

**TOWN OF SILT  
ORDINANCE NO. 3  
SERIES 2019**

**AN ORDINANCE OF THE TOWN OF SILT, COLORADO (“TOWN”)  
REPEALING AND REPLACING CHAPTER 12.16 OF THE SILT MUNICIPAL  
CODE (“CODE”) IN ITS ENTIRETY RELATED TO THE FORMER TREE  
BOARD, AND HEREBY ESTABLISHING A NEW VEGETATION  
MANAGEMENT BOARD WITHIN THE TOWN OF SILT, GARFIELD COUNTY,  
STATE OF COLORADO**

**WHEREAS**, the Board of Trustees (“Board”) has the authority pursuant to Section 31-15-103 of the Colorado Revised Statutes and other laws to enact and enforce ordinances necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of such municipality and the inhabitants thereof; and

**WHEREAS**, the Town has experienced an infestation of such weed species as Russian knapweed, Russian olive trees, Siberian elm trees, ragweed, cheat grass, goat head, and other such nuisances, that cause damage to sidewalks, curbs, gutters, water lines, wastewater lines, parks, and which may decrease sight distances at intersections, cause seed and leaf waste, hasten erosion, deter or alter storm water drainage, and crowd out native species; and

**WHEREAS**, the Board feels that the Silt Municipal Code (“Code”) should reflect the types of allowable species and prohibited types of vegetation, in order to educate the public and gain the public’s help in helping to control weeds on private properties; and

**WHEREAS**, the Board wishes to repeal and replace Chapter 12.16 regarding the Town’s Tree Board and Tree Care Program, with a new Vegetation Management Board, in order to comprehensively address the planting and maintenance of trees and shrubs, as well as the control of noxious weeds and trees within the Town; and

**WHEREAS**, the Town gave proper and timely published and/or posted notice of the dates and times of the public hearings at which the Board considered this ordinance; and

**WHEREAS**, the Board has determined that the adoption of this ordinance is necessary and proper to provide for the safety, health, prosperity and order of the Town.

**NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF SILT, COLORADO, ORDAINS AS FOLLOWS:**

## Section 1

Chapter 12.16 is hereby repealed and replaced in its entirety, with the following:

12.16 Vegetation Management Board and Program.

12.16.010 Definitions.

A. "Private trees" means trees, shrubs, bushes, and other wood-like vegetation located within a private property boundary line, but may project or exist over or outside the property line.

B. "Public access trees" means trees, shrubs, bushes and other wood-like vegetation located in established public parks, cemeteries, along designated trails, and all other areas within the town's jurisdiction to which the public has free access to as a park.

C. "Shrubs" or "Bushes" are small to medium wood-like vegetation that have singular or multiple stems above the ground;

D. "Street trees" means trees, shrubs, bushes and all other wood-like vegetation which are found on land existing between property lines on either side of all streets, avenues and ways within the town.

12.16.020 Vegetation management board.

The planning & zoning commission shall serve as the vegetation management board, and shall have meetings as necessary before or after a regular planning & zoning commission meeting.

12.16.030 Vegetation management board – Location of meetings.

The vegetation management board shall meet in the town hall chambers.

12.16.040 Vegetation management board – Compensation.

Members of the vegetation management board shall serve as volunteers, and as such will receive no compensation.

12.16.050 Vegetation management board – Duties and responsibilities.

It shall be the responsibility of the vegetation management board to study, investigate, council, monitor, and foster community landscaping and tree care for the town and its citizens, by way of the following activities:

A. The vegetation management board will develop, accordingly update and administer an annual plan for the care, preservation, pruning, planting, replanting and removal or disposition of landscaping, including trees, shrubs, bushes, and other vegetation throughout the town. This plan will be brought to the board of trustees annually for approval, on a permanent date to be set by agreement between the two boards. Upon adoption, this plan will constitute the official comprehensive vegetation management plan for the town.

B. The public works director is responsible for the control and approval of any and all plantings, removals and maintenance of street trees and public access trees, and all landscaping on town parks and town property, except as described in . The only person exempted from prior approval is the director of public works.

