

## ORDINANCE NO. 660

**AN ORDINANCE ADOPTING A TREE CITY TREE CARE PROGRAM FOR THE CITY OF AUMSVILLE, OREGON; TO PROMOTE AND PROTECT 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 TOWN OF AUMSVILLE.**

**The city of Aumsville wishing to establish a Tree Care Ordinance ordains as follows:**

### **Section 1. Purpose.**

- A. To guide the planting and maintenance of landscaping materials.
- B. To enhance the appearance of the city, provide areas for outdoor recreation and to:
  - 1. Provide shade and windbreaks where appropriate to conserve energy in building and site development;
  - 2. Buffer and screen conflicting land uses;
  - 3. Provide for vegetation of streetscapes within the commercial, industrial and interchange development zones;
  - 4. Provide for the landscaping of parking areas to facilitate vehicular movement and break up large areas of impervious surface;
  - 5. Promote public safety through appropriate design principles.
- C. To prevent or reduce erosion potential on steep terrain by providing appropriate landscape materials.

### **Section 2. Definitions.**

*"Brushing"* means an allowed practice of removing ground cover, shrubs and vegetation not defined as a tree to create better visibility on a site for purposes of public safety, surveying or marketing.

*"Caliper"* means the diameter of a tree trunk, applied only to new or replacement nursery-grown trees, measured six inches above the ground for up to and including four-inch caliper size trees and 12 inches above the ground for larger sizes.

*"Clearing"* means the direct and indirect removal of trees, including topping and limbing, from any public or private undeveloped, partially developed, or developed lot, public lands, public right-of-way, or utility easement. This shall also include any destructive or inappropriate activity applied to a tree that will result in its death or effectively destroy the functionality.

*"Critical Root Zone"* is the area where the tree's roots are located and is the area surrounding a tree measured at a radial distance from the trunk equal to one foot for every one-inch diameter of tree.

*"DBH"* means diameter at breast height.

*"Ground Cover"* means any living plant material normally terrestrial, growing low to the ground, or other small trees less than four inches in DBH and not defined as a tree, all of which are intended to stabilize soils and protect erosion.

*"Hazard Tree"* means any tree determine by an arborist to have a structural defect, combination of defects, or disease, resulting in the loss of a major structural component of that tree in a manner that will cause damage or prevent emergency access.

*"Pruning"* means cutting back of limbs larger than one and one-half inches in diameter.

*“Tree”* means any woody plant characterized by one main stem or trunk and many branches, or multi-stemmed trunks which have a diameter individually or cumulatively of four inches DBH or larger.

*“Tree topping”* is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree’s crown to such a degree so as to remove the normal canopy and disfigure the tree.

*“Vegetation”* means any and all organic plant life growing at, below or above the soil surface.

### **Section 3. General Provisions.**

Landscaping shall be designed, developed and maintained to satisfy the specific functional and aesthetic objectives appropriate to the development, considering the following:

1. Type, variety, scale and number of plants used;
2. Placement and spacing of plants;
3. Size and location of landscaped areas;
4. Contouring, shaping and preparation of landscaped areas;
5. Use and placement of non-plant elements within the landscaping;
6. Use of root barrier planting techniques to prevent root infiltration of utility lines and limit possible surface cover damage.

The landscape design shall incorporate existing significant trees and vegetation preserved on the site. The placement of trees is subject to the site development review process. Tree placement shall not interfere with utility poles, light standards, power lines, utility services, visual clearance areas, or sidewalk access.

### **Section 4. Duties and Responsibilities**

It shall be the responsibility of the Board to study, investigate, council, and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Commission and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the city of Aumsville. The Board, when requested by the City Commission shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

### **Section 5. Screening and Buffering.**

- A. Screening shall be used to eliminate or reduce the visual impacts of the following uses:
  1. Commercial and Industrial uses when abutting residential uses.
  2. Industrial uses when abutting commercial uses.
  3. Service areas and facilities, including garbage and waste disposal containers, recycling bins, and loading areas.
  4. Outdoor storage areas.
  5. At and above-grade electrical and mechanical equipment, such as transformers, hear pumps, and air conditioners.
  6. Any other are or use as required by this ordinance.
- B. Screening may be accomplished by the use of sight-obscuring plant materials (generally evergreens), earth berms, walls, fences, building parapets, building placement or other design techniques.
- C. Buffering shall be used to mitigate adverse visual impacts, dust, noise or pollution, and to provide for compatibility between dissimilar adjoining uses. Where buffering is determined to be necessary, one of the following buffering alternatives shall be employed:
  1. Planting area: Width not less than 15 feet, planted with the following materials:

