

**TOWN OF LYONS, COLORADO
ORDINANCE NO. 1105**

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO AMENDING SECTION
50 OF CHAPTER 7, ARTICLE 4 OF THE LYONS MUNICIPAL CODE
REGULATING TREES AND SHRUBS**

WHEREAS, pursuant to Sections 31-15-401 and 31-23-301, C.R.S., the Town of Lyons ("the Town") has broad authority to exercise its police powers to promote and protect the health, safety and welfare of the community and its residents; and

WHEREAS, the Town previously adopted regulations regarding the maintenance of vegetation, including trees, shrubs, grass and weeds, on properties within the Town and codified such regulations in Chapter 7 of the Lyons Municipal Code ("LMC"); and

WHEREAS, Article 4 of Chapter 7 of the LMC specifically regulates the planting, maintenance and removal of trees, shrubs, bushes and other woody vegetation within the Town; and

WHEREAS, the previous changes to Article 4 approved in ordinance 1077 appear to have mistakenly dropped Section (b) from Section 7-4-50; and

WHEREAS, The Lyons Board of Trustees desire to amend Article 4, Chapter 7, of the LMC, as recommended by staff to reincorporate an updated version of section 7-4-50 (b).

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, BOULDER COUNTY, COLORADO:

Section 1. Recitals Incorporated. The recitals set forth above are hereby incorporated by reference and are adopted as findings and determinations of the Board of Trustees.

Section 2. Article 4, Section 7-4-50 of the Lyons Municipal Code is amended to read:

Sec. 7-4-50. - Maintenance and care of trees.

- (a) The Town shall have the right to plant, prune, maintain and remove trees, plants, shrubs, bushes and all other woody vegetation within all public rights-of-way, including all public streets, alleys, avenues, boulevards, lanes, squares and public grounds, as may be deemed necessary by the Town to ensure public health, safety and general welfare. The Town or its permittee shall have the right to prune, maintain and remove trees, plants, shrubs, bushes and all other woody vegetation lying within public utility and ditch easements or rights-

of-way where necessary or desirable to permit the efficient use of the easement. The Ecology Board may advise the Town or its employees concerning the removal of any tree or part thereof which creates an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest.

- (b) Notwithstanding the foregoing, the owner of property abutting a public right-of-way shall be responsible for the cost of maintenance of all trees, shrubs, bushes and other woody vegetation, whether or not planted by the owner of such abutting property, within the public right-of way between the property line of the abutting property and the curb line or edge of the roadway and between the property line and center line of any alley. Such maintenance shall include but is not limited to cutting, trimming, spraying, removing, planting, pruning, fertilization, relocation, protection, and other maintenance and treatment as required to prevent obstruction of visibility or other dangers to public health, safety and welfare. A permit approved by the Town is required for any work done as required by this subsection. Any work done without a permit shall be subject to the penalties set forth in this Article. Notwithstanding the foregoing, the Town may administratively waive the permit requirement and related fees for work to be completed pursuant to this subsection if such work will not encroach upon the portions of the public right-of-way that are traveled by the public. Town may send notice of required maintenance to owner specifying the required maintenance work and a deadline by which such work must be completed. If owner does not complete the maintenance work by the deadline provided in the notice, then the Town shall have the right to complete or have completed the required maintenance work and invoice the owner for the cost of such work. Any trees, shrubs, bushes or other woody vegetation not maintained in accordance with this subsection or any requirements set forth in a notice of required maintenance from the Town shall constitute a nuisance pursuant to Section 7-2-120 of this Chapter. The requirements of this Section shall not apply to properties owned by the Town that the Town acquired through the Community Development Block Grant - Disaster Recovery Buyout Program or any other Town-owned property that is not intended for development.

Section 3. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 4. Repeal. All other ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this Ordinance are hereby repealed, provided that such repeal shall not repeal any repealer clauses in such ordinances nor revive any ordinance thereby.

Section 5. Effective Date. This Ordinance shall become effective thirty (30) days after publication following final passage in accordance with Section 2-2-160 of

the Lyons Municipal Code.

Section 6. Codification Amendments. The codifier of the Town's Municipal Code, Municipal Code Corporation, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of Section 2 of this Ordinance within the Lyons Municipal Code.

INTRODUCED AND PASSED ON FIRST READING THIS 11th DAY OF July, 2021.

INTRODUCED, PASSED, ADOPTED AND ORDERED PUBLISHED THIS 19th DAY OF July, 2021.

TOWN OF LYONS, COLORADO



Nicholas Angelo, Mayor


ATTEST

Dolores M. Vasquez
Dolores M. Vasquez, CMC - Town Clerk
Attachments:

Exhibit A – Redline of Changes to Article 4-50 Maintenance and care of trees.

EXHIBIT A

Sec. 7-4-50. - Maintenance and care of trees.

