

Chapter 8.12

TREES

Sec. 8.12.010.	Purpose.
Sec. 8.12.020.	Definitions.
Sec. 8.12.030.	Powers and duties of the city forester.
Sec. 8.12.040.	City forester.
Sec. 8.12.050.	Maintenance of trees on public right-of-way.
Sec. 8.12.060.	Maintenance required adjacent to city property.
Sec. 8.12.070.	Treatment of hazardous trees.
Sec. 8.12.080.	Dead trees--Duty of property owner to remove.
Sec. 8.12.090.	Infection--Inspection.
Sec. 8.12.100.	Infection--Duty of property owner to otherwise treat.
Sec. 8.12.110.	Utility interference.
Sec. 8.12.120.	Pruning of trees and other plants for clearance.
Sec. 8.12.130.	Notice and billing.
Sec. 8.12.140.	Lien to be assessed when owner fails to pay.
Sec. 8.12.150.	Planting/Pruning permit.
Sec. 8.12.160.	Spacing regulations.
Sec. 8.12.170.	Standards and specifications for arboricultural practices.
Sec. 8.12.180.	Protection of city trees.
Sec. 8.12.190.	Cooperation between city departments and outside entities.
Sec. 8.12.200.	Arborist license required.
Sec. 8.12.210.	Insurance requirements.
Sec. 8.12.220.	Pesticide applicator's license required.
Sec. 8.12.230.	Violation; penalty.
Sec. 8.12.240.	Appeals.

Sec. 8.12.010. Purpose.

Management of the city's urban forest is the responsibility of everyone. It involves a combination of property owners, city staff, commercial arborists, nursery people and others. This ordinance establishes policies, regulations, and standards necessary to maintain trees in the City of Louisville, both public and private, in a healthy, non-hazardous condition through sound arboricultural practices.

Sec. 8.12.020. Definitions.

Arborist - a tree care professional who possesses the technical competence through certification, education, experience, and related training to provide for or supervise the management of trees and other woody plants in the residential, commercial, and public landscape for hire.

City forester – the employee or agent of the city who is responsible for the care and maintenance of trees and other woody plants in parks and rights-of-way.

Front yard trees – all trees which are furnished to the property owners pursuant to subsection 16.20.020 H.

Park trees - all trees and all other woody vegetation situated in all public parks, open space, or outlots of land that are owned by the city or that are open to the general public as a park or other public recreational area.

Pruning – the selective removal of tree parts to improve tree safety, overall health and aesthetics.

Public rights-of-way – the full width of all streets, roadways, and alleys and all other areas dedicated, designated or reserved for present or future use by the public, as a matter of right, for the purpose of vehicular or pedestrian travel. The public right-of-way includes all traveled portion thereof, all portions used for sidewalks, and all portions lying between the adjacent property line and any improved portions of the right-of-way.

Public property – land owned and maintained by the city.

Severe pruning - the indiscriminate cutting of the branches or trunk of a tree in a manner that will unreasonably reduce the tree's size or destroy its existing symmetrical appearance or natural shape. Severe pruning includes topping.

Shall - as used in this ordinance, denotes a mandatory requirement.

Street trees - all trees and all other woody vegetation located within any portion of the entire width of a public right-of-way.

Topping - a maintenance practice used to control the size of trees; involves the indiscriminate cutting of branches and stems at right angles leaving long stubs. This practice invariably results in the development of epicormic sprouts, or in the death of the cut branch back to the next lateral branch below. These epicormic sprouts are weakly attached to the stem and eventually will be supported by a decaying branch.

Sec. 8.12.030. Powers and duties of city forester.

The city forester shall be responsible to the director of land management in carrying out the forester's duties. The city forester shall have jurisdiction and supervision over all street trees and park trees and other woody plants on public property within the city; and over all trees and other woody plants located on private property that constitute a safety hazard to persons or property, a health hazard to other trees and plants, or that prevent the safe use of any public property or place. The city forester shall have the power to promulgate standards and

specifications of arboricultural practices affecting the planting, maintenance, and removal of trees and woody vegetation in the City of Louisville.

Sec. 8.12.040. City forester.

The director of land management shall appoint a city forester, whose powers and duties are specified in sections 8.12.030 through 8.12.220.

Sec. 8.12.050. Maintenance of trees on public right-of-way.

The city forester shall have the power to prune, spray, remove, plant, and protect all trees, and other woody plants upon the public right-of-way of any street, alley, sidewalk, or other public property or place.

Sec. 8.12.060. Maintenance required adjacent to city property.

