

ORDINANCE NO. 1327

AN ORDINANCE AMENDING THE CODE OF THE CITY OF TILLAMOOK (CCT) TITLE IX: GENERAL REGULATIONS, AMENDING ORDINANCE 1303

WHEREAS, the City of Tillamook had all City Ordinances codified in 2013 for easier reference; and

WHEREAS, the Beautification Committee discussed the need to revise Chapter 93: Trees, editing the definitions to include parameters for easier enforcement; and

WHEREAS, the Committee recommended the attached revisions as outlined in Exhibit A to the City Council for consideration; and

WHEREAS, the Tillamook City Council has reviewed the proposed changes.

NOW THEREFORE, the City of Tillamook ordains as follows:

Section 1: Amendment of the Code of the City of Tillamook (CCT).

The CCT, as codified, is hereby amended to reflect the changes outlined below. A detailed account of changes is shown in the attached Exhibit A.

Ord. #	Description	Reason for Amendment	Amended Section of CCT
1303	Tree Ordinance	Add Definitions	93.03

Section 2. Codification.

Provisions of these Ordinances shall amend the Code of the City of Tillamook, and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word and the sections of the Ordinance may be renumbered, or re-lettered, the City Recorder is authorized to correct any cross-references and any typographical errors.

Section 3. Effective Date.

This Ordinance shall be in effect 30 days from the date of passage.

Passed 1st reading by the Tillamook City Council on this _____ day of April, 2017.

Passed 2nd reading by the Tillamook City Council on this _____ day of April, 2017.

Adopted by the Common Council this _____ day of April, 2017.

Approved by the Mayor this _____ day of April, 2017.

ATTEST:

Suzanne Weber, Mayor

Abigail Donowho, City Recorder

CHAPTER 93: TREES

Section

- 93.01 Title
- 93.02 Purpose and intent
- 93.03 Definitions
- 93.04 Delegation of City Tree Committee functions
- 93.05 Permit procedures, tree planting and types of trees to be planted, by abutting property owners
- 93.06 Special tree districts within the city
- 93.07 Tree maintenance, care, pruning, corner clearance and removal of dangerous or nuisance trees
- 93.08 Abuse, mutilation or indiscriminate topping of trees
- 93.09 Interference with the city
- 93.10 Administration of this chapter
- 93.99 Penalty
- Appendix A: Planting Instructions
- Appendix B: Locating Trees on Property

§ 93.01 TITLE.

This chapter shall be known and cited as the Tree Ordinance of the city.
(Ord. 1303, passed 9-8-2015)

§ 93.02 PURPOSE AND INTENT.

(A) *Purpose.* The city, recognizing the value of trees in preserving the aesthetic and environmental qualities of the community, wishes to maintain the Tree City USA Program. This chapter shall constitute the official Comprehensive City Tree Program of the city. It is the purpose of this chapter to promote and protect the public health, safety and general welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs and other plants within the city public parks, public right-of-way and other public places where the public has free access.

(B) *Intent.* It is the intent of the city that the terms of this chapter shall be construed as to promote:

(1) The recognition of the special significance of heritage and distinctive trees, and value the contribution which these trees make to the beauty and quality of life in the city;

(2) The recognition that because of the known benefits of trees, trees on development properties should be preserved so that they may be considered for incorporation into development plans; and

(3) The intent is not to prohibit the removal of trees but to stop the thoughtless destruction of that vegetation, which has a beneficial effect on the value of property and on the city in general.

(Ord. 1303, passed 9-8-2015)

§ 93.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSH/SHRUB. All other woody vegetation not considered trees.

CITY. The City of Tillamook.

DBH. Diameter of a tree at breast height.

FELL. To remove or sever a tree or to use any procedure which is to cause the death or other substantial destruction of the tree. **FELL** does not in any context include normal trimming or pruning.

ILLEGALLY REMOVED TREE. A tree removed without first obtaining City Street Tree Committee approval and a city permit.

IMMEDIATE DANGER OF COLLAPSE OF A TREE. A tree may already be leaning with the surrounding soil heaving, and/or there is a significant likelihood that the tree will topple or otherwise fail and cause damage to the surroundings. **IMMEDIATE DANGER OF COLLAPSE** does not include hazardous conditions that can be alleviated by pruning or treatment.

PARKING STRIP, PLANTER STRIP or TREE LAWN. The area between the street curb and sidewalk in the public right-of-way, utilized for landscaping and street tree planting.

