

ORDINANCE NO. 2

Series 1989

AN ORDINANCE ESTABLISHING A CITY TREE BOARD AND REGULATING THE REMOVAL, MAINTENANCE AND PLANTING OF TREES.

WHEREAS, public trees represent a substantial community investment, and;

WHEREAS, the City Council has determined that the proper care and planting of public trees is important to the health, safety and welfare of the citizens of Gunnison.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GUNNISON, STATE OF COLORADO, THAT:

SECTION 1. Chapter 5, Title 2 of Volume II, of the City of Gunnison Municipal Code is hereby adopted in its entirety to read as follows:

TITLE 2

CHAPTER 5

TREE ORDINANCE 1989

SECTION:

- 2-5-1: SHORT TITLE
- 2-5-2: DEFINITIONS
- 2-5-3: CREATION AND ESTABLISHMENT OF A CITY TREE BOARD
- 2-5-4: DUTIES AND RESPONSIBILITIES
- 2-5-5: STREET TREE SPECIES TO BE PLANTED
- 2-5-6: DISTANCE FROM CURB AND SIDEWALK
- 2-5-7: DISTANCE FROM STREET CORNERS AND FIREPLUGS
- 2-5-8: UTILITIES
- 2-5-9: PUBLIC TREE CARE
- 2-5-10: TREE TOPPING
- 2-5-11: PRUNING, CORNER CLEARANCE
- 2-5-12: DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY
- 2-5-13: REMOVAL OF STUMPS
- 2-5-14: INTERFERENCE WITH CITY TREE BOARD
- 2-5-15: PENALTY

2-5-1: SHORT TITLE

This ordinance shall be known and may be cited as "TREE ORDINANCE 1989".

2-5-2: DEFINITIONS

STREET TREES: "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between public right-of-way on either side of all streets, avenues, or ways within the City.

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 City, or to which the public has free access as a park.

PUBLIC TREES: "Public trees" are herein defined as Street and Park trees.

PRIVATE TREES: "Private trees" are herein defined as trees, shrubs, bushes and all other woody vegetation located on private property.

2-5-3: CREATION AND ESTABLISHMENT OF A CITY TREE BOARD

There is hereby created and established a City Tree Board for the City of Gunnison, Colorado, which shall consist of the City Council of the City of Gunnison. The City Council shall rely on City Staff members, the Colorado State Forest Service and other qualified and interested citizens for recommendations, work program preparation and implementation. The City Council may delegate their responsibilities as City Tree Board as they deem necessary for the health, safety and welfare of the citizens of the City of Gunnison.

2-5-4: DUTIES AND RESPONSIBILITIES

It shall be the responsibility of the Board 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. Such plan will be presented annually to the Public and upon approval shall constitute the official comprehensive city tree plan for the City of Gunnison, Colorado. The Board, may request investigations, findings, reports and recommendations upon any special matter of question coming within the scope of its work.

2-5-5: STREET TREE SPECIES TO BE PLANTED

The City Community Development Department shall maintain a list of recommended species for the Gunnison Area. In an effort to provide a variety of landscape species within the City, the public is encouraged to plant any of the trees listed.

2-5-6: DISTANCE FROM CURB AND SIDEWALK

Trees may not be planted any closer than three feet from curbs or curblines and sidewalks.

2-5-7: DISTANCE FROM STREET CORNERS AND FIREPLUGS

No Street Tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No Street Tree shall be planted closer than 10 feet of any fireplug.

2-5-8: UTILITIES

No trees shall be planted within a power line easement.

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

2-5-9: PUBLIC TREE CARE

It is the responsibility of the adjacent private property owner to maintain street trees.

The City shall have the right to plant, prune, maintain, and remove trees, plants and shrubs within the public right-of-way 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 City 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. This Section does not prohibit the planting of Street Trees by adjacent property owners.

2-5-10: TREE TOPPING

It shall be unlawful as a normal practice for any person, firm, or city 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 City Tree Board.

2-5-11: PRUNING, CORNER CLEARANCE

Every owner of any tree overhanging any street or right-of-way within the City 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 City 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 street light or interferes with visibility of any traffic control device or sign.

2-5-12: DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

The City shall have the right to cause the removal of any dead or diseased trees on private property within the City, 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 City. The City Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owners property tax notice.

2-5-13: 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.

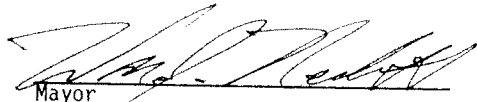
2-5-15: INTERFERENCE WITH CITY TREE BOARD

It shall be unlawful for any person to prevent, delay or interfere with the City 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.

2-5-15: PENALTY

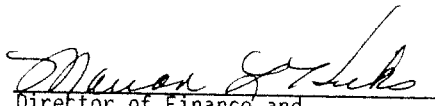
Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$300.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this
23rd. day of May 1989, on first reading, and introduced, read and
adopted on second and final reading this 13th. day of June 1989.

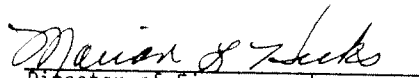

Mayor

(SEAL)

ATTEST:


Director of Finance and
Ex Officio City Clerk

I, Marian L. Hicks, Director of Finance of the City of Gunnison, County of Gunnison, State of Colorado, hereby do certify that the above is a true and correct copy of an ordinance introduced, read in full, passed on first reading at a regular meeting of the City Council held on the 23rd. day of May 1989, and introduced a second time and read thereafter, finally passed and adopted on the 13th. day of June 1989.


Director of Finance and
Ex Officio City Clerk

(SEAL)

ATTEST:

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