

**Ordinance No. 6B**

**An Ordinance Providing For The Promotion  
Of Good Arboriculture Practices**

**WHEREAS**, it is the desire of the Board of Trustees of the Town of Stratton to promote tree health and management within the Town of Stratton, and thereby the health and safety of the public by promoting good arboriculture practices; and

**WHEREAS**, the Board of Trustees has determined that in order to establish the foregoing a Town Tree Committee should be organized and be appointed;

**NOW, THEREFORE**, be it ordained by the Board of Trustees of the Town of Stratton, Colorado:

Section 1- Purpose.

The purpose of this ordinance is to promote tree health and management within the Town of Stratton, and thereby the safety and aesthetics of the Town to its residents, and visitors by promoting and maintaining good arboriculture practices.

Section 2 - Definitions.

1. Street Trees: Street trees are herein defined as trees, shrubs, and all other woody vegetation growing on the public right of way of any street, alley, sidewalk or other public place in the Town.
2. Park Trees: Park trees are herein defined as trees, shrubs, and all other woody vegetation in the public parks, and other property owned by the town.
3. Hazard Trees: Hazard trees are herein defined as trees, shrubs, and other woody vegetation or stumps on public or private property that poses a threat to public safety by their condition and or location.

Section 3 - Establishment of a Town Tree Committee.

The Stratton Tree Committee will consist of three members appointed by the Board of Trustees. Members will serve without compensation, will be appointed for a three-year term, and may be re-appointed. Members may be, but are not required to be, members of the Board of Trustees. The Stratton Tree Committee will elect officers annually and will operate according to standard meeting procedures.

#### Section 4 - Responsibilities of the Town Tree Committee, and Appointment of a Town Arborist.

1. The Town Tree Committee shall have the final authority to determine the course of action to be taken in dealing with hazard trees and other problems concerning trees in the Town.
2. The Town Tree Committee may appoint a Town Arborist. The Town Arborist will have the responsibility of making recommendations to the Committee regarding the planning, planting, maintenance and removal of trees and shrubs on Town property and within Town easements.

#### Section 5 - Public Tree Care.

The Town of Stratton shall have the right to plant, spray, prune, maintain and remove trees and shrubs within the lines of all streets, alleys, sidewalks, and public grounds, as may be necessary to insure public safety, to prevent unsafe conditions (hanging over fences or buildings, or blocking sight lines), to prevent injuring sewers, utility lines, gas lines, water lines, or other public improvements, or to preserve or enhance the symmetry and beauty of such public grounds.

#### Section 6 - Dead or Diseased Tree Removal on Private Property.

1. The Town shall have the right and authority to enter private property within the Town limits for the purpose of inventorying and inspecting any tree, and to cause the removal of any dead or diseased tree on private property within the Town limits, when said tree(s) constitute a potential threat to other trees within the Town. The Tree Board will notify the property owners effective in writing of the need to remove a tree (Notice of Removal).
2. The removal of such trees, shrubs, or woody vegetation shall be done by the property owner at their own expense within forty five (45) days of the date of the Notice of Removal. In the event of failure to comply with the removal notice by the property owner, the Town shall have the authority to remove, or contract to have removed, such tree(s), shrubs, or woody vegetation and charge the cost of the removal to the owners utility account. Should the property owner fail to pay the removal amount which has been added to his utility account within a reasonable period, as determined by the Board of Trustees, the Town shall have the authority to charge a reasonable finance charge for the caring of this removal charge and said charge shall become a lien upon the real property of the delinquent account.

#### Section 7 - Tree Topping.

It shall be unlawful as a normal practice for any person or firm 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 (3) inches in diameter with the tree's crown to such a degree so as to remove the normal canopy. Trees severely damaged by storms or other causes may be exempted from this ordinance at the discretion of the Tree Board.

Section 8 - Removal of Stumps.

All stumps of street and park trees shall be removed below the surface of the ground.

Section 9 - Interference with Tree Committee or its Representatives.

It shall be unlawful for any person to interfere with the Town Tree Committee, Town Arborist, or any of its representatives, while engaging in the planting, spraying, maintaining, and removing of any street trees, park trees, or trees on private property.

Section 10 - Tree Planting.

1. The Town Tree Committee shall have the right and authority to restrict the planting of trees when such planting will cause an obstruction of a street, roadway, alley, sidewalk, of easement, or when the species or varieties to be planted are inconsistent with the establishment and maintenance of the tree health and management..
2. The Town Tree Committee shall maintain a listing of recommended species of trees and shrubs for new planting within the Town limits for the purpose of diversifying the tree population within the Town. The recommendations shall come from the Colorado State Forest Service.

Section 11 - Tree Maintenance.

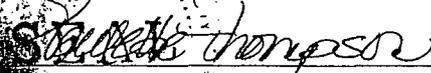
Any person or firm who provides a tree spraying, pruning, or removal service for and in the Town of Stratton shall register with workmen's compensation insurance coverage's for themselves and their employees prior to engaging in these activities.

Section 12 - Review By The Board Of Trustees.

The Board of Trustees shall have the right to review the conduct, acts and decisions of the Town Tree Committee. Any person may appeal any ruling or order of the Town Tree Committee to the Board of Trustees who may hear the matter and make final decisions.

INTRODUCED , READ, ADOPTED AND ORDERED PUBLISHED this 10 day of April, 2003.

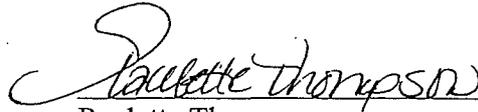
  
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 Dick Ramos, Mayor Pro Tem, DANA SIEKMAN

(SEAL) - TOWN CLERK  
 ATTEST:  
  
 \_\_\_\_\_  
 Paulette Thompson, Town Clerk

STATE OF COLORADO )  
County of Kit Carson )s.s.  
Town of Stratton )

**CLERK'S CERTIFICATE OF PUBLICATION**

I, Paulette Thompson, the official Town clerk of the Town of Stratton, do by these presents say that the foregoing Ordinance No. 6-B attached thereto was published in the Stratton Spotlight, a weekly newspaper of general circulation in Stratton, Kit Carson County, Colorado on April 15, 2002, and the "Proof of Publication" is filed therewith.



Paulette Thompson  
Town Clerk