

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 699

AN ORDINANCE REGULATING THE PLANTING, MAINTENANCE, PROTECTION, CONTROL, AND REMOVAL OF TREES IN AND UPON THE PUBLIC STREETS AND OTHER PUBLIC PLACES IN THE CITY OF SHERWOOD, PROVIDING FOR REGULATION OF TYPES OF TREES AND CONDITION OF TREES ON PRIVATE PROPERTY, AND PROVIDING A PENALTY FOR VIOLATION THEREOF AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

The City of Sherwood Does Ordain 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 Sherwood, 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 a written permit from the City Administrator. As used in this ordinance, "public place" means any premises whether privately or publically owned, which premises by its physical nature, function, custom, usage, notice or lack of notice or other circumstance, is open to the public at times without permission being required to enter or remain thereon.

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	Conifer	Cottonwood
Willow	Ailanthus	Fruit Trees
		Nut Trees

It shall be unlawful to plant willow, cottonwood, or poplar trees anywhere on public or private property, in the City unless the city administrator approves the site as one where the tree roots will not unreasonably interfere with a public sewer, other public improvements or utilities, or the public's use thereof.

Section 6. Removal of Trees.

The City Administrator or his duly authorized representative may cause to be trimmed, pruned, or removed any trees, shrubs,

plants, or vegetation in any parking strip or other public place, or may require any property owner to trim, prune, 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 Recorder, shall be deemed a violation of this ordinance.

Section 7. Dangerous Trees a Nuisance; Summary Powers to Remove Same.

Any tree or shrub growing in a parking strip or any public place, or in private property, which is endangering or which in any way may endanger the security or usefulness of any public street, sewer, or sidewalk, is hereby declared to be a public nuisance, and the City may remove or trim such tree, or may require the property owner to remove or trim any such tree on private property, or in a parking strip abutting upon said owner's property. Failure of the property owner to remove or trim such tree after thirty days' notice by the City Recorder shall be deemed a violation of this ordinance and the City Administrator may then remove or trim said tree and assess the costs against the property.

Section 8. Appeals.

Appeals from orders made hereunder may be made by filing written notice thereof with the City Recorder within ten days after such order is received, stating in substance that appeal is being made from such order to the City Council. The Recorder 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 may present evidence. Action taken by the City Council after such hearing shall be conclusive.

Section 9. 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 10. 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) or by imprisonment not to exceed twenty (20) days or both such fine and imprisonment.

Section 11. Conflict.

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

Section 12. 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.

PASSED: By the Council by unanimous vote of all Council members present, after being read by caption three times this 13 day of September, 1978.

Polly Blankenbaker
Recorder - City of Sherwood

APPROVED: By the Mayor, this 13 day of September, 1978.

Jack O. Harper
Mayor - City of Sherwood