C. The public works department, when requested by the vegetation management board or the board of trustees, will consider, investigate, make findings, and report and recommend upon any special matter of question coming within the scope of his work.

D. The vegetation management board is responsible for any community educational programs and/or literature concerning landscaping and community forestry, and is authorized to arrange, advertise and conduct any educational programs which are a (part) of the annual plan approved by the board of trustees.

E. The vegetation management board shall cooperate with the director of public works concerning reporting and treating areas where landscaping, street trees and/or private trees pose a threat or danger to the public safety for any reason and need immediate attention. The vegetation management board shall not contact any private citizen concerning these public safety hazards, until after such time as the director of public works has contacted such private citizen and received no response. Any citizen aggrieved of an action by the director of public works regarding his action or non-action may report such grievance to the town administrator. The town administrator may direct, for any reason, such appeal to the vegetation management board.

F. The vegetation board shall be responsible for contacting an arborist if the need arises, but shall not contact outside parties without the approval of the town administrator, if funds are needed for such contract.

#### 12.16.060 Vegetation management board – Operations.

The vegetation management board shall abide by this code, subject to the approval of the code by the board of trustees. The vegetation management board is required to keep accurate minutes of its meetings, and submit them to the board of trustees on a regular basis. A majority of members shall constitute a quorum for the purposes of conducting business.

12.16.070 Official street tree species, suggested landscaping species, and prohibited species.

The Board of Trustees shall adopt by resolution as often as necessary an official street tree list, suggested landscaping material list, and prohibited species list for the public's and Town's use in landscaping within the Town. The Board encourages the planting of such suggested species to adequately address Town limitations on the providing of irrigation water to property owners. Further, the Town requires that property owners eradicate prohibited species as soon as practicable, and preferably before such weedy species pollinates.

12.16.080 Spacing and planting of street and public access trees.

A. The minimum spacing of newly planted street and public access trees will be no less than the following:

1. Small trees, eighteen to twenty feet;
2. Medium trees, twenty-five to thirty feet;
3. Large trees, thirty-five to forty feet.

B. The only exception to these distances is in a special planting approved by the vegetation management board.

C. All containers and coverings (burlap, wire, fiber pots, and twine) must be removed from the root ball prior to planting.

12.16.090 Distance from street corners and fire hydrants.

No street tree or public access tree or private tree will be planted closer than twenty feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree or public access tree or private tree shall be planted within ten feet of any fire hydrant.

12.16.100 Distance from utility wires or lines.

No trees other than what is considered a small tree may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water, sewer, transmission or any other utility line.

12.16.110 Public tree care.

A. The town shall have the right to plant, prune, maintain, and remove any tree, shrub, bush, or other wood-like vegetation within the lines of all streets, alleys, lanes,

easements and 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. Notwithstanding the foregoing, nothing herein removes a property owner's obligation per Title 8 of this code regarding the maintenance of alleys and rights-of-way adjacent to a private property.

B. The vegetation management board may council or suggest the removal of any tree or part thereof or any vegetation which is in an unsafe condition or which by reason of nature could be considered injurious to utilities, general public safety, or is found to be infested with a fungus or pest which could spread to other trees or seriously weaken the tree itself. This action does not prohibit the planting of street trees or public access trees by an adjacent property owner, provided the type, location and size of such trees is in accordance with this chapter.

#### 12.16.120 Tree topping.

It shall be unlawful as a normal practice for any person, firm or town department to top any street tree or public access tree, or any other tree on public property. Topping means the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or trees located in areas where normal maintenance is impractical or dangerous may be exempted from this section only with approval by the vegetation management board.

#### 12.16.130 Pruning and clearance.

Every owner of any tree or vegetation on his/her property which overhangs any street, right-of-way, alley, lane, corner or any other public area or way within the town shall prune the branches so that such branches shall not obstruct the light of a street lamp or obstruct the view of any intersection, and so that there shall be a clear space of ten feet above the sidewalk and thirteen feet above the street. An owner shall remove all dead, diseased or dangerous branches, or broken or decayed limbs on their trees or vegetation which constitute a menace to the safety of the public, and shall bear the full financial burden of removal.

