

Ordinance No. 1181

AN ORDINANCE FOR THE PROTECTION OF TREES

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER COUNTY COLORADO:

1. Town Arborist Position

The Town Manager may designate or contract for the services of a person to be known as the "Town Arborist" whose powers are hereafter specified.

2. Powers and Duties

The Town Arborist shall have the power to promulgate and enforce rules, regulations and specifications concerning the trimming, spraying, removal, planting, pruning and protection of trees, shrubs, vines, hedges and other plants upon the public right-of-way of any street, alley, sidewalk, or other public place in the town. Such rules, regulations and specifications shall be in writing and shall not be effective until approved by the Town Manager. Copies of such rules, regulations and specifications shall be available to the public through the office of Town Clerk.

3. Inspection, removal or treatment of infected or infested trees

3-1 In order to accomplish the purpose of this ordinance, the Town Arborist is hereby authorized to inspect the trees, shrubs and other plants within the Town.

3-2 Upon the discovery of any destructive or communicable disease or other pestilence which endangers the growth, health, life or well-being of trees or plants in the town or which is capable of causing an epidemic spread of communicable disease or insect infestation the Town Arborist shall at once cause written notice to be served upon the owner of the property upon which such diseased tree is situated or the property abutting the right-of-way of any street, alley, sidewalk or other public place upon which diseased tree is situated, which notice shall require such property owner to eradicate, remove or otherwise control such condition within a reasonable time to be specified in such notice. Service of notice shall be by personal delivery of a copy thereof to the owner at any place the owner is located.

3-3 It shall be unlawful for any person to fail to comply with the requirements of any notice given pursuant to this ordinance within the time specified in such notice.

3-4 It shall be the duty of the owner of any property abutting the right-of-way of any street, alley, sidewalk or other public place to remove any dead or dying trees or dead and dying limbs dangerous to life, limb or property located upon the premises of such owner or upon the right-of-way of any street, alley, sidewalk or other public place abutting the property of such owner of property whenever required

to do so by such notice given by the Town Arborist served upon the owner of such property in accordance with such reasonable times as may be specified in such notice.

4. Power to trim trees and collect costs

If any work required under this ordinance is not accomplished within the times specified in the notice, the Town Arborist shall cause the work to be done and the cost of the same shall be collected from the property owner. Any notice given pursuant to this ordinance shall state that if the work required is not done within the time specified, the Town will cause the same to be done at the expense of the owner. If the Town Arborist causes the work to be done, he shall submit the cost thereof to the Town Manager, who shall send a statement in such amount to the property owner within (30) days after the statement is mailed to him. After such (30) days, any unpaid amount shall be made a lien on the lands of such property owner.

5. License required for tree surgeons

It shall be unlawful for any person other than the property owner to engage in the business of cutting, trimming, pruning, removing, spraying or otherwise treating trees within the Town without first procuring a license from the Town.

6. Application procedure

Any person desiring to be licensed pursuant to this ordinance shall make application at the office of the Town Clerk in the forms to be provided by the Town. The Town will accept licensure from businesses that are currently licensed in the Colorado cities of Greeley, Fort Collins, Boulder, and/or Longmont or hold a current ISA (International Society of Arboriculture) Certification. Upon providing proof of licensure from a qualified city, the applicant still must apply and show proof of insurance as well as pay the proper yearly fee. If license or certification is not held in those cities, a written as well as practical pruning test may need to be administered by the Town Arborist before any tree work may begin within the limits of Town. No license shall be issued or renewed without the approval of the Town Arborist.

7. Form of license; identification of vehicles

Every license issued hereunder shall on its face list the types, classifications or kinds of services for which the licensee is authorized to perform. All motor vehicles and other major equipment of any person licensed hereunder used in conducting the licensed business shall be clearly identified with the name of the licensee.

