

CARBONDALE TREE BOARD
February 17, 2022
IN-PERSON/VIRTUAL MEETING
Town Hall, Room 1
6:00 P.M.

ATTENTION: The Carbondale Tree Board Meeting will be conducted in person and virtually via Zoom. If you wish to attend the meeting virtually and you have a comment concerning one or more of the Agenda items please email kmcdonald@carbondaleco.net by 4:00 pm on February 17, 2022. If you would like to comment virtually during Persons Present Not on the Agenda please email kmcdonald@carbondaleco.net with your full name and email address by 4:00 pm on February 17, 2022.

You may also watch a live streaming of the meeting on You Tube. Search Town of Carbondale Tree Board Meeting February 17, 2022. Please be aware that you will experience a 15-30 second delay.

You are invited to a Zoom webinar.

When: Feb 17, 2022 06:00 PM Mountain Time (US and Canada)

Topic: Town of Carbondale Tree Board Meeting, February 17, 2022

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/83551108299?pwd=d0h5YTluUy9xTTI6VXIadWw3Wnc1QT09>

Passcode: 340835

Or One tap mobile :

US: +12532158782,,83551108299#,,,,*340835# or +13462487799,,83551108299#,,,,*340835#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866

Webinar ID: 835 5110 8299

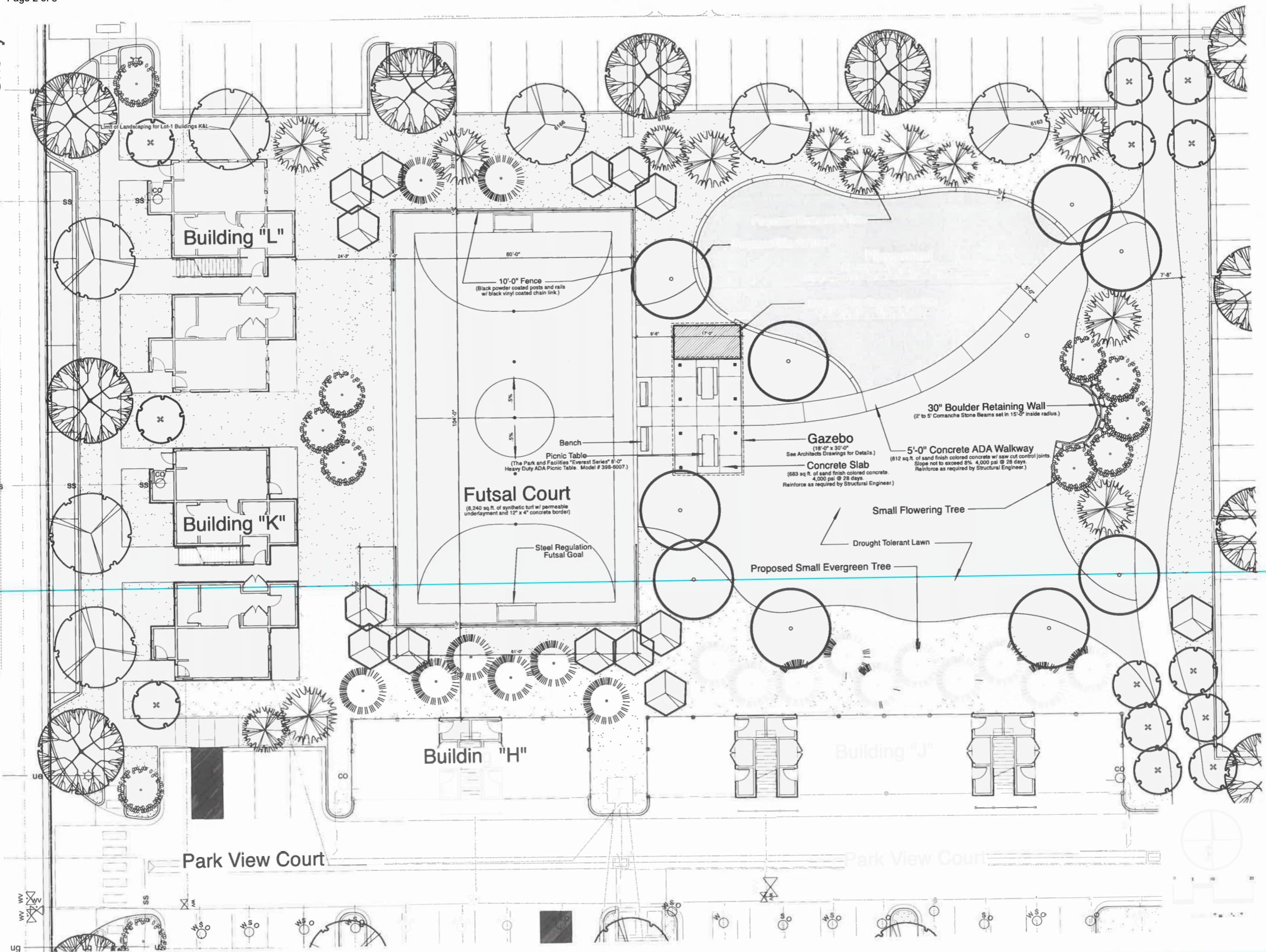
Passcode: 340835

International numbers available: <https://us06web.zoom.us/j/83551108299?pwd=d0h5YTluUy9xTTI6VXIadWw3Wnc1QT09>

TIME*		ITEM	DESIRED OUTCOME
6:00	1.	Roll Call	
6:01	2.	Consent Agenda: Approval of December 2021, Meeting Minutes	ATTACHMENT A REVIEW & APPROVE
6:05	3.	Persons Present Not on the Agenda	
6:10	4.	Main Street Marketplace Plan Review	ATTACHMENT B REVIEW & APPROVE
6:30	5.	Arbor Day	
6:40	6.	Tree Ordinance	ATTACHMENT C REVIEW & APPROVE
7:00	7.	Backyard Forestry	
7:15	8.	Michael's Tree Report	
7:30	9.	Adjourn	

* Please note: times are approximate

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**ORDINANCE NO. S-
SERIES OF 2002**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF
