

ORDINANCE NO. 393

AN ORDINANCE CONCERNING FORESTRY: REGULATING THE PLANTING, REMOVAL AND CARE AND MAINTENANCE OF ORNAMENTAL AND SHADE TREES IN THE CITY OF LAS ANIMAS; FIXING THE DUTY AND LIABILITY OF OWNERS AND AGENTS OF PREMISES RESPECTING TREES THEREON AND RESPECTING TREES ON STREETS, AVENUES, AND PUBLIC GROUNDS IN THE CITY ABUTTING SAID PREMISES; PROVIDING PENALTIES FOR VIOLATION OF THE ORDINANCE; ~~AND REPEALING THE LICENSING OF TREE TRIMMERS~~; AND REPEALING PRIOR ORDINANCE #388.

WHEREAS, the ornamental and shade trees now planted and those that may be planted hereafter in the City of Las Animas are of great public value to the citizens and residents of the City; and

WHEREAS, the perpetuation, maintenance and care of such trees is affected with the public interest;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAS ANIMAS, COLORADO:

Section 1. The City Council shall have the power to promulgate, amend and repeal rules, regulations, and specifications for the trimming, spraying, removal, planting, pruning and protection of trees, shrubs, vines, hedges, and other plants within the limits of any street, alley, sidewalk, or other public place in the City of Las Animas.

Section 2. The City Council shall have the power to have all trees, shrubs, vines, hedges, and other plants within the limits of any street, alley, sidewalk, or other public place trimmed, sprayed, removed, planted and protected; or to require the owner of any property abutting on any street, alley, sidewalk, or other public place to trim any tree, shrub, vine, hedge or other plant, which may project beyond the property line of such owner, onto or over public property, or which may obstruct the light from any street lamp, the movement of pedestrians, or the vision of drivers of vehicles at intersections, or which may interfere with power lines at the expense of such owner.

Section 3. It shall be the duty of the owner or occupant of any property to remove any dead trees or dead overhanging boughs dangerous to life, limb, or property located on the premises of such owner or upon public property abutting the premises of such owner, upon receipt of written notice of the Superintendent of Public Works so to do and within such reasonable time as specified in said notice.

Section 4. (a) It shall be the responsibility of the City Council to cause to be inspected, all trees, shrubs, vines, hedges, plants, logs or branches upon any property within the limits of the City of Las Animas. Upon discovering any such trees, shrubs, vines, hedges, plants, logs or branches to be infected with any disease or infested by any insects detrimental to the growth, health, and life of such plants, the City Council will at once notify in writing, the owner, agent, or occupant of the premises whereon the same is located, of the condition thereof, and direct such owner, agent, or occupant to eradicate, remove and destroy such condition, or to remove and destroy such trees, shrubs, vines, hedges, logs, branches or other plants.

(b) The Superintendent of Public Works shall spray or cause to be sprayed or otherwise treated the elm trees, trees or bushes of any variety located upon any premises owned, controlled or occupied by any person, firm or corporation within the city with such material or materials in such manner at such time or times, at least annually, as may be determined by the City Council of the City of Las Animas, to be effective in the control of elm beetles or any other pest or disease which may exist in or be a threat to the forestry of Las Animas.

Section 5. Any tree growing on a public alley, street or highway, but so located as to extend its branches over a public alley, street or highway, shall be so trimmed by the owner of the property on which the tree stands, or by his agents, that there shall be a clear height of twelve feet above the surface of the street, alley or highway and eight feet above the surface of the sidewalks unobstructed by branches, and such owner or his agents shall remove all dead branches and stubs on such tree or trees which are or may become a menace to travelers on the public highways, streets, or alleys of the city. Trees whose roots are causing upraised sidewalk slabs or are similarly causing trouble, are declared a nuisance. If a tree or its parts in any other way cause a hindrance to the general public or if it is considered "troublesome," or in any way may endanger the security and usefulness of any public street, highway, alley, sewer or sidewalk, as determined by the City Council, it is hereby declared to be a public nuisance. If the owner of such private property does not correct or remove such nuisances within a reasonable time specified in writing by the City Council, they shall cause the nuisance to be corrected or removed and the cost shall be assessed to such owner.

Section 6. The City Council is authorized to require any owner or agent of any premises to trim, spray, remove or otherwise care for trees upon that portion of any street upon which such premises abut. It shall be the duty of such owner, agent or occupant of such premises to comply with such requirements within a reasonable time after receiving written notice so to do from the City Council, such time to be stated in said notice. In the event, the owner or occupant of any premises fails or neglects to comply with the notice provided herein, the City Council is authorized to take the action required by said notice at the expense of the owner, agent or occupant of said property, which expenses shall be collected as herein provided.

Section 7. The costs of spraying or other tree care, pursuant to Sections 4(b), 5 and 6, shall be and are hereby assessed upon the lots and tract of land upon which the trees are located. After the completion of the spraying or other tree care, the Superintendent of Public Works shall prepare and send to the City Clerk, a schedule showing the description of the lots and tract of land upon which the trees were located, that were sprayed or otherwise care for, and the costs thereof and the names of the owners thereof. Upon the receipt of the schedule, the City Clerk shall assess the costs of the spraying or other tree care to the owner of the tract of land, and the amount so assessed shall be a lien in the several amounts assessed against each lot or tract of land until the same is paid, and shall have priority over other liens, except general taxes and prior special assessments and shall be due and payable at the time of the assessment by the owners of the property. Such assessment must be paid within thirty days from the time the assessment is made.

Section 8. In case any assessment due and payable under this article is not paid within thirty days from the time the assessment is made, the City Clerk shall certify the same to the County Treasurer to be placed by him upon the tax list of the current year and to be collected in the same manner as other taxes are collected with ten per centum penalty thereon to defray the cost of collection.

~~Section 9. All persons, firms or corporations engaged in the business of tree trimming or the removal and disposal of trees and shrubs shall first procure a license therefor upon application to the City Clerk of the city of Las Animas and shall pay therefor an annual fee of \$50.00. Such license shall be non-transferable.~~

Section 9. The City Council hereby finds and declares that an emergency exists and that the public health, welfare, and safety requires that this ordinance shall be and become effective five (5) days after its final passage and publication.

Section 10. Ordinance No. 388 in conflict herewith is here-repealed.

~~Section 12. The City Council finds, determines and declares that this action is necessary for the protection of the public peace, health and safety and shall become effective immediately upon the final passage and publication thereof.~~

Kitty Ann Long
MAYOR

ATTEST:

Lila M. Maupin
CITY CLERK

Passed on first reading and ordered published the 18th day of March 1971.

Passed on second and third readings and ordered published the 8th day of April, 1971.

STATE OF COLORADO)
COUNTY OF BENT) SS
CITY OF LAS ANIMAS)

I, Lila M. Maupin, City Clerk of the City of Las Animas, Colorado do hereby certify the above and foregoing Ordinance was introduced, read in full and passed on first reading at the special meeting of the City Council held Tuesday, the 16th day of March, 1971, and ordered published in the Bent County Democrat, the official paper of said city, as Ordinance No. 393 of the City of Las Animas, Bent County, Colorado.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Las Animas, this 6th day of April, 1971.

Lila M. Maupin

Published April 5, 1971

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