

Ordinance No. 1181

AN ORDINANCE FOR THE PROTECTION OF TREES

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER COUNTY COLORADO:

1. Town Arborist Position

The Town Manager may designate or contract for the services of a person to be known as the "Town Arborist" whose powers are hereafter specified.

2. Powers and Duties

The Town Arborist shall have the power to promulgate and enforce rules, regulations and specifications concerning the trimming, spraying, removal, planting, pruning and protection of trees, shrubs, vines, hedges and other plants upon the public right-of-way of any street, alley, sidewalk, or other public place in the town. Such rules, regulations and specifications shall be in writing and shall not be effective until approved by the Town Manager. Copies of such rules, regulations and specifications shall be available to the public through the office of Town Clerk.

3. Inspection, removal or treatment of infected or infested trees

3-1 In order to accomplish the purpose of this ordinance, the Town Arborist is hereby authorized to inspect the trees, shrubs and other plants within the Town.

3-2 Upon the discovery of any destructive or communicable disease or other pestilence which endangers the growth, health, life or well-being of trees or plants in the town or which is capable of causing an epidemic spread of communicable disease or insect infestation the Town Arborist shall at once cause written notice to be served upon the owner of the property upon which such diseased tree is situated or the property abutting the right-of-way of any street, alley, sidewalk or other public place upon which diseased tree is situated, which notice shall require such property owner to eradicate, remove or otherwise control such condition within a reasonable time to be specified in such notice. Service of notice shall be by personal delivery of a copy thereof to the owner at any place the owner is located.

3-3 It shall be unlawful for any person to fail to comply with the requirements of any notice given pursuant to this ordinance within the time specified in such notice.

3-4 It shall be the duty of the owner of any property abutting the right-of-way of any street, alley, sidewalk or other public place to remove any dead or dying trees or dead and dying limbs dangerous to life, limb or property located upon the premises of such owner or upon the right-of-way of any street, alley, sidewalk or other public place abutting the property of such owner of property whenever required

to do so by such notice given by the Town Arborist served upon the owner of such property in accordance with such reasonable times as may be specified in such notice.

4. Power to trim trees and collect costs

If any work required under this ordinance is not accomplished within the times specified in the notice, the Town Arborist shall cause the work to be done and the cost of the same shall be collected from the property owner. Any notice given pursuant to this ordinance shall state that if the work required is not done within the time specified, the Town will cause the same to be done at the expense of the owner. If the Town Arborist causes the work to be done, he shall submit the cost thereof to the Town Manager, who shall send a statement in such amount to the property owner within (30) days after the statement is mailed to him. After such (30) days, any unpaid amount shall be made a lien on the lands of such property owner.

5. License required for tree surgeons

It shall be unlawful for any person other than the property owner to engage in the business of cutting, trimming, pruning, removing, spraying or otherwise treating trees within the Town without first procuring a license from the Town.

6. Application procedure

Any person desiring to be licensed pursuant to this ordinance shall make application at the office of the Town Clerk in the forms to be provided by the Town. The Town will accept licensure from businesses that are currently licensed in the Colorado cities of Greeley, Fort Collins, Boulder, and/or Longmont or hold a current ISA (International Society of Arboriculture) Certification. Upon providing proof of licensure from a qualified city, the applicant still must apply and show proof of insurance as well as pay the proper yearly fee. If license or certification is not held in those cities, a written as well as practical pruning test may need to be administered by the Town Arborist before any tree work may begin within the limits of Town. No license shall be issued or renewed without the approval of the Town Arborist.

7. Form of license; identification of vehicles

Every license issued hereunder shall on its face list the types, classifications or kinds of services for which the licensee is authorized to perform. All motor vehicles and other major equipment of any person licensed hereunder used in conducting the licensed business shall be clearly identified with the name of the licensee.

8. Adequate insurance coverage required; minimum amounts

No such license shall be issued until the applicant therefor has presented to the Town Clerk a satisfactory public liability insurance policy covering all proposed operations of the applicant in such business in the Town, with a minimum limit of one million (\$1,000,000.00) dollars per occurrence with the Town of Berthoud named as an additional insured on such policy as well as Three Hundred thousand (\$300,000.00) Dollars for the injury or death of any number of persons in any one (1) accident and

Twenty Five Thousand (\$25,000.00) Dollars for damage of property. Such policy may allow the first One Hundred (\$100.00) of liability to be deductible. Such insurance policy must be prepared for at least the term of the license and shall require at least thirty (30) days advance notice to the Town before cancellation. In the event of cancellation or termination of any such required insurance policy during the license term, the license shall be terminated and the holder thereof shall surrender the same to the Town Clerk unless the licensee presents to the Town Clerk a substitute insurance policy meeting the requirements of this section.

9. License fees, term and renewal

No license shall be issued hereunder until the applicant has paid the current license fee of twenty-five (\$25.00) Dollars for the original license or the current license fee for the renewal of a license. Every license issued hereunder shall expire December 31st of each year. Renewal applications may be submitted at the office of the Town Clerk any time within thirty (30) days prior to the expiration of the license.

10. Suspension or revocation of license; hearing

Upon the verified complaint in writing by any person, the Town Manager or designee may suspend or revoke any license issued hereunder for violation of this ordinance. The complaint shall be submitted in writing to the Town Manager and shall state the date, time and place of violation for which the suspension or revocation of said license are requested. Before suspending or revoking any license pursuant to this section, the Town Manager or designee, shall first mail by certified mail a copy of the complaint to the license holder and give notice to the license holder of a date (not less than five (5) days after the date of mailing of such notice) on which the Town Manager or designee will hold a hearing to determine whether or not such license should be suspended or revoked.


11. Effective Date:

The Board of Trustees of the Town of Berthoud herewith finds, determines, and designates that this Ordinance shall take effect and be in force 30 days after publication.


At its meeting May 20th, 2014 this Ordinance was read, passed and ordered published by the Board of Trustees at its meeting this 20th day of May, 2014.

ATTEST:


Mary K. Cowdin, Town Clerk

TOWN OF BERTHOUD

Jan Dowker – Mayor Pro-Tem
Published: 5-29-14

Approved as to form


Gregory S. Bell, Town Attorney