

Ordinances of the City of Grand Junction, Colorado

ORDINANCE NO. 224.

AN ORDINANCE CREATING A BOARD OF CITY FORESTRY AND PROVIDING FOR THE REGULATION OF PLANTING, PRESERVATION AND CARE OF TREES IN THE STREETS, AVENUES AND PUBLIC HIGHWAYS OF THE CITY OF GRAND JUNCTION.

Be it Ordained by the City Council of the City of Grand Junction, Colorado:

Section 1. There is hereby created a Board of Forestry for this city; said Board shall consist of the Commissioner of Public Affairs, the Commissioner of Highways, and the Commissioner of Health and Civic Beauty. The Commissioner of Health and Civic Beauty shall be ex-officio chairman, and the Commissioner of Highways shall be ex-officio clerk of said Board.

Sec. 2. The Board of Forestry shall have full power and authority over all trees, plants and shrubs in the streets, parkings, avenues and public highways of the city of Grand Junction, including the right to plant trees and care for same, and the said Board may, whenever authorized so to do by the City Council, employ a City Forester and other competent men, skilled and learned in the science of Forestry, who shall work under the direction and control of the Board of Forestry.

Sec. 3. The caring for street trees shall be subject to such rules and regulations as the Board of Forestry may adopt, and said Board shall have the right to add new rules and regulations from time to time as may be required for the proper care of such trees.

Sec. 4. All cotton-bearing cottonwood trees growing on the public streets, parkings, or highways of the city are hereby declared to be a nuisance, and it shall be the duty of the owner or owners of the lot or parcel of land in front of which any such cotton-bearing cottonwood tree grows to abate the said nuisance by removing such tree or by so trimming such tree that the tree will not bear cotton. Failure on the part of the owner or owners of any lot or other parcel of land in front of which grows a cotton-bearing tree to abate said nuisance within ten days after receipt of a written notice from the Board of Forestry to abate the said nuisance shall make such owner or owners liable, upon conviction, to a fine of not less than Five or more than Fifty Dollars. Upon failure of the owner or owners of any lot or parcel of land in front of which grows a cotton-bearing tree to abate said nuisance within ten days after receipt of a written notice from the Board of Forestry to abate the said nuisance, the City of Grand Junction, through the Board of Forestry, may remove or cause to be removed said tree, or it may trim or cause to be trimmed such tree, and the cost thereof shall be recovered from such owner by suit.

Sec. 5. No shade or ornamental tree, plant or shrub, shall be planted in any of the public streets, parkings, avenues or highways of the city of Grand Junction until the Board of Forestry shall have first granted a permit for planting same.

Sec. 6. No person shall, without the written permit of the Board of Forestry, remove, destroy, break, cut, deface, trim, or in any way injure or interfere with any tree, plant or shrub that is now or may be hereafter growing in any public street, parking, avenue or highway of the city of Grand Junction; provided, however, that nothing in this section shall be construed to apply to the removal of any tree or root, or shrub or part thereof, whenever the same shall be necessary for the construction of sidewalks, sewers or pavements, or other public improvements. Whenever it becomes necessary to remove or trim trees in any way for the above said improvements, the Board of Forestry shall be notified prior thereto.

Sec. 7. No person shall hitch or fasten any horse, or other animal, to any tree or shrub, or to any device intended to protect any tree or shrub, now or hereafter growing in street, parking, avenue or public highway of the city of Grand Junction; nor shall any person permit a horse to stand near enough to any tree, plant or shrub, to bite or rub against or in any way injure or deface the same; nor shall any person place a post for the hitching of horses within five feet of any tree, plant or shrub, now or hereafter growing in any street, avenue or public highway of the city of Grand Junction, unless proper precaution has been taken to protect the tree, plant or shrub, with guards; nor shall any person attach a rope, wire, sign, poster or hand bill or object on any tree, plant or shrub now or hereafter growing in any street, avenue or public highway of this city.

Sec. 8. No person shall remove, injure or misuse any guard or device placed or intended to protect any tree, plant or shrub growing in any street, parking, avenue or public highway of the city of Grand Junction.

Sec. 9. The owner of any lot or parcel of land in the city of Grand Junction adjacent to public streets or highways controlled by said city, shall trim all branches of any tree or trees now or hereafter growing on their premises which shall overhang any street, alley or public highway, so that

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there shall be a clear height of ten feet above the surface of the street, alley or highway, unobstructed by branches, and such owner or owners shall remove all branches from trees on their property that seriously interfere with street trees, and remove all decayed or broken limbs or branches that overhang such street, alley or public highway, and when such trees are dead or badly diseased, shall, upon written notice from the Board of Forestry, remove the same.