- a) At least 1 row of deciduous or evergreen trees staggered and spaced not more than 15 feet apart.
  - b) At least 1 row of evergreen shrubs which will grow to form a continuous hedge at least 5 feet in height within 1 year of planting.
  - c) Lawn, low-growing evergreen shrubs or evergreen ground cover covering the balance of the area.
2. Berm Plus Planting Area: Width not less than 10 feet, developed in accordance with the following standards:
- a) Berm form should not slope more than 40 percent (1:2.5) on the side away from the area screened from view. The slope for the other side (screened area) may vary.
  - b) A dense evergreen hedge shall be located so as to most effectively buffer the proposed use.
3. Wall Plus Planting Area: Width must not be less than 5 feet developed in accordance with the following standards:
- a) A masonry wall or fence not less than 5 feet in height.
  - b) Lawn, low-growing evergreen shrubs, and evergreen ground cover covering the balance of the area.
4. Other methods which produce an adequate buffer considering the nature of the impacts to be mitigated as approved by the planning commission. {Section 23.05 of Ord. No. 323}

## **Section 6. Street Tree Species to be Planted**

A list of approved Street Trees will be available at city hall or from Aumsville Public Works.

## **Section 7. Spacing, and Minimum Installation Size**

The spacing of street trees by mature tree size shall be no greater than 20 feet apart unless otherwise authorized. Street trees shall be a minimum caliper of 2 inches when measured at 4 feet in height at the time of installation.

## **Section 8. Public Tree Care**

The city shall have the right to plant, prune, maintain, and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The City Tree Board may remove, or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and location of said trees is in accordance with this ordinance.

## **Section 9. Tree Topping**

It shall be unlawful as a normal practice for any person, firm, or city department to top any Street Tree, Park Tree, or other tree on public property. 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 from this ordinance at the determination of the City Tree Board.

## **Section 10. Pruning, Corner Clearance**

Trees can be planted in a clear vision area, so long as branches are trimmed at least 8 feet from

the ground. No sight-obscuring plantings exceeding 48 inches in height shall be located within any required clear-vision area as defined in Section 22.00 of Ordinance 323.

#### **Section 11. Dead or Disease Tree Removal on Private Property**

The City shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees are a potential threat (such as blight or disease) to street trees within the city. Removal shall be done by owners, at their own expense, within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal to the owner, including a lien against the owner's property.

#### **Section 12. Removal of Stumps**

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

#### **Section 13. Interference with City Tree Board**

It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street or park trees, as authorized in this ordinance.

#### **Section 14. Authorization to Prune Trees**

It shall be unlawful for any person or firm to engage in the pruning, treating, or removing of street and park trees within the city other than by the City or their assigned agent or written authorization from city administrator or designee. In the event of failure to comply with such provisions, the City shall impose a fine up to \$500 for each tree impacted or affected.

#### **Section 15. Appeals**

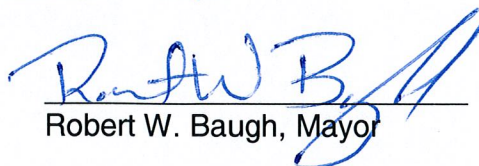
Review by the City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Council who may hear the matter and make final decision.

#### **Section 16. Penalty**

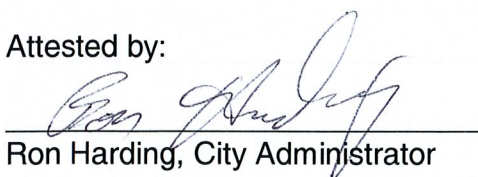
Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, may be subject to a fine.

PRESENTED AND PASSED the first reading on the 13<sup>th</sup> day of November, 2017. PASSED its second reading on the 13<sup>th</sup> day of November, 2017. ADOPTED by the Aumsville City Council on the 13<sup>th</sup> day of November, 2017.

SIGNED by the mayor this 13<sup>th</sup> day of November, 2017.

  
Robert W. Baugh, Mayor

Attested by:

  
Ron Harding, City Administrator