



**GLADSTONE AD HOC TREE BOARD
CIVIC CENTER COUNCIL CHAMBERS
April 5, 2024 11:00 am**

1. Welcome –Jacque Betz, City Administrator, Darren Caniparoli Public Works Director, Brittany Oxford, Oregon Department of Forestry.
 - How did we get here- Tree City Designation is a Council Goal
2. Introductions
 - a. Name
 - b. Background
 - c. Why you are interested in this project
3. Purpose of the Ad Hoc Board

To provide recommendations and support to the Gladstone City Council in the development of a tree ordinance. The ordinance will delegate authority of all publicly owned trees, and provide guidance for tree standards in planting, removing, and maintaining city trees. These policy recommendations will include preservation, protection and management of the community forest.

Roles/responsibilities may include:

- A. Conduct public outreach/community engagement to see what the community thinks should be addressed in the tree ordinance, report to council on findings.
- B. Make recommendations and provide feedback for the development of a tree ordinance.
- C. Provide recommendations for approved species lists and prohibited species for planting in publicly owns spaces.
- D. Participate in regular meetings for draft review and comments.
- E. This group is advisory only and will make recommendations to the City Council, the governing body that ultimately sets the policy.

4. Timeline

- Meet monthly, date/time established by the Ad Hoc Board
- July 23, 2024, 5:30 pm participate in work session with the City Council (discuss Tree Ordinance)
- October 8, 2024, City Council to consider approval of a Tree Ordinance

5. Review packet material and discuss homework assignments

6. Schedule future meetings

Adjourn

Tree City USA®

Creating greener communities nationwide



TREE CITY USA®
An Arbor Day Foundation Program

Cooler temperatures. Cleaner air. Healthier residents.

The benefits trees bring to urban environments are endless — and by meeting the four Tree City USA standards, your community can experience them firsthand.



PROGRAM SUMMARY

The Tree City USA program was founded in 1976 to celebrate towns and cities committed to growing their urban canopy. Led by the Arbor Day Foundation, with partners at USDA Forest Service and National Association of State Foresters, it provides the foundational framework necessary for communities to manage and expand their tree cover.

Program applications are completely free. Many cities renew their Tree City USA status every year, making them eligible for a Growth Award and other urban forestry opportunities.

THE FOUNDATION OF URBAN FORESTRY PROGRAM DEVELOPMENT

The Tree City USA program has helped more than 3,600 communities across the country build out their urban forests. Recognition forms the base layer for five different areas of growth, including expansion of personnel, financial investment, defined policies and plans, and engagement with residents.

GROWTH AWARD QUALIFYING ACTIVITIES



STANDARDS FOR RECOGNITION

To receive recognition, a community must meet four core standards for its public trees:

✓ Standard 1: Form A Tree Board Or Department

Delegating responsibility for city- or town-owned trees is the first official step to becoming a Tree City. By forming a tree board or department, cities can create a more organized and effective urban forestry plan.

✓ Standard 2: Establish A Tree Care Ordinance

A public tree care ordinance assigns clear authority over public trees and provides clear guidance for planting, maintaining, and/or removing trees from streets, parks, and other public spaces.

✓ Standard 3: Maintain A Community Forestry Program With An Annual Budget Of At Least \$2 Per Capita

Your community most likely already spends at least \$2 per capita on the planting, care, and removal of trees. This is intended to demonstrate an ongoing investment into your public trees.

✓ Standard 4: Proclaim and Observe Arbor Day

Celebrating Arbor Day and passing an official holiday proclamation helps create pride for your city's entire urban forestry program.



BENEFITS OF RECOGNITION

By becoming a Tree City, your community will:

- Receive flags, signs, and other materials to proudly display your award
- Educate residents about the value of trees and green space
- Gain national recognition for your commitment to environmental stewardship
- Create a cleaner, healthier, and more beautiful urban landscape



TREE CITY USA®
An Arbor Day Foundation Program

GETTING STARTED

Interested in joining, but not quite sure where to begin? It's as simple as following these five steps!

1. Make the case to friends and leaders in your community
2. Contact your state's urban and community forestry coordinator
3. Work together to fulfill the four Tree City USA standards
4. Celebrate Arbor Day
5. Submit your free application!

Learn and apply today at arborday.org/treecityusa





How to Write a Municipal Tree Ordinance

TREE CITY USA®
BULLETIN

No. 9

Editor: Dr. James R. Fazio • \$3.00



Tree City USA is a powerful force for the promotion of tree care and urban forestry. It is a program that has caught the imagination of citizens, elected officials, and urban tree professionals. More than 3,400 communities now fly the flag of accomplishment, a composite area that is home to some 137 million Americans.

At the heart of the Tree City USA program are four basic requirements:

The community must have (1) a tree board or department, (2) an annual community forestry program backed by the expenditure of at least \$2 per capita for trees and tree care, (3) an annual Arbor Day proclamation and observance, and (4) a tree care ordinance.

In this issue of Tree City USA Bulletin, sections of a model ordinance are presented, explained, and illustrated with actual examples. Not every section will be appropriate to all communities, and there are others in use that are not included in this general coverage of the topic.

The purpose of this issue is to encourage all citizens to support their town having an appropriate, current tree ordinance and to provide a starting point for thousands of communities to create or enhance an existing ordinance. Although an ordinance is only as good as the administrative program that backs it up — including support for education and, when necessary, enforcement — a municipal tree ordinance and involvement in the Tree City USA program are giant strides in the direction of healthier urban trees and a quality environment.



