

Chapter 6 Protection of Trees and Plants¹

6-6-1. Legislative Intent.

- (a) The purpose of this chapter is to protect the public health, safety, and welfare by prescribing requirements for the protection of trees and plants within the city, including, without limitation, trees, shrubs, lawns, and all other landscaping.
- (b) The city council finds that all trees, plants, and other landscaping located, standing or growing within or upon city property, including, without limitation, any city-owned or controlled street, alley, rights of way, or other public place or city or mountain park, recreation area or open space, belong to the city and are a community asset comprising a part of the public infrastructure.
- (c) The city council finds that the requirements of this chapter are necessary to ensure the continued protection, maintenance, replacement, and management of city-owned trees, plants, and other landscaping.

6-6-2. Removal of Dead, Diseased, or Dangerous Trees.

- (a) The city manager may enter upon any premises without a warrant to inspect all trees and plants in the city.
- (b) If the city manager finds that there exist on any private property in the city dead trees or overhanging limbs that pose a danger to persons or property, the manager will notify the owner, lessee, agent, occupant, or other person in possession or control of the property upon which the condition exists of the duty to remedy the condition within fifteen days from the date of the notice or such shorter time as the manager finds appropriate in view of the nature and extent of the condition.
- (c) If the city manager determines that any tree growing on private property within the city is afflicted with any dangerous or infectious insect infestation or disease, the manager will notify the owner, lessee, agent, occupant, or other person in possession and control of the property of the condition and order such person to take specific prescribed measures that the manager determines are reasonably necessary to cure the infestation or disease and to prevent its spread, within fifteen days from the date of the notice or such time as the manager finds appropriate in view of the nature and extent of the condition. If necessary to address a dangerous or infectious insect infestation or disease, the city manager may require that work shall be completed under the supervision of a certified arborist that has a valid contractor license pursuant to Chapter 4-28, "Tree Contractor License," B.R.C. 1981.
- (d) If the person notified pursuant to Subsection (b) or (c) of this section fails to correct the condition as required by the notice prescribed in such subsection, except in cases of extreme emergency, the city manager may enter the property, pursuant to an administrative warrant issued by the municipal court, and correct the condition and charge the costs of such correction, plus an additional amount of \$25 for administrative costs, to the owner and to the lessee, agent, occupant, or other person in possession and control of the property. If any property owner fails or refuses to pay when due any charge imposed under this section, the city manager may certify due and unpaid charges, including interest, to the Boulder County Treasurer for collection, as provided in Section 2-2-12, "City Manager May Certify Taxes, Charges, and Assessments to County Treasurer for Collection," B.R.C. 1981.

¹Adopted by Ordinance No. 4731. Amended by Ordinance No. 5986. Derived from Ordinance Nos. 3511, 4335, 1925 Code

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- (e) Notice under this section is sufficient if it is deposited in the mail first class to the address of the last known owner of property on the records of the Boulder County Assessor or to the last known address of the lessee, agent, occupant, or other person in possession or control of the property.
 - (f) Nothing in this section shall be deemed to prohibit the city manager from taking such steps to correct an immediate threat to the public health, safety or welfare that the manager determines is posed by such diseased, dead, or dangerous trees.
 - (g) The city manager may prune, spray, or remove any diseased or infested tree on private property upon the written request of the property owner or a lessee, agent, occupant, or other person in possession or control of the property if such person agrees in writing to pay for the costs of such service.

Ordinance No. 7712 (2011)

6-6-3. City Manager Will Supervise Planting.

The city manager will supervise reforestation; regulate the preservation, culture, and planting of plants on city property; prune, spray, cultivate, and otherwise maintain such plants; prune or direct the time and method of pruning such plants; and take such measures as the manager deems necessary to prevent, control, and exterminate weeds, insects, and other pests and plant diseases.

6-6-4. Planting in Public Areas.

- (a) No person shall plant in or remove from any city property any plant or tree without first obtaining written permission from the city manager to do so.
- (b) No person shall plant in or remove from any public right of way or public easement any plant or tree without complying with the requirements set forth in Chapter 8-5, "Work in the Public Right of Way and Public Easements," B.R.C. 1981.
- (c) The planting, maintaining, relocating, or removing of any tree or plant located within any public right of way or public easement shall conform with the standards in the City of Boulder Design and Construction Standards.
- (d) A property owner may plant trees along the streets of the city, fronting on such person's property, if the person plants the trees of the species, in the places, and in the manner set forth in the City of Boulder Design and Construction Standards or as designated by the city manager, between the gutter line and the property line. [Planting trees within the tree lawn of a city street within city right-of-way requires written permission from the city manager as described in 6-6-4. \(a\) above.](#)

Ordinance Nos. 7831 (2012); 7965 (2014)

6-6-5. Spraying and Pruning.

