

## ORDINANCE #731

AN ORDINANCE ESTABLISHING GUIDELINES AND REGULATIONS FOR THE MANAGEMENT OF TREES WITHIN THE CITY OF REEDSPORT.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF REEDSPORT THAT:

**SECTION 1. PURPOSE.** The City Council of the City of Reedsport wishing to enhance, as well as preserve, the scenic beauty of the community hereby establishes this ordinance to provide a process for the institution of rules and recommendations relating to the planting, care, and maintenance of trees on public property within the City. The City Council also encourages the planting of trees on private property.

**SECTION 2. DEFINITIONS.**

**Street Trees:**

Street trees are herein defined as trees on land lying between property lines on either side of all streets, avenues, or ways in all commercial and industrial zones and along arterial streets.

**Park Trees:**

Park trees are herein defined as trees in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

**Private Trees:**

A tree located on private property other than a dedicated right-of-way or City utility easement or public parks and grounds.

**SECTION 3. CREATION AND ESTABLISHMENT OF A CITY TREE BOARD**

There is hereby created and established a City Tree Board for the City of Reedsport which shall consist of five members, three representing the City's Beautification Committee, one representative from the City Council and one representative from the Planning Commission, who shall be appointed by the mayor with the approval of the City Council.

**SECTION 4. TERM OF OFFICE AND COMPENSATION**

The term of the five persons to be appointed by the mayor shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term. Members of the board shall serve without compensation.

**SECTION 5. DUTIES AND RESPONSIBILITIES**

It shall be the responsibility of the Board to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets, and in other public areas. Such plan will be presented annually to the City's Beautification Committee and upon their acceptance and approval to the City Council for their approval. Upon the acceptance of the City Council, the plan shall constitute the official comprehensive city tree plan for the City

of Reedsport.

The Board, when requested by the City Council, shall consider, investigate, make finding, report and recommend upon any special matter or questions coming within the scope of its work.

## SECTION 6. OPERATION

The Board shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

## SECTION 7. STREET TREE PLANTING

7.1 Tree Species to be Planted: The City Tree Board will develop and maintain a list of desirable trees for planting along streets in three size classes based on mature height: small (under 30 feet), medium (30 to 50 feet) and large (over 50 feet). Lists of trees not suitable for planting will also be created by the Tree Board.

7.2 Spacing: The spacing of street trees will be in accordance with the three species size classes listed in Section 7.1 of this ordinance, and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; except in special plantings approved by the Tree Board.

7.3 Distance from Street Corners and Fire Hydrants: No street tree shall be planted within 25 feet of any corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted within 10 feet of any fire hydrant.

7.4 Utilities: No street trees or park trees other than those species listed as small trees in Section 7.1 of this ordinance may be planted under or within 10 feet of any overhead utility wire. No street trees of any size shall be planted over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility. Planting sites within the city right-of-way must be approved by the city's utility department.

## SECTION 8. STREET AND PARK TREE MAINTENANCE AND CARE

8.1 Street Tree Maintenance: The City shall have the right to plant, prune, maintain and remove trees within the lines of all streets, alleys, avenues, lanes, squares and public property in all commercial and industrial zones, along arterial streets, and in City parks as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public property. The City Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is infected with any injurious fungus, insect, or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location for said trees is in accordance with Section 7 of this ordinance and written approval is granted by the Tree Board. Trees planted by the owner that are not in compliance with Section 7 may be removed by the City at the owner's expense.

8.2 Pruning, Corner Clearance: Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not severely obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of twenty feet (20') above street surface or eight feet (8') above the sidewalk

surface. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a clear and present danger to the safety of the public. Tree limbs that grow near high voltage electrical conductors shall be maintained clear of such conductors by the electric utility company in compliance with any applicable franchise agreements.

#### SECTION 9. TREE TOPPING

Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. No person except City employees or persons with written City authorization may top any street tree or park tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section at the determination of the City Tree Board. Selected pruning not only preserves the health and beauty of the tree but increases the financial value of the urban forest.

#### SECTION 10. DEAD, DANGEROUS OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

- (1) The City may prune or cause to have pruned 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 at the cost of the owner.
- (2) The City may cause the removal of all, or part of a private 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.
- (3) Abatement Notice: Upon determination by the City Manager or the City Manager's designate that a hazardous condition exists as defined in this or any other Ordinance of the City, the City Manager or the City Manager's designate shall post a notice on the premises where the hazard exists, directing the owner or person in charge of the property to abate the hazard.

At the time of posting, the City Recorder shall send a copy of such notice by certified mail, postage pre-paid, to the owner or person in charge of the property at the last known address of the owner or person in charge of the property.

The notice shall contain:

- a. A description of the real property, by street address or otherwise, on which the hazard exists.
- b. A direction to abate the hazard within 10 days from the date of the notice.
- c. A description of the hazard.
- d. A statement that unless the hazard is removed, the City may abate the hazard; and the cost of abatement shall be a lien against the property.

#### SECTION 11. PUBLIC EDUCATION

The Board shall undertake an on-going program of public outreach and education in order to promote public understanding of the City's urban forest and public adherence to the standards and procedures established under this ordinance.

SECTION 12. INTERFERENCE WITH CITY TREE BOARD

It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized by this ordinance.

SECTION 13. REVIEW BY CITY COUNCIL

The City Council shall have the right to review the conduct, acts, and decisions of the City Tree Board. Any person may appeal any ruling or order of the City Tree Board to the City Council by filing a written notice with the City Manager within ten (10) days after such order or decision of the Tree Board is made. The City Council will then hear the matter at the next regular meeting and make a final decision.

SECTION 14. PENALTIES

14.1 General:

If the violation of any provision of this ordinance results in the injury, mutilation, or death of a street tree or park tree except for tree topping as outlined in Section 9, the cost of repair or replacement along with attorney fees and costs of action required to be filed in a court with competent jurisdiction shall be borne by the party in violation. The replacement value of the street trees or park trees shall be determined by the City. In the event of repeat violations of any provision of this ordinance, ORS 105.810 "Treble damages for injury to or removal of produce, trees, or shrubs" will be invoked.


14.2 Tree Topping:

In accord with the City Council's goal to educate the public on proper tree care, the penalty for the first offense of street tree topping will be a written warning sent to the offending party with educational materials about proper pruning methods. The penalty for a repeat offense could result in the publication of a picture of the topped tree in the local newspaper with an accompanied by article on proper tree pruning methods.


PASSED by the Common Council of the City of Reedsport this 1st day of November, 1993, by the following vote:

AYES 6                      NAYS 0

APPROVED by the Mayor this 1st day of November, 1993.

  
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Steven W. Wilson, Mayor

ATTEST:

  
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Sandra K. Hanson, City Recorder