

ORDINANCE NO. 2020 – 05

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA, COLORADO, AMENDING CHAPTER 2 ARTICLE 7, SECTION 10 TO THE TOWN OF PAONIA MUNICIPAL CODE

RECITALS:

WHEREAS, the Town of Paonia (the “Town”), in the County of Delta and State of Colorado, is a municipal corporation duly organized and existing under the laws of the State of Colorado; and

WHEREAS, pursuant to C.R.S. § 31-15-702 the Town has the power to regulate the planting of ornamental and shade trees and the use of the same on public property; and

WHEREAS, under Chapter 2, Article 3 the Town has established a Tree Board for the regulation and protection of trees on municipal property; and

WHEREAS, the Board of Trustees determines that it is in the best interest of the community and the public health, safety and welfare of the citizens of the Town to amend the Town Code regarding the operation of the Town Tree Board.

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

Section 1. Legislative Findings.

The recitals to this Ordinance are adopted as findings of the Board of Trustees in support of the enactment of this Ordinance.

Section 2. Amendment of Town Code.

(A) Chapter 2, Article 3 shall be repealed and replaced with the following:

Sec. 2-7-10. It is the purpose of the Town to promote and protect the public health, safety, and general welfare by providing for the regulation of planting, maintenance and removal of trees within the limits of the Town. There is hereby created a Tree Board which shall be advisory in character and will represent the Paonia community in providing guidance and input to the Town Trustees and staff on trees.

Sec. 2-7-20. - Membership; terms. The Tree Board shall consist of a minimum of two (2) and a maximum of six (6) volunteer community members, who need not reside within the limits of the Town and one (1) member of the Board of Trustees. Members shall serve without compensation. There will be a chair and secretary of the Tree Board, as chosen by majority vote of its members. All Tree Board members shall be appointed by the Board of Trustees. The terms of office for the Tree Board shall be two (2) years renewable by the Board of Trustees; and the member of the Board of Trustees consistent with his/her term of office.

Sec. 2-7-30. – Duties.

(a) It shall be the responsibility of the Tree Board to advise the Board of Trustees about the selection, planting and care of trees in the town of Paonia referring when applicable to the most recent guidelines document or master plan.

(b) The Tree Board shall support and promote healthy horticultural practices for our climate through public education by celebrating Arbor Day every year, by maintaining a website and through other community events.

(c) The Tree Board shall prepare, in a timely fashion, the Tree City USA application and information required to maintain the Town of Paonia's status as a Tree City USA community, as approved by the National Arbor Day Foundation,

(d) The Tree Board, when requested by the Town Administrator, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work and expertise.

Section 3. Severability.

If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application, and, to this end, the provisions of this Ordinance are declared to be severable.

Section 4. Repeal of Prior Ordinances.

All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. Ordinance Effect.

Existing ordinances or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed and any and all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed, provided, however, that the repeal of any ordinance or parts of ordinances of the Town shall not revive any other section of any ordinance or ordinances hereto before repealed or superseded and further provided that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

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Section 6. Effective Date.

This Ordinance shall take effect thirty days after publication.

INTRODUCED, READ AND REFERRED for second read before the Board of Trustees of the Town of Paonia, Colorado, on the 12th day of May 2020.

HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Paonia, Colorado, this 26th day of May 2020.

**TOWN OF PAONIA, COLORADO, A
MUNICIPAL CORPORATION**

By: 
MARY BACHRAN, Mayor

ATTEST:


J. CORINNE FERGUSON, Town Clerk



ORDINANCE NO. 98-05

AN ORDINANCE OF THE TOWN OF PAONIA, COLORADO, AMENDING ORDINANCE NO. 96-04, IDENTIFYING, ESTABLISHING AND DESCRIBING THE REQUIREMENT OF CARE OF TREES AND SIDEWALKS WITHIN THE TOWN OF PAONIA, COLORADO, PROVIDING A PENALTY FOR VIOLATION THEREOF AND ESTABLISHING MEANS OF REIMBURSEMENT TO THE TOWN OF PAONIA, COLORADO.

