

ORDINANCE NO. 1112

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING CITY REGULATIONS APPLICABLE TO TREES, SHRUBS AND BUSHES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, as follows:

Section 1.

Chapter 3 of Title IX of the Official Code of the City of Montrose, Colorado, as amended, is hereby repealed in its entirety and reenacted to read as follows:

CHAPTER 3

Trees, Shrubs and Bushes

SECTION:

- 9-3-1: Care of Trees on City-Owned Property
- 9-3-2: Tree Trimmer Licenses
- 9-3-3: City Tree Care Specifications
- 9-3-4: Nuisances Created by Trees, Shrubs and Bushes
- 9-3-5: Tree Board

9-3-1: Care of Trees on City-Owned Property:

(A) It shall be unlawful to remove any tree on City-owned property unless the City has approved of the proposed removal.

(B) It shall be unlawful for any person other than a public utility, the owner or party in lawful possession of abutting property, a licensed tree trimmer, or City employees or agents to remove, trim or treat City-owned trees.

(C) All trimming, treatment or removal of City-owned trees shall be done in compliance with the City's Tree Care Specifications.

(D) The City reserves the right to plant, prune, maintain, remove, treat or trim all trees, bushes or shrubs and other plantings located upon all City-owned property, including street rights-of-way. However, it shall be the responsibility of the owner of property abutting trees located on street rights-of-way to maintain the trees so that they do not become a nuisance as defined in Section 9-3-4.

9-3-2: Tree Trimmer Licenses:

(A) It shall be unlawful to engage in the business of tree trimming or treatment of trees, shrubs or bushes on City-owned property without a license issued pursuant to this Section.

(B) Licenses shall be issued without charge by the City following submission of an application on forms provided by the City and review by all agents or employees of the licensee who will remove, trim or treat trees, of the City's Tree Care Specifications and ordinances. No person not listed on a license may trim, treat or remove City owned trees.

(C) Any license issued hereunder may be revoked or suspended for a violation of this Chapter, of the City's Tree Care Specifications, or of other applicable City ordinances and regulations following reasonable notice and hearing by the City Council.

(D) No license may be reissued to any applicant for 2 years after revocation of his license.

9-3-3: City Tree Care Specifications:

(A) The City Manager is hereby directed to adopt Tree Care Specifications and any other regulations necessary to implement the provisions of this Chapter.

(B) It shall be unlawful for any person to top any City-owned tree by severe cutting back of the limbs to stubs larger than 3" in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree, unless the City specifically authorizes such topping due to special circumstances such as storm damage or obstruction of utility lines which make normal trimming impractical.

9-3-4: Nuisances Created by Trees, Shrubs and Bushes:

(A) The following are hereby declared to be a nuisance:

(1) Any tree, shrub, or bush upon public or private property which obstructs the proper view of traffic control devices or signs or unreasonably obstructs the view from vehicles or by pedestrians of traffic at intersections, or which obstructs vehicular or pedestrian traffic.

(2) Any tree, shrub or bush upon public or private property with dead, diseased or decaying limbs which creates a safety hazard to persons or property.

(3) Any dead, diseased or other shrub, bush or tree upon public or private property which harbors insects or is diseased, which could cause the infestation or

infection of other trees or plantings within the City.

(B) It shall be the responsibility of the owner or party in lawful possession of any tree, shrub, or bush, or the owner or party in lawful possession of property abutting trees, shrubs or bushes in the street rights-of-way, which are a nuisance, to remove, trim or treat such tree, shrub or bush to eliminate the nuisance. If such person fails to appropriately care for such tree, bush or shrub, the City may abate the nuisance caused by the tree, bush or shrub in accordance with the provisions of Chapter 4 of Title VI of the Official Code of the City of Montrose, Colorado.

9-3-5: Tree Board:

The City Council is hereby designated as the City's Tree Board.

PASSED on first reading this _____ day of

_____, 19 .

MAYOR

ATTEST:

CITY CLERK

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on second reading on _____, the _____ day of _____, 19 , at the hour of 7:30 P.M. at Montrose City Hall in Montrose, Colorado.

PASSED on final reading this 4th day of

June _____, 1981.

Lawrence M. ...
MAYOR

ATTEST:

Mary P. Watt
CITY CLERK