The city forester may require the owner of the property abutting the public right-of-way or other public place to prune, spray, remove and protect all trees, and other woody plants which may project beyond the property line of such owner onto or over public property at the expense of such owner. If a property owner refuses or neglects to prune, spray, remove, or protect any tree or other woody plants upon receipt of a written notice from the city forester to do so, and within such reasonable time as specified in the notice; the city forester may do or cause to be done the necessary work incident thereto, and the expenses of such necessary work shall be collected from the property owner pursuant to the provisions of this chapter.

Sec. 8.12.070. Treatment of hazardous trees.

The city forester, is authorized to require any owner, agent, or occupant of any premises to trim, spray, treat, or otherwise care for trees or other woody plants upon that portion of the premises which abut the public right-of-way or other public place, whenever the condition of such trees or plants interferes with, obstructs, or in any way endangers the safe public use of the public right-of-way or other public place. If an owner, agent or occupant of the premises fails or neglects to trim, spray, treat, or otherwise care for trees or other woody plants upon receipt of a written notice from the city forester to do so, and within such reasonable time as specified in the notice; the city forester may do or cause to be done the necessary work incident thereto, and the expenses of such necessary work shall be collected from the property owner pursuant to the provisions of this chapter.

Sec. 8.12.080. Dead trees--Duty of property owner to remove.

It shall be the duty of the owner or occupant of any property to remove any dead trees or dead, overhanging boughs dangerous to life, limb, or property located on

the premises of such owner upon receipt of a written notice from the city forester to do so, and within such reasonable time as specified in the notice. If a property owner fails or neglects to remove any dead trees or boughs upon receipt of a written notice from the city forester to do so, and within such reasonable time as specified in the notice; the city forester may do or cause to be done the necessary work incident thereto, and the expenses of such necessary work shall be collected from the property owner pursuant to the provisions of this chapter. The city shall be responsible for the removal of dead or infected trees or boughs on public property.

Sec. 8.12.090. Infection--Inspection.

The city forester is empowered to inspect any trees and other woody plants existing or growing upon any property within the city. The city forester, or his authorized representatives, shall from time to time conduct surveys to determine if any destructive or communicable disease, or other pestilence exists which may be detrimental to or endanger the good health and well-being of trees or other plant life in the city.

Sec. 8.12.100. Infection--Duty of property owner to remove or otherwise treat.

It shall be the duty of the owner or occupant of any property to eradicate, remove or otherwise control any destructive or communicable disease, insect pestilence, or other cause which endangers the growth, health, life, or well being of other trees or woody plants, or which is capable of causing an epidemic spread or communicable disease or insect infestation, such as Dutch elm disease, upon receipt of a written notice from the city forester to do so, and within such reasonable time as specified in the notice. If a property owner fails or neglects to eradicate, remove or otherwise control such condition upon receipt of a written notice from the city forester to do so, and within such reasonable time as specified in the notice; the city forester may enter upon the premises and do or cause to be done the necessary work to eradicate, control and/or prevent the spread of any threatening communicable disease or insect infestation, and the expenses of such necessary work shall be collected from the property owner pursuant to the provisions of this chapter.

Sec. 8.12.110. Utility interference.

It shall be the duty of the owner or occupant of any property to remove and dispose of any and all trees and other woody plants, within the city which are injurious to sewer, gas, electricity, water, telephone or utility wires, lines or mains, or any other, or different public improvements upon receipt of a written notice from the city forester to do so, and within such reasonable time as specified in the notice. If a property owner or occupant fails or neglects to remove and dispose of such trees and other woody plants upon receipt of a written notice from

the city forester to do so, and within such reasonable time as specified in the notice; the city forester may enter upon the premises and do or cause to be done the necessary work to eradicate the injury to utility lines or other public improvements, and the expenses of such necessary work shall be collected from the property owner pursuant to the provisions of this chapter.

Sec. 8.12.120. Pruning of trees and other plants for clearance.

Every owner of any tree or other plant within the city shall prune the branches thereof in the manner and to the extent necessary to prevent such branches from obstructing the light emitted from any street light or lamp, school crossing light or sign, and to prevent such branches from obstructing the view of the intersection of any streets, avenues, alleys or other public thoroughfares, and to prevent such branches from overhanging any street, avenue, alley or other public thoroughfare within sixteen feet above the surface thereof, and within eight feet above the surface thereof for pedestrian walkways. If a property owner or occupant fails or neglects to prune such trees and other woody plants in compliance with this section upon receipt of a written notice from the city forester to do so, and within such reasonable time as specified in the notice; the city forester may enter upon the premises and do or cause to be done the necessary work to prevent the obstruction of light emitted from street lights, and the expenses of such necessary work shall be collected from the property owner pursuant to the provisions of this chapter.

Sec. 8.12.130. Notice and billing.

