CITY OF GREELEY, COLORADO

ORDINANCE NO. 25, 2015

AN ORDINANCE REPEALING SECTION 6.04.400 OF THE GREELEY MUNICIPAL CODE REGARDING PEST CONTROL IN TREES AND AMENDING CHAPTERS 13.41 AND 13.42 OF THE GREELEY MUNICIPAL CODE RELATED TO THE CITY'S FORESTRY PROGRAMS.

WHEREAS, the City maintains a Forestry Division which is responsible for ensuring the health of the trees within the city limits of the City of Greeley; and

WHEREAS, Ordinance 30, 2012 removed references to pesticide applications because the Colorado State Statutes preempt the City of Greeley's oversight of pesticide applications; and

WHEREAS, Section 6.04.400 was not repealed in 2012 but should be repealed because that Section references the application of pesticides to trees; and

WHEREAS, the City regulates tree trimming within the City of Greely; and

WHEREAS, the City Forester has determined that it is in the best interests of the community to require notice prior to the removal of trees by a tree trimmer; and

WHEREAS, the City Forester maintains standard operating procedures regarding the removal of trees, which procedures currently provide requirements regarding the property removal of tree stumps; and

WHEREAS, the City Forester has determined that it is in the best interests of the community to include requirements regarding the removal of tree stumps within the City of Greeley Municipal Code; and

WHEREAS, the City has set forth standards applicable to property owners and persons in possession of property related to forestry and trees, found in Chapter 13.42 of the Greeley Municipal Code; and

WHEREAS, the City Forester has determined that Chapter 13.42 should be revised in order to clarify property owners' responsibilities as to trees and vegetation on their property; and

WHEREAS, Chapter 3.42 should also be revised to remove an obsolete reference.

WHEREAS, revision of the Greeley Municipal Code related to the Forestry program is necessary to insure the adequate use of City resources to protect the health and safety of the citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, COLORADO AS FOLLOWS:

Section 1. Section 6.04.400 of the Greeley Municipal Code of Ordinances is hereby repealed in its entirety.

Section 2. Section 13.41.060 of the Greeley Municipal Code of Ordinances is hereby amended as shown on Exhibit A attached hereto and incorporated herein by this reference.

Section 3. Chapter 13.42 of the Greeley Municipal Code of Ordinances is hereby amended as shown on Exhibit B attached hereto and incorporated herein by this reference.

Section 4. This Ordinance shall become effective five (5) days following its final publication, as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED this 21st day of July, 2015.

ATTEST:

Betsy A. Holder
City Clerk

THE CITY OF GREELEY, COLORADO

By: _____
Mayor PRO-TEM

Exhibit

A

13.41.060 Permit required for trimming or removal.

No tree trimmer shall remove or trim any tree in a parkway or other public grounds without first obtaining a permit from the City Manager or his or her designee, after paying the fees required by Chapter 6.04 of this Code.

(1) The City Manager or his or her designee shall not issue a permit unless the tree to be removed or trimmed is dead or interferes with the proper use of parkways for sidewalk purposes or creates traffic hazards.

(2) NO TREE SHALL BE REMOVED UNTIL THE TREE HAS BEEN POSTED FOR AT LEAST SEVEN (7) DAYS WITH A SIGN NOTIFYING THE PUBLIC OF THE CONTEMPLATED REMOVAL UNLESS OTHERWISE DEEMED AN EMERGENCY BY THE CITY MANAGER OR HIS OR HER DESIGNEE.

(3) ALL TREE STUMPS SHALL BE PROPERLY REMOVED OR GROUND TO A MINIMUM OF 6" BELOW NORMAL GROUND LEVEL. ANY REMAINING CAVITY RESULTING FROM SUCH EXCAVATION SHALL BE PROPERLY FILLED AND COMPACTED WITH QUALITY SOIL TO NORMAL GROUND LEVEL.

