

TITLE XII

STREETS, SIDEWALKS AND OTHER PUBLIC AREAS

Chapter 3

Trees and Shrubs

Section:

- 12-3-1: Care of Trees on Town-owned Property
- 12-3-2: Tree Trimmer License
- 12-3-3: Town Tree Care Specifications
- 12-3-4: Nuisances Created by Trees, Shrubs and Bushes
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12-3-1: Care of Trees on Town-owned Property

- A. It shall be unlawful to remove any tree or shrub on Town-owned property unless the Town has approved of the proposed removal, in writing.
- 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 or shrubs.
- C. All trimming, treatment or removal of Town-owned trees or shrubs shall be done in compliance with the Town's tree care specifications.
- D. The Town reserves the rights 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 Section 12-3-4.

12-3-2: Tree Trimmer License

- 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 Chapter.
- B. Licenses shall be issued by the Town following submission of an application on forms provided by the Town accompanied by an application fee of \$10.00, an indemnity agreement and proof of general

liability insurance, 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. A transient merchant's license shall be required for those licensees without a permanent place of business in Delta or Montrose Counties.

- C. Any license issued hereunder may be revoked or suspended for a violation of this Chapter, 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 revocation of his license.

12-3-3: 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 Chapter.
- 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 proper trimming impractical.

12-3-4: 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 create 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 accordance with the provisions of Section 3 of Chapter VIII of the Olathe Town Code, 1968.

12-3-5: Community Tree Board

- A. There is hereby created a Community Tree Board to consist of three (3) persons appointed by the Board of Trustees. A representative of the Colorado State Forest Service may be appointed as an ex-officio member by the mayor.
- B. The Board shall have the following duties and responsibilities.
 - 1. Adopt Tree Care Specifications;
 - 2. Make recommendations to the Board of Trustees concerning needs and priorities for the planting, maintenance and removal of trees and shrubs.
 - 3. Prepare an Annual Operating Plan as a recommendation to the Board of Trustees.

12-3-6: Administration

The Town Manager shall be responsible to administer and enforce this Chapter.