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BY gc CODIFIED  
Date 7/2/07

**ORDINANCE NO. 1923**

(An ordinance repealing and replacing Chapter 13.12—Vegetation in and Adjacent to City Rights of Way of the Hood River Municipal Code to allow the City to become a Tree City)

**WHEREAS**, the City Council has adopted a goal of improving the visual image of the City;

**WHEREAS**, trees and vegetation make a substantial positive contribution to the visual image and livability of the City;

**WHEREAS**, the City and the community have made a substantial investment in the planting and maintaining of trees and other vegetation throughout the community;

**WHEREAS**, trees and vegetation enhance property values, provide energy conservation, and are an important factor in enhancing the quality of life in the City;

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

Chapter 13.12 is amended as follows:

Sections:

- 13.12.010 Purpose
- 13.12.020 Definitions
- 13.12.030 Designation of Hood River Tree Committee
- 13.12.040 Street Tree Plan and List of Trees
- 13.12.050 Plantings in New Subdivisions and Developments
- 13.12.060 Modified and New Streets
- 13.12.070 Street Tree Trimming Permit Requirements and Conditions
- 13.12.080 Registration of Arborists
- 13.12.090 Maintenance
- 13.12.100 Diseased Tree Removal
- 13.12.110 Protection of Trees
- 13.12.120 Permit to Remove Trees
- 13.12.130 Pruning For or By Utility
- 13.12.140 Stumps
- 13.12.150 Outstanding Trees Registry
- 13.12.160 Enforcement

13.12.010 Purpose. The purpose of this chapter is to maintain and protect the aesthetic quality of the City's residential and business environment and to establish a process and standards that will minimize uncontrolled cutting or destruction of trees and vegetation within Hood River. It is the intent of this chapter to protect the scenic beauty and livability of the City by promoting a process for preserving and/or renewing its tree canopy and by implementing standards for the planting, maintenance and survival of

desirable trees and vegetation. This chapter also recognizes the value of the urban forest for its effect on air quality and wildlife habitat, and as a noise barrier and visual contrast to the developed urban environment.

13.12.020 Definitions. As used in this chapter, the following terms have the meanings set forth in this section:

Park Trees. Trees, shrubs, bushes, and all other woody vegetation in public parks and all areas owned by the City or to which the public has free access to use as a public park.

Planting Strip. That part of a public right of way not covered by sidewalk or other paving being generally between the sidewalk and the curb.

Public Trees. Park trees, street trees or other trees on publicly owned or controlled property.

Street. The entire width of every public way or right-of-way when any part thereof is open to the use of the public for purposes of vehicular or pedestrian traffic.

Street Trees. Trees on land lying within the right-of-way of any dedicated street.

Tree. A woody perennial, usually with one main trunk, attaining a height of at least six feet at maturity, or a trunk diameter of at least two inches.

13.12.030 Designation of Hood River Tree Committee. The City's Tree Committee is hereby designated as an advisory body to the City with respect to this chapter and urban forestry matters generally.

13.12.040 Street Tree Plan and List of Trees.

A. It is in the best interest of the City that a Street Tree Plan be developed and established for the planting, maintenance and replacement of trees in and along its streets. This section is adopted for the purpose of providing for such a plan.

B. The City Manager, with advice from the Tree Committee, shall prepare or cause to be prepared a Street Tree Plan for the planting and maintenance of trees in the streets of the City. The plan shall be consistent with the landscaping provisions of Title 17.

C. The City Manager, with advice from the Tree Committee, shall maintain a list of approved varieties of trees that may be planted on any street within the City in accordance with the Street Tree Plan. In preparing the list, the City Manager shall consider maturity, height, susceptibility to disease or pests, drought resistant reasonable expected freedom from nuisance characteristics and general suitability for any particular locations.

D. The City may plant, or require to be planted, street trees along the streets of the City in the public right-of-way and in accordance with the Street Tree Plan.

13.12.050 Plantings in New Subdivisions and Developments.

A. Street trees shall be planted within the planting strips or sidewalks of any new subdivision or other development in conformity with the Street Tree Plan. All such planting shall be done in accordance with the planting specifications governing the placement of street trees as provided by the Plan. All trees shall be planted prior to initial occupancy.

B. The cost of street trees shall be paid by the developer.

13.12.060 Modified and New Streets. All proposed changes in width in a street, or any proposed street improvement shall, where feasible, include allowances for planting strips. Plans and specifications for planting such areas shall be integrated into the general plan of street improvements. Any multi-family, commercial, industrial or public facility which causes change in street improvements shall comply with the Plan.

