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CHAPTER 13, ARTICLE 1
URBAN FORESTRY MANAGEMENT

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13-1-1 - PURPOSE

A. The purpose of this Article is to address the urban forest health of the Town of Grand Lake. The Town recognizes substantial economic, environmental and aesthetic importance of the trees and plantings within the community. It shall be the Town's policy to utilize applicable techniques, methods and procedures to protect existing plantings as well as to promote responsible plantings, and other landscaping features, on or adjacent to streets and within easements, in rights-of-way and other public places within the Town and where appropriate, private property to provide for orderly development and protection of public facilities.

13-1-2 - DEFINITIONS

Town – The Town of Grand Lake, Colorado.

Urban Forest – All vegetation growing in urban areas

13-1-3 – DESIRABLE PLANTINGS

A. It is the goal of the Town of Grand Lake to promote responsible plantings within the community. The following plants have been selected as the most reliable for Grand Lake using the USDA Hardiness Zone rating of 3 (-30F to -40F) as well as observed performance over several years. These plants are desirable for the Town of Grand Lake's Rights of Ways. Items not listed may still be appropriate.

1. Evergreen Trees – Evergreen trees, such as pine, spruce and fir are best used in the landscape as windbreaks or for screening. They should not be planted close to buildings nor at corners of driveways or streets where they may block visibility. Some choices include: Englemann or Colorado Blue Spruce, Subalpine or Concolor Fir, as well as Bristlecone, Limber, Lodgepole and/or Ponderosa Pine.

2. Evergreen Shrubs – Mugo Pine, Dwarf Spruce, as well as Grape-holly or Creeping Barberry.
3. Deciduous Trees – Aspen, Fastigate European Aspen (Swedish Aspen), Serviceberry, Narrowleaf Cottonwood, Chokecherry, Thinleaf Alder, as well as Tatarian or Amur Maple.
4. Deciduous Shrubs (Native) – Antelope Brush (Bitterbrush), Bearberry Honeysuckle, Big or Silver Sagebrush, Canada Buffaloberry, Golden Rabbitbrush, Mooseberry, Kinnikinnick, Goosberries and Currents, Mountain Snowberry and Wolfberry, Redberried Elder, Re-osier Dogwood, Shrubby Cinquefoil, as well as Woods Rose.
5. Non-Native Shrubs – Peking or Hedge Cotoneaster, Caragana (Peashrub), Purple Osier Willow, Lilacs (Late Lilac), Nanking Cherry (Manchu Cherry), as well as Honeysuckles.
6. Herbaceous Perennials – European Garden Delphinium, Canterbury Bells, European Mountain Gold Alyssum, Painted Daisy, Johnny Jumpup, Mediterranean Oriental Poppy, Iceland Poppy, Russian or Chinese Sweet William, Common Bleedingheart, Rhubarb, European Yellow Yarrow, and Blue Lupine.

13-1-4 – UNDESIRABLE PLANT CONTROL

A. Undesirable Plants.

1. Noxious weeds, as identified by the Colorado Department of Agriculture, are declared to be undesirable plants to be controlled in accordance with this Article and State law.

B. Declaration of Nuisance

1. Noxious weeds and all other plants designated as “undesirable plants” by the Town are declared to be a public nuisance. Such action may be taken as is available for nuisance abatement under the laws of the State of Colorado and the Town of Grand Lake and as the Board of Trustees, in its sole discretion, deems necessary.

13-1-5 - FIRE MITIGATION REGULATIONS

- A. Public Nuisance: The spread of the mountain pine beetle (*Dendroctonus ponderosae*) has posed an immediate threat to the pine trees located within the Town. Trees infested with the mountain pine beetle, as well as trees that have died or are in the process of dying as the result of such infestation, and trees that have died of other causes increase the risk of uncontrolled fires within the Town. In order to contain the spread of the mountain pine beetle, to reduce the risk of uncontrolled fires, and to protect the health, safety and welfare of the inhabitants of the Town, the Board of Trustees does hereby declare pine trees infected with the mountain pine beetle, as well as pine trees that have died or are in the process of dying as a result of such infestation, and other dead trees a public nuisance to be abated by the owner of the land on which such trees are found, or if not so abated, to be destroyed by the Town.

13-1-6 - Town Rights and Responsibilities

A. The Town shall have the right:

1. to plant, prune, maintain and remove trees, plants and shrubs within the lines of all rights-of-way, streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry, beauty and health of such public grounds.
2. to 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 or condition is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is infected with any injurious fungus, insect, or other pest.
3. to require a property owner 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.

