, It is the desire of the Town Board of the Town of Limon to promote the health of the community forest and thereby the health and safety of the public by promoting good arboriculture practices; and,

WHEREAS, the Limon Town Board has determined that in order to accomplish the foregoing a Town Tree Board should be organized;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LIMON, COLORADO:

SECTION 1. PURPOSE

The purpose of this ordinance is to promote the health of the community forest and thereby the health, safety, and aesthetics of the Town and its residents or visitors by promoting good arboriculture practices.

SECTION 2. DEFINITIONS

Street trees: Street trees are herein defined as trees, shrubs, and all other woody vegetation on land located within Town easements.

Park trees: Park trees are herein defined as trees, shrubs, and all other woody vegetation in public parks, cemeteries, and all other property owned by the Town.

Hazard trees: Hazard trees are herein defined as trees, shrubs, and all other woody vegetation on public or private property that pose a threat to public safety by their condition or location.

Firewood: Firewood is herein defined as trees, shrubs, and all other woody articles stored with the intent to be used in the future as a source of fuel for any fire burning operation.

Flowline: The path drainage water should run, according to survey, next to the roadway; normally known as the gutter, where curb and gutter exists.

SECTION 3. ESTABLISHMENT OF A TOWN TREE BOARD

The Limon Tree Board will consist of 5 members, citizens and residents of Limon, appointed by the Town Board. Members will serve without compensation.

The Limon Tree Board will elect officers annually and will operate according to standard meeting procedures. Members will be appointed for three year terms and can be reappointed.

SECTION 4. RESPONSIBILITIES OF THE TREE BOARD

The Limon Tree Board will have the responsibility of educating the community about the advantages of growing trees and maintaining them properly. It will provide the community with information on viable species for the area, how to plant them, and how to maintain them. The Board will also prepare and update a community forestry program and organize annual tree planting and Arbor Day projects.

The Limon Tree Board, when requested by the Town Board, will consider, investigate, report, and make recommendations upon any special matter coming within the scope of its responsibility.

SECTION 5. APPOINTMENT AND DUTIES OF THE TOWN ARBORIST

The Town Superintendent shall be considered the Town Arborist and have the authority to appropriately deal with problems concerning trees within the Town, and to recommend and/or require necessary maintenance or removal of hazard trees as outlined herein.

SECTION 6. TREE TRIMMERS REGISTRATION

Any firm or individual desiring to trim, spray, or remove trees for hire within the Town, must register with the Town. The interested party must show proof of liability coverage limits to the extent of \$50,000 per person, \$100,000 per occurrence; show proof of workman's compensation coverage, and must fill out the required form and pay the \$10.00 annual registration fee before any work is initiated.

SECTION 7. PUBLIC TREE CARE

The Town of Limon shall have the right to plant, spray, prune, maintain, and remove trees and shrubs within the easements of all streets, alleys, and public grounds, as deemed necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds, if not properly done by the property owner.

The Town Arborist may remove or cause to be removed, any park tree or street tree, or part thereof which is in unsafe condition, or which by reason of its nature is injurious to sewers, utility lines, or other public improvements, or is infected with any dangerous fungus, insect or disease. The Town Arborist may also remove or cause to be removed any tree or part thereof, which is protruding over any street or roadway allowing less than a minimum of fourteen (14) feet clearance above the grade of the roadway.

SECTION 8. DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

The Town shall have the right to cause the removal of any dead or diseased trees on private property within the Town limits, when such trees constitute a hazard to personal safety or property, or harbors insects or disease which constitutes a potential threat to other trees within the Town. The Tree Board will notify the owners of such trees in writing. Removal of such trees shall be done by the owners, at their own expense, within forty five (45) days after the date of notification. In the event of failure of the owners to comply with such provisions, the Town shall have the authority to remove, or have removed, such trees and charge the cost

of removal to the owner's utility bill. In the case of an absentee owner that does not receive the utility bill, or said bill is unpaid, the cost of removal shall be charged on the owner's property tax notice.

Appeal of this action by the Town must be done by following the process outlined in Section 15 of this ordinance.

SECTION 9. FIREWOOD REMOVAL

The Town shall have the right to remove or have removed any firewood that is stored in a detrimental manner or condition with the bark still on (in the case of elm wood), or so that weeds cannot be kept mowed, and rodents or pests cannot be controlled.