13.12.070 Street Tree Trimming Permit Requirements and Conditions. A written permit is required to cut, prune, or treat any street tree for any purpose. A permit may be obtained from the Public Works Department by submitting an application. The City Council, by resolution, establishes any permit fee. The application must state the number and kind of trees to be pruned or treated, the name of permittee and/or contractor, and the time by which the proposed work is to be done and such other information as may be required by the City. Any work done under the permit must be performed in strict accordance with the terms and provisions of this chapter. In issuing or denying a permit, the Public Works Department shall apply the standards and objectives of this chapter and the Street Tree Plan.

13.12.080 Registration of Arborists.

A. Any person who is employed or engaged by the City to remove, plant, or maintain any public or privately owned tree must be a registered arborist, or employ a registered arborist, and must comply with the arboricultural specifications and standards adopted by the City.

B. All utility companies shall notify the Public Works Department of the identity of their staff arborists or consulting arborist. Notification constitutes "registration" of the arborist.

C. All arborists are required to present proof of all required insurances and credentials at the time of registration with the Public Works Department.

D. There is no fee to register as an arborist with the City.

13.12.090 Maintenance.

A. All street trees must be pruned to National Arborist Association (NAA) Pruning Standards for Shade Trees. The Public Works Department shall maintain a current copy of the NAA Standards for review.

B. All vegetation which is now planted or growing in a natural state or that may be hereafter planted or set out in or adjacent to city rights-of-way, and the limbs of which reach over the city rights-of-way, 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 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 falling vegetative debris. Leaves alone are not considered falling debris.

C. Minor tree work of street trees is the continuing duty and routine obligation of the abutting property owners(s) or occupant. Minor tree work means clipping, trimming, fertilizing, watering, spraying, or treating for disease or injury, and similar acts to promote health growth and beauty of trees.

D. If an owner or occupant fails to comply with the provisions of this section within the ten days' notice, 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 ten percent for administrative overhead, and the total costs shall be due and payable in full not later than thirty days from the date of notice of assessment of the costs.

1. 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.

2. If the total costs of the work 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 may accrue on the assessment at the highest legal rate from the date of recording if provided by Council resolution. The lien shall be enforced in the same manner as assessments for public improvements.

3. Notice 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.

13.12.100      Diseased Tree Removal.

A.      The City has the right to cause the removal of any dead, dying, or diseased tree on private property within the City of Hood River, when the tree constitutes a hazard to life or property, creates a deadly infestation of or spreads a deadly disease to other trees in the area.

B.      Prior to removal, the City Manager, or designated representative, shall notify the property owner in writing, by certified mail, that removal of a tree or trees is required within thirty (30) days after receipt of notice and that if the owner fails to comply with the notice, the City has the authority to remove the tree(s) and charge the cost of the removal to the owner in accordance with Section 13.12.090(D).

13.12.110      Protection of Trees.

A.      It is unlawful for any person to "top" any public tree. Topping is the cutting of the branches and/or trunk of a tree in a manner that will substantially reduce the overall size of the tree's crown (more than 20% in a calendar year) so as to destroy the existing symmetrical appearance or natural shape of the tree and disfigure the 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 in writing by the City Engineer.

B.      It is unlawful for any person to:

1.      Fasten a carriage, animal, bike, motor vehicle of any kind to any shade tree, shrub, tree guard or tree support.
2.      Authorize or procure any gas, hot water, brine, oil, herbicide, pesticide, chemicals, dye, or other substance detrimental to tree life to lay, pour, flow, leak, or drip into the soil about the base of a tree in any public highway, street, avenue, or public place.
3.      Allow a tree on public right-of-way to be injured or removed during the erection, repair, removal or alteration of any building or structure.
4.      Build or kindle a fire near any tree or any public right-of-way, as to endanger the trunk, limb, or foliage of such shade tree.
5.      Attach any advertisements to any tree or shrub in any street, highway, avenue or public right-of-way.
6.      Lay any pavement within three (3) feet of the base of the trunk of any tree on public right-of-way or deposit any stone, gravel, cement, lumber, or other material in such a way as to obstruct the free access of air and water to the roots of any tree in such right of way.
7.      Attach or keep attached to any public tree any ropes, wires, chains, or other device whatsoever, except that the same may be attached to any tree as support or protection thereof. This prohibition shall not apply to the seasonal attachment of holiday lights.

8. During the erection, repair, alteration or removal of any building, sidewalk, or structure, it is unlawful for the person in charge of such erection, repair, alteration or removal to leave any public tree in the vicinity of such building or structure without a good and sufficient guard or protector as to prevent injury to such tree or its roots arising out of, or by reason of such erection, repair, alteration or removal.

