

**ORDINANCE NO. 17
SERIES 2017**

AN ORDINANCE AMENDING SECTIONS 5-11: ABATEMENT OF DISEASED TREES AND WILDFIRE FUELS AND 12-11: DESIGN REVIEW, RELATED TO VEGETATION REMOVAL FOR WILDFIRE MITIGATION PURPOSES

WHEREAS, the Vail Town Council wishes to clarify and codify existing standard operating procedures related to the removal of vegetation for wildfire mitigation purposes;

WHEREAS, the Planning and Environmental Commission of the Town of Vail has held public hearings on the proposed prescribed regulations amendment and on November 13, 2017 submitted its recommendation to the Vail Town Council;

WHEREAS, the Vail Town Council finds that the proposed amendment is consistent with the applicable elements of the adopted goals, objectives and policies outlined in the Vail Comprehensive Plan and is compatible with the development objectives of the Town;

WHEREAS, the Vail Town Council finds that the amendment furthers the general and specific purposes of the zoning regulations;

WHEREAS, the Vail Town Council finds that the amendment promotes the health, safety, morals and general welfare of the town and promotes the coordinated and harmonious development of the town in a manner that conserves and enhances its natural environment and its established character as a resort and residential community of the highest quality.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VAIL, COLORADO, THAT:

Section 1. Section 5-11-7 of the Vail Town Code is hereby amended as follows:

Sec. 5-11-7: Permit for Removal

An owner desiring to remove diseased trees shall file an application for a permit with the ~~community development department~~ Fire and Emergency Services Department. There shall be no application fee for the permit. The application shall contain a written narrative describing the type, size, quantity and general location of the diseased trees proposed to be removed. The director may perform a site visit prior to taking any action on the permit application.

Section 2. Section 12-11-3 of the Vail Town Code is hereby amended as follows:

Sec. 12-11-3: Design Approval

A. Scope: No person shall commence removal of vegetation, site preparation, building construction or demolition, dumping of material upon a site, sign erection, exterior alteration or enlargement of an existing structure, paving, fencing or other improvements of open space within the corporate limits of the town unless design approval has been granted as prescribed in this chapter. The addition of plant materials to existing landscaping, gardening, ~~and~~ landscape, and vegetation removal approved by the Fire and Emergency Services Department through a Wildfire Hazard Assessment shall be exempt from this provision.

Section 3. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Town Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. The Town Council hereby finds, determines and declares that this ordinance is necessary and proper for the health, safety and welfare of the Town and the inhabitants thereof.

Section 5. The amendment of any provision of the Vail Town Code in this ordinance, shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision amended. The amendment of any provision hereby shall not revive any provision or ordinance previously repealed or superseded unless expressly stated herein.

Section 6. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL ON FIRST READING this 19th day of December, 2017 and a public hearing for second reading of this Ordinance is set for the 2nd day of January, 2018, in the Council Chambers of the Vail Municipal Building, Vail, Colorado.

Dave Chapin, Mayor

ATTEST:

Patty McKenny, Town Clerk

READ AND APPROVED ON SECOND READING AND ORDERED PUBLISHED
this 2nd day of January, 2018.

Dave Chapin, Mayor

ATTEST:

Patty McKenny, Town Clerk