

**CITY OF WHITE SALMON
ORDINANCE NO. 2012-07-891**

**AN ORDINANCE OF THE CITY OF WHITE SALMON, WASHINGTON,
ESTABLISHING A CITY TREE ORDINANCE**

WHEREAS, the City of White Salmon is a non-charter code City duly organized and existing under the laws of the State of Washington;

WHEREAS, pursuant to the regulatory authority of the City, the Council finds and declares it is necessary to adopt a city tree ordinance in order to preserve and promote the health and beauty of the City within public places;

WHEREAS, a city tree ordinance will further assist in the beautification and enjoyment of public places by adopting standards for tree planting and maintenance; and

WHEREAS, the adoption of a city tree ordinance will promote the reasonable and safe use of public parks, trails, and sidewalks, as well as increase the aesthetic enjoyment and value of adjacent and surrounding properties.

NOW THEREFORE, the City Council of the City of White Salmon, Washington do ordain as follows:

Section 1. Definitions.

Street trees: “Street trees” are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between private 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. Street Tree Species to be Planted.

The following list constitutes example Street Tree species for the City of White Salmon, Washington. The program will emphasize native species and encourage species diversity.

- Small Trees: Aspen, Lilac, Flowering Cherries, Flowering Crabapples, Kousa, Pagoda, or Florida Dogwood, Serviceberry, Flame Amur Maple, Paperback Maple, Vine Maple, Parrotia, Flowering Plum, Flowering Pears (not Bradford), Redbud, Globe Locust

- Medium to Large Trees: Red Sunset Maple, River Birch, Canadian Red Cherry, Beech, Sargent Cherry, Ginkgo Biloba, Horsechestnut, Honeylocust, Autumn Blaze Maple, Emerald Queen Maple, Sugar Maple, Red or Pin Oak, Yellowwood, Kentucky Coffee Tree, Zelkova

Section 3. Spacing.

The spacing of Street Trees will be in accordance with the three species size classes listed in Section 2 of this ordinance, and no trees may be planted closer 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 professional.

Section 4. Distance from Curb and Sidewalk.

The distance of trees may be planted from curbs and sidewalks will be in accordance with the three species size classes listed in Section 2 of this ordinance, 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.

Section 5. 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 Trees shall be planted closer than 10 feet of any fire hydrant.

Section 6. Utilities.

No street trees other than 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.

Section 7. Public Tree Care.

The City shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs adjacent to 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 by order to be removed, any tree or part thereof which is in 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 of said trees is in accordance with Sections 2 through 6 of this ordinance.

When a street tree is between the road and the private property line it is the responsibility of the adjacent property owner to maintain, trim, prune or remove (with the written permission of the city) dead and dying branches of trees in the public right-of-way. The City upon giving the adjacent land owner written direction to trim, prune, or remove any tree may after a four (4) week period to complete the direction either hire or complete with city crew the above mentioned direction and bill the adjacent land owner. No tree in the right-of-way can be removed without the written permission of the City Administrator or Mayor. Penalty for removing a tree without the express written permission of the City will be seven (7) times the value of the replacement tree including cost of the tree, labor and transportation of planting the tree.

Section 8. 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 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.

Section 9. Pruning, Corner Clearance.

Any owner of any street or right-of-way within the City shall prune the branches so that the branches shall not obstruct the view of any street intersection or traffic control devices. Trees shall be pruned a minimum of eight (8) feet above the street or sidewalk. Owners shall remove all dead, diseased, dangerous, broken or decayed limbs which threaten the safety of the public. The City may reserve the right to prune any tree or shrub on private property when it interferes with the visibility of any traffic control devices or signs or causes a threat to public safety.

Section 10. Dead or Diseased Tree Removal on Private Property.

The City shall have the right to cause the removal of dead or diseased trees on private property within the city, when such trees constitute a hazard to life or property, or harbor insects or disease which constitutes a potential threat to other trees within the city. The City will notify in writing the owners of such trees. Removal shall be done at the owners own expense at the City's order within twenty days after the date of service of notice. In the event of failure of the owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

Section 11. 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.

Section 12. Interference with the City

It shall be unlawful for any person to prevent, delay, or interfere with the City 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.

Section 13. 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 business license. The license fee shall be \$75 for the first year and \$50 annually thereafter in advance; provided, however that no license shall be required of any public service company or City employee doing such work in 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 \$50,000 for bodily injury and \$100,000 property damage indemnifying the City or any persons injured or damaged resulting from the pursuit of such endeavors as herein described.

Section 14. Review by City Council.

The City Council shall have the right to review the conduct, acts, and decisions of the City. Any person may appeal from any ruling or order of the City. Any person may appeal from any ruling or order of the City to the City Council who may hear the matter and make a final decision. An appeal may be filed with the City Clerk within 10 days from receipt of notice.

Section 15. Penalty.

Any person violating any provision of this Ordinance shall have committed a Class I Civil Infraction pursuant to R.C.W. 70.80 and upon conviction or plea of guilty be subject to a fine not to exceed \$250.00 except as described in Section 7 removal of a tree in the right-of-way without the written permission of the City.

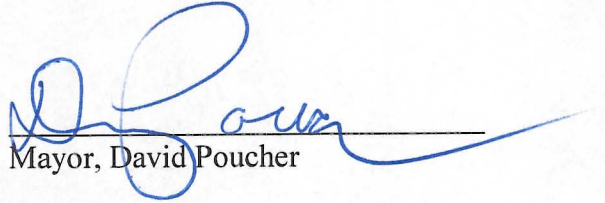
Section 16. Effective Date.

This ordinance shall be in full force and effect five (5) days after publication of this Ordinance or a summary thereof in the official newspaper of the City as provided by law.

Section 17. Severability.


If any section, sentence, clause or phrase of this Ordinance should be 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, clause or phrase of this Ordinance.

PASSED by the City Council this 18th day of July 2012.




Mayor, David Poucher

ATTEST:



City Clerk Treasurer, Leana Johnson

Approved As To Form:



City Attorney, Ken Woodrich

Date of Publication: _____

Effective Date: _____