

Changes to Chapter 5-11 Abatement of Mountain Pine Beetle and Wildfire Fuels Reduction.

Existing Code Language	Proposed Code Language	Summary of Change	Possible Effects
Chapter Title			
Abatement of Mountain Pine Beetle and Wildfire Fuels Reduction	Abatement of Diseased Trees and Wildfire Fuels Reduction	The title of the Chapter has been amended in recognition that the chapter, as proposed to be amended, addresses more than the mountain pine beetle.	The proposed changes support efforts to have a Town Code that is easily understood.
(None) New Language Proposed	Introduction Diseased trees and accumulations of wildland fuels represent a hazard to the community if left unmitigated. Vail Fire and Emergency Services has primary responsibility for the abatement of diseased trees and/or wildland fuels.	The additional language provides and introduction to the chapter and informs the reader as to who is the primary administrator.	Assist the reader with an understanding of the chapter.
5-11-1: DEFINITIONS			
BEETLE INFESTED TREE: A tree, alive or dead, which is or has been infested with the mountain pine beetle (<i>Dendroctonus ponderosae</i>).	DISEASED TREE: A tree, alive or dead, which is or has been infested/ infected with any insect or disease identified in the most current version of the Field Guide to Diseases & Insects of the Rocky Mountain Region	The proposed change replaces the existing definition that focused on a particular insect and expands the definition to include all trees afflicted with a disease or infestation.	The change will allow the Fire Department to pursue the abatement of diseased or infested trees other than those infested with the mountain pine beetle.
DIRECTOR: The town of Vail director of public works, or his designee.	Director: The Town of Vail Fire Chief, or his designee.	The proposed change replaces the Director of Public Works or his designee with the Town of Vail Fire Chief, or his designee.	The change shifts the administration of Chapter 5-11 from Public Works to Fire, a more appropriate location due to the subject matter.
MOUNTAIN PINE BEETLE: The species <i>Dendroctonus ponderosae</i> .	None. Language Stricken	The proposed change removes a definition no longer compatible with revised text.	None
OCCUPANT: Any person in physical possession of any lot, tract or parcel of real property located within the town of Vail limits who is not the owner of such property. For the purposes of this chapter, "occupant" does not include the owner of an easement or right of way across property.	None. Language Stricken	The proposed change removes a definition for occupant, leaving the property owner as the sole entity responsible under this title. This change is supported by legal.	This change clarifies to the public that it is the homeowner who is responsible for items contained within the chapter.
WILDFIRE FUELS: A. A tree, alive or dead, which is or has been a beetle infested tree; B. Any species or variety of tree which is dead or substantially dead and determined to be a wildfire fuel hazard by the town of Vail director of public works, or his designee.	WILDFIRE FUELS: Vegetation such as trees, shrubs, forbs or grasses and other materials such as firewood, construction material or debris surrounding a structure, which represent an imminent threat to life or property during a wildland fire as determined by Vail Fire and Emergency Services	This is a substantive change to the definition. The existing definition pertains solely to trees that are diseased, dead or substantially dead. The proposed changes enlarge this definition to include other types of vegetation and other items that may pose a risk.	Although the definition has been broadened significantly, the inclusion of the phrase " <i>which represent and imminent threat to life or property</i> " signals to the reader the emergency nature of the provision and places the responsibility on the administrator to describe the risk to the property owner.

Existing Code Language	Proposed Code Language	Summary of Change	Possible Effects
5-11-4: NOTICE OF VIOLATION:			
<p>A. If the director determines that property contains one or more beetle infested trees or other wildfire fuels, the director shall notice the owner and any occupant of the property. Such notice shall be given either by certified mail or personal delivery.</p> <p>B. The notice shall:</p> <ol style="list-style-type: none"> 1. Advise the owner and/or the occupant that the property contains one or more trees infested with mountain pine beetle and/or other wildfire fuels; 2. Advise the owner and/or the occupant of town approved methods for the removal or destruction of beetle infested trees and/or other fire fuels; and 3. Advise the owner and/or the occupant that all trees infested with mountain pine beetle and/or other wildfire fuels must be removed within a minimum of thirty (30) days following receipt of the notice, or that an acceptable plan and schedule for removal of the beetle infested trees or other wildfire fuels must be submitted to the director within such thirty (30) day period. <p>C. If the owner or occupant disputes that the property contains one or more beetle infested trees or other wildfire fuels as determined by the director, the owner or occupant shall notify the director of such dispute within thirty (30) days of receipt of the director's notice. If a timely notice of dispute is given, the town shall not file an application for an abatement order until the director has met with the disputing party in an effort to resolve the dispute. If the director meets with disputing party and is unable to resolve the dispute, the town may file an application for an abatement order pursuant to section 5-11-5 of this chapter.</p>	<p>A. If the Director determines that the property contains one or more diseased trees and/or wildfire fuels, the Director shall notice the owner. Such notice shall be given either by certified mail or personal delivery.</p> <p>B. The notice shall:</p> <ol style="list-style-type: none"> 1. Advise the owner that the property contains one or more diseased trees and/or wildfire fuels; 2. Describe approved methods for the removal of diseased trees and/or wildfire fuels; and 3. Require the owner that all diseased trees and/or wildfire be removed within thirty (30) days following receipt of the notice, or that an acceptable plan and schedule for removal of the diseased trees and/or wildfire fuels must be submitted to the Director within such thirty (30) day period. <p>C. If the owner disputes that the property contains one or more diseased trees and/or wildfire fuels, the owner shall notify the Director of such dispute within thirty (30) days of receipt of the notice of violation. If a timely notice of dispute is given, the town shall not file an application for an abatement order until the Director has met with the disputing party in an effort to resolve the dispute. If the Director meets with disputing party and is unable to resolve the dispute, the Director may file an application for an abatement order pursuant to section <u>5-11-5</u> of this chapter.</p>	<p>Removes references to "Occupant".</p> <p>Paragraph B.2. Changes "Advise" to "Describe"</p> <p>Paragraph B.3. Changes the work "Advise" to "Require" that appears on its face to be a substantive change but a further reading of the paragraph reveals that "Require" is more appropriate.</p>	None