

**TOWN OF SEVERANCE  
ORDINANCE NO. 2021-03**

**AN ORDINANCE REFINING THE TREE STANDARDS AND CREATING GUIDELINES  
FOR A TREE BOARD FOR THE TOWN OF SEVERANCE, COLORADO**

**WHEREAS**, the Town of Severance, Colorado (the “Town”), is a body corporate duly organized and existing as a statutory town under the constitution and laws of the State of Colorado; and

**WHEREAS**, the Town of Severance is now an established Tree City USA Community; and

**WHEREAS**, in order to stay admitted the Town is required to adopt an ordinance adopting standards and appointing a Tree Board;

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

**Section 1:** Section 2, Article 7 of the Severance Municipal Code entitled “Tree Board” is created as follows:

**ARTICLE 7. Tree Board**

**Sec. 2-7-10. Creation.**

With the approval of this ordinance, there is hereby created and established a Town Tree Board for the Town of Severance, Colorado.

**Sec. 2-7-20. Purpose.**

The Town Tree Board is created for the following purposes to study, investigate, council and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. The Tree Board, when requested by the Board of Trustees, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work. The board shall serve as an advisory board to the Town Board of Trustees.

**Sec. 2-7-30. Composition.**

The Tree Board shall consist of five (5) members. All such members shall be bona fide residents of the Town and must have resided in Town for a least one (1) years. All such members shall be appointed by the Board of Trustees after such selection process as the Board, by majority vote, approves. Members of the board shall serve without compensation, on a volunteer basis.

**Sec. 2-7-40. Terms.**

Tree Board members appointed by the Board of Trustees shall serve for a term of four (4) years After the expiration of all existing terms, all terms shall again run for four (4) years, each expiring in a year in which there is no regular municipal election.

**Sec. 2-5-50. Removal of members.**

A member of the Tree Board may be removed by the Board of Trustees if the member:

- 1) Misses two (2) consecutive meetings or misses three (3) regular monthly meetings in a calendar year; or
- 2) Neglects his or her duty or commits malfeasance in office; and
- 3) The member has been given written notice of the reasons for the proposed removal in writing at least seven (7) days prior to removal and is given an opportunity to respond to the governing body regarding the reasons set forth in the notice.

**Sec. 2-5-60. Alternate members.**

The Board of Trustees may appoint an alternate member of the Tree Board. The alternate member shall be counted as a member for purposes of establishing a quorum. Such alternative member is encouraged to attend all meetings of the Tree Board but shall only participate in the proceedings of the Tree Board if a regular Member is absent from the meeting. If a regular Member is absent at the beginning of the meeting and later arrives, the alternate member shall not participate further in the proceedings.

**Sec. 2-5-70. Officers.**

The Tree Board shall select a Chair who shall serve a term of one (1) year with eligibility for reelection. A Vice Chair may be selected from the entire membership of the Tree Board.

However, no alternate member shall be eligible to serve as an officer of the Tree Board. In the absence of both the Chair and Vice Chair, any member of the Tree Board may conduct the meeting.

**Sec. 2-5-80. Meetings.**

The Tree Board shall conduct at least one (1) regular meeting each month unless canceled at the discretion of the Town Administrator. Three (3) members of the Tree Board shall constitute a quorum. A member of the administrative staff of the Town shall attend each meeting and shall keep a record of the Tree Board's actions, transactions, findings and determinations. If no administrative staff is available, a member of the Tree Board shall keep the record for the Tree Board. The records of the Tree Board are public records.

**Section 2:** Existing Municipal Code Section 7-5-10 of the Severance Municipal Code entitled "Trees" is hereby repealed in its entirety.

**Section 3:** Section 7-5-10 of the Severance Municipal Code is readopted as follows:

**Section 7-5-10. Tree Standards**

**Sec. 7-5-10. Definitions.**

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

***Branch:*** A secondary shoot or stem arising from a main trunk or leader of a tree or woody plant.

***Branch Collar:*** Trunk tissue that forms around the branch base between the main stem and branch or branch and a lateral.

**Branch Bark Ridge:** Raised area of bark in the branch union that marks where the branch wood and trunk wood meet.

**Buffer Yard:** A landscape area between incompatible uses.

**Crown:** The leaves and branches of a tree or shrub; the upper portion of a tree from the lowest branch on the trunk to the top.