- (a) The Town shall have the right to plant, prune, maintain and remove trees, plants, shrubs, bushes and all other woody vegetation within all public rights-of-way, including all public streets, alleys, avenues, boulevards, lanes, squares and public grounds, as may be deemed necessary by the Town to ensure public health, safety and general welfare, ~~or to preserve or enhance the symmetry and beauty of such public grounds.~~ The Town or its permittee shall have the right to prune, maintain and remove trees, plants, shrubs, bushes and all other woody vegetation lying within public utility and ditch easements or rights-of-way where necessary or desirable to permit the efficient use of the easement. The Ecology Board may advise the Town or its employees concerning the removal of any tree or part thereof which creates an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest.
- (b) Notwithstanding the foregoing, the owner of property abutting a public right-of-way shall be responsible for the cost of maintenance of all trees, shrubs, bushes and other woody vegetation, whether or not planted by the owner of such abutting property, within the public right-of way between the property line of the abutting property and the curb line or edge of the roadway and between the property line and center line of any alley. Such maintenance shall include but is not limited to cutting, trimming, spraying, removing, planting, pruning, fertilization, relocation, protection, and other maintenance and treatment as required to prevent obstruction of visibility or other dangers to public health, safety and welfare. A permit approved by the Town is required for any work done as required by this subsection. Any work done without a permit shall be subject to the penalties set forth in this Article. Notwithstanding the foregoing, the Town may administratively waive the permit requirement and related fees for work to be completed pursuant to this subsection if such work will not encroach upon the portions of the public right-of-way that are traveled by the public. Town may send notice of required maintenance to owner specifying the required maintenance work and a deadline by which such work must be completed. If owner does not complete the maintenance work by the deadline provided in the notice, then the Town shall have the right to complete or have completed the required maintenance work and invoice the owner for the cost of such work. Any trees, shrubs, bushes or other woody vegetation not maintained in accordance with this subsection or any requirements set forth in a notice of required maintenance from the Town shall constitute a nuisance pursuant to Section 7-2-120 of this Chapter. The requirements of this Section shall not apply to properties owned by the Town that the Town acquired through the Community Development Block Grant - Disaster Recovery Buyout Program or any other Town-owned property that is not intended for development.

**TOWN OF LYONS,
COLORADO**

ORDINANCE NO. 1104

**AN ORDINANCE OF THE TOWN OF LYONS
AMENDING CHAPTER 2, ARTICLE 8, SECTION 150(C)(1) OF THE
LYONS MUNICIPAL CODE CONCERNING THE RESPONSIBILITIES OF THE
PARKS AND RECREATION COMMISSION**

WHEREAS; pursuant to C.R.S. Section 13-15-103 the Town of Lyons (“the Town”) has the authority to create and publish ordinances; and

WHEREAS, the Lyons Municipal Code (“LMC”) provides for the establishment of Town Boards, Commissions, and Committees; and

WHEREAS, periodically the LMC provisions concerning Boards and Commissions need to be revised in order to better reflect the changing roles and missions of individual boards and commissions; and

WHEREAS, currently, Section 2-8-150(c)(1) LMC defines the responsibilities of the Parks and Recreation Commission as including to “[a]dvise the Board of Trustees on all matters pertaining to the Town parks and recreation facilities and programs”; and

WHEREAS, the LMC omits the responsibility of the Parks and Recreation Commission to advise the Board of Trustees on matters relating to open space; and

WHEREAS, the Town of Lyons Board of Trustees (the “Board”) desires to amend the Section 2-8-150(c)(1) of the LMC to include open space as among the responsibilities of the Parks and Recreation Commission; and

WHEREAS, the Board of Trustees finds that the proposed amendments to the LMC are in the best interests of the Town in order to aid in the efficient administration of Town government.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF LYONS, COLORADO THAT:

Section 1. Recitals Incorporated. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the Board of Trustees.

Section 2. Amendments to Municipal Code. Chapter 2, Article 2, Section 150(c)(1) of the Lyons Municipal Code is hereby amended as follows (changes in bold and italicized):

Sec. 2-8-150. - Parks and Recreation Commission.

...

- (c) Responsibilities. The responsibilities of the Parks and Recreation Commission shall be as follows:
- (1) Advise the Board of Trustees on all matters pertaining to the Town parks, ***open space***, and recreation facilities and programs.

...

Section 3. Code Revisions. Because this Ordinance revises a Section of the Lyons Municipal Code, minor changes such as the format, numbering, and other such changes may be necessary to unify the revised code. The Town Clerk is hereby authorized to make such changes provided that neither the intent of this Ordinance nor substantive content is altered.

Section 4. Severability. Should any one or more sections or provisions of this Ordinance enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 5. Repeal. Any and all ordinances, resolutions, or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance, resolution, or code or part thereof shall not revive any other section or part of any ordinance, resolution, or code provisions heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to the taking effect of this ordinance.

Section 6. Codification of Amendments. The codifier of the Town's Municipal Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of Sections 2, of this Ordinance within the Lyons Municipal Code.

Section 7. Effective Date. Except as otherwise expressly provided herein, the provisions of this Ordinance shall become effective thirty (30) days after publication following final passage in accordance with Section 2-2-160 of the LMC.

INTRODUCED AND PASSED ON FIRST READING THIS 6th DAY OF July, 2021.

INTRODUCED, PASSED, ADOPTED AND ORDERED PUBLISHED THIS 19th DAY OF July, 2021.

TOWN OF LYONS, COLORADO


Nicholas Angelo, Mayor

