

ORDINANCE NO. 1266

AN ORDINANCE REQUIRING A STREET TREE WORK PERMIT FOR PERFORMING MAINTENANCE ON TREES LOCATED WITHIN TREE LAWNS

WHEREAS the Town of Berthoud ("Town"), in the Town of Berthoud Municipal Code ("Town Code" or "Code") Section 30-1-116(A)(413) defines a "Tree Lawn" as "a strip of landscaping within the right-of-way, generally between the street and an adjacent sidewalk."; and

WHEREAS Town Code Section 30-2-112(B)(5) states that "all property owners/occupants shall be responsible for maintenance, removal and replacement of trees and landscaping within the portion of the public right-of-way between the back of the curb or street pavement and the adjacent property."; and

WHEREAS The Town of Berthoud has a long, rich heritage of tree-lined streets. Today street trees and their conditions are a concern to those involved in urban forestry and the Town has the authority and obligation to assure that vegetation planted on public rights-of-way meets certain standards; and

WHEREAS the Town, for the benefit of its citizens, desires to implement a program whereby property owners can comply with the requirements of Code section 30-2-112(B)(5) for maintaining, removing and/or replacing trees located within Tree Lawns; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO, AS FOLLOWS:

Section 1. Chapter 30 Section 2-112 of the Berthoud Municipal Code is amended to include the following new Section 30-2-112(G):

Section 30-2-112(G) – Street Tree Work Permit

1. Intent. The Town of Berthoud Street Tree Work Permit is intended to promote a more overall healthy and sustainable urban forest by allowing Forestry Staff to develop a greater understanding of management needs and maintenance being performed on trees that are located within Tree Lawn's as that term is defined in Code Section 30-1-116(A). This program is intended only for trees located within Tree Lawns for which property owners/occupants are responsible for maintaining, removing, and replacing pursuant to Code Section 30-2-112(B)(5); not trees located on private property.
2. Definitions. As used in this section 30-2-112(G) the following words will have the meanings indicated:
 - a. "Applicant" means an individual who is a natural person who owns a Property, and by virtue of said ownership is required to maintain,

remove, and replace trees located within the Tree Lawn adjacent to Applicant's Property.

- b. "Property" means a parcel of real estate within the Town of Berthoud, Colorado, which is adjacent to a Tree Lawn.
 - c. "Tree Lawn" shall have the same meaning as defined in Berthoud Code section 30-1-116(A).
 - d. "Right-of-Way", as defined in Section 30-1-116(A)(352), is a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, irrigation ditch or for another special use.
 - e. "Street Tree Work Permit" means a permit for performing maintenance on a tree that is located within a Tree Lawn.
 - f. "Maintenance" includes pruning, chemical treatments of pesticides, fungicides, or fertilizers, replacement, removal or any other actions that may affect the health of a tree.
3. Procedure. The following procedure shall apply when an Applicant desires to apply for a Street Tree Work Permit:
- a. Any Applicant may apply by filling out a Street Tree Work Permit Application ("Street Tree Work Permit Application") and submitting the Street Tree Work Permit Application to the Forestry Department. The Street Tree Work Permit Application shall be created and approved by the Town's Forestry Department, and may be amended from time to time in the sole discretion of the Forestry Department. There shall be no cost for obtaining a Work Permit Application.
 - b. Town Staff is authorized to review and either approve or disapprove Applicant's Street Tree Work Permit Application, and may contact Applicant if any additional information is required. Town Staff will review each Street Tree Work Permit Application for conformance with standards set by the Town Forestry Department, and which standards may be amended from time to time.
 - c. If Applicant's Street Tree Work Permit Application is approved, the Applicant will be contacted for further instructions. Street Tree Work Permit Applications are valid for 60 days after approval date. A follow-up site evaluation may be conducted and recorded after tree maintenance has been performed.

