

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 31, 2021**

**AN ORDINANCE REPEALING SECTIONS 12-626 – 12-628 AND AMENDING PORTIONS OF
CHAPTER 10 OF TITLE 12 AND CHAPTER 5 OF TITLE 18 OF THE CITY OF GREELEY MUNICIPAL
CODE, ALL REGARDING FORESTRY REQUIREMENTS IN THE CITY OF GREELEY**

WHEREAS, the City of Greeley, Colorado, (the "City"), is a home rule municipality, organized and existing under Article XX, Section 6 of the Colorado Constitution; and

WHEREAS, pursuant to Article XX, Section 6 of the Colorado Constitution, the right to enact, administer and enforce ordinances relating to forestry is clearly within the constitutional grant of power to the City and is necessary to ensure the clear passage of vehicles through the right-of-way and otherwise mitigate dangerous or noxious conditions caused by trees or shrubbery; and

WHEREAS, it becomes necessary to update the Greeley Municipal Code (the "Code") from time to time to reflect modern practices and eliminate language and references rendered redundant or obsolete by the passage of time; and

WHEREAS, more specifically, the updates contained herein will eliminate obsolete cross-references and unduly specific code provisions, increase the required height of tree limbs overhanging street level to accommodate newer-model maintenance vehicles, update the minimum distance trees should be planted in relation to sidewalks and street corners in response to common practices used by developers in the City, and provide increased flexibility to City staff in its efforts to enforce the Code.

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

Section 1: Article V of Chapter 10, Pest and Weed Control, of Title 12, Public Health and Environmental Control is hereby repealed.

Section 2: Sections 12-564 and 12-565 of Chapter 10, Pest and Weed Control, of Title 12, Public Health and Environmental Control, shall be amended as shown in Appendix A.

Section 3: Sections 18-326, 18-328, 18-331, 18-332, 18-333 and 18-352 of Chapter 5, Trees in Rights-of-Way and Public Places, of Title 18, Public Health and Environmental Control shall be amended as shown in Appendix A.

Section 4: This ordinance shall become effective on the fifth day following its final publication as provided by Section 3-16 of the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS 7TH DAY OF SEPTEMBER, 2021.



ATTEST

A handwritten signature in cursive script, appearing to read "Cynthia Blythe".

City Clerk

THE CITY OF GREELEY, COLORADO

A handwritten signature in cursive script, appearing to read "John Smith".

Mayor

APPENDIX A

Section 1: Article V of Chapter 10, Pest and Weed Control, of Title 12, Public Health and Environmental Control is hereby repealed.

ARTICLE V. — PESTS

~~Sec. 12-626. Elm bark beetles; responsibility of owner.~~

~~The entire city shall be considered as the specific area or zone within which elms are to be protected. Trees, or parts thereof, of elm in a dead or dying condition that are or may serve as breeding places for the European elm bark beetle are a public nuisance and shall be removed and destroyed or buried by the owner of the tree or trees.~~

~~Sec. 12-627. Elm bark beetles; tree inspection.~~

~~The city manager or designee shall examine and inspect all trees within the city on both public and private property for signs of breeding of elm bark beetles.~~

~~Sec. 12-628. Elm bark beetles; breeding places unlawful.~~

~~It is unlawful for any owner or occupant of any premises within his or her control to maintain trees or store wood furnishing breeding places for the elm bark beetles. Such trees or wood shall include the following:~~

- ~~(1) Dead or dying or obviously weakened elm trees, regardless of species or variety;~~
- ~~(2) Dead or dying or obviously weakened branches in otherwise healthy elms;~~
- ~~(3) Stumps of cut trees on which the bark remains; and~~
- ~~(4) Elm wood cut from trees, whether or not they were diseased, that is cut and piled for fireplace wood, whether stored indoors or out.~~

Secs. 12-626 - 12.640. Reserved.

Section 2: Sections 12-564 and 12-565 of Chapter 10, Pest and Weed Control, of Title 12, Public Health and Environmental Control, shall be amended to read as follows:

12-564. Diseased and dangerous tree, shrub and plant inspection.

