

**TOWN OF MEAD, COLORADO  
ORDINANCE NO. 1032**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, REPEALING AND  
REPLACING ARTICLE 5 OF CHAPTER 7 OF THE *MEAD MUNICIPAL CODE*  
CONCERNING TREES**

**WHEREAS**, the Town of Mead Board of Trustees ("Board") desires to pursue a designation of "Tree City USA" for the Town of Mead ("Town"); and

**WHEREAS**, communities designated as a Tree City USA commonly enjoy cleaner air, improved stormwater management, energy savings, increased property values and commercial activity, among other benefits; and

**WHEREAS**, Tree City USA is a designation given by the Arbor Day Foundation to communities that meet the four designated standards of having a sustainable tree management program; and

**WHEREAS**, one such standard for obtaining such designation is to implement a public tree care ordinance; and

**WHEREAS**, the Town previously codified regulations regarding trees in Article 5 of Chapter 7 of the Mead Municipal Code ("MMC"); and

**WHEREAS**, the Board desires to amend the MMC to establish standards of tree care within the Town; and

**WHEREAS**, the Board finds it is in the best interest of the public health, safety, and welfare of all citizens to adopt the tree regulations and other amendments to the MMC set forth in this Ordinance.

**NOW THEREFORE, BE IT ORDAINED** by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

**Section 1. Repeal and Replace Article 5 of Chapter 7 of the Municipal Code.** Article 5 of Chapter 7 of the Mead Municipal Code is hereby repealed in its entirety and replaced to read in full as follows:

**ARTICLE 5 - Trees.**

**Sec. 7-5-10. Purpose.**

To enhance the quality of life and the present and future health, safety, and welfare of all residents, to enhance property values, and to ensure proper planting and care of trees on public property, the Board of Trustees herein delegates the authority and responsibility for managing public trees, establishes practices governing the planting and care of trees on public property, and makes provision for the emergency removal of trees on private property under certain conditions.

#### **Sec. 7-5-20. Definitions.**

As used in this Article, the following words and phrases shall have the meanings defined below:

*Damage* means any injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part of the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.

*Nuisance* means any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety, and welfare.

*Parkway* means the area along a public street between the curb and the sidewalk; or if there is no curb or sidewalk, the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.

*Public property* means all grounds and rights-of-way (ROWs) owned or maintained by the Town.

*Public tree* means any tree or woody vegetation on Town-owned or Town-maintained property or rights-of-way.

*Top or Topping* means the non-standard practice of cutting back of limbs to stubs within a tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

#### **Sec. 7-5-30. Authority and Power.**

- (a) Delegation of authority and responsibility. The Public Works Director and/or their designee, hereinafter referred to as the "Director", shall have full authority and responsibility to plant, prune, maintain and remove trees and woody plants growing in or upon all municipal streets, rights-of-ways, Town parks, and other public property. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.
- (b) Coordination among town departments. All town departments will coordinate as necessary with the Director and will provide services as required to ensure compliance with this Ordinance as it relates to streets, alleys, rights-of-way, drainage, easements, and other public properties not under direct jurisdiction of the Director.
- (c) Interference. No person shall hinder, prevent, delay, or interfere with the Director or his agents while engaged in carrying out the execution or enforcement of this Ordinance.

#### **Sec. 7-5-40. Tree planting and care standards.**

- (a) Standards. All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations" and shall follow all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture.

- (b) Requirements of franchise utility companies. The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards.
- (c) Preferred species list. The Director shall maintain an official list of desirable tree species for planting on public property in two size classes: Ornamental (20 feet or less in height at maturity) and Shade (greater than 20 feet at maturity). Trees from this approved list may be planted without special permission; other species may be planted with written approval from the Director.
- (d) Planting distances. The Director shall develop and maintain an official set of spacing requirements for the planting of trees on public property. No tree may be planted within the visibility triangle of a street intersection or within 10 feet of a fire hydrant.
- (e) Planting trees under electric utility lines. Only trees listed as Ornamental trees on the official Town tree species list may be planted under or within 15 lateral feet of any overhead utility wire.

