

2009 Aug 19 Alamosa Trees

**Alamosa Trees: Who's Responsible for that Tree?
by Marilyn Loser**

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I met with Nathan Cherpeski, Alamosa City Manager, last week to discuss Alamosa tree responsibilities and associated ordinances. I think a little background is needed to understand the issue. Up front you should know I'm not a lawyer and am not trying to dispense legal advice; I'm just a lay person trying to understand the law. There is little in the ordinances specifically relating to trees.

Ordinances that concern existing trees on private property are neatly contained in the chapter on nuisances -- the section relating to "weeds, noxious vegetation, diseased and infested trees, trash and rubbish."

Most of the questions I receive regard trees between the sidewalk and the street which are in the public right of way. Many municipalities refer to these as "street trees", but the only reference to street trees in Alamosa ordinances is the definition "Street tree means a tree located not in a street, but in a front yard in reasonable proximity to a street." Zowie, how helpful is that? Cherpeski explained that public right of way really refers to the ability of the City to use that land for a road or other pathway such as a sidewalk.

What if a tree branch on your neighbor's tree is hanging out over the street where you park your car and it looks weak, dying, or dead? OK, you'd be dumb to park there. However, you could go out on a limb and contact the City. If the branch is declared a nuisance (the code enforcement officer generally takes care of this), it is up to the property owner to abate the nuisance. For simplification, I'm assuming the property owner agrees that there is a problem and removes the offending branch.

What if trees in your yard are causing the sidewalk to lift? The City has a program that splits the cost of sidewalk replacement 50/50 with property owners. (Note: people must apply for this program and the budget is limited.) According to Cherpeski, the City absorbs the cost of preparing the ground near the sidewalk to be replaced. However, the City no longer removes trees from most locations. Cutting the tree roots might kill or seriously damage the tree. Remember, most tree roots are within 2 feet of the ground surface. If the tree is to be removed, it is up to the property owner.

You may have seen bright orange Asplundh trucks around town; the utility company hires Asplundh to trim trees interfering with utility lines. The City generally restricts tree trimming on non-public land to traffic safety issues such as making sure street signs are visible.

There is an exception. What if a tree along the commercial area of Main Street needs trimming or removal? According to Cherpeski, the City has a history of taking care of

this. However, the law makes no distinction between the downtown trees in the commercial area and other trees.

Many property owners have had their trees trimmed and some have mentioned to me that they don't think some of their neighbors can afford the cost of tree trimming. I'm sure many people don't know if their trees pose a threat and Alamosa doesn't have a staff arborist. In fact, certified arborists are rare in this neck of the woods. Jeff Burns and others at the State Forestry office have been very helpful when asked, but their focus and expertise is not on urban forestry, and they are often away during wild fire season.

Why am I writing about this? I'm an ardent advocate of Alamosa Trees and a healthy community forest. I'm concerned that many of our beautiful, older trees need attention. Quite a few large street trees have been removed in the last 12 years and have not been replaced.

I'm saddened when I see a "zero-scaped" yard -- all rock and gravel. There's nothing to soften the landscape, provide shade, or reduce summer heat. And don't forget that trees increase property value. Perhaps a better solution is to plant smaller trees that aren't as expensive to maintain, yet provide shade and beauty. When I first attended New Mexico State University in Las Cruces I was surprised there were so many low shade trees. However, after being there for awhile and welcoming the plentiful shade, I realized the smaller trees were better suited for the desert climate than large, water-hogging trees. Visit www.AlamosaTrees.net for a list of small and medium trees appropriate for our climate.

"The wonder is that we can see these trees and not wonder more." Ralph Waldo Emerson