~~It shall be the duty of the city manager or his designee to~~ The city manager or their designee may inspect all trees, shrubs, stumps, cut wood (firewood) and plants within the city to determine whether they are afflicted with insect pests, fungus or other disease detrimental to the growth, life and health of such trees, shrubs, stumps, cut wood (firewood) and plants; and to make such inspections for the additional purpose of discovering any trees, boughs or vegetation that may be dangerous to persons or property. It shall be the duty of all owners or persons in possession of property within the

city to eradicate, remove, destroy or otherwise correct the condition found in such inspection.

12-565. Correction of dangerous or diseased condition.

~~It shall be the duty of the city manager or his designee to~~ The city manager or their designee may perform or cause to be performed any spraying, removal or other work as is necessary to correct any condition described at section 12-564 above if the owner or other person in possession fails to do so within the time set forth in the notice.

Section 3: Sections 18-326, 18-328, 18-331, 18-332, 18-333 and 18-352 of Chapter 5, Trees in Rights-of-Way and Public Places, of Title 18, Public Health and Environmental Control, shall be amended to read as follows:

18-326. Permit required for trimming or removal in parkway or public right-of-way.

~~It shall be the duty of all owners or persons in possession of property within the city to refrain from removing or trimming trees in parkways unless such removal or trimming is to be done by a licensed tree trimmer who has obtained a permit for such removal or trimming from the city manager or their designee, and paying the fees required. No tree trimmer shall remove or trim any tree in a parkway or in a public right-of-way without first obtaining a permit from the city manager or his designee, and paying the fees required.~~

(1) The city manager or their designee shall not issue a permit unless the tree to be removed or trimmed is dead or interferes with the proper use of parkways for sidewalk purposes or creates traffic hazards.

(2) No tree shall be removed until the tree has been posted for at least seven days with a sign notifying the public of the contemplated removal unless otherwise deemed an emergency by the city manager or his designee.

(3) All tree stumps shall be properly removed or ground to a minimum of six inches below normal ground level. Any remaining cavity resulting from such excavation shall be properly filled and compacted with quality soil to normal ground level.

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18-328. Traffic hazard or sidewalk-interfering vegetation; removal.

It shall be the duty of all owners or persons in possession of property within the city to remove from the parkways, or cause to be removed from parkways, any and all trees, boughs and vegetation which, in the opinion of the city manager or his designee, interfere with the proper use of the parkways, overhang any sidewalks lower than eight feet or overhang any streets lower than ~~43~~ 14 feet from the surfaces thereof, or create a traffic hazard.

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18-331. ~~Parkway tree removal or trimming; licensed trimmer and permit required.~~
Reserved.

~~It shall be the duty of all owners or persons in possession of property within the city to refrain from removing or trimming trees in parkways unless such removal or trimming is to be done by a licensed tree trimmer who has obtained a permit from the city for such removal or trimming.~~

18-332. ~~Trees planted near intersections.~~ Reserved.

~~It shall be the duty of all owners or persons in possession of property within the city to refrain from planting trees within 25 feet of the corner of any street intersection as defined in the description of clear vision zone of a corner lot in section 24-579.~~

18-333. Clearance from curb or right-of-way of trees or woody plants.

It shall be the duty of all owners or persons in possession of property within the city to refrain from planting trees or woody plants ~~within five feet of the back of the curb or, in the absence of a curb, to refrain from planting on any portion of the right of way, until such time as curbing is installed~~ near public sidewalks or curbing in such a manner as to cause physical damage to sidewalks, curbs, gutters, pedestrian ways, bike paths and other public improvements.

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18-352. Notice and correction.

~~It shall be the duty of the city manager or his or her designee to~~ The city manager or their designee may notify the owner or other persons in possession of the premises where such conditions exist as are described in this chapter, and to direct the owner or other person in possession to eradicate, remove, destroy and otherwise correct the condition described in the notice, within the time set forth in the notice.