The City of Mt. Angel

P.O BOX 960
MT. ANGEL, OR 97362

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TREE REMOVAL/TREATMENT/TRIMMING APPLICATION

NAME: _____

STREET ADDRESS: _____

PHONE: (Home) _____ (Work) _____

CONTRACTOR'S NAME: _____

CONTRACTOR'S PHONE: _____

NUMBER OF TREES REMOVED/TREATED/TRIMMED:_____

REASON FOR REMOVING/TREATING/TRIMMING: _____

_____

_____

I have received and read a copy of Ordinance #723 pertaining to the removal and care of street trees. I agree to plant or pay for the planting of replacement trees if required.

_____ _____
Signature Date

_____ _____
Permit # Issued By

Replacement Tree(s)

Species to be planted:_____
(Caliper of tree must be 1.5 inches or greater.)

Number of trees to be planted: _____

Approximate planting date: _____

OFFICE USE ONLY:

INSPECTION: By: _____ Date: _____

THE CITY OF MT. ANGEL IS AN EQUAL OPPORTUNITY EMPLOYER AND PROVIDER

ORDINANCE NO. 723

AN ORDINANCE OF THE CITY OF MT. ANGEL REPEALING AND REPLACING ORDINANCE NO. 706, AMENDING THE MT. ANGEL CODE OF ORDINANCES, CHAPTER 94, PROVIDING FOR THE CARE OF CITY TREES.

WHEREAS, the City Council and Citizens in the 2006 Goal Setting session identified that they would like to see more trees planted in City Parks, and in the downtown area; and

WHEREAS, the City Council concluded that a combined Park and Tree Board would better serve the needs of the City, thereby necessitating a change to the existing Ordinance No. 706 and causing the new Park and Tree Board to be formed under an independent resolution of the City Council; and

WHEREAS, the City Council wishes to continue to provide for the care of City trees;

NOW THEREFORE, THE CITY OF MT. ANGEL ORDAINS AS FOLLOWS:

Section 1. Purpose and Definitions

It is the purpose of this ordinance 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 woody plants in the City of Mt. Angel

Street Trees: Street trees are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the City.

Park Trees: Park trees are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

Section 2. Tree Planting

2.1 Tree Species to be Planted: The City Council's Advisory board on trees will develop and maintain a list of desirable trees for planting along streets in three size classes based on mature height: small (under 30 feet), medium (30 to 50 feet) and large (over 50 feet). Lists of trees not suitable for planting will also be created by the Tree Board.

2.2 Spacing: The spacing of street trees will be in accordance with the three species size classes listed in Section 2.1 of this ordinance, and no trees may be planted closer together than the following: small trees, 20 feet; medium trees, 30 feet; and large trees, 40 feet; except in special plantings designed or approved by a landscape architect or urban forester.

2.3 Distance between Curb and Sidewalk: The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in Section 2.1 of this ordinance, and no trees may be planted in tree lawn widths less than the following: small trees, 2 feet; medium trees, 4 feet; and large trees, 6 feet.

2.4 Distance from Street Corners and Fireplugs: No street tree shall be planted within 25 feet

of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted within than 10 feet of any fireplug.

2.5 Utilities: No street trees other than those species listed as small trees in Section 2.1 of this ordinance may be planted under or within 10 feet of any overhead utility wire.

Section 3. Public Tree Maintenance and Care

3.1 Tree Maintenance: 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 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 Section 2 of this ordinance.

3.2 Standards: All public trees must be pruned according to ANSI A-300 Tree Care Standards.

3.3 Pruning, Corner Clearance: Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not severely obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of thirteen feet (13') above street surface or eight feet (8') above the sidewalk surface. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, or interferes with visibility of any traffic control device or sign or sight triangle at intersections. Tree limbs that grow near high voltage electrical conductors shall be maintained clear of such conductors by the electric utility company in compliance with any applicable franchise agreements. A utility tree trimming policy must be reviewed by the utility company and City prior to any trimming by the utility company.

Section 4. 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. 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. 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 Council's advisory committee on trees.

Section 5. Dead, Dangerous or Diseased Tree Removal on Private Property

The city shall have the right to cause the pruning or removal of any dead or diseased trees on

private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees within the city. The City Tree Board may make recommendations to the City Administrator regarding potential trees which constitute a potential threat as described above. The City will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 30 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 assess the costs as a lien against the property.

Section 6. Permits

No person shall plant, prune, remove, fertilize, or excavate within 10 feet of a public tree without first obtaining from the city a permit for which no fee shall be charged.

Section 7. Penalties

Any person violating any provision of this ordinance constitutes a Class 3 Civil Infraction and shall be dealt with in accordance with the procedures established by Chapter 34 of the Mt. Angel Code of Ordinances.

If the violation of any provision of this ordinance results in the injury, mutilation, or death of a public tree, the cost of repair or replacement shall be borne by the party in violation. The replacement value of public trees shall be determined in accordance with the latest revision of the Council of Tree and Landscape Appraisers evaluation method.

Section 9. Effective Date

This ordinance shall take effect thirty (30) days after passage by Council.

Passed by the City Council this 1st day of March, 2010.

First Reading: **AYES: 6 NAYS: 0**

Passed by the City Council this 1st day of March 2010.

Second Reading: **AYES: 6 NAYS: 0**

APPROVED BY THE MAYOR this 3rd day of March, 2010.

Rick Schiedler, Mayor

ATTESTED BY:

Pete Wall, Interim City Administrator

Filed in the office of the City Recorder this 4th day of March, 2010.