8. Adequate insurance coverage required; minimum amounts

No such license shall be issued until the applicant therefor has presented to the Town Clerk a satisfactory public liability insurance policy covering all proposed operations of the applicant in such business in the Town, with a minimum limit of one million (\$1,000,000.00) dollars per occurrence with the Town of Berthoud named as an additional insured on such policy as well as Three Hundred thousand (\$300,000.00) Dollars for the injury or death of any number of persons in any one (1) accident and

Twenty Five Thousand (\$25,000.00) Dollars for damage of property. Such policy may allow the first One Hundred (\$100.00) of liability to be deductible. Such insurance policy must be prepared for at least the term of the license and shall require at least thirty (30) days advance notice to the Town before cancellation. In the event of cancellation or termination of any such required insurance policy during the license term, the license shall be terminated and the holder thereof shall surrender the same to the Town Clerk unless the licensee presents to the Town Clerk a substitute insurance policy meeting the requirements of this section.

9. License fees, term and renewal

No license shall be issued hereunder until the applicant has paid the current license fee of twenty-five (\$25.00) Dollars for the original license or the current license fee for the renewal of a license. Every license issued hereunder shall expire December 31st of each year. Renewal applications may be submitted at the office of the Town Clerk any time within thirty (30) days prior to the expiration of the license.

10. Suspension or revocation of license; hearing

Upon the verified complaint in writing by any person, the Town Manager or designee may suspend or revoke any license issued hereunder for violation of this ordinance. The complaint shall be submitted in writing to the Town Manager and shall state the date, time and place of violation for which the suspension or revocation of said license are requested. Before suspending or revoking any license pursuant to this section, the Town Manager or designee, shall first mail by certified mail a copy of the complaint to the license holder and give notice to the license holder of a date (not less than five (5) days after the date of mailing of such notice) on which the Town Manager or designee will hold a hearing to determine whether or not such license should be suspended or revoked.


11. Effective Date:

The Board of Trustees of the Town of Berthoud herewith finds, determines, and designates that this Ordinance shall take effect and be in force 30 days after publication.


At its meeting May 20th, 2014 this Ordinance was read, passed and ordered published by the Board of Trustees at its meeting this 20th day of May, 2014.

ATTEST:


Mary K. Cowdin, Town Clerk

TOWN OF BERTHOUD

Jan Dowker – Mayor Pro-Tem
Published: 5-29-14

Approved as to form


Gregory S. Bell, Town Attorney

ORDINANCE NO. 1266

**AN ORDINANCE REQUIRING A STREET TREE WORK PERMIT FOR
PERFORMING MAINTENANCE ON TREES LOCATED WITHIN TREE LAWNS**

WHEREAS the Town of Berthoud ("Town"), in the Town of Berthoud Municipal Code ("Town Code" or "Code") Section 30-1-116(A)(413) defines a "Tree Lawn" as "a strip of landscaping within the right-of-way, generally between the street and an adjacent sidewalk."; and

WHEREAS Town Code Section 30-2-112(B)(5) states that "all property owners/occupants shall be responsible for maintenance, removal and replacement of trees and landscaping within the portion of the public right-of-way between the back of the curb or street pavement and the adjacent property."; and

WHEREAS The Town of Berthoud has a long, rich heritage of tree-lined streets. Today street trees and their conditions are a concern to those involved in urban forestry and the Town has the authority and obligation to assure that vegetation planted on public rights-of-way meets certain standards; and

WHEREAS the Town, for the benefit of its citizens, desires to implement a program whereby property owners can comply with the requirements of Code section 30-2-112(B)(5) for maintaining, removing and/or replacing trees located within Tree Lawns; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO, AS FOLLOWS:

Section 1. Chapter 30 Section 2-112 of the Berthoud Municipal Code is amended to include the following new Section 30-2-112(G):

Section 30-2-112(G) – Street Tree Work Permit

1. Intent. The Town of Berthoud Street Tree Work Permit is intended to promote a more overall healthy and sustainable urban forest by allowing Forestry Staff to develop a greater understanding of management needs and maintenance being performed on trees that are located within Tree Lawn's as that term is defined in Code Section 30-1-116(A). This program is intended only for trees located within Tree Lawns for which property owners/occupants are responsible for maintaining, removing, and replacing pursuant to Code Section 30-2-112(B)(5); not trees located on private property.
2. Definitions. As used in this section 30-2-112(G) the following words will have the meanings indicated:
 - a. "Applicant" means an individual who is a natural person who owns a Property, and by virtue of said ownership is required to maintain,

remove, and replace trees located within the Tree Lawn adjacent to Applicant's Property.

