

**ORDINANCE NO. 181****AN ORDINANCE PROVIDING REGULATIONS FOR PLANTING AND PROTECTION OF TREES AND SHRUBS WITHIN THE CITY OF COOS BAY; AND CREATING A TREE BOARD, AS AMENDED BY ORDINANCE NO. 298.**

The City of Coos Bay ordains as follows:

**Section 1. Short Title.** This ordinance may be cited as the Coos Bay Tree Ordinance.

**Section 2. Purpose.** It is the purpose of this ordinance to promote and protect the public health, safety, and welfare of the residents of the City of Coos Bay by providing for the regulation of the planting, maintenance, and removal of trees and shrubs within the City.

**Section 3. Definitions.** For the purposes of this ordinance, the following definitions apply:

**Park trees.** Trees, shrubs, bushes and all other woody vegetation in public parks and all other areas owned by the City and open to the public.

**Public right of way.** Streets and alleys including that portion of the dedicated right of way which is not currently used as a street or alley.

**Street trees.** Trees, shrubs, bushes, and all other woody vegetation on land located within or adjacent to public rights of way within the City.

**Section 4. City Tree Board; Composition and Procedures.**

(1) The Tree Board shall be appointed by the City Council and shall consist of seven members.

(a) One member of the Tree Board shall also be a member of the City Council.

(b) One member of the Tree Board shall also be a Parks Commissioner.

(c) If the Aesthetics Commission has been formed, one member of that Commission shall also be a member of the Tree Board.

(d) At least one member of the Tree Board shall be a representative from the field of arboriculture, landscape architecture, or otherwise have a background and professional knowledge of trees and their care.

(e) One member of the Tree Board shall be designated by the board of the Coos

Bay Downtown Association.

(f) The balance of the Tree Board shall be citizens with an interest in trees.

(g) One member of the Tree Board may live outside the city limits of Coos Bay.

(2) The members shall be appointed for a term of four years. Vacancies, except at the expiration of a term, shall be filled by a temporary appointment made by the Council for the remainder of the unexpired term. Committee members may be reappointed for additional terms of four years each.

[Section 4(2) was amended by Ordinance No. 298, August 1, 2001]

(3) A member of the Tree Board may resign at any time by submitting a letter of resignation to the Council. A member may be removed by the Council for nonperformance of duty. A member who is absent from three consecutive meetings without excuse is considered to be in non-performance of duty. The possible need for removal may be brought to the attention of the Council by the Tree Board.

(4) The Tree Board members, by majority vote, shall elect a chairperson and vice chairperson for a one year term at the beginning of each year, and may reelect the incumbent. The chairperson shall preside over Tree Board meetings and retain the right to vote. The vice-chairperson shall preside in the chairperson's absence.

(5) Regular meetings shall be held at a frequency necessary to carry out Tree Board duties. Meetings shall be called at the request of the chairman, or four commissioners, or at the request of the Public Works or Community Services Departments.

(6) Four members of the Tree Board shall constitute a quorum for conducting any business.

(7) The Tree Board may make and alter rules and regulations for its operation consistent with the city charter, ordinances, and resolutions, subject to review and approval of the Council.

(8) Members of the Tree Board shall receive no compensation, but shall be reimbursed for duly authorized expenses.

#### **Section 5. Tree Board; Duties.**

(1) The Tree Board shall have the primary responsibility to study, investigate, develop, and to update periodically, a written plan for the care, preservation, pruning, planting, replanting, removal and disposition of all street and park trees.

- (2) As part of the plan, a list of acceptable species shall be developed and maintained for planting as street trees. The species will be divided into three size classes: small, medium, and large. A list of tree species not suitable for planting will also be developed.
- (3) The plan developed by the Tree Board shall be presented to the City Council, and upon Council acceptance and approval the plan shall constitute the official comprehensive tree plan for the City.
- (4) The plan, and the provisions of this ordinance, will be reviewed completely at least once in every three year period after the initial approval.
- (5) The Tree Board may also develop criteria for determining and standards for protecting "Heritage Trees" within the City. The purpose of the Heritage Tree designation is to recognize, foster appreciation of, and protect trees having significance to the community. Criteria may include such things as species rarity, age, size, quality, association with historical events or persons, or scenic enhancement. The Tree Board shall have the authority to determine, select and identify such trees that qualify as Heritage Trees.

#### **Section 6. Permits.**

- (1) A permit shall be obtained from the Public Works Director before planting, pruning or otherwise affecting a street tree. There shall be no fee required for this permit.
- (2) With a permit, adjacent property owners may plant street trees so long as the selection, location, and planting of such trees is in accordance with this ordinance.
- (3) Any street tree planted subsequent to adoption of this Ordinance and not in compliance therewith shall be removed at the expense of the person who planted it.

#### **Section 7. Planting, Maintenance and Removal.**

- (1) The spacing of street trees will be in accordance with the three species size classes as defined in this ordinance, and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; except in special plantings designed or approved by a landscape architect.
- (2) No street trees other than those species listed herein as small trees may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

(3) The distance trees may be planted will be in accordance with the three species size classes, and no trees may be planted closer to any curb or sidewalk than the following: small trees, 2 feet; medium trees, 3 feet; and large trees, 4 feet.

(4) No street trees shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street trees shall be planted closer than 10 feet of any fireplug.

(5) 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.

(6) The Public Works Director 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,

(7) 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 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 Tree-Board.

(8) 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.

(9) Leaf pick-up.

(a) The City shall continue to manage and fund the sweeping of streets and public parking lots within the City.

(b) Private property owners and/or occupants shall continue to be responsible for removing leaves collected on awnings, canopies, or building roofs, and for sweeping sidewalks. Leaves may be swept into the streets.

#### **Section 8. Protection of Trees.**

(1) It shall be unlawful for any person to remove, destroy, break, or injure any street tree or park tree.

(2) It shall be unlawful for any person to attach or keep attached to any street or park

tree or to the guard or stake intended for the protection of such tree, any rope, wire, chain, sign or other device whatsoever, except as a support for such tree.

(3) During the construction, repair, alteration or removal of any building or structure, it shall be unlawful for any owner or contractor to leave any street tree in the vicinity of such building or structure without a good and sufficient guard or protectors as shall prevent injury to such tree arising out of or by reason of such construction or removal.

(4) Excavations shall not be placed within six feet of any street tree without approval of the Public Works Director. During such excavation or construction, any such person shall guard any street tree within six feet thereof.

(5) All building material or other debris shall be kept at least four feet from any street tree.

**Section 9. Appeals.** Any decision under this ordinance made by the Public Works Director may be appealed to the Tree Board. Any decision of the Tree Board may be appealed to the City Council. Appeals must be in writing and filed within 14 days of the decision being appealed. A decision of the City Council shall be final.

Passed by the Council and approved by the Mayor February 18, 1992.