**Crown Cleaning:** The removal of dead, dying, diseased, crowded, weakly attached, low vigor branches, and water sprouts from a tree's crown.

**Crown Raising:** The removal of the lower branches of a tree in order to provide clearance.

**Crown Reduction:** The reduction of the top, sides, or individual limbs by the removal of the leader or longest portion of a limb to a lateral no less than one-third of the total diameter of the original limb and removing no more than one-quarter of the leaf surface.

**Crown thinning:** the selective removal of branches to increase light penetration and air movement, and to reduce weight.

**Cut:** The exposed wood area resulting from the removal of a branch or portion thereof.

**Decay:** The degradation of woody tissue caused by biological organisms.

**Deciduous Tree:** A tree that loses its leaves each autumn.

**Easement:** A dedication of land for a specified use such as providing access for maintenance of utilities

**Evergreen Tree:** A large tree that retains its leaves (or needles) for more than one growing season.

**Ground Cover:** Vegetation with the purpose of soil stabilization such as vines, turf, low growing shrubs, and perennials.

**ISA:** International Society of Arboriculture. Instrumental in setting standards for the tree care industry.

**Landscape:** To cover, adorn, or improve property with living plants (such as trees, shrubs, vines, grass or flowers) and/or loose natural materials with limited use (such as rock, wood chips, or shavings). "Landscape" does not include improving property with artificial trees, shrubs, turf or other artificial plants.

**Open Spaces:** Natural areas with public access that provide for passive recreation. Open space is usually maintained with native vegetation.

**Ornamental Tree:** A small tree, usually less than thirty (30) feet at maturity. Often planted for ornamental characteristics such as spring flowers or attractive bark.

**Park Trees:** "Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the Town, or to which the public has free access as a park.

**Pruning:** Selective removal of tree and shrub branches and limbs.

**Public Right-of-Way:** The width between the property lines of a street.

**Shade Tree:** A large deciduous tree with a mature height of at least thirty (30) feet.

**Shrub:** A woody plant usually less than fifteen (15) feet in height, often formed by a number of vertical or semi-upright branches arising close to the ground.

**Street:** A thoroughfare for vehicular traffic.

**Street trees:** "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the Town.

**Stub:** An undesirable short length of a branch remaining after a break or incorrect pruning cut is made.

**Topping:** Cutting a currently growing, larger branch, limb, or leader back to a stub or lateral branch not sufficiently large enough to assume the terminal role.

**Town Forester:** Person responsible for the interpretation and implementation of these standards. Also, responsible for planting, maintenance, and removal of trees and shrubs in

parks and public rights-of-way.

**Trunk Flair:** The area where the trunk widens and the roots spread at the base of the tree.

**Xeriscape:** A landscape designed for less water use.

**Sec. 7-5-20. Tree Species to be Planted.**

For information on tree species, please refer to the Front Range Tree Recommendation List (<https://extension.colostate.edu/docs/pubs/garden/treereclist.pdf>). The Tree Board recommends that only “A” or “B” grade trees be selected for planting from this list and no species other than those included in this list may be planted as Street Trees without written permission of the Tree Board. These trees have been selected based on their adaptability to our soil conditions and climate variability.

**Trees prohibited.**

It is unlawful to sell or import into the town or to plant or cause to be planted within the town any of the following trees or shrubs:

- Any cotton-bearing tree of the genus *Populus*, excluding aspen.
- Any seed-bearing (female) box elder tree (*Acer negundo*).
- Any Siberian elm (*Ulmus pumila*).
- Any Tree of Heaven (*Ailanthus altissima*)
- Any Russian olive tree (*Eleagnus angustifolia*).
- Any salt cedar shrub (*Tamarisk* species).

It is unlawful to plant or cause to be planted on the right-of-way of any street, alley, sidewalk or other public place within the town any species of tree or shrub which by its habit or growth would obstruct, restrict or conflict with the necessary and safe use of the public rights-of-way.