CARBONDALE, COLORADO, AMENDING IN ITS ENTIRETY
CHAPTER 7.10 OF THE CARBONDALE MUNICIPAL CODE**

WHEREAS, the Board of Trustees of the Town of Carbondale, Colorado, has determined that it is appropriate to amend Carbondale Municipal Code Chapter 7.10 setting forth the policy of the Town of Carbondale regarding trees;

BE IT THEREFORE ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO, that Chapter 7.10 of the Carbondale Municipal Code, Tree Policy, is hereby amended in its entirety as follows:

"7.10.010 Findings of Fact.

- A. Trees have a positive economic effect on the Town by enhancing property values and making the Town a more attractive place to **live**, visit and do business.
- B. Trees have a positive environmental effect on the Town by reducing air pollution, abating heat, noise and glare, mitigating drainage and erosion problems, providing shade for streets and parking areas, providing wildlife habitat, and moderating the local climate.
- C. Trees generally enhance the quality of life for residents of the Town.

7.10.020 Purpose.

- A. To provide generally for the protection of trees within the Town, to ensure proper planting and maintenance of trees in the public right-of-way and in Town parks, and to provide for the abatement of nuisance trees on public and private property;
- B. To develop a healthy urban forest and park system of diverse tree species to protect against potential pest and disease problems;
- C. To create a community with tree lined streets by requiring tree planting standards in new developments while upgrading and maintaining street trees in existing parks, neighborhoods and commercial or industrial areas;

7.10.030 Applicability. The Board of Trustees shall have exclusive power and authority over all trees, plants and shrubs located within street right-of-ways,

parks and public places of the Town, and over trees, plants and shrubs located on private property that constitute a nuisance as described herein.