9. It is unlawful for any person to abuse, destroy or mutilate any public tree.

#### 13.12.120 Permit to Remove Trees.

A. A permit is required to remove a public tree. Permits to remove public tree(s) may be obtained from the Public Works Department and will be granted only if Department staff determine that at least one of the following conditions exists:

1. The tree is dangerous and may be made safe only by its removal.
2. The tree is dead or dying, and its condition cannot be reversed.
3. The tree is diseased and presents a potential threat to other trees within the City, unless it is removed.
4. The tree is causing damage which cannot be corrected through normal tree maintenance, to nearby public or private facilities.
5. Removal of the tree is required to make room for trees growing on either side, in accordance with the Street Tree Plan.
6. The tree is located under an electrical power line and would have to be severely disfigured by pruning, in order to meet power line clearances.
7. The tree is one of the following species: Willow, Siberian (Chinese) Elm, Black Locust, fruit or nut bearing, Box Elder.

B. The City may condition approval of the permit with a requirement to replace the tree(s) removed with a tree recommended in the Tree Selection Guide. No additional permits are required for those replacement trees.

C. If a tree is removed from the subject area without a permit, the City may cause the tree to be replaced by a suitable tree with a minimum of a 3" caliper and assess the person responsible for the cost of replacement, including the cost of the tree and labor.

#### 13.12.130 Pruning For or By Utility.

A. Upon obtaining a written permit from the City Public Works Department, a City franchised utility maintaining its utility system in the street may prune or cause to be pruned, in accordance with this chapter and using proper arboricultural practices in accordance with the permit, any tree located in or overhanging the street which interferes with any light, pole, wire, cable, appliance or apparatus used in connection with or as part of a utility system.

1. The Public Works Department may issue a City-wide permit valid for one year if the utility adequately demonstrates the ability to meet the performance requirements of this chapter and to consistently apply proper arboricultural practices to the pruning of trees.

B. The utility shall give no less than two weeks prior written notice to the abutting owner of the utility's plan to prune a tree. The notice must be given to the owner or occupant of the premises. The notice shall provide the owner or occupant two weeks to have said trees pruned by a qualified line clearance contractor, in accordance with utility company or applicable industry requirements, at the owner's or occupant's expense and in accordance with the terms of this chapter. If the owner or occupant fails, neglects or refuses to have the tree pruned as required by the notice, the utility may prune or cause to be pruned, the tree at its expense in accordance with the conditions of the permit and this chapter.

C. The utility shall provide the Public Works Department written notice of any pruning work at least three (3) working days prior to the start of the work.

D. In those cases where a tree cannot be pruned in such a manner as to preserve the physical or aesthetic integrity of the tree, the tree may be removed and replaced by the utility at its own expense and in compliance with the replacement provisions of this chapter.

13.12.140 Stumps. In addition to the standards of the National Arborist Association, when a tree is cut down, the stump shall be removed to a depth of 6 inches below the surface of the ground.

13.12.150 Outstanding Trees Registry.

A. Outstanding trees are those trees designated by the City Council following review and recommendation from the Tree Committee. Nominations may be submitted to the Tree Committee by any citizen with the consent of the property owner. Outstanding trees are those trees which, because of their age, type, notability or historical association, are of special importance to the community.

B. When a tree is designated as an outstanding tree, an outstanding tree plaque may be placed upon or near the tree. An outstanding tree may not be removed without a public hearing by the City Council at least 30 days prior to the proposed date of removal.

13.12.160 Enforcement.

A. Any person or persons who violate any of the provisions of this chapter are guilty of a violation, and upon conviction thereof before the municipal court judge, are 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 ten percent for administrative overhead.

B. In addition to the procedures for enforcement set forth in this chapter, the nuisance abatement procedures, including the imposition of enforcement fees above, are also applicable to the enforcement of provisions of this chapter. Failure to maintain a tree or vegetation in accordance with the provisions of this chapter constitutes a nuisance.

C. Each day during which any violation of the provisions of this chapter occurs or continues is deemed a separate offense.

D. If, as the result of the violation of this chapter, the injury, mutilation, or death of a public tree or vegetation located in a right-of-way is caused, the cost of care, repair or replacement of a similar size tree or vegetation shall be borne by the party in violation. Replacement cost includes the cost of tree or vegetation and stump removal. The replacement value of trees and other vegetation is determined in accordance with the latest revision of *Valuation of Landscape Trees, Shrubs and Other Plants*, as published by the International Society of Arboriculture.

Read for the first time: December 28, 2006.

Read for the second time and passed: January 8, 2007, to become effective thirty (30) days hence.

Signed January 12, 2007.   
Linda Streich, Mayor

ATTEST:  
  
Jill Rommel, City Recorder