

ORDINANCE NO. 1430
Series of 2015

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TELLURIDE AMENDING THE TELLURIDE MUNICIPAL CODE AT CHAPTER 18 "LAND USE CODE" AT ARTICLE 3, SECTION 505, MAINTENANCE, REMOVAL, OR RELOCATION OF TREES AND ARTICLE 2, DEFINITIONS.

WHEREAS Section 3-505, Maintenance, Removal, or Relocation of Trees, of the Land Use Code is often referred to as the Tree Code; and

WHEREAS in 2010, Town Council approved amendments to the Tree Code after much review and discussion by the public, Town boards, and Town commissions; and

WHEREAS the Tree Code, including the 2010 amendments, generally works well to meet the purposes of the policy; and

WHEREAS Town staff and the public have identified specific changes that would make the Tree Code function better for the community.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TELLURIDE, COLORADO as follows:

Section 1.

The Telluride Land Use Code Article 2, Division 1, "Definitions", is amended as follows:

- A. Section 2-155, "Hazard Tree," is amended to read as follows:

"Hazard Tree" means a tree that is dead, declining, or has a structural defect that is likely to fail in whole or in part and which, because of its location, constitutes a present danger to persons or structures. ~~must also be within a location where it can hit a target. This target could be a structure or person. A tree that represents a clear and present threat to public or private property or safety constitutes a Hazard Tree.~~

- B. Section 2-158, "Heritage Tree," is amended to read as follows:

"Heritage Tree" means trees recognized to be of significance due to their age, size, type, historical association or horticultural value. ~~Due to our National Historic District character lilac hedges or clusters though not perceived as a tree are very slowly growing and are a valuable historic component of our landscape environment and as such may also be designated as a Heritage Tree.~~

- C. Section 2-251, "Tree Maintenance," is amended to read as follows:

"Tree Maintenance" means the removal of dead trees or the selective pruning to remove one or more of the following parts: dead diseased, and/or broken branches. Removal of live branches is permitted provided not more than twenty-five percent (25%) of the

foliage is removed within an annual growing season so long as it does not endanger the life of the tree.

Section 2.

The Telluride Land Use Code Article 3, Division 5, "Landscaping, Outdoor Illumination, and Maintenance, Removal, or Relocation of Trees Standards," is amended as follows:

- A. Section 3-505.A., "Purpose," is amended to read as follows:

3-505.A. Purpose. The purpose of this Ordinance is to facilitate the creation, maintenance, and protection of a diverse Community Forest that will be healthy and resilient for many years into the future, with a specific mix of tree species and ages throughout the Town. The Town recognizes that trees provide important environmental and aesthetic benefits to residents and guests of Telluride that extend well beyond the boundaries of the property on which they grow. The provisions herein are intended to govern the Town's urban forest environments, but do not apply to the Open Space Zoning Districts which are governed by other management practices and plans.

- B. Section 3-505.B., "Maintenance, Removal, or Relocation of Trees," is amended to read as follows:

3-505.B. Maintenance, Removal, or Relocation of Trees. It is therefore unlawful for any person, including utility companies, without first obtaining a permit as herein provided, to top, cut down, remove, relocate or cause to be topped, cut down, removed or relocated, or knowingly damage so as to require the cutting down or removal, any cottonwood or aspen tree with a trunk diameter of six (6) inches or greater, or any other deciduous tree or coniferous tree with a trunk diameter of three (3) inches or greater, the measurement of which is to be taken at the Diameter at Breast Height (DBH) which is four feet six inches (4'6") above the highest existing grade at the base of the tree. ~~On private property under control of the owner, a~~ Normal Tree Maintenance, as defined by the LUC, shall be exempt from the requirements and scope of this Section. Tree topping is prohibited. ~~while the Topping, cutting down, or removal of diseased or dead trees shall not be exempt from this Section.~~

- C. Section 3-505.C.1.f. is amended to read as follows:

Whether the removal or relocation of a tree is reasonably necessary for the Development of the subject property or site. or that of adjoining properties or sites involving from, by way of example, encroaching root systems or tree crowns. The party performing the development shall first consult with the affected property owner(s) and attempt to formulate an agreeable plan for removal or pruning of the encroaching tree(s), and shall bear all resulting permitting costs and fees.