PEDESTRIAN TRAVEL PATH. Generally concrete, but can also be gravel, asphalt, and in some cases, dirt or vegetation in non-improved areas.

POLLARD. A tree cut back to the trunk to promote the growth of a dense head of foliage.

SAFE PEDESTRIAN WAY. A travel path five feet wide, where possible, but not less than four feet wide when affected by other obstacles in addition to a tree; an eight-foot overhead clearance from the sidewalk to the lowest tree branches hanging over the travel path (seven foot overhead clearance may be allowed when requiring an eight foot clearance would require removing a substantial portion of the tree).

STREET. Includes land within the dedicated public right-of-way, including easements, sidewalks, tree lawn or tree well, and roadway.

TREE. Any woody plant having a trunk six caliper inches or larger in diameter at breast height (DBH). If a tree splits into multiple trunks above ground, but below four and one-half feet, the trunk is measured at its most narrow point beneath the split, and is considered one tree if greater than six inches DBH. Trees specifically planted and maintained as a hedge shall not be considered a **TREE**. Different classifications of **TREES** include the following:

(1) **DEAD TREE.** A tree is lifeless. Evidence of lifelessness may include unseasonable lack of foliage, brittle dry branches or lack of any growth during the growing season.

(2) **HERITAGE TREE.** A tree listed on the Official City Heritage Tree List adopted by the City Planning Commission.

(3) **PARK OR MONUMENT TREE.** A tree 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.

(4) **PRIVATE TREE.** A tree located on private property other than a dedicated right-of-way or city utility easement or public parks and grounds.

(5) **SIGNIFICANT TREE.** A tree having a trunk 18 caliper inches DBH or larger in diameter.

(6) **STREET TREE.** A tree 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.

(7) **TREE CUTOUT or TREE WELL.** The area between the street and a sidewalk in the public right-of-way, for street tree planting.

TREE SIZE. Notwithstanding the above tree classifications, the size of a tree, though not specific, will be described as either:

- (1) SMALL. Being less than 15 feet high, usually with small main branches that are one to three inches in diameter.**
- (2) LARGE. Being over 15 feet high, usually with main branches or limbs over three inches in diameter.**

TREE REMOVAL. To cut down a tree, or remove 50% or more of the crown, trunk or root system of a tree; or to damage a tree so as to cause the tree to decline and/or die. **REMOVAL** includes topping. **REMOVAL** includes but is not limited to damage inflicted upon a root system by application of toxic substances, operation of equipment and vehicles, storage of materials, change of natural grade due to unapproved excavation or filling, or unapproved alteration of natural physical conditions. **REMOVAL** does not include normal trimming or pruning of trees.

TREE TOPPING. The severe cutting back of a tree's limbs to stubs three inches or larger in diameter within the tree's crown to such a degree so as to remove the natural canopy and disfigure the tree. **TOPPING** does not include the practice of pollarding when conducted in accordance with the standards established by the International Society of Arboriculture.
(Ord. 1303, passed 9-8-2015)

§ 93.04 DELEGATION OF CITY TREE COMMITTEE FUNCTIONS.

(A) *Designation.* The authority of the Tree Committee is hereby delegated to the standing Beautification Committee for the city.

(B) *Duties and responsibilities of the City Tree Committee.*

(1) The City Tree Committee shall study, investigate and develop, and/or update annually, and administer the ordinance for the care, preservation, pruning, replanting, removal or disposition of street trees and park trees. This chapter shall be presented when required to the City Council and upon their acceptance and approval, shall constitute the official comprehensive city tree program of the city.

(2) The City Tree Committee, when requested by the City Planning Commission or City Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work. Such report, with or without recommendations, shall be presented first to the City Planning Commission and then to the City Council for their review and final consideration and action if needed.

(3) This chapter provides full power and authority to the City Tree Committee to make recommendations to the City Council which has final authority over all trees, plants and shrubs located within street rights-of-ways, parks and public places of the city, and to trees, plants and shrubs located on private property that constitute a hazard or threat as described herein.
(Ord. 1303, passed 9-8-2015)

§ 93.05 PERMIT PROCEDURES, TREE PLANTING AND TYPES OF TREES TO BE PLANTED, BY ABUTTING PROPERTY OWNERS.

(A) *Permit procedures.* Property owners abutting the public right-of-way may be granted permission to plant street trees administratively upon review by the assigned City Planner or designee if street tree(s) are proposed on an existing tree lawn and an established road right-of-way with curb. The following information must be provided to the city: