

**TOWN OF GARDEN CITY, COLORADO  
ORDINANCE NO. 01-2023**

**AN ORDINANCE AMENDING CHAPTER 7, ARTICLE 5  
OF THE TOWN OF GARDEN CITY MUNICIPAL CODE CONCERNING  
MAINTENANCE OF TREES, SHRUBS AND LIMBS IN THE PUBLIC RIGHT OF WAY**

**WHEREAS**, the Board of Trustees (the “Board”) of the Town of Garden City (“Town”) desires to amend certain provisions of the Town’s Code in order to give the Town the authority and ability to remove and maintain trees, shrubs and limbs that fall within the public right-of-way; and

**WHEREAS**, the Board of Trustees finds that Chapter 7, Article 5 of the Municipal Code should be amended as further set forth in this Ordinance.

**WHEREAS**, the Board of Trustees believes that granting the Town the authority to remove and maintain trees, shrubs and limbs that fall within the public right-of-way is in the best interest of the Town and its residents and businesses.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GARDEN CITY, COLORADO, as follows:**

**Section 1.** Section 7-5-20 of the Town of Garden City Municipal Code is hereby amended to read as follows (words to be deleted are ~~stricken through~~; words to be added are underlined):

**Sec. 7-5-20. – Hazardous Trees.**

- (a) No owner of any property within the Town, nor the tenant or agent in charge thereof, shall allow or permit tree branches or other growth to obstruct sidewalks below a height of eight feet, or obstruct streets below a height of 15 feet. The Town shall have the right to remove trees, branches, or other growth that obstructs sidewalks or streets, but nothing herein shall be deemed to create a duty on the Town to undertake action or expend funds pursuant to the authority granted under this Section.
- (b) It is the responsibility of the owner of any property within the Town, or the tenant or agent in charge thereof, including that area between the property and adjacent sidewalks, streets or alleys, to immediately remove from said property any hazardous tree, including a dead or diseased tree or tree branch, any tree or tree branch infested with insects that pose a hazard to other trees, or any obviously weakened tree or tree branch. Stumps of trees of species that commonly carry disease, stumps of diseased trees and stumps infested with insects that pose a hazard to other trees may be required to be removed as well.

**Section 2.** Section 7-5-30 of the Town of Garden City Municipal Code is hereby amended to read as follows (words to be deleted are ~~stricken through~~; words to be added are underlined):

**Sec. 7-5-30. - Trees and limbs in public right-of-way.**

- (a) It shall be the duty of the owner of any property adjacent to the public right-of-way to remove any trees or limbs located in or above the public right-of-way when such trees or limbs constitute a danger to public safety. Such trees and limbs shall constitute a nuisance. For the purposes of this Section, a *danger to public safety* shall include all trees and limbs which hinder visibility or which may otherwise affect public health, safety and welfare, and trees and limbs which present a structural defect which may cause the tree or limb to fall on a person or on property of value.
- (b) Except in cases of emergency, the Town shall make reasonable efforts with the property owner to informally and cooperatively assure the trimming, pruning, removal or destruction of any trees, shrubs or hedges in, over or upon the public right-of-way of any street, alley, sidewalk or other public place within the Town. In the event such informal efforts do not result in satisfactory property owner compliance, the Town shall have the authority to declare a nuisance and abate the nuisance as provided in Section 7-1-100 of the Town Code. In cases of emergency, the Town shall have the authority to immediately declare a nuisance under this Section. The right to abatement under this Section shall include the right to trim, prune, remove, and destroy any trees, shrubs or hedges under this Section.
- (c) The Town shall have the right to remove trees, branches, or other growth that obstructs sidewalks or streets, but nothing herein shall be deemed to create a duty on the Town to undertake action or expend funds pursuant to the authority granted under this Section.

**Section 3.** This ordinance shall be so interpreted and construed to effectuate its general purpose pursuant to the laws of the State of Colorado.

**Section 4.** The Town Clerk shall certify to the passage of this Ordinance and cause notice of its contents and passage to be published.

**Section 5.** Except as otherwise specifically provided herein, the provisions enacted by this Ordinance shall become effective thirty (30) days after publication as provided by law.

**PASSED, ADOPTED AND APPROVED THIS \_\_\_\_\_ DAY OF JANUARY, 2023.**

TOWN OF GARDEN CITY

By: \_\_\_\_\_  
Filbert Archuleta Mayor

ATTEST:

\_\_\_\_\_  
Cheryl Campbell, Town Clerk