**Sec. 7-5-50. Prohibition against harming public trees.**

- (a) It shall be unlawful for any person, firm, or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the Director.
- (b) It shall be unlawful for any person, firm, or corporation to attach any cable, wire, sign, or any other object to any street, park, or public tree.
- (c) It shall be unlawful for any person, firm, or corporation to “top” any public tree. Trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the determination of the Director.
- (d) Any person, firm, corporation, or town department performing construction near any public tree(s) shall consult with the Director and shall employ appropriate measures to protect the tree(s), according to procedures contained in the Best Management Practices (BMPs) for “Managing Trees During Construction” published by the International Society of Arboriculture.
- (e) Each violation of this section shall constitute a separate violation, punishable by fines and penalties under Section 7-5-80, in addition to mitigation values placed on the tree(s) removed or damaged in violation of this section.

**Sec. 7-5-60. Adjacent owner responsibility.**

- (a) No property owner shall allow a tree, or other plant growing on his or her property to obstruct or interfere with pedestrians or the view of drivers, thereby creating a hazard. If an obstruction persists, the Director shall notify the property owner to prune or remove the tree or plant. If the owner fails to comply with the notice, the Town may undertake the necessary work and charge the cost to the property owner. If the property owner fails to remove the obstruction within the time period specified in the notice (to be not less than 15 days from the date of delivery of notice to the property owner), the Town may undertake the necessary treatment and/or removal and charge the cost to the property owner. If the property owner fails to pay the costs within ninety (90) days following written notice to the owner of the total charges incurred by the Town, inclusive of Town administrative charges which shall not exceed ten percent (10%) of the total cost of the work performed

by the Town, the Town may proceed to certify the total amount of the delinquent charges for collection with property taxes pursuant to the provisions of Section 1-4-80 of this Code.

**Sec. 7-5-70. Certain trees declared a nuisance.**

- (a) Any tree, or limb thereof, on private property determined by the Director to have contracted a lethal, communicable disease or insect; to be dead or dying; to obstruct the view of traffic signs or the free passage of pedestrians or vehicles; or that threatens public health, safety, and welfare is declared a nuisance and the Town may require its treatment or removal.
- (b) Private property owners have the duty, at their own expense, to remove or treat nuisance trees on their property. The Town may remove such trees at the owner's expense if the owner does not comply with treatment and/or removal as specified by the Director within the written notification period. If the property owner fails to comply with the treatment and/or removal within the time period specified in the notice (to be not less than 60 days from the date of delivery of notice to the property owner), the Town may undertake the necessary treatment and/or removal and charge the cost to the property owner. If the property owner fails to pay the costs within ninety (90) days following written notice to the owner of the total charges incurred by the Town, inclusive of Town administrative charges which shall not exceed ten percent (10%) of the total cost of the treatment and/or removal work, the Town may proceed to certify the total amount of the delinquent charges for collection with property taxes pursuant to the provisions of Section 1-4-80 of this Code.

**Sec. 7-5-80. Violations and penalty.**

Violations of this Article shall be designated as noncriminal violations. Any person, firm or corporation violating any provision of this Article shall be subject to the fines and penalties set forth in Section 1-4-20 of this Code.

**Section 2. Effective Date.** This Ordinance shall be published and become effective as provided by law.


**Section 3. Severability.** If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the Ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, section, subsection, sentence, clause or phrase is declared invalid.


**Section 4. Repealer.** All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

**Section 5. Certification.** The Town Clerk shall certify to the passage of this Ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

**INTRODUCED, READ, PASSED, AND ADOPTED THIS 24TH DAY OF APRIL 2023.**

**ATTEST:**

By:   
Mary E. Strutt, MMC, Town Clerk



**TOWN OF MEAD:**

By:   
Colleen G. Whitlow, Mayor