

ORDINANCE NO. 1993

(An Ordinance amending Chapter 13.12.090, 13.12.100 and 13.12.120 – The City recognizes the American National Standards Institute A-300 Standards for Tree Care)

WHEREAS, the National Arborist Association standards have been replaced by America National Standards Institute standards;

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;

WHEREAS, the City recognizes the American National Standards Institute A-300 Standards for Tree Care Operations, most recent version, as the appropriate standard for tree care;

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

Section 13.12.090 of the Hood River Municipal Code is amended to read as follows:

CHAPTER 13.12 – VEGETATION IN AND ADJACENT TO CITY RIGHTS OF WAY

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 Work on or Remove Trees
- 13.12.130 Pruning For or By Utility
- 13.12.140 Stumps
- 13.12.150 Outstanding Trees Registry
- 13.12.160 Enforcement

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BY *gjh* CODIFIED
Date 4/2011

13.12.090 Maintenance.

A. The City recognizes the American National Standards Institute A-300 Standards for Tree Care Operations, most recent version, as the appropriate standard for tree care. ANSI A300 Standards shall apply to any person or entity repairing, maintaining, or preserving trees on city property or on public rights-of-way. The City shall incorporate by reference the most recent version of the ANSI A300 within the Urban Forestry Standards and Specifications and maintain the most recent version of the ANSI A300 for public review.

Deleted: 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.

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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.

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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.

13.12.110 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.
10. It is unlawful for any person to perform any minor tree work on any public tree without a permit

13.12.120 Permit to Work on or Remove Trees.

- A. A permit is required to perform any work on, or remove, a public tree.
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.

Deleted: 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:

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.

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Read for the first time: March 14, 2011.


Read for the second time and passed: March 28, 2011, to become effective thirty (30) days hence.

Signed March 28, 2011.



Arthur Babitz, Mayor

ATTEST:



Jennifer Gray, City Recorder