Whenever work is required to bring trees within the city into compliance with this chapter, the city forester shall cause to be served upon the recorded owner of such premises by certified mail and by posting the premises, written notice that removal, disposal, trimming, spraying, or other such treatment of such tree or woody plants is to be accomplished and performed at the cost and expense of such owner within a reasonable time after service of such notice. Upon the expiration of such reasonable period of time, if necessary action as directed by the city forester in conformance to this chapter has not then been accomplished and performed, the city forester may do or cause to be done the necessary work incident thereto and all costs and expenses of such work shall be billed the property owner within thirty (30) days from the date of such work.

Sec. 8.12.140. Lien to be assessed when owner fails to pay.

In the event an owner fails to pay any costs and expenses for removal, disposal or other maintenance or treatment costs assessed pursuant to this Chapter within thirty (30) days after billing by the city, a lien shall be assessed against the property for the costs and expenses incurred by the city. The city clerk shall certify such assessment to the treasurer of the county, who shall extend the assessment upon the tax roll and collect the assessment in the same manner as

other taxes upon such property.

Sec. 8.12.150. Planting/Pruning permit.

It shall be unlawful to prune, spray, remove, or plant any tree or other plant upon the public right-of-way or other public place within the city without first having obtained an approved permit from the city forester.

Sec. 8.12.160. Spacing regulations.

It shall be unlawful to space trees, shrubs, or other plants upon the public right-of-way or other public place within the city other than as prescribed in the rules and regulations promulgated by the city forester. No street tree shall be planted within ten (10) feet of any fire hydrant or within twenty (20) feet of an intersection of any two or more curbs or curblines. Street trees, other than those species designated as small trees pursuant to section 8.12.170.A. shall not be planted under or within ten (10) lateral feet of any overhead electrical, telephone or other utility wire or line, or over within five (5) lateral feet of any underground water, sewer, electrical, telephone or other utility wire, line or main.

Sec. 8.12.170. Standards and specifications for arboricultural practices.

A. Approved species list. The city forester, in cooperation with the horticultural and forestry advisory board, shall maintain a list of recommended small, medium, and large trees, bushes and shrubs for the city. No species other than those listed may be planted as street or park trees without the prior written approval of the city forester and the horticultural and forestry advisory board. The city forester in cooperation with the horticulture and forestry board shall also adopt and maintain standards and specifications for the care and planting of such trees.

B. Arboricultural practices. The American National Standards Institute documents, A300 (Part 1-2001) Pruning, A300 (Part 2-1998) Fertilization, A300 (Part 3-2000) Support Systems, A300 (Part 4 -2002) Lightning Protection, and Z133.1-2000 Safety Requirements, published by the American National Standards Institute, 11 West 42nd Street, New York, New York 10036, are hereby adopted by reference thereto and incorporated into and made a part of this code. The purpose and subject matter of these standards include regulating tree care and safe working practices through comprehensive provisions and standards regulating pruning, removal, spraying, injecting, preservation, planting and maintenance of trees and providing greater safety to the public by standardizing arboriculture. Except as otherwise provided in this chapter, these standards are adopted in full, including the outline of contents, index, and appendices contained therein. Any reference to these standards within this chapter shall be to the most recent edition of these standards. The city forester shall maintain a set of the current ANSI standards which shall be available for review at the offices of the city clerk and the department of land management.

C. Protection of trees near construction sites. The city forester shall maintain a set of guidelines for preserving and protecting trees that may be damaged during the development of any public and private lands. These guidelines shall be available for review at the offices of the department of land management.

Sec. 8.12.180. Protection of city trees.

A. Severe Pruning. No arborist shall cause the severe pruning of any tree. Nothing herein shall prevent the removal of dead or infected trees in accordance with the direction of the city forester.

B. Damage to Trees. It shall be unlawful for any person to abuse, destroy, or mutilate any street tree or park tree or to attach or place any rope, wire (other than one used to support a young or broken tree), sign, poster, handbill, or other items to or on any street tree or park tree, or to cause or permit any wire charged with electricity to be placed or attached to any such tree, or allow any gaseous, liquid, or solid substance which is harmful to such trees to come in contact with their roots, trunks, or leaves.

Sec. 8.12.190. Cooperation between city departments and outside entities.

The City of Louisville public works department shall notify the city forester of any and all improvements, including, but not limited to, new street or gutter installation, sidewalk repair, street reconstruction, and driveway repair which might require removal or cause injury to any tree within the construction zone. Public utilities maintaining overhead wires or underground pipes or conduit shall obtain written permission from the city forester before performing any construction or maintenance work that may cause injury to trees. The public utility shall in no way injure, deface, prune, or wound any trees until the city forester has approved the plans in writing for the project. The City of Louisville planning department shall notify the city forester of any building permits that would require excavation-causing impact to existing trees.