- b. "Property" means a parcel of real estate within the Town of Berthoud, Colorado, which is adjacent to a Tree Lawn.
- c. "Tree Lawn" shall have the same meaning as defined in Berthoud Code section 30-1-116(A).
- d. "Right-of-Way", as defined in Section 30-1-116(A)(352), is a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, irrigation ditch or for another special use.
- e. "Street Tree Work Permit" means a permit for performing maintenance on a tree that is located within a Tree Lawn.
- f. "Maintenance" includes pruning, chemical treatments of pesticides, fungicides, or fertilizers, replacement, removal or any other actions that may affect the health of a tree.

3. Procedure. The following procedure shall apply when an Applicant desires to apply for a Street Tree Work Permit:

- a. Any Applicant may apply by filling out a Street Tree Work Permit Application ("Street Tree Work Permit Application") and submitting the Street Tree Work Permit Application to the Forestry Department. The Street Tree Work Permit Application shall be created and approved by the Town's Forestry Department, and may be amended from time to time in the sole discretion of the Forestry Department. There shall be no cost for obtaining a Work Permit Application.
- b. Town Staff is authorized to review and either approve or disapprove Applicant's Street Tree Work Permit Application, and may contact Applicant if any additional information is required. Town Staff will review each Street Tree Work Permit Application for conformance with standards set by the Town Forestry Department, and which standards may be amended from time to time.
- c. If Applicant's Street Tree Work Permit Application is approved, the Applicant will be contacted for further instructions. Street Tree Work Permit Applications are valid for 60 days after approval date. A follow-up site evaluation may be conducted and recorded after tree maintenance has been performed.

4. Requirements. The following requirements, in addition to any other requirements imposed by Town staff in their discretion, must be met prior to Applicant being granted a Street Tree Work Permit:
 - a. Tree maintenance, removal, and replacement must be performed by a Town of Berthoud Licensed Tree Service, or Applicant.
 - b. Applicant shall be responsible for all costs associated with maintenance, removal, and replacement of the tree(s) within Tree Lawns.
 - c. Tree pruning shall consist of crown raising, crown reduction, crown thinning (no more than 25% of live crown), crown cleaning, and root reduction.
 - d. Chemical treatments shall identify tree species and size, targeted insect/disease/deficiency, and product applied/application rate/application method.
 - e. Trees must be removed with good cause. Good cause, as used in this section, shall mean the subject tree is dead, dying, hazardous, in poor health, incorrectly planted, is of a prohibited species, or per part of a management plan.
 - f. After removal, stumps must be properly removed six-eight (6-8) inches below ground level and all wood material must be removed from the work site within 48 hours.
 - g. New trees to be planted within Tree Lawns shall comply with the Town's Tree Planting Standards. The Town's Tree Planting Standards are attached to this Ordinance, and may be amended from time to time in the sole discretion of the Town.
 - h. New trees to be planted within Tree Lawns shall meet species, size, diversity, and spacing requirements per Town Code Section 30-2-112.
5. A Street Tree Work Permit must be acquired prior to performing any maintenance, removal, or planting of any tree located in a Tree Lawn.
6. Town Staff is hereby authorized and directed to develop an appropriate Street Tree Work Permit Application form to be submitted by an Applicant when such Applicant wishes to obtain a Street Tree Work Permit.
7. Town Staff is hereby authorized to inspect, conduct surveys, and perform maintenance as needed on any tree within Tree Lawns.

