

ORDINANCE NO. 451

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF HOLLY, COLORADO CREATING AND ESTABLISHING A TREE BOARD

WHEREAS, the Town of Holly Board of Trustees desires to establish the Town of Holly as a ‘Tree City USA’ municipality; and

WHEREAS, the Town of Holly has never heretofore established a Tree Board; and

WHEREAS, it is important to establish a Town Forrester Tree Board whose powers and duties are hereinafter specified;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF HOLLY BOARD OF TRUSTEES:

Section 1. Creation and Establishment of a Tree Board

A Tree Board is hereby created and established for the Town of Holly, which consists of residents of the Town of Holly and Prowers County, Colorado, who shall be volunteers who are interested in the health and well-being of the forrestation located in Holly, Colorado.

Section 2. Term of Office

The term of office of each volunteer shall expire only as deemed appropriate by each said volunteer.

Section 3. Compensation

Members of the Holly Tree Board shall serve without monetary compensation.

Section 4. Duties and Responsibilities

It shall be the responsibility of the Holly Tree Board to study, investigate, counsel, and develop and/or update annually, and administer a plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in parks, along streets, and in other public places. Such a plan shall be presented to the Board of Trustees and upon their acceptance and approval shall constitute the official comprehensive town tree plan for the Town of Holly.

The Holly Tree Board, when requested by the Board of Trustees, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work.

Section 5. Operation

The Holly Tree Board shall choose its own officers, make its own rules and regulations with the Town Board’s approval, and keep a written record of its proceedings. Funding for Holly Tree Board projects shall be under the auspices of the Holly Board of Trustees. A representative from the Holly Tree Board shall give a quarterly report to the Town Board.

Section 6. Definitions

Street trees: “Street trees” are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the town.

Park trees: "Park trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation in public parks having individual names, and all areas owned by the Town of Holly, or to which the public has free access, such as a park.

Section 7. Tree Species to be Planted

The Holly Tree Board shall develop and maintain a list of desirable trees for planting in three size classes: small, medium, and large. A list of trees not suitable for planting will also be created. Committee members shall work closely with Colorado State Forest Service personnel in developing both lists.

Section 8. Distance from Curb and Sidewalk

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in Section VII of this Ordinance, and no trees may be planted closer to any curb or sidewalk than the following: small trees, 2 feet; medium trees, 3 feet; and large trees, 4 feet.

Section 9. Distance from Street Corners, Fire Plugs, and Water Meter Pits

No street tree shall be planted 15 feet from any street corner, measured from the point of nearest intersecting curbs or curblines. No tree shall be planted closer than 10 feet from any fireplug or water meter pit.

Section 10. Utilities

No tree, other than those species listed as small trees in Section 7 of this ordinance, may be planted under or within ten feet of any overhead utility wire.

Section 11. Public Tree Care

The Town shall have the right to plant, prune, maintain and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The Holly Tree Board may remove any tree or part thereof which is in an unsafe condition, or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with injurious fungus, insects, or other pests.

Section 12. Tree Topping

It shall be unlawful as a normal practice for any person, firm, or city department 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 inches in the normal canopy and disfigure of the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical will be exempted from this Ordinance.

Section 13. Pruning, Corner Clearance

Every owner of any tree overhanging any street or right-of-way within the Town of Holly shall prune the branches so that such branches shall not (severely) obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of thirteen feet (13') above the street surface, or eight feet (8') above the sidewalk surface. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The Town shall have the right to prune any tree or shrub on private property when it interferes with visibility of any traffic control sign. Tree board members shall be willing to assist property owners with pruning or with removal of dead limbs if the property owner requests their help.

Section 14. Interference with the Holly Tree Board

It shall be unlawful for any person to prevent, delay, or interfere with the Holly Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removal of any street trees, or park trees as authorized in this ordinance.

Section 15. Review by the Town of Holly Board of Trustees

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

Section 16. Penalty

Any person violating any provision of this Ordinance shall be, upon conviction or a plea of guilty within Municipal Court, subject to a fine not to exceed \$50.00.

APPROVED AND ADOPTED THIS 5th DAY OF MARCH, 2008.

/s/ Jerry Smith, Mayor

ATTEST:

/s/ Mary Rushton, Clerk/Treasurer