Exhibit

B

13.42.030 Diseased and dangerous tree, shrub and plant inspection.

It shall be the duty of the City Manager or his or her designee to inspect all trees, shrubs, and plants within the City to determine whether they are afflicted with insect pests, ~~scale,~~ fungus or other disease detrimental to the growth, life and health of such trees, shrubs and plants; and to make such inspections for the additional purpose of discovering any trees, boughs or vegetation that may be dangerous to persons or property. IT SHALL BE THE DUTY OF ALL OWNERS OR PERSONS IN POSSESSION OF PROPERTY WITHIN THE CITY TO ERADICATE, REMOVE, DESTROY OR OTHERWISE CORRECT THE CONDITION FOUND IN SUCH INSPECTION. ~~and for the purpose of identifying any boughs overhanging any sidewalks lower than eight (8) feet from the surface thereof or overhanging any streets lower than thirteen (13) feet from the surface thereof.~~

13.42.040 Notice and Correction

It shall be the duty of the City Manager or his or her designee to notify the owner or other persons in possession of the premises where such conditions EXIST as are described ~~at Section 13.42.030 above exist of the discovery of the condition~~ IN THIS CHAPTER, and to direct the owner or other person in possession to eradicate, remove, destroy and otherwise correct the condition described in the notice, within the time set forth in the notice.

13.42.060 Traffic hazard or sidewalk-interfering vegetation; removal.

It shall be the duty of ~~the City Manager or his or her designee~~ ALL OWNERS OR PERSONS IN POSSESSION OF PROPERTY WITHIN THE CITY to remove from the parkways, or cause to be removed from parkways, any and all trees, BOUGHS AND VEGETATION ~~and boughs~~ which, in the opinion of the City Manager or his or her designee, interfere with the proper use of the parkways, OVERHANG ANY SIDEWALKS LOWER THAN EIGHT (8) FEET OR OVERHANG ANY STREETS LOWER THAN THIRTEEN (13) FEET FROM THE SURFACES THEREOF, or create a traffic hazard. ~~No such removal shall be carried out unless the City Manager or his or her designee has made an express written finding that the trees or boughs do interfere with the use of the parkways for sidewalk purposes or that they do create a traffic hazard, and no such removal shall be made until after a ten-day written notice of intention to do so has been furnished to the owner or person in possession, via certified mail, and until the tree to be removed has been posted for at least seven (7) days with a sign notifying the public of the contemplated removal.~~

13.42.210 Assessment for expenses; lien and enforcement.

If the City incurs expenses and costs by reason of providing services or causing services to be provided and providing materials or causing materials to be provided, such total costs and expense shall be set forth in a written assessment notice to be prepared by the Director of Finance and to be mailed by him or her to the owner or person in possession whose duty it is to provide such services and materials. All such assessment notices shall declare that the full amount is immediately due and payable. Failure to pay any such assessment WITHIN SUCH PERIOD OF THIRTY (30) DAYS SHALL CAUSE SUCH ASSESSMENT TO ~~shall cause the amount to immediately~~ become a lien against the lot, block or parcel of land owned or occupied by the person to whom the assessment notice was mailed, and such lien shall have priority over all other liens, except the general taxes and prior special assessments AND THE SAME MAY BE CERTIFIED AT ANY TIME AFTER SUCH FAILURE TO SO PAY THE SAME WITHIN THIRTY (30) DAYS, BY THE DIRECTOR OF FINANCE TO THE COUNTY TREASURER TO BE PLACED UPON THE TAX LIST FOR THE CURRENT YEAR, TO BE COLLECTED IN THE SAME MANNER AS OTHER TAXES ARE COLLECTED, WITH A TEN-PERCENT PENALTY

TO DEFRAY THE COST OF COLLECTION, AS PROVIDED BY STATE LAW. ~~Such lien shall be enforced in the same manner as the lien of special assessments is enforced under Subsection 13.44.080(c) of this Title~~.