4. Requirements. The following requirements, in addition to any other requirements imposed by Town staff in their discretion, must be met prior to Applicant being granted a Street Tree Work Permit:
 - a. Tree maintenance, removal, and replacement must be performed by a Town of Berthoud Licensed Tree Service, or Applicant.
 - b. Applicant shall be responsible for all costs associated with maintenance, removal, and replacement of the tree(s) within Tree Lawns.
 - c. Tree pruning shall consist of crown raising, crown reduction, crown thinning (no more than 25% of live crown), crown cleaning, and root reduction.
 - d. Chemical treatments shall identify tree species and size, targeted insect/disease/deficiency, and product applied/application rate/application method.
 - e. Trees must be removed with good cause. Good cause, as used in this section, shall mean the subject tree is dead, dying, hazardous, in poor health, incorrectly planted, is of a prohibited species, or per part of a management plan.
 - f. After removal, stumps must be properly removed six-eight (6-8) inches below ground level and all wood material must be removed from the work site within 48 hours.
 - g. New trees to be planted within Tree Lawns shall comply with the Town's Tree Planting Standards. The Town's Tree Planting Standards are attached to this Ordinance, and may be amended from time to time in the sole discretion of the Town.
 - h. New trees to be planted within Tree Lawns shall meet species, size, diversity, and spacing requirements per Town Code Section 30-2-112.
5. A Street Tree Work Permit must be acquired prior to performing any maintenance, removal, or planting of any tree located in a Tree Lawn.
6. Town Staff is hereby authorized and directed to develop an appropriate Street Tree Work Permit Application form to be submitted by an Applicant when such Applicant wishes to obtain a Street Tree Work Permit.
7. Town Staff is hereby authorized to inspect, conduct surveys, and perform maintenance as needed on any tree within Tree Lawns.

8. Any violation of any provision contained in this section shall be punishable by a fine up to \$2,500.

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PASSED, ADOPTED, SIGNED AND APPROVED this the 11th day of June, 2019.

TOWN OF BERTHOUD

By: William Karspeck
William Karspeck, Mayor

ATTEST:

By: Christian Samora
Christian Samora, Town Clerk



Town of Berthoud Tree Planting Standards

Plant Material

- All tree species must be pre-approved in accordance to the Town of Berthoud approved street tree list unless otherwise approved by the Town Forester. Trees must be balled and burlapped (B&B) and grown/harvested from a legally registered nursery. All plant names must agree with the nomenclature of "Standardized Plant Names" via the American Joint Committee on Horticultural Nomenclature 1942 edition and be certified by the supplying nursery.

Planting Seasons

- Trees may be planted between March 15 to June 15 and September 1 to October 15 unless otherwise approved by the Town Forester.

Condition

- Trees must be in good condition, sound, healthy and vigorous. Trees shall be free from defects, disease, insects/pests, disfiguring knots, sunscald, injuries, and without abrasions to the bark and/or damage to the root ball. Trees must present aesthetic characteristics, show adequate structure, and possess one (1) central leader unless species specific.

Tree Replacement

- Trees will be inspected by the Town Forester for overall condition and proper installment. Any, and all, trees that are dead or, in the opinion of the Town Forester, in an unhealthy or unsightly condition and/or has lost its natural shape due to dead branches, inadequate/improper maintenance and pruning techniques will be required to be replaced during the following appropriate planting season.

Size

- Tree size shall be a minimum of 2.0 inch caliper (measured 6 inches from the trunk flare) and no larger than 3.0 inches in caliper unless otherwise approved by the Town Forester.

Installation

- A Street Tree Work Permit is required and must be approved prior to tree plantings within the street rights-of-way. Planting holes shall be at least three times the diameter of the root ball. All material (e.g., rocks, stone, rope, hardware, etc.) shall be removed from the planting hole and the subgrade must be slightly tamped to prevent settlement prior to the installation of the tree. Balled and burlapped (B&B) trees must be lifted and carried by the root ball to prevent loosening and/or damage to the roots and root ball. Trees must be set straight and placed within the center of the planting hole and show no lean. All trees shall sit with the trunk flare level with the sidewalk grade and at least 1/2 of the burlap and wire basket must be removed prior to backfill. Backfill shall be loose and friable, and firmed at 6 to 8 inch intervals until level with existing conditions.

Watering

- During tree installment, trees shall receive at least 20 gallons of water. During the tree warranty period, trees shall receive at least 20 gallons of water at approximately two week intervals between May 15 and October 31. Watering practices may need to be increased due to environmental conditions (e.g., drought).

Staking

- Trees shall be staked after initial installment using two (2) stakes and a woven polypropylene material to prevent bark abrasion. Trees must remain staked for one (1) complete growing season, which then stakes may be removed. Stakes are not intended to correct tree lean due to improper planting techniques and/or inadequate structure.

Mulching

- Organic mulch shall be applied to all newly installed trees. Mulch applications shall be 3 to 4 inches deep, 6 inches away from the trunk, and at a width of 1 foot beyond the root ball.

Warranty

- All trees shall be guaranteed for two (2) years after final sign-off. Any tree that dies, shows significant die-back, becomes hazardous, or possesses the potential to hinder any nearby tree (e.g., disease, infestations, etc.) will be required to be immediately removed and replaced the following appropriate planting season.

Plant Pest Control

- Any tree planting within Town limits is required to comply with all state and federal regulations and quarantines.