7. 10.040 Administration. The Public Works Director is hereby appointed to administer and implement this ordinance.

7 010.050 Tree Board. The Board of Trustees has established a Tree Board, consisting of seven members and one alternate. The Tree Board shall serve in an advisory capacity to the Board of Trustees in all matters relating to trees within the town. Members of the board shall serve without compensation. The term of each board member shall be for two years, except that the term of two of the members appointed to the first board shall be for one year. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.

7.10.060 Trees on Public Property

A. The Building Department shall require all building permit applicants to:

1. Submit a site plan including location of existing and proposed street trees, utilities and any tree to be removed in the public right-of-way.
2. Submit a protection plan or sign a copy of the Tree Protection Standards, indicating it has been read and will be followed.
3. Submit a plan showing location, size and type of all trees to be planted in the public right-of-way. Size of an existing tree is to be established by measuring the diameter of the tree trunk at 4'-6" above ground and 12" above the ground for proposed new trees.
4. Sign a copy of the Tree Maintenance Standards indicating that the standards have been read and will be followed.
5. Any changes to the landscape plan require approval from the Tree Board or by an administrative review by the Public Works Director.
6. All trees planted in public rights of way shall be trees listed in Recommended Street Tree list approved by Town Tree Board, as may be amended from time to time.

B. All trees planted on public property shall be planted according to a set of standards developed by the Tree Board. These standards are available from the Public Works Director or from any Tree Board Member. Trees not planted in accordance with the standards will be subject to removal. Landscaping for any new development within the Town associated with a land use application, which requires a landscape plan shall be reviewed by the Tree Board, and a recommendation made to Planning and Zoning Commission.

One full size hard copy and an electronic copy of plans must be submitted to the Public Works Department ten working days prior to any regularly scheduled Tree Board meeting.

C. Except as provided herein, it shall be unlawful for any person to top a tree in or upon the public right-of-way or other public property within the Town. For purposes of this section, topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or trees which pose an imminent threat to property or to public safety such that other pruning practices are impractical may be exempted from this section at the discretion of the Public Works Director. No tree on public property shall be removed without written permission from the Public Works Director.

D. Whenever any work is being done contrary to the provisions of this section, the Public Works Director may order the work stopped by serving written notice on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Public Works Director to proceed with the work.

E. During the construction of any structure or improvement, it shall be unlawful for any person to place material, machinery or soil deposits within a minimum of six feet of any tree on Town property. All trees on public property shall be protected during construction according to the Protection Standards developed by the Tree Board.

F. The Building Department shall maintain copies of the Tree list, Protection Standards, Maintenance Standards, and Irrigation Standards for public inspection.

7.10.070 Trees on Private Property.

A. For purposes of this section, nuisance trees are defined as trees which pose a threat to public safety or adjacent public property, including but not limited to, public right-of-ways, or trees which harbor any destructive or communicable disease or other pestilence which endangers the well-being of other trees in the Town or which are capable of causing an epidemic spread of a communicable disease or insect infestation.

B. The Public Works Director or his duly appointed representative has the authority to enter onto private property whereon there is located a tree, shrub or plant that is suspected to be a public nuisance.

C. Upon the discovery of a nuisance tree, the Public Works Director shall cause written notice to be served upon the owner of the property upon which the tree is located, requiring the owner to eradicate, remove or otherwise control the condition within a reasonable time specified in such notice. It shall be unlawful for any person to fail to comply with the requirements of any notice given pursuant to this section within the time specified in such notice. If the notice to abate is not complied with within the required time, the Town may cause such nuisance to be abated, and shall assess the costs of such abatement against the property and shall notify the owner of the amount thereof. Such assessment shall be a lien upon the property until it is paid. In addition, the owner of the property upon which the nuisance was located shall be subject to prosecution.

7.010.080 Standards for Tree Planting. Maintenance and Removal.

A. The Tree board shall develop and maintain a list of desirable trees for planting along streets and in parks in three size classes: small, medium and large. A list of trees not suitable for planting shall also be maintained.

