

ORDINANCE NO. 208A

AN ORDINANCE AMENDING ORDINANCE NO. 208 BEING AN ORDINANCE ENTITLED "AN ORDINANCE CONCERNING SPRAYING, CARING FOR AND REMOVAL OF TREES AND OTHER PLANTS WITHIN THE CORPORATE LIMITS OF THE TOWN OF SUGAR CITY; PROVIDING FOR A SERVICE CHARGE FOR SPRAYING AND FOR ASSESSING THE COST OF OTHER TREE CARE".

WHEREAS, the Board of Trustees of the Town of Sugar City, Colorado, in its judgment deems in the best interest of the Town of Sugar City to amend Ordinance No. 208, pertaining to tree spraying, caring for and removal of trees and other plants.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUGAR CITY, COLORADO:

Ordinance No. 208, SECTION 1, is hereby amended to read as follows: All other sections, subsection, or paragraphs of Ordinance No. 208 shall remain intact.

(c) The Board of Trustees of the Town of Sugar City hereby finds, determines, and declares that the existence within the Town of Sugar City of Dutch elm disease and other tree diseases together with other insect pests or disease constitutes a threat to the forestry of the Town and endangers the health, safety, and welfare of all inhabitants of the Town of Sugar City. In order to control or eradicate said threat, the Board of Trustees and or their authorized agents shall make investigation and determination as the Board of Trustees shall deem necessary for the protection of all trees, shrubs, vines, hedges, or other plants upon any property within the Corporate limits of the Town of Sugar City, and shall further spray or cause to be sprayed all trees, shrubs, vines, hedges, occupied by any person, firm, or corporation within the Town, including premises owned, controlled, or occupied by the Town of Sugar City or any other governmental agency with such material or materials in such manner or at such time or times, at least annually, or as may be determined by the Board of Trustees 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 the Town. The Board of Trustees and /or their authorized agents shall make investigation and determination of newly planted trees, shrubs, vines, hedges, or other plants upon any property within the Corporate limits of the Town of Sugar City and shall further cause to be trimmed, pruned, or removed.

(d), (1) Remove any dead, diseased or dangerous tree, shrub, vine, hedge, or any other plant on lot, tract of land, or property of said owner including to the middle of the street, middle of the alley, sidewalk or any other private or public place abutting the premises of said owner or owners.

(d), (2) Remove any dead, diseased or dangerous boughs determined to be a menace to the safety of the public and property located on the premises of the owner or owners or upon any street, alley, sidewalk or other private or public place abutting the premises of the owner or owners.

(d), (3) Trim, spray, prune, or remove any tree, shrub, vine, hedge, or any other plant which may be determined to be a nuisance or to be a danger to life, limb, or property located on the premises of the owner or owners or upon any street, alley, sidewalk or other private or public place abutting the premises of the owner or owners, or which may be determined to interfere with or obstruct the movement of traffic or pedestrians, construction and maintenance of utility lines or obstruct the light from any street lamp, or obstruct the visibility of any traffic control device or

sign. There shall be a clear space of thirteen (13) feet above the street surface or eight (8) feet above the sidewalk surface. Any new planting of any new plant shall be observed by the Board of Trustees or their authorized agents, and shall determine whether there is or will be cause for spraying, trimming, pruning, or removal of said plant.

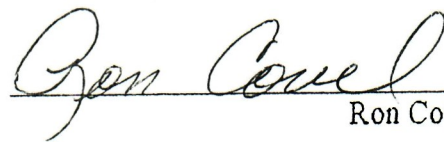
(e) In the event that mandatory action is required pursuant to subsection (d) of this section the Board of Trustees of the Town of Sugar City or their authorized agents shall cause notice to be given to the property owner or owners, which notice shall state the date of investigation, the person or persons conducting the investigation, the results thereof, and the mandatory action required to abate the nuisance or alleviate the danger. Such notice shall be sent in writing addressed to the owner or owners at the owner's then current address, if known, but if not known then to the occupant, and if there be no occupant, then to the last known address of the last reported owner or owners as shown by the records of the Crowley County Treasurer. Notice shall be sent U.S. Mail and shall be effective upon the date of notice. Owner or owners shall be granted sixty (60) days to accomplish the remedial action required.

(f) In the event the owner or owners of any premises fails or neglects to comply with the notice provided herein, the Board of Trustees and their authorized agents, shall send a notice certified by U.S. Mail and shall be effective upon the date of notice. Owner or owners shall be granted a fifteen (15) day extension to accomplish the remedial action required. In the event the owner or owners still fail or neglect to comply with the notice provided herein, the Board of Trustees is authorized to take the action required by such notice at the expense of the owner or owners of such property, which expense shall be collected as hereinafter provided.

(g) The costs of spraying and insect control incurred pursuant to subsection (c) of this section shall be defrayed by the assessment of a one dollar per month fee to be billed monthly in advance as a part of the water bill of each metered water recipient within the Corporate Limits of the Town of Sugar City.

The Board of Trustees find and declares, and declares that this action is necessary for the protection of the public peace, health, safety and welfare, and shall become effective immediately upon the final passage and publication thereof.

Introduced, read in full, passed, adopted, approved, and ordered posted this 27th day of September, 2000.



Ron Covell, Mayor

ATTEST:


Town Clerk