

A BILL FOR AN ORDINANCE REGULATING THE)
 PLANTING, MAINTENANCE, PROTECTION, CONTROL,)
 TRIMMING, AND REMOVAL OF TREES IN AND UPON)
 THE PUBLIC STREETS AND OTHER PUBLIC PLACES)
 IN THE CITY OF LEBANON AND PROVIDING A)
 PENALTY FOR VIOLATION THEREOF, REPEALING)
 ALL ORDINANCES IN CONFLICT THEREWITH, AND)
 DECLARING AN EMERGENCY.)

ORDINANCE BILL NO. 1
 for 1985

ORDINANCE No. 1958

THE CITY OF LEBANON ORDAINS AS FOLLOWS:

Section 1. Title of Ordinance. This ordinance shall hereafter be referred to and cited as the STREET TREE ORDINANCE of the City of Lebanon, Oregon.

Section 2. Enforcing Authority. The City Administrator or his duly authorized representative shall be charged with the enforcement of this ordinance.

Section 3. Permission to Plant Trees. No trees or shrubs shall hereafter be planted in or removed from any public parking strip or other public place in the city without permission from the City Administrator or his duly authorized representative.

Section 4. Street Tree Plan. All trees and shrubs hereafter planted in any public parking strip or other public place in the city shall conform as to species and location to the street tree plan which is hereby made a part of this ordinance.

Section 5. Prohibited Trees. It shall be unlawful to plant in any public parking strip the following trees:

- | | |
|-----------|-------------|
| Poplar | Cottonwood |
| Willow | Fruit Trees |
| Conifer | Nut Trees |
| Elm | |
| Ailanthus | |

It shall be unlawful to plant willow, cottonwood, or poplar trees anywhere in the city unless the City Administrator or his duly authorized representative approves the site as one where the tree roots will not interfere with a public sewer.

Section 6. Trimming and Removal of Trees. The City Administrator or his duly authorized representative may cause to be trimmed, or removed any trees, shrubs, plants or vegetation in any parking strip or other public place, or may require any property owner to trim, or remove any trees, shrubs, plants, or vegetation in a parking strip abutting upon said owner's property, and failure to comply therewith, after 30 days' notice by the City Administrator or his duly authorized representative, shall be deemed a violation of this ordinance.

Section 7. Trimming or Removal of Overhanging Trees. If any tree or shrub, or part thereof, overhangs any public street or alley, or sidewalk at a height of less than 10 feet above the street or alley surface or less than 8 feet above the sidewalk, or in any other way endangers or is likely to endanger the security or usefulness of any public street, sewer or sidewalk, the same is hereby declared to be a public nuisance and may be abated by any of the procedures, including summary abatement procedures as set forth in other ordinances relating to nuisances. The city may remove or trim such a tree, or may require the property owner to

remove or trim such a tree on private property or in a parking strip abutting upon said owner's property. Failure of the property owner to remove or trim the tree after 30 days' notice by the City Administrator or his duly authorized representative is a violation of this ordinance and the City Administrator or his duly authorized representative may then remove or trim the tree and assess the costs against the property.

Section 8. Notification to Abate. Before any lien for such costs may be assessed against any property, the City Administrator or his duly authorized representative shall send by mail a notice to abate to the owner or person in charge of the property at the last known address of such owner or other person.

The notice to abate shall contain:

(A) The location of the property by address or otherwise.

(B) A description of the trimming or removal that is required.

(C) A direction to perform the trimming or removal within 30 days from the date of notice.

(D) A statement that, unless the trimming or removal is completed, the city may perform, or cause to be performed, the trimming or removal and the cost shall be a lien against the property.

(E) A statement that the owner or other person in charge of the property may appeal the abatement notice by giving notice to the City Administrator within ten (10) days from the date of the notice.

Upon completion of the mailing, the person mailing the notice shall execute a certificate stating names and addresses of all persons to whom notices were mailed and the date of such mailing.

An error in the name or address of the owner or person in charge of the property, or the use of a name other than that of the owner or other person in charge shall not make the notice void.

Section 9. Appeals. Appeals from orders made hereunder may be made by filing written notice thereof with the City Administrator or his duly authorized representative within ten days after such order is received, stating in substance that appeal is being made from such order to the City Council. The City Administrator or his duly authorized representative shall thereupon call such appeal to the attention of the City Council at the next regular succeeding meeting, at which meeting the appellant and the City Administrator or his duly authorized representative may present evidence. Action taken by the City Council after such hearing shall be conclusive.

Section 10. Abuse or Mutilation of Trees. It shall be a violation of this ordinance to abuse, destroy, or mutilate any tree, shrub, or plant in a public parking strip or any other public place, or to attach or place any rope or wire (other than one used to support a young or broken tree), sign, poster, handbill, or other thing to or on any tree growing in a public place, or to cause or permit any wire charged with electricity to come in contact with any such tree, or to allow any gaseous, liquid, or solid substance which is harmful to such trees to come in contact with their roots or leaves.


Section 11. Violation of this Ordinance - Penalty. Any person violating any of the provisions of this ordinance or failing to comply with them shall upon conviction thereof be punished by a fine not to exceed fifty dollars (\$50).

Section 12. Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 13. Validity. If any section of this ordinance is declared invalid by any court of competent jurisdiction such decision shall be deemed to apply to that section only and shall not affect the validity of the ordinance as a whole or any part thereof other than the part declared invalid.

Section 14. That inasmuch as the provisions of this ordinance are necessary for the immediate preservation of the peace, health and safety of the people of the City of Lebanon, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council and approved by the Mayor this 9th day of January, 1985.



Mayor

ATTEST:



Recorder