B. The spacing of trees on Town property shall be in accordance with the size classes listed in this ordinance, and no trees shall be planted closer together than the following: small trees, 12-20 feet; medium trees, 25-35 feet; large trees, 35-45 feet; except in special plantings approved by the Public Works Director or his duly authorized representative. In any case, trees shall be spaced so those canopies at maturity shall not overlap.

C. No trees other than those species listed as small trees shall be planted on Town property under or within ten lateral feet of any overhead utility wire.

7.10.090 Penalties. Any person who violates any provision of this ordinance or who fails to comply with any notice issued pursuant to any provision of this ordinance, upon being found guilty of violation shall be subject to the penalties set forth in Section 1.4.20) for each offense. If, as the result of the violation of any provision of this ordinance, the injury, mutilation or death of a tree, shrub or other plant located on Town property is caused, the party in violation shall make restitution to the Town for the cost of repair or removal and replacement of such tree, shrub or other plant, whichever is necessary in the opinion of the Public Works Director, such restriction shall be in addition to any other penalty. The minimum replacement cost for a tree will be equal to or better of the cost of a 2.5" caliper tree."

INTRODUCED, READ AND PASSED this day of _____, 2002.

THE TOWN OF CARBONDALE

By: /s/ Michael Hassig
Michael Hassig, Mayor

ATTEST:

Marcia Walter
Marcia Walter

office of the Town Clerk at all times, and such Code may be inspected by any interested person at any time during regular office hours, but may not be removed from the Town Clerk's office except upon proper order of a court of law. (Ord. No. 8, 2015 §1, 8-11-2015)

Sec. 1-3-100. Sale of Code books.

Copies of this Code book may be purchased from the Town Clerk upon the payment of a fee set forth in the Fee Schedule in Appendix A to this Code. (Ord. No. 8, 2015 §1, 8-11-2015)

Sec. 1-3-110. Severability.

The provisions of this Code are declared to be severable, and if any section, subsection, sentence, clause, phrase or provision of this Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The Board of Trustees hereby declares that it would have passed this Code, and each section, subsection, sentence, clause, phrase and provision thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or provisions had been declared invalid or unconstitutional. It is further declared that if, for any reason, any provision or part of this Code, or the application thereof to any person or circumstances, is held invalid or unconstitutional, the remainder of this Code and the application thereof to other persons shall not be affected thereby. (Ord. No. 8, 1973 §11; prior code 1.01.100; Ord. No. 8, 2015 §1, 8-11-2015)

ARTICLE 4

General Penalty

Sec. 1-4-10. Violations.

It is a violation of this Code for any person to do any act which is forbidden or declared to be unlawful or to fail to do or perform any act required in this Code. (Ord. No. 8, 2015 §1, 8-11-2015)

Sec. 1-4-20. General penalty for violation.

(a) It is unlawful for any person to violate or fail to comply with any of the provisions of this Code. Any person who violates or fails to comply with any provision of this Code shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this Code for which a different penalty is not specifically provided shall, upon conviction thereof, be punished by a fine of not more than \$2,650.00, to be adjusted by inflation each year, or by imprisonment not exceeding 364 days, or by both such fine and imprisonment. Each day such violation continues shall be considered a separate offense.

(b) For the purposes of this Section, *inflation* means the annual percentage change in the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index for Denver-Boulder, All Items, All Urban Consumers, or its successor Index. (Ord. No. 8, 1973 §9; Ord. No. 10, 1991; prior code 1.01.080; Ord. No. 8, 2015 §1, 8-11-2015; Ord. No. 13-2019, §2, 9-10-2019)

Sec. 1-4-30. Application of penalties to juveniles.

Every person who, at the time of commission of the offense, was at least ten but not yet 18 years of age, and who is subsequently convicted of or pleads guilty or nolo contendere to, a violation of any provision of this Code, shall be punished by a fine of not more than \$2,650.00