Appeal of this action by the Town must be done by following the process outlined in Section 15 of this ordinance.

SECTION 10. TREE SPRAYING

Any individual or firm desiring to spray any large tree (over 20 feet tall) must inform the Town two (2) working days prior to when the intended spraying is initiated, to inform them of tree location and specific pesticide to be used. Any individual or firm hired to do tree spraying must carry a valid state pesticide license.

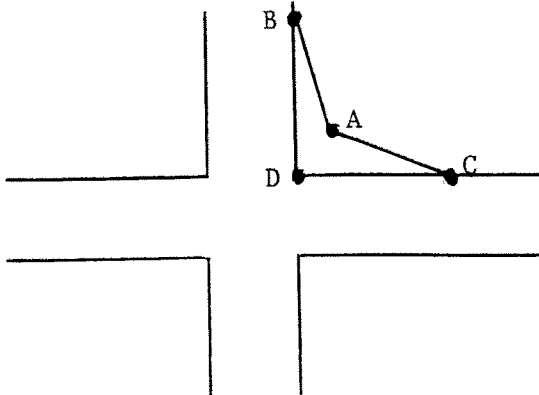
SECTION 11. REMOVAL OF STUMPS

If a street tree or park tree is removed, the remaining stump shall be removed below the surface of the ground and the resulting hole shall be backfilled to the existing grade of the surrounding ground with the appropriate material by the entity removing said tree.

SECTION 12. NEW TREE PLANTINGS

In order to insure proper visual capability at all intersections within the Town of Limon, it shall be unlawful to plant any tree on any intersectional corner within the Town of Limon, within the area described by the boundary lines between points A, B, C, and D on the adjacent sketch. Shrubs within such area shall be maintained at a height of thirty (30) inches or less within these same parameters.

A to B = 60 feet
A to C = 60 feet
Point A is the property corner
Points B, C & D are on the flowline



Shrubs planted next to any driveway, within the Town of Limon within a distance of fifteen (15) feet of any roadway, shall be limited to the same 30 inch maximum height, to avoid any visual obstruction in this situation.

No cotton bearing cottonwood or boxelder tree shall be planted within the Town.

No tree may be planted so as to obstruct any solar panels or satellite dishes in place on adjacent properties prior to the planting. Care should also be taken to avoid future property damage to adjacent properties resulting from trees being planted too close to existing structures.

SECTION 13. DAMAGE TO STREET TREES OR PARK TREES

Any damage to a street tree or park tree resulting from any act, whether malicious, intentional, or negligent, by any firm or individual shall be unlawful. The responsible party will be liable for all damage occurring to said tree to the extent of replacement cost and labor, or any other necessary remedy.

SECTION 14. INTERFERENCE WITH THE TREE BOARD

It shall be unlawful for any person to interfere with the Tree Board, or any of its agents, while engaging in the inspection, planting, spraying, maintaining, or removing of any street trees, park trees, or trees on private property in accordance with this ordinance.

SECTION 15. REVIEW BY THE TOWN BOARD

The Town Board shall have the right to review the conduct, acts, and decisions of the Limon Tree Board or the Town Arborist. Any person may appeal any ruling or order the Tree Board or Town Arborist issues, to the Town Board, who will hear the matter within thirty (30) days and render final decisions thereon. This review must be requested in writing within fifteen (15) days after said party receives notice of the needed maintenance or removal.

SECTION 16. PENALTIES FOR VIOLATIONS

Any person who violates the provisions of this ordinance shall be punishable by a fine of not less than \$50.00 nor more than \$300.00. Each day that such violation shall continue shall constitute a separate and distinct offense.

SECTION 17. SEVERABILITY

If any section, subsection, or any smaller part of this ordinance is found invalid or unconstitutional by any court, that portion of the ordinance shall be deemed a separate, distinct, and independent portion of the remainder of the ordinance, and shall not affect the validity of the rest of the ordinance.

SECTION 18. REPEALER

All acts, orders, resolutions, ordinances, or parts thereof, of the Town of Limon that are inconsistent or in conflict with this ordinance, are hereby repealed to the extent only of such inconsistency or conflict.

Introduced, read and adopted this 12th day of December A.D., 1991.

/s/ Michael L. Liggett, Mayor Pro Tem

(SEAL)

Attest:/s/ Chris Snyder
Deputy Town Clerk