

ORDINANCE NO. 2
(Series 1988)

AN ORDINANCE OF THE TOWN OF LAKE CITY, COLORADO, ENACTING REGULATIONS FOR TREES, SHRUBS AND BUSHES.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LAKE CITY, COLORADO, as follows:

Section 1:

Chapter 10 of the Lake City Municipal Code is amended by the addition of a new Section 15 to read, as follows:

CHAPTER 10

Section 15

Trees, Shrubs and Bushes

Sections:

- 10.15-1: CARE OF TREES ON TOWN-OWNED PROPERTY
- 10.15-2: TREE TRIMMER LICENSES
- 10.15-3: TOWN TREE CARE SPECIFICATIONS
- 10.15-4: NUISANCES CREATED BY TREES, SHRUBS AND BUSHES
- 10.15-5: TREE BOARD

10.15-1: Care of Trees on Town-owned Property:

- (A) It shall be unlawful to remove any tree on Town-owned property unless the Town has approved of the proposed removal.
- (B) It shall be unlawful for any person other than a public utility, the owner or party in lawful possession of abutting property, a licensed tree trimmer, or Town employees or agents to remove, trim or treat Town-owned trees.
- (C) All trimming, treatment or removal of Town-owned trees or planting of trees on Town property shall be done in compliance with the Town's tree care specifications.
- (D) The Town reserves the right to plant, prune, maintain, remove, treat or trim all trees, bushes or shrubs and other plantings located upon all Town-owned property, including street rights of way. However, it shall be the responsibility of the owner of property abutting trees located on street rights of way to maintain the trees so that they do not become a nuisance as defined in Subsection 10.15-4.

10.15-2: Tree Trimmer Licenses:

- (A) It shall be unlawful to engage in the business of tree trimming or treatment of trees, shrubs or bushes on Town-owned property without a license issued pursuant to this Section.
- (B) Licenses shall be issued without charge by the Town following submission of an application on forms provided by the Town and review by all agents or employees of the licensee who will remove, trim or treat trees, of the Town's tree care specifications and ordinances. No person not listed on a license may trim, treat or remove Town-owned trees.
- (C) Any license issued hereunder may be revoked or suspended for a violation of the Section, of the Town's tree care specifications, or of other applicable Town ordinances and regulations following reasonable notice and hearing by the Board of Trustees.
- (D) No license may be reissued to any applicant for two (2) years after revocations of his license.

10.5-3: Town Tree Care Specifications:

- (A) The Tree Board is hereby directed to adopt tree care specifications and any other regulations necessary to implement the provisions of this Section.
- (B) It shall be unlawful for any person to top any Town-owned tree by severe cutting back of the limbs to stubs larger than three inches (3") in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree, unless the Town specifically authorizes such topping due to special circumstances such as storm damage or obstruction of utility lines which make normal trimming impractical.

10.5-4: Nuisances Created by Trees, Shrubs and Bushes:

- (A) The following are hereby declared to be a nuisance:
 - 1. Any tree, shrub, or bush upon public or private property which obstructs the proper view of traffic control devices or signs or unreasonably obstructs the view from vehicles or by pedestrians of traffic at intersections, or which obstructs vehicular or pedestrian traffic.
 - 2. Any tree, shrub or bush upon public or private property with dead, diseased or decaying limbs which creates a safety hazard to persons or property.

3. Any dead, diseased or other shrub, bush or tree upon public or private property which harbors insects or is diseased, which could cause the infestation or infection of other trees or plantings within the Town.

(B) It shall be the responsibility of the owner or party in lawful possession of any tree, shrub, or bush, or the owner or party in lawful possession of property abutting trees, shrubs or bushes in the street rights of way, which are a nuisance, to remove, trim or treat such tree, shrub or bush to eliminate the nuisance. If such person fails to appropriately care for such tree, bush or shrub, the Town may abate the nuisance caused by the tree, bush or shrub in any lawful manner.

10.15-5: Tree Board:

The Board of Trustees is hereby designated as the Town's Tree Board.

Section 2: Penalty Clause:

It shall be unlawful for any person to violate any of the provisions of this Ordinance. Any person convicted of such a violation may be punished by a fine of up to \$300, or a jail sentence of up to 90 days, or by both such fine and imprisonment; provided, however, no person under the age of 18 years shall be subject to any term of imprisonment, except for contempt of Court.

INTRODUCED, READ and ADOPTED by the Board of Trustees of the Town of Lake City, Colorado, the 3rd day of August, 1988.

TOWN OF LAKE CITY, COLORADO

BY Robert E. Hall
Mayor

ATTEST:-

Michelle L. Luce
Town Clerk