The Board of Forestry, or any member thereof or the City Forester, shall also have power to enter any lot or tract of land within this city that contains trees or shrubs, and examine the same, and if found to be infested with insects or disease, shall serve written notice on the owner or owners, or agent having such property in charge, to destroy such insects or disease within ten days after date of such notice, and in case the owner or his agent neglects to do such work, the Board of Forestry shall have power to enter such lot or tract of land and destroy such insects or disease, or, if necessary, remove the trees or shrubs entirely, and charge said owner with the actual cost of same, and such charge may be recovered by suit. Any person who shall fail to comply with any of the provisions of this section within ten days after receiving notice from the Board of Forestry, of the particular thing to be done under this section, shall be subject to fine designated in Section 16 of this ordinance.

Sec. 10. No person or corporation shall, without the written permission of the Board of Forestry, attach any electric wire, or other wires, insulator or any other device for holding electric wires, to any tree now or hereafter growing in any public street, parking, avenue or highway under the control of the city of Grand Junction.

Sec. 11. Every person or corporation having any wire or wires charged with electricity shall securely fasten the same so that such wire or wires shall not come in contact with any tree in any public street, parking, avenue or highway in the city of Grand Junction.

Sec. 12. Every permit granted by the Board of Forestry shall specifically describe the work to be done under it, and shall expire at the end of not exceeding sixty days from its date, and shall be considered void any time when the intent of the permit is violated. No charge shall be made for any permit.

Sec. 13. The Board of Forestry shall grant a written permit for the planting of any of the following varieties of trees, namely: American White Elm, Silver Leaf Maple, American White Ash, Thornless Honey Locust, Green Ash, Norway Maple and Sycamore.

Sec. 14. The Board of Forestry shall have the power to specify the variety and kind of trees that shall be planted on any street other than the varieties specified in Section 13 of this ordinance; provided, that no permit shall be granted for the planting of Carolina Poplars or Cottonwood trees, excepting on parkings where there are not already trees growing, and in such cases only when one of the varieties specified in Section 13 shall be planted in equal numbers and regularly alternating in the row where such trees are planted.

On each block, the end of trees of the row fronting thereon shall be planted not less than five feet back from the block corners, and a certain number of feet distant from the property line according to width of street, as follows: On all 100-ft. streets, 14½ feet from the property line; on all 80-ft. streets, 11 feet from the property line; on all streets less than 80 feet wide, or on such streets, avenues or highways where width or condition may render same impractical, the Board of Forestry shall determine location of planting of the trees to agree with conditions of same.

The distance between the trees of each row shall be 25 feet; provided, when Carolina Poplars are planted, the distance between each tree shall be 12½ feet, or as conditions may render otherwise, to be determined by the Board of Forestry.

The above measures shall be strictly adhered to, except in such cases as the lineal measures of the blocks, location of alleys, driveways, or width of street or parking, may render same impractical, in which case the Board of Forestry shall determine and fix location to agree with conditions.

Sec. 15. It shall be the duty of the Board of Forestry to see that the provisions of this ordinance are obeyed, and prosecutions for all violations of this ordinance shall be initiated by the said Board and shall be prosecuted in the name of the City of Grand Junction.

Sec. 16. Any violation of or failure to comply with the provisions or requirements of this ordinance shall, on conviction of the offender, be punished by a fine of not less than five dollars nor more than one hundred dollars and costs of conviction.

Passed and adopted this 31st day of March, A. D. 1914.

Attest

Charles K. Holmberg
City Clerk.

Charles E. Livingston
Mayor.

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I HEREBY CERTIFY, that the foregoing ordinance, entitled "An Ordinance Creating a Board of City Forestry and Providing for the Regulation of Planting, Preservation and Care of Trees in the Streets, Avenues and Public Highways of the City of Grand Junction," was introduced and read at a regular adjourned meeting of the City Council of the City of Grand Junction, held on the 6th day of February, A. D. 1914, and that the same was published in full in the Daily Sentinel, a daily newspaper published and in general circulation in said city, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said city, this 31st day of March, A. D. 1914.

Charles K. Holmberg

City Clerk.

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Final publication April 3, 1914.