WHEREAS, the Board of Trustees of the Town of Paonia, Colorado, has required that the property owner and/or occupant thereof be responsible for proper maintenance and trimming of trees as well as repair, maintenance and construction of sidewalks near the property lines;

WHEREAS, said Board of Trustees of the Town of Paonia, Colorado, has determined it necessary to document those obligations, establish a penalty for violations thereof and provide a means of requiring reimbursement to the Town for its expenses;

WHEREAS, all decisions regarding tree planting, care, maintenance and removal within the town limits of the Town of Paonia, Colorado, shall be made by the Board of Trustees for the Town of Paonia, Colorado, with advice from the Tree Board; and

WHEREAS, the definitions used herein concerning trees are as follows:

DEFINITIONS:

a. Park Trees: Trees, shrubs, bushes, and all other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park,

b. Private Trees: "Private Trees" are trees, shrubs, bushes, and other wood-like vegetation located on private property, which may project or exist over or outside the property line.

c. Street Trees: "Street Trees" are trees, shrubs, bushes, and all other wood-like vegetation which are found on city street right-of-ways existing between private property and the nearest adjacent paved street.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA, COLORADO, to-wit:

1. Public Tree care. The Town shall have the right to plant,

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prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The Town Council may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition, unsafe position, or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of Street Trees by adjacent property owners.

2. Tree Topping. It shall be unlawful as a normal practice for any person, firm or Town department to top any Street Tree, Park Tree or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the Town Council.

3. Creation and Establishment of a Tree Board. The Tree Board shall consist of three (3) volunteer community members, who need not reside within the town limits, and one (1) Town Council member to act as a liaison between the Council and the Tree Board. There will be a chairman and a secretary of the Tree Board chosen by board members. All Tree Board members shall be appointed and approved by the Town Council. The terms of office for the first Tree Board member shall be one year, two years and three years, respectively, ending in December, 1999, as determined by the Mayor. From then on, the terms of

office of the three (3) community members shall be two years on staggered terms. The board shall elect a chairman and a secretary each December, to serve one year. A Tree Board member may serve additional terms at the discretion of the Town Council. Meetings are to be held quarterly on an annual basis.

4. Duties and Responsibilities. The Tree Board shall be responsible for seeing that an Arbor Day Celebration is held every year. The Paonia Tree Board prefers to be an advisory Committee, leaving the Paonia Town Council and its Parks Committee to make the final decisions. The Tree Board will spearhead future tree planting, pruning, maintenance and removal projects at the discretion of the Town Council, submitting in a timely manner, the Tree City U.S.A. application and information, which shall be the responsibility of the Tree Board and signed by the Mayor of Paonia.

5. The property owner and/or occupant of each parcel of real property within the Town of Paonia, Colorado, shall perform the

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care, maintenance and trimming of trees located near the boundary line (s) of such property, usually on the street side (s) of the property, according to the usual standard of care within the community as minimally established by the Colorado State Forest Service.

a. The removal of branches and foliage shall be to a height of thirteen feet six inches (13'6") above any street and over eight (8) feet above any sidewalk or pedestrian way.

6. The property owner and/or occupant of each parcel of real property within the Town of Paonia, Colorado, shall perform the care, maintenance, repair and construction of sidewalks located near the boundary line (s) of such property, usually on the street side (s) of the property, according to the usual standard of care within the community as determined necessary by the Town of Paonia, Colorado, to avoid injury and damages to persons and property.

7. Any violation of this Ordinance shall be punished by a fine of up to one thousand (\$1,000.00) dollars.

8. In the event the property owner and/or occupant of any parcel of real property located within the Town of Paonia, Colorado, fails to satisfy their obligations as set forth above, the Town of Paonia, Colorado, may initiate and accomplish the necessary action and certify the costs thereof to the Delta County Treasurer for the addition of such expense to the tax bill on the property to be collected along with taxes due, pursuant to statute.

9. All other ordinances, resolutions and other provisions of the Town of Paonia, Colorado, or parts thereof, in conflict or inconsistent herewith, and to the extent they are in conflict or inconsistent therewith, are hereby repealed; provided, however, that the repeal of any ordinance, resolution, other provisions of the Town of Paonia, Colorado, or parts thereof, shall not revive any other section of the same heretofore repealed and superseded.

This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect, as an emergency matter, immediately upon its final passage and adoption. It is found and determined that an emergency exists in that the above ordinance needs to be immediately approved, executed and recorded so as to provide for the immediate preservation and protection of the public health and safety, to assure that it shall be in full force and effect immediately upon its publication in accordance with the provisions of the laws of the State of Colorado.

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INTRODUCED, READ, PASSED AND ORDERED PUBLISHED BY THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA, COLORADO, THIS _ 24th_ DAY OF NOVEMBER, 1998.

TOWN OF PAONIA, COLORADO By: claud

Mayor

ATTEST :

Lynda Baxter

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