- D. Section 3-505.J., "Emergency Tree Removal," is amended to read as follows:

3-505.J. Emergency Tree Removal. ~~Hazard Tree Removal~~ Hazard Tree Removal In emergency circumstances wherein a tree presents an immediate and present threat of falling and/or endangering persons or property, a A permit need not first be obtained before the removal or cutting down of such tree. However, any person removing such a tree, or

causing the removal or cutting down thereof, shall make all reasonable efforts to consult the Planning Director and/or a Qualified Arborist prior to removal of the tree. ~~of a tree under emergency circumstances,~~ In all cases the removal of the tree shall be reported such tree removal within seventy-two (72) hours thereof to the Planning Director. Once the Hazardous condition has been addressed, a tree removal permit shall be sought consistent with the requirements of this Division Section.

E. Section 3-505.K., "Consolidation of Reviews," is amended to read as follows:

3-505.K. Consolidation of Reviews. The cutting down, relocation or removal of a tree may be consolidated with a duly processed and approved Development Application for New Construction or an Addition ~~site specific development plan, inclusive of an approved landscape plan, or certificate of appropriateness, as issued under the Land Use Code provided such review is conducted in accordance with the permit procedures as set forth in this Division.~~

Section 3.

This ordinance shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.

Section 4. Severability

The provisions of this ordinance are severable and the invalidity of any section, phrase, clause or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 5. Effective Date

This ordinance shall become effective upon the date of publication of notice of its passage in a newspaper of general circulation within the Town of Telluride.

Section 6. Public Hearing

A public hearing on the ordinance shall be held on the 15th day of September, 2015, in the Town Council Chambers, Rebekah Hall, 113 W. Columbia, Telluride, Colorado.

INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Telluride, Colorado on the 25th day of August, 2015.

TOWN OF TELLURIDE

By: Stuart Fraser
Stuart Fraser, Mayor

ATTEST

Tiffany Kavanaugh
Tiffany Kavanaugh,
Interim Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Telluride, Colorado this 15th day of September, 2015.

TOWN OF TELLURIDE

ATTEST

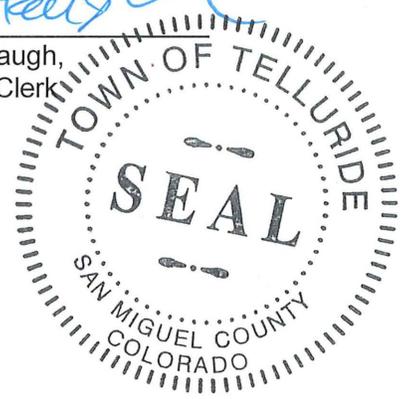
By: Stuart Fraser
Stuart Fraser, Mayor

Tiffany Kavanagh
Tiffany Kavanagh,
Interim Town Clerk

APPROVED AS TO FORM:

Kevin J. Geiger
Kevin J. Geiger, Town Attorney
STATE OF COLORADO

COUNTY OF SAN MIGUEL) ss.
TOWN OF TELLURIDE)



I, Tiffany Kavanaugh, the Interim Town Clerk of the Town of Telluride, Colorado (the "Town"), do hereby certify:

- The foregoing pages are a true and correct copy of an ordinance (the "Ordinance") passed and adopted by the Town Council (the "Council") of the Town at a regular meeting of the Council held on 15 day of September, 2015.
- The Ordinance was duly moved and seconded and the Ordinance was adopted at the Council meeting of 15 day of September, 2015 by an affirmative vote of the members of the Council as follows:

Name	"Yes"	"No"	Absent	Abstain
Stuart Fraser, Mayor	✓			
Ann Brady, Mayor Pro-Tem	✓			
Sean Murphy	✓			
Kristen Permakoff	✓			
Bob Saunders	✓			
Jenny Patterson	✓			
Todd Brown	✓			

- The Ordinance was approved and authenticated by the signature of the Mayor, sealed with the Town seal, attested by the Town Clerk and recorded in the minutes of the Council.

- There are no bylaws, rules or regulations of the Council that might prohibit the adoption of said Ordinance.

- The members of the Council were present at the meeting and voted on the passage of such Ordinance as set forth above.



Tiffany Kavanaugh
Town Clerk