

**CITY OF CENTENNIAL,  
COLORADO**

**ORDINANCE NO. 2017-O-14**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
CENTENNIAL, COLORADO, AMENDING ARTICLE 2 OF CHAPTER 7  
OF THE MUNICIPAL CODE BY THE ADDITION OF A NEW SECTION  
7-20-90 TO DECLARE IT A NUISANCE AND UNLAWFUL TO PERMIT  
DEAD, BROKEN, DISEASED OR INSECT INFESTED TREES ON  
PROPERTY, AND PROVIDING A PENALTY THEREFOR**

WHEREAS, the City of Centennial (the “City”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and the Home Rule Charter of the City of Centennial; and

WHEREAS, in accordance with its home rule police power, the City has the authority to adopt regulations to promote the peace, order, health, safety and welfare of the residents and visitors to the City, including the authority to declare what is a nuisance and abate the same; and

WHEREAS, in the exercise of this power the Council has previously adopted Chapter 7 of the Centennial Municipal Code to declare what is a nuisance within the City; and

WHEREAS, bug infestations have negatively impacted nearly three million acres of trees in Colorado in the past decade; and

WHEREAS, the emerald ash borer has been discovered in Boulder County and its spread places nearly one and one-half million trees in the Front Range at risk of infestation and death including ash trees within the City; and

WHEREAS, if unaddressed, the emerald ash borer, other insect infestations or disease may spread to trees in the community and degrade the City’s forest; and

WHEREAS, in addition to insect infestations and disease, weather, drought or lack of maintenance can negatively impact trees in the community; and

WHEREAS, even with prevention measures, trees in the City will die and if left to remain may eventually become a falling or fire hazard and/or attract pests; and

WHEREAS, the City Council finds that allowing dead, diseased or insect infested trees to remain on private property threatens the health, safety and welfare of the City’s residents, visitors and property; and

WHEREAS, the City Council finds that this ordinance is necessary to protect the public health, safety and welfare.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CENTENNIAL,  
COLORADO, ORDAINS:**

**Section 1. Adoption of findings.** The City Council hereby adopts the above recitals as findings of the Council.

**Section 2. Amendment of Article 2 of Chapter 7.** Article 2 of Chapter 7 of the Centennial Municipal Code is amended by adopting a new Section 7-2-90 to read as follows in its entirety:

**Sec. 7-2-90. Trees.**

(1) Definitions. As used in this Section, the following words are defined as follows:

*Dead* means a tree that cannot be restored to good health, is completely devoid of life, exhibits no leaves at a time when it should, or, in the opinion of a Code Enforcement Official is substantially dead notwithstanding that portions of the tree may show sign of life or growth.

*Tree* means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.

*Shrub* means a woody plant that is smaller than a tree and has several main stems arising at or near the ground.

*Potential Threat or Hazard* means a tree located in a position that is closer than its height to any street, sidewalk, multi-use path or playground, or a building located on adjacent property that it could damage should the tree fall regardless of whether such fall is imminent.

*Tree Management Plan* means a document(s) that contains an inventory of publicly owned and/or managed trees, an assessment of the condition of such trees, a description of the maintenance needs of the trees and a strategy to remove dead, diseased or insect infested trees in a manner consistent with the provisions of this Section.

(2) It is a nuisance and unlawful for an owner to permit any tree(s) which is dead, broken, diseased or infested by insects so as to endanger the well-being of other trees, shrubs or vegetation or constitutes a potential threat or hazard to people or property. Mere unsightliness or aesthetic concerns alone shall not constitute a nuisance under this provision.

(3) The City Manager may grant an exception to this Section for locations within the City to a governmental entity so long as:

- a. The governmental entity submits a request for an exception to the City Manager in writing that includes a copy of a tree management plan for such locations; and
- b. The City Manager determines that the tree management plan reasonably proposes to comply with the provisions in this Section.

**Section 3. Violations and Penalties.** As a violation of the regulations enacted hereby constitutes a violation of the Municipal Code and/or a nuisance in accordance with the other provisions of Article 2 of Chapter 7, the penalties for violation hereof shall be as set forth in Article 1 of Chapter 7 and in Section 1-4-10 of the Municipal Code and no further Code revisions are required.

**Section 4. Severability.** If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this Ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion would be declared invalid or unconstitutional.

**Section 5. Effective Date.** This Ordinance shall take effect thirty (30) days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD ON THE 15<sup>TH</sup> DAY OF MAY, 2017.

CITY OF CENTENNIAL

By: Cathy A. Noon  
Cathy A. Noon, Mayor

Approved as to Form:

[Signature]  
For City Attorney's Office

I hereby certify that the above Ordinance was introduced to the City Council of the City of Centennial at its meeting of May 15, 2017 and ordered published one time by title only in *The Villager* newspaper on May 18, 2017, and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

SEAL

ATTEST:

By: [Signature]  
City Clerk or Deputy City Clerk

FINALLY ADOPTED, PASSED, APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED PUBLISHED BY TITLE ONLY, IN *THE VILLAGER* NEWSPAPER AND IN FULL ON THE CITY WEB SITE IN ACCORDANCE WITH SECTION 2-1-110 OF THE

MUNICIPAL CODE BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL,  
COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS  
MEETING HELD ON THE 5<sup>TH</sup> DAY OF JUNE, 2017, BY A VOTE OF 9 IN FAVOR AND  
0 AGAINST.

CITY OF CENTENNIAL

By: Cathy A. Noon  
Cathy A. Noon, Mayor

I hereby certify that the above Ordinance was finally adopted by the City Council of the  
City of Centennial at its meeting of June 5, 2017, and ordered published by title only,  
one time by *The Villager* newspaper on June 8, 2017, and in full on the City web  
site in accordance with Section 2-1-110 of the Municipal Code.

SEAL

ATTEST:

By: Patricia [Signature]  
City Clerk or Deputy City Clerk