8. Any violation of any provision contained in this section shall be punishable by a fine up to \$2,500 and/or suspension or revocation of license.

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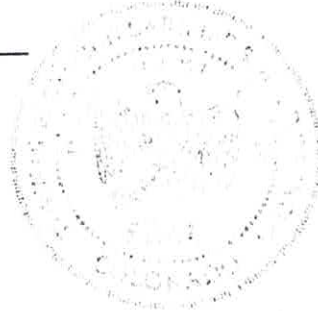
PASSED, ADOPTED, SIGNED AND APPROVED this the 11th day of June, 2019.

TOWN OF BERTHOUD

By: William Karspeck
William Karspeck, Mayor

ATTEST:

By: Christian Samora
Christian Samora, Town Clerk



Town of Berthoud Tree Planting Standards

Plant Material

- All tree species must be pre-approved in accordance to the Town of Berthoud approved street tree list unless otherwise approved by the Town Forester. Trees must be balled and burlapped (B&B) and grown/harvested from a legally registered nursery. All plant names must agree with the nomenclature of “Standardized Plant Names” via the American Joint Committee on Horticultural Nomenclature 1942 edition and be certified by the supplying nursery.

Planting Seasons

- Trees may be planted between March 15 to June 15 and September 1 to October 15 unless otherwise approved by the Town Forester.

Condition

- Trees must be in good condition, sound, healthy and vigorous. Trees shall be free from defects, disease, insects/pests, disfiguring knots, sunscald, injuries, and without abrasions to the bark and/or damage to the root ball. Trees must present aesthetic characteristics, show adequate structure, and possess one (1) central leader unless species specific.

Tree Replacement

- Trees will be inspected by the Town Forester for overall condition and proper installment. Any, and all, trees that are dead or, in the opinion of the Town Forester, in an unhealthy or unsightly condition and/or has lost its natural shape due to dead branches, inadequate/improper maintenance and pruning techniques will be required to be replaced during the following appropriate planting season.

Size

- Tree size shall be a minimum of 2.0 inch caliper (measured 6 inches from the trunk flare) and no larger than 3.0 inches in caliper unless otherwise approved by the Town Forester.

Installation

- A Street Tree Work Permit is required and must be approved prior to tree plantings within the street rights-of-way. Planting holes shall be at least three times the diameter of the root ball. All material (e.g., rocks, stone, rope, hardware, etc.) shall be removed from the planting hole and the subgrade must be slightly tamped to prevent settlement prior to the installation of the tree. Balled and burlapped (B&B) trees must be lifted and carried by the root ball to prevent loosening and/or damage to the roots and root ball. Trees must be set straight and placed within the center of the planting hole and show no lean. All trees shall sit with the trunk flare level with the sidewalk grade and at least 1/2 of the burlap and wire basket must be removed prior to backfill. Backfill shall be loose and friable, and firmed at 6 to 8 inch intervals until level with existing conditions.

Watering

- During tree installment, trees shall receive at least 20 gallons of water. During the tree warranty period, trees shall receive at least 20 gallons of water at approximately two week intervals between May 15 and October 31. Watering practices may need to be increased due to environmental conditions (e.g., drought).

Staking

- Trees shall be staked after initial installment using two (2) stakes and a woven polypropylene material to prevent bark abrasion. Trees must remain staked for one (1) complete growing season, which then stakes may be removed. Stakes are not intended to correct tree lean due to improper planting techniques and/or inadequate structure.

Mulching

- Organic mulch shall be applied to all newly installed trees. Mulch applications shall be 3 to 4 inches deep, 6 inches away from the trunk, and at a width of 1 foot beyond the root ball.

Warranty

- All trees shall be guaranteed for two (2) years after final sign-off. Any tree that dies, shows significant die-back, becomes hazardous, or possesses the potential to hinder any nearby tree (e.g., disease, infestations, etc.) will be required to be immediately removed and replaced the following appropriate planting season.

Plant Pest Control

- Any tree planting within Town limits is required to comply with all state and federal regulations and quarantines.