- (a) No person except the city manager shall spray, mulch, fertilize, or otherwise treat, remove, destroy, break, cut or prune any living plant or any part thereof growing on city property without first having obtained permission from the manager.
- (b) No person authorized by the city manager to cut or prune a plant on city property shall do so except in the manner prescribed by the manager.

6-6-6. Protection of Trees and Plants.

- (a) No person shall, remove, damage, or destroy any tree or plant growing within or upon any city-owned, city controlled property, or within or upon any public right of way without first having obtained written permission from the city manager and/or obtained a permit pursuant to Chapter 8-5, " Work in the Public Right of Way and Public Easements," B.R.C. 1981. No person shall remove, damage, or destroy any tree or plant growing within or upon any city-owned or controlled property, except for public rights of way, without first having obtained written permission from the city manager.
- ~~(b) No person shall remove, damage, or destroy any tree or plant growing within or upon any public right of way without first having obtained a permit pursuant to Chapter 8-5, "Work in the Public Right of Way and Public Easements," B.R.C. 1981.~~
- (c) No person shall attach to or install on any tree or plant growing within or upon any City-owned or controlled property, including public rights-of-way, without first having obtained approval from the city manager, any metal material, sign, cable, wire, nail, swing or other material foreign to the natural structure of the tree, except materials used for standard tree care or maintenance, such as bracing and cabling, installed by tree professionals.
- (d) No person shall attach any electric insulator or any device for holding electric wires to any tree or plant growing or planted upon any city property. No person owning any wire charged with electricity running through public property shall fail to fasten such wire securely to a post or other structure so that it will not contact any plant. If the city manager determines it is necessary to prune or cut down any plant growing on city property in the City across which electric wires run, no person owning such wires shall fail to remove any such wire or to discontinue electric service within twenty-four hours after being notified by the manager of the scheduled pruning or cutting of the trees.
- (e) No person owning or operating a gas pipe or main within a radius of forty feet of any tree or plant shall fail to repair the same immediately if a leak occurs and stop such leak in order to protect the plant and the public health, safety and welfare.
- (f) No person shall perform any work or construction within or upon any City-owned property, public right of way or public easement without providing tree protection in conformance with the City of Boulder Design and Construction Standards.
- (g) No person shall engage in the business of cutting, pruning, removing or applying pesticides to any trees on public or private property within the City for commercial gain or profit without first obtaining from the city manager a license under this chapter.

Ordinance No. 7712 (2011)

6-6-7. Mitigation of Trees or Plants Removed or Destroyed.

No person shall remove, damage or destroy any tree or plant in the public right-of-way without first having a plan approved by the city manager for the mitigation of the loss of such tree or plant. The removed, damaged or destroyed tree or plant shall be ~~replaced~~ mitigated in an amount equivalent to the value, as determined by the city manager, of the tree, shrub or plant that existed prior to loss, by:

- (a) Planting or transplanting an approved tree or plant of a species approved by the city forester~~manager~~ that is the same species and size as previously existed in a location approved by the city manager; or
- (b) Planting one or more approved trees or plants where the combined value equals or exceeds that which previously existed in terms of species, condition and size, in a location approved by the city manager; or

(c) Reimbursement ~~of~~ to the City for the value of the tree or plant removed or destroyed, subject to a determination by the city manager that the trees or plants lost could not be adequately replaced at or near the location where the loss occurred.

~~(d)~~ — All tree plantings required for the mitigation of a tree removed or destroyed from the public right of way shall be completed under the supervision of a certified arborist ~~that has~~ with a valid contractor license pursuant to chapter 4-28, "Tree Contractor License," B.R.C. 1981.

Ordinance No. 7712 (2011)

6-6-8. City Manager Authorized to Issue Rules.

The city manager is authorized to adopt rules, pursuant to chapter 1-4, "Rulemaking," B.R.C. 1981, that are reasonably necessary to implement the requirements of this chapter.

Ordinance No. 7712 (2011)

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