

ORDINANCE NO. 1332

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, to include a process and parameters for easier enforcement; and

WHEREAS, revisions have been submitted 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 Exhibits A and B.

Ord. #	Description	Reason for Amendment	Amended Section of CCT
1303	Tree Ordinance	Tree maintenance and care considerations	93.07
1303	Tree Ordinance	Add process for administration	93.10

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 December, 2017.

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

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

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

ATTEST:

Suzanne Weber, Mayor

Abigail Donowho, City Recorder

§ 93.07 TREE MAINTENANCE, CARE, PRUNING, CORNER CLEARANCE AND REMOVAL OF DANGEROUS OR NUISANCE TREES.

(A) Tree maintenance, care, pruning and corner clearance.

(1) Standards. All public trees must be pruned to National Arborist Association Pruning Standards for Shade Trees. These standards shall be adopted as part of the City Tree Program.

(2) Adjacent property owners to maintain private and street trees. Unless identified in a written agreement or Memorandum of Understanding, every adjacent property owner of any tree overhanging any right of way within the city shall prune the branches so that the branches shall not obstruct the light from a street lamp, or obstruct the view of any street intersection. **The owner of a tree at or within 20 feet of a street intersection shall follow the criteria for the vision clearance areas as described in §§ 153.021.** The owner of a tree which is encroaching on or adjacent to electric wires is required to notify the city People's Utility District (PUD) prior to removal of hazardous limbs or branches. It is PUD's responsibility to remove, prune or trim tree from electric wires. The owner shall maintain a clear space of 14 feet over the street, and ~~eight feet above the sidewalk~~ **a safe pedestrian way. Owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to public safety.**

(a) In reviewing trees, tree size will be factored in where possible so as to be realistic in clearance concerns.

(b) With small trees, there will be small limbs that will be less than the 7 foot height requirement, over a walkway. As long as there is still a wide enough safe pedestrian way, esthetics and viability will be used to determine if further pruning or cutting would not be required at present and in fact could damage the tree or effect viability in certain conditions such as wind, criminal mischief etc.

(c) With larger trees, aesthetics and viability will also be taken in account. If cutting off a major limb would affect tree viability, as long as there is a safe pedestrian way, that limb would be allowed to exist but would be reviewed on a regular basis.

~~The owner of a tree at or within 20 feet of a street intersection shall follow the criteria for the vision clearance areas as described in §§ 153.021. The owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to public safety.~~

(3) Adjacent property owners liable. Unless identified in a written agreement or Memorandum of Understanding, the owner of property abutting trees on a right of way shall be liable for injury, damage or loss to persons or property caused by the property owner's negligent failure to comply with division (A)(2) of this section.

§ 93.10 ADMINISTRATION OF THIS CHAPTER.

(1) The interpretation and administration of this chapter is the responsibility of the City Manager or persons designated by the City Manager.
(Ord. 1303, passed 9-8-2015)

(2) City staff shall review trees in the city right of ways and city property and, once a tree is identified as being a concern, the person, business, entity responsible for the tree will be notified, either in person or by letter, with letter being the best practice for documentation. The letter shall identify the issue and the code(s) involved.

a) The notification process shall be performed by the Police Department, for documentation and follow up.

b) Extension of time for mitigating the concern may be allowed if requested but shall be timely to the concern.

c) If there is no response to the notification, then further action shall occur up to and including citation into Municipal Court, following City Codes.

(3) If the person, business or entity requests to contest the concern or remedy, prior to the issuance of a citation, then the issue may be brought up before the Beautification Committee with the person, business or entity being notified of date, time and location to appear and present their response or other suggested remedy. The Police Department will also present all information to date available to the Beautification Committee to assist in any further recommendation to the Council.

The Beautification Committee will then make a recommendation for the next Council Meeting, to either move forward allowing the person, business or entity to complete a specific remedy or recommend that there is no agreed upon resolution. The Council, after review, may revoke the charges, accept other mitigation, or direct the Police Department to move forward with other enforcement options to include citation into Municipal Court.