13-1-7 – ABATEMENT OF NUISANCE

- A. It shall be unlawful for any owner of any lot or parcel of land in the Town to permit or maintain on such lot or parcel any dead or live tree that is a “public nuisance” as defined in this Article, and it shall be the duty of the owner of such property to promptly remove or otherwise abate or eradicate such nuisance as may be appropriate, under the supervision or at the direction of the Town Manager or his designee.
- B. It shall be unlawful for any owner of any lot or parcel of land in the Town to permit or maintain on such lot or parcel any noxious weeds or undesirable plants that are defined as a “public nuisance” in this Article, and it shall be the duty of the owner of such property to promptly remove or otherwise abate or eradicate such nuisance as may be appropriate, under the supervision or at the direction of the Town Manager or his designee.

C. ABATEMENT PROCESS

1. The Town Manager or his designee shall perform the duties set forth in this Section and shall enforce the provision of this Section.
2. The Town Manager or his designee is authorized and empowered to enter upon any lot or parcel of land in the Town at any reasonable hour and after a reasonable attempt to notify the owner of the property for the purpose of inspecting any nuisance situated thereon. It shall be unlawful for any person to take any action to prevent the Manager or his designee from performing his duties or the exercise of any authority as provided in this Section.
3. A written notice of violation and order for removal of the nuisance must be sent by registered mail to the last known address of the property owner or posted on the property in a conspicuous place, declaring such property to be harboring such nuisance, notifying the owner of the property of their obligation to abate the nuisance and to comply with the provisions of this Section within thirty (30) days of the mailing or posting of such notice. Unless, within thirty (30) days of the sending or posting of such notice the owner of the property provides to the Town with substantial evidence demonstrating that there is not a nuisance.
4. In the event the owner is unable, despite reasonable efforts, to personally remove or secure services for said nuisance removal within the thirty (30) day period, the owner may request an extension of time by presenting a written proposal to the Town Manager during such thirty (30) day period, which outlines the proposed time frame of removal of

said nuisance and the person or company responsible for that removal. The Town Manager shall grant or deny any extension of time, in the exercise of reasonable discretion.

5. Nuisance removal shall be accomplished in an ecologically feasible and environmentally safe manner in accordance with all applicable laws, ordinances, rules and regulations.

6. In the event the owner fails to comply in any manner with the Notice of Violation or any extension thereof, then the Town may have said nuisance(s) removed, and the cost of the inspection, removal, and other incidental costs associated therewith shall be assessed against the owner, as well as the lot, lots, or tracts of land from which said trees are removed. The costs assessed by the Town for such work shall be in addition to the penalties imposed herein for violation or noncompliance with any provisions of this Section. Such assessment shall be a lien in the amount assessed against each lot or tract of land until paid. Any such assessment that is not paid within thirty (30) days of billing, shall be certified by the Town Clerk or Treasurer to the Grand County Treasurer, said certification to be the same in substance and in the same form as required for certification of property taxes, and the County Treasurer, upon the receipt of such certified list, is hereby authorized to place the same upon the tax list for the current year and to collect the special assessment in the same manner as other taxes are collected with ten percent (10%) penalty thereon; and all the laws of the State for the assessment and collection of the general taxes, including the laws for the sale of property for taxes and the redemption thereof, shall apply to and have full force and effect for the collection of all such assessments.

13-1-8 - VIOLATIONS

A. A. It shall be unlawful:

1. to top any 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 by the Greenways Board.
2. to remove any tree on public property without the written permission of the Town.
3. to deface, mar, damage, destroy or vandalize a tree on public property.
4. to remove or destroy any wetland plants which are protected under the Clean Water Act.
 - a. The pruning of wetland willows should be minimal and leave at least four foot (4') lengths of branches to maintain natural cover for wildlife and other vegetation. Wetland willows may not be mechanically cut. All cuttings must be removed from the wetland area.

13-1-9 - PENALTIES

A. Any person violating any of the provisions of this Article by failing, neglecting or refusing to comply with the provisions of any notice herein provided within the time specified, or who shall resist or obstruct the carrying out of the provisions of this Article shall, upon conviction of such violation, shall be fined in an amount not to exceed Three Hundred Dollars (\$300.00) in addition to any other remedies provided herein or allowed by ordinance, law, rule or regulation. Each day of violation shall constitute a separate offense.