**Sec. 7-5-30. Spacing.**

The spacing of Street Trees will be in accordance with industry standards and as determined by the Tree Board. In general terms, no trees may be planted closer together than the following: small tree species, thirty (30) feet; medium tree species, forty (40) feet; and large tree species, fifty (50) feet; except in special plantings designed or approved by the Town Planner and Tree Board.

**Sec. 7-5-40. Distance from Curb and Sidewalk.**

The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with industry standards and as determined by the Tree Board. In general terms, no trees may be planted closer to any curb or sidewalk than the following: small tree species, two (2) feet; medium tree species, three (3) feet; and large tree species, four (4) feet.

**Sec. 7-5-50. Distance from Street Corners and Fireplugs.**

No Street Tree shall be planted closer than thirty-five (35) feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. All street trees will be outside of any site distance triangles and no Street Tree shall be planted closer than fifteen (15) feet of any fireplug/fire hydrant.

**Sec. 7-5-60. Utilities.**

No Street Trees may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility.

**Sec. 7-5-70. Public Tree Care.**

The Town shall have the right to plant, 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 Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition 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.

**Sec. 7-5-80. 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 Tree Board.

**Sec. 7-5-90. Pruning, Corner Clearance.**

Every owner of any tree overhanging any street or right-of-way within the Town shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet (8') above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The Town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign. Pruning shall be done by said owners at their own expense within thirty (30) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the Town shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

**Sec. 7-5-100. 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, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the town. The Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within thirty (30) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the Town shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

**Sec. 7-5-110. Removal of Stumps.**

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground. Stump removal shall be done by said owners at their own expense within thirty (30) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the Town shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

**Sec 7-5-120. Interference with Tree Board.**

It shall be unlawful for any person to prevent, delay or interfere with the Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Street Trees, Park Trees, or trees on private grounds, as authorized in this ordinance.

**Sec 7-5-130. Mitigation.**

Where it is not feasible to protect and retain significant existing tree(s) or to transplant them to another on-site location, the applicant shall replace such tree(s) according to the following requirements and shall satisfy the tree planting standards of this Section.

To the extent reasonably feasible, replacement trees shall be planted on the development site or, if not reasonably feasible, in the closest available and suitable planting site on public or private property. If locations for planting replacement trees cannot be located on the development site, the applicant may, instead of planting such replacement trees, submit a payment in lieu to the Town of Severance Tree City USA fund to be used to plant replacement trees to plant replacement trees as close to the development site as possible. The payment in lieu mitigation fee per tree is determined by the Town Administrator and may be adjusted annually based on market rates. Payment must be submitted prior to the Development Construction Permit issuance or other required permits.

**Sec 7-5-140. Arborists License and Bond**

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing trees within the Town without first applying for and procuring a license from the Town Clerk. The license fee shall be \$25 annually in advance; provided, however, that no license shall be required of any public service company or Town employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$100,000 property damage indemnifying the Town or any person injured or damaged resulting from the pursuit of such endeavors as herein described. Every license issued hereunder shall expire on January 31 of the following year. Renewal applications must be submitted to the Town Clerk.

**Sec 7-5-150. Review by the Board of Trustees.**

The Board of Trustees shall have the right to review the conduct, acts and decisions of the Tree Board. Any person may appeal from any ruling or order of the Tree Board to the Board of Trustees who may hear the matter and make final decision.

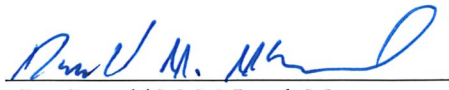
**Sec 7-5-150. Penalty.**

Any person violating any provision of this ordinance, upon conviction or a plea of guilty, shall be subject to a fine not to exceed \$2,650.00 per day.

**Section 4.** Except as otherwise expressly provided herein, this ordinance shall take effect thirty (30) days after its publication in the manner provided by law.

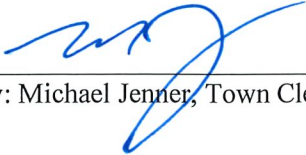
**PASSED, ADOPTED, SIGNED AND APPROVED** this the 26<sup>th</sup> day of January 2021.

**TOWN OF SEVERANCE**



By: Donald M. McLeod, Mayor

**ATTEST:**



By: Michael Jenner, Town Clerk

