

Codified  
RB

## ORDINANCE NO. 1776

(An ordinance amending Chapter 13.12 of the Hood River Municipal Code-  
Street Trees)

WHEREAS, the City has purchased new firefighting vehicles which require overhead clearance in excess of the present requirements for trimming of street trees;

WHEREAS, streets with insufficient overhead clearance for emergency vehicles are unsafe and detrimental to the health and safety of the public and the City;

WHEREAS, this Ordinance is necessary for the immediate preservation of the health, safety and welfare of the City;

WHEREAS, it is necessary for the Ordinance to become effective immediately so that street trees can be trimmed as soon as possible to accommodate the safe passage of emergency vehicles;

WHEREAS, provisions of this chapter require revision in order to be consistent with other provisions of the Hood River Municipal Code;

NOW, THEREFORE, THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

Chapter 13.12 of the Hood River Municipal Code is amended to read as follows:

### CHAPTER 13.12 - ~~STREET~~ TREES IN AND ADJACENT TO CITY RIGHTS OF WAY

Sections:

13.12.020 Trimming and maintenance requirements.

13.12.030 Maintenance neglect--Penalty.

13.12.031 Maintenance by City--Assessment of Costs--Appeal--Assessment as lien against property.

13.12.040 Protective fences--Approval required--Removal authority.

13.12.050 Damaging trees--Attaching signs--Penalty.

13.12.020 Trimming and maintenance requirements. All ~~shade and ornamental~~ trees which are now planted or growing in a natural state or which may be hereafter planted or set out in or

Page 1

adjacent to city rights of way streets or roads or alleys of the city, and those whose limbs reach over the streets, roads or alleys of the city, shall be trimmed each year and kept and maintained to a height of not less than nine feet above the sidewalk and to a height of not less than ~~twelve~~ fourteen feet above the street, curb and alley, or any one of them. The sidewalks, alleys and streets to the center line are to be kept clean at all times from leaves, limbs or debris falling from ~~such shade or ornamental~~ trees. (Ord. 1616 §2(part), 1989: Ord. 1205, 1966: Ord. 847 §2, 1939).

#### 13.12.030 Maintenance neglect--Penalty.

A. All property owners and occupants of property are required to keep the trees in front of their respective lots or overhanging the sidewalks, streets, curbs and alleys adjacent to ~~on~~ their respective lots trimmed in conformity with the provisions of Section 13.12.020.

B. All property owners and occupants of property are further required to keep their adjoining sidewalks, curbs, alleys and streets, to the centerline, clean of rubbish and leaves, limbs or debris falling from trees.

~~C. and property owners who neglect or refuse to trim the aforementioned trees or keep the streets clean of rubbish, as provided in this chapter, or occupants of premises adjoining such property who refuse to clear the sidewalk and the street, to the centerline, of leaves or other rubbish as provided in this chapter.~~ Property owners or occupants who continue to be in violation of the provisions of this section after ten days' notice to such property owners or occupants of adjoining premises from the city city engineer or his or her designee, shall, upon conviction thereof before the municipal court judge, be fined not less than fifty dollars nor more than two hundred dollars per day. (Ord. 1616 §2(part), 1989: Ord. 847 §3, 1939)

#### 13.12.031 Maintenance by City--Assessment of Costs--Appeal--Assessment as lien against property.

A. If an owner or occupant fails comply with the provisions of Section 13.12.020 or .030 within the ten days' notice set out in Section 13.12.030, the city may, in its sole discretion, cause the work to be performed by the city. An accurate record of the total cost of the work shall be kept, including total personnel services, costs, materials and an additional charge of twenty percent for administrative overhead, and the total costs shall be due an payable in full not later than thirty days from the date of notice of assessment of the costs.

B. If the owner or occupant objects to the total costs assessed, a notice of objection may be filed with the city recorder not more than ten days from the date of the notice of assessment of costs. The council shall, in the regular course of business, hear the objection and may amend the amount to be charged for good cause shown.

C. If the total costs of the work, as amended by the city council, are not paid within 30 days from the date of notice of assessment, the council shall assess the total amended costs against the real property by resolution, and shall enter the assessment resolution in the docket of city liens and record the same in the real property records of Hood River County. The assessment shall constitute a lien upon the real property from the date of recording the assessment resolution in the real property records of Hood River County. Interest shall accrue on the assessment at the highest legal rate from the date of recording. The lien shall be enforced in the same manner as assessments for public improvements.

D. Notice required under this chapter may be given to an owner by personal service or by any form of mail requiring a return receipt, addressed to the owner at the address of record with the county assessor. Notice may be given to an occupant in the same manner or, in the alternative, by posting the notice on the property and thereafter mailing the notice to the occupant at the occupant's last known address.

13.12.040 Protective fences—Approval required—Removal authority. ~~Shade or ornamental~~ Trees planted or growing within the ~~streets~~ city's rights of way, as permitted by this chapter, may be protected by such temporary fences or structures as the city engineer or his or her designee approves, such fences or structures to be removed under the direction of the city engineer or his or her designee when appropriate. (Ord. 1616 §2(part), 1989: Ord. 847 §4, 1939).

13.12.050 Damaging city's trees-Attaching signs--Penalty.

A. It is unlawful for any person or persons to hitch or fasten any animal to or otherwise destroy or injure any growing or living ~~shade or ornamental~~ tree on city property or in the city's rights of way, whether such tree is artificially planted and set out or growing naturally ~~in the streets or roads in the city~~, or to destroy or injure in the same manner any box or casing around such tree or to hang to or otherwise attach any sign or other thing thereto without first obtaining permission from the city ~~engineer or his or her designee~~; and such acts shall then be done only under the supervision of the city engineer or his or her designee.


B. Any person or persons who violate any of the provisions of this ~~chapter section~~ shall be guilty of a violation, and upon conviction thereof before the municipal court judge, shall be subject to a fine of not less than fifty dollars nor more than two hundred dollars, and shall, in addition, be required to reimburse the city for any costs incurred for treatment or removal and replacement of the tree or repair of the box or casing around the tree, including total personnel services, costs, materials and an additional charge of twenty percent for administrative overhead. (Ord. 1616 §2(part), 1989: Ord. 847 §5, 1939).

Read for the first time: June 28, 1999.

Read for the second time and passed: July 12, 1999, to become effective immediately.

  
Paul G. Cummings, Mayor

ATTEST:

  
Anita R. Smith, City Recorder