Sec. 8.12.200. Arborist license required.

It shall be unlawful for any person or business to perform tree pruning, removal, or repair work for hire within the city without a valid arborist license issued by the city forester. The cost of the license shall be twenty-five (25) dollars. Each license shall be an annual license which shall expire on the last day of the calendar year in which it was issued. The requirements of this section shall not apply to private landowners performing such work on trees located wholly on their own private property, or to any individual who, during any twelve-month period, performs such work on no more than two trees.

A. Minimum requirements. The city forester is authorized to issue arborist licenses to persons or businesses that meet the following minimum requirements:

1. The person, or at least one person on the staff of a business, must be designated as a qualified arborist by the city forester. To be designated as a qualified arborist, the individual must be certified as an arborist by the International Society of Arboriculture or another nationally recognized tree research, care, and preservation organization.
2. The licensee must sign an affidavit to certify that all tree work will be performed under the direct supervision of the qualified arborist and will comply with ANSI Standards referred to in Section 8.12.170.

B. Suspension or revocation. The city forester is authorized to suspend or revoke the arborist license of any person or business that performs work which does not comply with ANSI Standards. License suspensions and revocations may be appealed to the Horticultural and Forestry Advisory Board within 10 days of notification. The city forester may reissue any arborist license previously revoked subject to the above minimum requirements and any additional requirements as may be prescribed by the city forester and approved by the Horticultural and Forestry Advisory Board.

C. Equipment. All motor vehicles and other major equipment of any person licensed hereunder used in conducting the licensed business shall be clearly identified with the company name and phone number of the licensee.

D. Work Standards. All tree work performed by licensees within the City shall be performed under the direct supervision of the qualified arborist and shall comply with ANSI Standards referred to in Section 8.12.170.

E. Offenses. Each tree pruned or otherwise modified in violation of this section shall constitute a separate offense. The first such offense will result in a written warning from a code enforcement officer upon notification by the city forester. The second offense may result in a summons issued by the City of Louisville Municipal Court and is punishable by a fine not to exceed \$500; each subsequent offense thereafter may result in a summons issued by the City of Louisville Municipal Court and is punishable by a fine not to exceed \$1000 dollars. There will be a maximum fine of \$1000 dollars for multiple violations by a single person or business.

Sec. 8.12.210. Insurance requirements.

Before a license as described in section 8.12.200 shall be issued, each applicant shall furnish certificates of insurance issued by an insurance company, or companies, licensed in the state, showing that such applicant has:

1. Worker's Compensation insurance with limits as statutorily required by Colorado State law for persons performing work on behalf of the applicant or licensee; and
2. Commercial General Liability insurance covering bodily injury and property damage with limits not less than \$100,000 per person and \$300,000 per occurrence. In the event that an arborist performs services on behalf of the City or on any street trees, park trees, or other trees within or affecting public property, the City shall be a named insured on such policy upon the written request of the city forester; and
3. Automobile Liability Insurance comprehensive form with limits of not less than \$50,000 per person and \$300,000 per occurrence. Coverage shall include owned, hired and non-hired automobiles assigned for work by licensee within the city; and

The licensee shall not cancel, materially change or not renew insurance coverages. Licensee shall notify the city forester of any material reduction or exhaustion of aggregate limits. Should any policy be canceled, the license shall be subject to revocation. Licensee shall also be required to have proof of the insurance coverages required by this section in the licensee's possession while conducting business.

Sec. 8.12.220. Pesticide applicator's license required.

Any business applying pesticides within the city shall carry a current Pesticide Applicators License issued by the State of Colorado pursuant Title 35, Article 10 known as the Pesticide Applicators' Act. This license is issued by the Colorado Department of Agriculture, Division of Plant Industry, 700 Kipling Street, Suite 4000, Lakewood, CO 80215-5894.

Sec. 8.12.230. Violation; penalty.

Any person who violates any provisions of this chapter shall be guilty of a violation of this chapter, and shall be subject to the provisions of the general penalty ordinance, codified in section 1.28.010, with the exception of violations of section 8.12.200 which shall be subject to the penalties therein contained.

Sec. 8.12.240. Appeals.

Any decision of the city forester concerning licensing or removal of trees may be appealed to and heard by the horticultural and forestry advisory board. To be effective, an appeal must be filed within ten (10) days after the decision of the city forester. The appeal shall be in writing and shall be filed with the director of land management for placement on the board's agenda. The appeal shall clearly specify the reasons for which a hearing is requested.

Section 2. If any portion of this ordinance is held to be invalid for any reason, such decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that nay one part be declared invalid.

Section 3. The repeal or modification of any portion of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.