#### 12.16.140 Town right and powers to enforce tree safety.

A. This chapter outlines the town's ability to enforce tree safety and care concerning public/private overlap.

B. The director of public works shall have the power to promulgate and communicate rules, regulations, and specifications for the trimming, removal, pruning, and protection of trees, shrubs, bushes, and other vegetation.

C. The director of public works department shall have the power to determine if a safety or obstruction concern exists concerning street or public access or private trees, and can prescribe actions necessary to abate the problem.

D. The director of public works and his authorized representatives and agents shall have the right to trim, remove, prune, and protect any tree, shrub, bush, or other vegetation which is on public right-of-way of any street, alley sidewalk, or other public place, or to require the owner or occupant of the property, or his agent, abutting on the right-of-way of any street, alley, sidewalk, or other public place to trim, remove, prune, or protect any tree, shrub, bush, or other vegetation which may project or exist beyond the property line (including right-of-way trees adjacent to private property) of such owner, occupant or agent, onto or over public property in a manner which interferes with the safe use of the right-of-way, at the expense of the owner.

E. If the property owner, occupant, or agent refuses or neglects to trim, remove, prune or protect any such tree, shrub, bush or other vegetation within ten days after receipt of a written notice from the director of public works to do so, the director may do or be done the necessary work incident thereto, and the expenses thereof shall be collected from the owner of such property, and if not collected within thirty days, the amount shall be made a lien against the property until paid.

#### 12.16.150 Removal of stumps, dead, diseased and dangerous trees.

The town shall have the right to cause the removal of any stumps which exist in any street, alley, right-of-way, or other public place and extend above the surface of the ground. Removal will be undertaken as specified in this ordinance, except the property owner will be given thirty (30) days to comply with the written notice.

The town shall have the right to cause the removal of any such trees or vegetation on private property within the town, when such trees constitute a hazard to life and property, or harbor insects or diseases which are a potential threat to other trees within the town. The owner will be notified in writing as to why the request is being made by the director of public works. Removal shall be done by the owner at their expense within sixty (60) days after the notice is served. In the event there is a failure of owners to comply with the notice, the town shall have the authority to remove such trees and charge the cost of removal to the owners. If payment is not received within thirty (30) days, the amount shall be made a lien against said property, including interest, until paid.

#### 12.16.160 Interference with the tree board and the director of public works.

It shall be unlawful for any person to prevent, delay, or interfere with the town vegetation management board, the director of public works, or any of their agents while they are engaged in and about the planting, removal, maintenance, protection or other tree-related or landscaping activities as authorized in this ordinance.

12.16.170 Arbor license and bond.

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removal of street or public access trees within the town without first applying for and procuring a license from the town. The license fee shall be the same as a special contractor's license and shall be paid in advance; provided, however, that no other license shall be required of any public service company or town employee doing such work on trees within the scope of their municipal employment. Before any license shall be issued, each applicant shall first file proof of liability insurance and worker's compensation insurance as required for special contractors.

12.16.180 Review by the board of trustees.

The board of trustees shall have the right to review, and shall have authority over the conduct, acts, and decisions of the vegetation management board as they relate to this chapter. Any person may appeal any action taken by the vegetation management board concerning this chapter to the board of trustees, so that the board may determine whether to hear the matter and to make a final decision concerning such tree board action or dispute.

**Section 2**

All ordinances heretofore passed and adopted by the Board of Trustees of the Town of Silt, Colorado are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith.

**Section 3**

If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

**INTRODUCED, READ AND APPROVED ON FIRST READING, a public hearing, this 8<sup>th</sup> day of July 2019, at 7:00 p.m. in the Municipal Building of the Town of Silt Colorado.**

**PASSED, APPROVED ON SECOND READING, following a continued public hearing, ADOPTED AND ORDERED PUBLISHED, this 22<sup>nd</sup> day of July 2019.**

TOWN OF SILT



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Mayor Keith B. Richel

ATTEST:

  
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Town Clerk Sheila M. McIntyre, CMC