

BY AUTHORITY

ORDINANCE NO. **4176**

COUNCILLOR'S BILL NO. **3**

SERIES OF 2023

INTRODUCED BY COUNCILLORS

A BILL
FOR AN ORDINANCE ADDING A NEW CHAPTER 4 TO TITLE XIII OF THE WESTMINSTER
MUNICIPAL CODE CONCERNING CRITICAL GREEN INFRASTRUCTURE

Whereas, the City Council of the City of Westminster hereby finds and determines that trees within the City, whether on public or private property, provide substantial environmental, economic and social benefits; and

Whereas, the City Council desires to add a new chapter to the Westminster Municipal Code to designate trees as critical green infrastructure.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. There is hereby added to Title XIII of the Westminster Municipal Code a new Chapter 4, which shall read in its entirety as follows:

CHAPTER 4. – CRITICAL GREEN INFRASTRUCTURE

Section 13-4-1. - Designation

In light of the substantial environmental, economic and social benefits provided by trees within the City of Westminster, as identified in section 13-1-3 below, trees are hereby determined to be so vital to the City that large-scale incapacity or destruction thereof would have a debilitating impact on any one or more of the following: personal security, economic security, public health, and public safety. As such, trees within the City, whether on public or private land, and in both development and non-development contexts, are hereby designated as “critical green infrastructure” of the City.

Section 13-4-2. - Definitions

For the purposes of this Chapter 4, the following terms shall have the meaning ascribed thereto:

- (A) “Critical green infrastructure” means green infrastructure that is so vital to the City that the incapacity or destruction thereof would have a debilitating impact on personal security, economic security, public health or public safety, or any combination of those matters.
- (B) “Green infrastructure” includes a range of measures that uses plant or soil systems, permeable pavement or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate or evapotranspire stormwater and reduce flows to sewer systems or to surface waters.
- (C) “Trees” means woody plants usually having one or more perennial stems, a more or less definitely formed crown of foliage, and a height of at least twelve feet (12’) at maturity.

Section 13-4-3. - Trees as Critical Green Infrastructure

Trees enhance the appearance of the City and provide important ecological, environmental, cultural and socioeconomic resources to the City’s residents and visitors. The benefits provided by trees in the City include, but are not limited to, the following:

- Releasing oxygen and capturing air pollutants and carbon dioxide;
- Maintaining slope stability and preventing erosion;
- Filtering stormwater and reducing stormwater runoff;
- Reducing energy demand and urban heat island effects through the shading of buildings and impervious areas;
- Buffering natural and built assets from wind, light and noise;
- Providing visual screening;
- Sustaining habitat for birds and other wildlife;
- Maintaining property values; and
- Contributing to the community health, appeal, beauty, character and heritage of the City.

Section 2. The provisions of this ordinance are severable. If any section, paragraph, clause, word, or any other part of this ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such part shall not affect the construction or enforceability of any of the remaining provisions of the ordinance unless it is determined by the court that a contrary result is necessary for this ordinance to have its intended meaning.

Section 3. This ordinance shall take effect upon its passage after second reading. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of February, 2023.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of February , 2023.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney’s Office