

ORDINANCE BILL NO. 25 FOR 1989

ORDINANCE NO. 1007

AN ORDINANCE RELATING TO TREES LOCATED WITHIN THE CITY OF SWEET HOME AND DECLARING AN EMERGENCY.

The City of Sweet Home does ordain as follows:

Section 1. Definitions: As Used In This Ordinance, The Following Words Mean.

(a) Park Tree. A tree, shrub, bush or other woody vegetation located in a public park or other area owned by the City having an individual name, and all other areas owned by the City, or to which the public has free access as a park.

(b) Private Tree. A tree, shrub, bush or other woody vegetation located on private property other than a dedicated right-of-way or City utility easement or public parks and grounds.

(c) Street Tree. A tree, shrub, bush or other woody vegetation on land lying within a dedicated right-of-way along either side of a street, avenue or other way within a dedicated utility easement of the City.

Section 2. Creation Of A Street Tree Commission. There is hereby created a standing commission that shall be known as the Street Tree Commission. The members of the Commission shall consist of appointed members, as well as representatives from the City Council, Planning Commission and City Staff, as set out in Sweet Home Ordinance No. 993.

Section 3. Duties And Responsibilities Of The Street Tree Commission. The Commission shall study, investigate and develop and/or update annually, and administer a written plan for the care, preservation, pruning, replanting, removal or disposition of Street Trees and Park Trees. The plan shall be presented when required to the City Council. The Commission, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work. The Commission shall perform the powers and duties as set out in Sweet Home Ordinance No. 993.

Section 4. Street Tree Species To Be Planted. The Official Sweet Home Street Tree List of acceptable species of trees, shrubs, bushes and other woody plant material shall be compiled by the Commission and made available to the public. No person, without the written permission of the City, shall plant a Street Tree of a species other than those included on the list.

Section 5. Street Tree Care. In consideration of the value and benefits derived from the beauty and enjoyment of the Street Trees, the property owners abutting dedicated rights-of-way shall share the responsibility and cost of maintenance and care of the Street Trees abutting their property, and shall regularly inspect and remove defective conditions as necessary.

Section 6. Public Tree Care.

(a) The City may plant, prune, maintain and remove Park and Street Trees, as may be necessary to ensure public safety, or to preserve or enhance the appearance of public lands. The City may remove, or cause to be removed, a tree or part of a tree which is in an unsafe condition, which by reason of its nature is injurious to public waterlines, private sewers, electric lines, telephone lines, gas lines, or other public improvements, or is infected with any injurious fungus, insect or pest.

(b) This section does not prohibit the planting of Street Trees by abutting property owners, providing that the selection, location and planting of such trees is in accordance with the list of acceptable species and the other sections of this ordinance.

Section 7. Summary Powers For Removal Of Dangerous Or Nuisance Trees.

(a) The City may prune a Private Tree when it interferes with the proper spread of light along the street from a street light, or interferes with the visibility of any traffic control device or sign.

(b) The City may cause the removal of all, or part of any dead, dangerous or diseased Park, Private or Street Tree when the tree constitutes a hazard to life or property or harbors insects or disease which constitute a potential threat to other trees within the City.

(c) The City may remove or trim a tree described in this section or may require the property owner to remove or trim any such tree on private property, or in a dedicated right-of-way abutting upon the owner's property. Failure of the property owner to remove or trim the tree within 30 days after receiving notice by the City Manager is a violation of this Ordinance, and the Public Works Department may then remove or trim the tree and assess the costs as a lien against the property, which shall bear interest at 9% per annum. The City may follow the procedures set out in Sweet Home Ordinance No. 955, Sections 27-31, inclusive, as now enacted or hereafter amended, for assessment, collection and foreclosure of the lien. Further, the costs of abatement shall be a personal obligation of the owner of the property and may be collected by any remedy open to the City.

Section 8. Spacing Of Plantings. The spacing of Street Trees shall be in accordance with the species, size and classes listed in the Official Sweet Home Street Tree List, and no trees shall be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; large trees, 50 feet measured trunk to trunk, except in special plantings approved by the City.

Section 9. Planting Distance From Curb And Sidewalk. The distance the trees may be planted from curbs or curb lines and sidewalks shall be in accordance with the Official Sweet Home Street Tree List. No trees shall be planted in any parkway strip less than 4 feet in dimension between the curb or curb line and the sidewalk. No trees shall be planted closer to any curb or sidewalk than the following: small trees, 2 feet; medium trees, 3 feet; large trees, 4 feet.

Section 10. Planting Distance From Street Corners, Fire Plugs And Street Lights. No Street Trees shall be planted closer than 20 feet from any street corner, measured from the point of the nearest intersecting curbs or curb lines, unless all branches and foliage are removed to a height of 8 feet above grade. No Street Trees shall be planted closer than 10 feet to any fireplug or 30 feet to any street light measured from the base of the street light. Vision clearance shall be provided as described in Section 6.030 of the Sweet Home Zoning Ordinance.

Section 11. Pruning And Corner Clearance. The owner of a tree overhanging a street right-of-way within the City shall prune the branches so that the branches do not obstruct the light from a street lamp or obstruct the view of any street intersection. The owners shall maintain a clear space of 10 feet above the surface of the street, and 8 feet above the surface of any sidewalk. The owner shall remove all dead, diseased, dangerous, broken or decayed limbs which constitute a menace to the safety of the public.

Section 12. Abuse Or Mutilation Of Trees. No person shall abuse, destroy or mutilate any Street Tree, in a dedicated public right-of-way, or any other public place, or attach or place any rope or wire (other than one used to support the tree itself), sign, poster, handbill, or other thing to, or on any tree growing in a public place, or cause or permit any wire charged with electricity to come into contact with any such tree, or to allow any gaseous liquid or solid substance, which is harmful to such tree, to come into contact with their roots or leaves.

Section 13. Removal Of Stumps. All stumps of Street Trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

Section 14. Tree Replacement. The City may require the replacement by the abutting land owner, at the land owner's expense, of a new tree after the removal of an existing Street Tree.

Section 15. Interference With The City. No person shall prevent, delay or interfere with the City or any of its agents, while engaging in the planting, cultivating, mulching, pruning, spraying or removal of any Street Trees, Park Trees or Private Trees as authorized by this Ordinance.

Section 16. Administration Of The Ordinance. The interpretation and administration of this Ordinance is the responsibility of the City Manager or persons designated by the City Manager.

Section 17. Appeals. Appeals from an order made under the authority of this Ordinance may be made by filing a written notice with the City Manager within 10 days after the order is received, stating in substance, that the appeal is being made from the order to the City Council. The Manager shall call the appeal to the attention of the City Council at their next regular succeeding meeting. At the meeting, the appellant and the Public Works Director may present evidence. Action taken by the City Council after the hearing shall be conclusive.

Section 18. Review By The City Council. The City Council may review the conduct, acts and decisions of the Street Tree Commission. A person may appeal the ruling or order of the Commission to the City Council who shall hear the matter and make a final decision.

Section 19. Severability Clause. Each portion of this Ordinance shall be deemed severable from any other portion. The unconstitutionality or validity of any portion of this Ordinance shall not invalidate the remainder of the ordinance.

Sections 20, 21 and 22 are left for expansion.

Section 23. Emergency Clause. It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health and safety. Therefore, an emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect from and after its passage and approval by the Mayor.

PASSED by the Council and approved by the Mayor this 13th day of February, 1990.

ATTEST:

Jeri L Chenelle  
City Manager - Ex Officio City Recorder

David S. [Signature]  
Mayor