

**CITY OF WHITE SALMON WASHINGTON
ORDINANCE NO. 2021-01-1072
AMENDING WHITE SALMON MUNICIPAL CODE 18.35 CITY TREE ORDINANCE**

WHEREAS, the City of White Salmon values its natural setting and the environmental and esthetic benefits trees provide to the community, and

WHEREAS, the City is endowed with world-class view corridors to the Columbia River and Mount Hood, providing a unique quality of life and value to residents and tourists alike; and

WHEREAS, city trees provide shade and beauty, but may block view sheds or present hazards unless properly located, planted and maintained throughout the community; and

WHEREAS, certain tree species are better suited for particular locations throughout the city, depending on the tree size, canopy shape, root impacts to city infrastructure, leaf debris, and so forth; and

WHEREAS, the City of White Salmon adopted a City Tree Ordinance (WSMC 18.35) in 2017; and

WHEREAS, the City of White Salmon believes it is necessary to make revisions to WSMC 18.35.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITE SALMON DO ORDAIN:

SECTION 1. White Salmon Municipal Code 18.35 City Tree Ordinance is hereby amended as follows:

**Key: Deleted: ~~strikethrough~~
Added: underlined**

Chapter 18.35 - CITY TREE ORDINANCE

18.35.010 - Definitions.

- (a) 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.
- (b) Park Trees: "Park ~~T~~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.
- (c) City Trees: "City Trees" are all trees located on city property and include without limitation, Street Trees and Park Trees.**

18.35.020 - Creation and Establishment of a City Tree Board.

There is hereby created and established a City Tree Board for the City of White Salmon, Washington which shall consist of five members, two of which shall be city council members and three shall be citizens and residents at large of this city, who shall be appointed by the mayor with the approval of the council.

18.35.030 - Term of Office.

The term of the five persons to be appointed by the mayor shall be three years ~~except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years.~~ In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.

18.35.040 - Compensation.

Members of the board shall serve without compensation.

18.35.050. - 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 shall be reviewed and/or updated biannually, or as needed. All revisions shall will be presented ~~annually~~ to the city council ~~and upon their for~~ acceptance and approval and thereafter shall constitute the official comprehensive city tree plan for the City of White Salmon, Washington.

The board, when requested by the city council, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work.

18.35.060 - Operation.

The board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. The ~~e~~City ~~f~~Tree ~~b~~Board shall be considered a public agency and shall observe the laws relating thereto, primarily those set forth in the Washington Public Meetings Act, RCW Ch. 42.30 and the Washington Public Records Act, RCW Ch. 42.56.

18.35.070 - ~~Street~~City Tree Species to be Planted.

Following recommendation by the ~~e~~City ~~f~~Tree ~~b~~Board, the city council shall adopt a list of acceptable and/or prohibited city street trees by a separate resolution referring to this section. The city ~~street~~ tree list may be amended by city council as necessary following recommendation of the ~~city street tree board~~ City Tree Board. No species other than those included in the current city ~~street~~ tree resolution, or (as amended) may be planted as city street trees without written permission of the ~~e~~City ~~f~~Tree ~~b~~Board.

18.35.080. - Spacing.

The spacing of ~~street city~~ trees will be in accordance with adopted resolution of acceptable city trees, the three species size classes listed in the city street tree resolution, and, unless allowed in advance by the city tree board, 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.

18.35.090 - Distance from Curb and Sidewalk.

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the city street tree resolution, or unless allowed in advance by the ~~e~~City ~~f~~Tree ~~b~~Board 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.

18.35.100 - Distance from Street Corners and Fire Hydrants.

No street tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than 10 feet of a fire hydrant.

18.35.110 - Utilities.

No street trees other than those species listed as small trees in Section 18.35.070 may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

18.35.120 - 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 for~~ public safety. The City Tree Board shall be notified and consulted in a timely manner of any proposals for new plantings or removal of existing trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, or to preserve or enhance the symmetry and beauty of such public grounds and preserve view corridors to the Columbia River and Mount Hood where, in the discretion of the city tree board, such tree(s) unreasonably interfere with public views. The city tree board may consider private view sheds, but the purpose of this ordinance is to protect public and not private view sheds to tree interference.

The ~~e~~City ~~f~~Tree ~~b~~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 18.35.120 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 Sections 18.35.070 through 18.35.110 of this ordinance. Planting of street trees within the city rights-of-way by adjacent property owners requires a right-of-way permit pursuant to WSMC 12.02.

18.35.130 - 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 ~~e~~City ~~t~~Tree ~~b~~Board.

18.35.140 - 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 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 ~~eight~~ **fourteen** feet above the surface of the street or **eight feet above the surface of the** sidewalk. 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 sight distance to oncoming traffic or the visibility of any traffic control device or sign or within the clear space of fourteen feet above the surface of the street or eight feet above the surface of the sidewalk.

18.35.150 - Dead or Diseased 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 constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The city ~~tree board~~ will notify ~~in writing~~ the owners of such trees **in writing**. Removal shall be done by said 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 on the owners' property tax notice.

18.35.160 - 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. Gaddis Park shall be exempt from this requirement.

18.35.170 - Interference with City Tree Board.

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

~~18.35.180 - Arborists License and Bond.~~

~~It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the city without first applying for and procuring a license. The license fee shall be twenty-five dollars annually in advance; provided, however, that no~~

~~license shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of three hundred thousand dollars for bodily injury and one hundred thousand dollars property damage indemnifying the city or any person injured or damaged resulting from the pursuit of such endeavors as herein described. The city may in addition require good and sufficient performance and/or maintenance bonds relating to the work to be performed and for maintenance of the trees for a reasonable time.~~

18.35.190 - Review by City Council.

The city council shall have the right to review the conduct, acts and decisions of the ~~e~~City ~~t~~Tree ~~b~~Board. Any person may appeal from any ruling or order of the ~~e~~City ~~t~~Tree ~~b~~Board to the city council who may hear the matter and make final decision.

18.35.200. - Penalty.

Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed two hundred fifty dollars, plus the city's cost to restore the tree(s) to a pre-violation condition.

SECTION 2. SEVERABILITY: If any section, sentence, or phrase of this Chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence or phrase of this Chapter.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect five (5) days after its publication according to law.

PASSED by the City Council of the City of White Salmon at a regular meeting this 6th day of January, 2021.



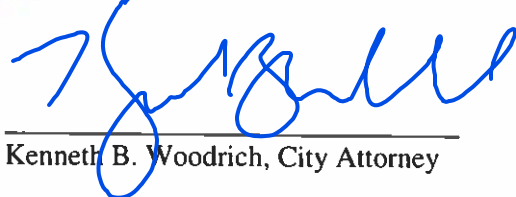
Marla Keethler, Mayor

ATTEST:



Jan Brending, Clerk/Treasurer

APPROVED AS TO FORM:



Kenneth B. Woodrich, City Attorney