

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2019

COUNCIL BILL NO.19-0122
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

6 **A BILL**

7 **For an ordinance amending Article II of Chapter 57 (Vegetation) of the Revised**
8 **Municipal Code.**

9 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

10 **Section 1.** That subsection 57-25(a) shall be amended by deleting the language stricken
11 and adding the language underlined as follows:

12 **“Sec. 57-25. Injuring, damaging or removing established trees on certain residential**
13 **properties”.**

14 (a) As provided in section 57-20(~~b~~ c), certain established trees shall not be removed during the
15 course of residential demolition or construction unless the responsible party obtains a permit for
16 removal of the tree from the city forester. The city forester shall issue such a permit only upon a
17 finding that:

- 18 (1) The tree is irreparably damaged, diseased, dying or dead;
- 19 (2) The tree poses a threat to public health and safety;
- 20 (3) The tree is of a type the city forester has determined by regulation to be undesirable
21 or a nuisance species; or
- 22 (4) The responsible party demonstrates to the city forester that preservation of the tree
23 would leave the subject property with no access areas to the property greater than fifteen (15)
24 feet in height and greater than fifteen (15) feet in width or would prevent the responsible party
25 from developing the subject property in a manner otherwise permitted by applicable city laws
26 and regulations.”

27 **Section 2.** That Chapter 57-28 of the Revised Municipal Code is hereby amended by
28 adding the language underlined and deleting the language stricken as follows:

29 **“Sec. 57-28. City’s lien”.**

30 If the responsible party fails to pay the costs of remediation or enter into an agreement as
31 provided in 57-27(e) within ~~fifteen~~ thirty (~~15~~ 30) days of the notice sent under section 57-27, the costs
32 of remediation shall constitute a lien against the real property where the remediation took place or,

1 if the remediation was on public right-of-way, the abutting property. The department shall thereafter
2 pay the cost and expense of the remediation from any appropriation made available for that purpose,
3 and shall certify a statement of payment to the manager of revenue, who shall assess and charge
4 the same against the property involved and collect the same, together with interest at the rate
5 established by law for delinquent real estate property taxes.

6 (1) The lien created hereby shall be superior and prior to other liens, regardless of date,
7 except liens for general and specific taxes.

8 (2) For the purpose of this article, cost of remediation shall include the administrative cost
9 incurred therewith.”

10 COMMITTEE APPROVAL DATE: February 19, 2019 by consent

11 MAYOR-COUNCIL DATE: February 26, 2019

12 PASSED BY THE COUNCIL: _____ March 11, 2019

13 _____ - PRESIDENT

14 APPROVED: _____ - MAYOR _____ Mar 12, 2019

15 ATTEST: _____ - CLERK AND RECORDER,
16 EX-OFFICIO CLERK OF THE
17 CITY AND COUNTY OF DENVER

18 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

19 PREPARED BY: Adam C. Hernandez, Assistant City Attorney DATE: February 28, 2019

20 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
21 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
22 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
23 §3.2.6 of the Charter.

24
25 Kristin M. Bronson, City Attorney

26
27 BY: Kristin J. Crawford, Assistant City Attorney DATE: Feb 27, 2019