Arbor Day Foundation
100 Arbor Avenue • Nebraska City, NE 68410

Why a Tree Ordinance?

Ordinances reflect the values of a community — the values its residents believe are worth protecting to maintain their quality of life and an environment that is both safe and pleasant. A community's trees, often called the urban forest, are very much the kind of community asset that deserves to be protected and managed for the common good.

A tree ordinance encourages beautification, air cooling and purification, noise abatement, property value enhancement, and the other attributes of trees within a city. It also enables citizens to prevent and control the spread of diseases, to preserve trees in the path of development, and to avoid unnecessary costs associated with sewer clogging, sidewalk replacement, and tree-related accidents. An ordinance may also give force and direction to professional tree care within the municipality's workforce and helps control unscrupulous or careless operators.

Ordinances vary in length and complexity, but the key to effectiveness is to write the ordinance simply, clearly, and tailored to the needs of your community. In the end, a tree ordinance is just another tool for proper tree care. Like any tool, it needs to be of high quality, matched properly to the job, and used with skill and care.



Friends of Trees organized a tree planting along a multiple-use corridor in Portland, Oregon. These trees will provide a forested buffer between the local neighborhood and the interstate, decreasing road noise and adding significant beautification to the area.

THE SEARCH FOR AN IDEAL ORDINANCE

For several decades, citizens who have wanted better tree protection in their communities have searched for model ordinances to guide the way. The ordinance sections and their descriptions found in this bulletin are based largely on just such a model ordinance developed by Philip J. Hoefer of the Colorado State Forest Service. They are condensed from *Municipal Tree Ordinance Manual*, a publication of the International Society of Arboriculture and currently out of print.

An important point made by Hoefer is that in addition to an ordinance, there should be an appended standards and specifications document. This presents detailed guidelines for arboricultural practices such as planting and pruning, tree care, removal, landscaping, contracting, and similar activities that are important in any community forestry program.

It is recommended that the standards and specifications section be a separate but companion part of a municipal ordinance. This is because including such a large amount of detail directly in the ordinance itself is cumbersome and difficult to change. For greater flexibility, it is better to keep the ordinance brief, but to authorize the designated forestry body (board, commission, or department) to publicize rules, regulations, standards, and specifications. These can be published separately and revised as necessary, but still be subject to final approval by the city council or other elected officials.

Importantly, each community has different circumstances that need to be addressed in an ordinance and its accompanying standards and specifications. Use the model ordinance sections in this bulletin and the ordinances of other communities as starting points for developing your own ordinance or to revise one that is not working well, but add or delete sections to match the unique needs and circumstances of your community. Be sure to search your own city codes for any references to trees that may already exist. Finally, use the services of an attorney to review or help write all drafts to ensure that your final product is legally sound as well as beneficial to the future of your community's trees.

To locate sample ordinance provisions, search online for "sample tree ordinances," or search for "ordinances" on the following sites:

- www.isa-arbor.com/home.aspx
- www.actrees.org

**IN ADDITION TO AN ORDINANCE,
THERE SHOULD BE AN APPENDED
STANDARDS AND
SPECIFICATIONS DOCUMENT.**

Suggested Sections for a Tree Ordinance

Although no two tree ordinances will be exactly alike, there are some basic elements that will help ensure that the document is workable and effective. These elements are called sections, and they are presented here with examples and principles that illustrate why each one is necessary.

I. PURPOSE

PRINCIPLE: An opening statement that clearly sets forth the purpose of the ordinance will help avoid ambiguity in interpretation. This initial section is usually capitalized and in bold print.

EXAMPLE: It is the purpose of this ordinance to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance, and removal of trees, shrubs, and other plants within the city of _____.



II. AUTHORITY AND POWER

PRINCIPLE: Someone within city government must have the clearly designated authority to administer the provisions of the ordinance. This section defines, designates, or creates a department, board, commission, or person responsible for the planting, care, and protection of the city's trees.

EXAMPLE: There is hereby created and established a City Tree Board for the City of _____, which shall consist of five members, citizens, and residents of this city, who shall be appointed by the mayor with the approval of the city council. Members of the board shall serve without compensation.

HOME RULE AUTHORITY: In order to avoid conflicts with state laws governing trees, a statement transferring regulations to the city may be necessary. State, county, and city laws will explain this process. If needed, the statement should be added as a section.

III. TERM OF OFFICE

PRINCIPLE: Reasonable and clearly stated terms of office for volunteer boards or commissions will help infuse the program with new ideas on a periodic basis and will help avoid the problems created by obstructionists with life or long-term tenure. This section defines length of service, a method for filling vacancies, and the number of consecutive terms (if any) that can be served. Staggering terms can help ensure continuity and stability.

EXAMPLE: 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.



A tree ordinance and tree board or commission usually go hand in hand. Limited and staggered terms of office lend vitality and continuity to a board. Member diversity ensures a blend of ideas and broader public support. A good mix might be one interested attorney, two green industry professionals, and two interested residents or business leaders.

IV. APPLICABILITY

PRINCIPLE: This section is needed to clarify which property is covered by the ordinance. This usually includes trees on rights-of-way, public parks, cemeteries, and other public grounds. Private property is also sometimes included.

EXAMPLE: This ordinance provides full power and authority over all trees, plants, and shrubs located within street rights-of-way, parks, and public places of the city and over trees, plants, and shrubs located on private property that constitute a hazard or threat as described herein.



An ordinance must specify which property it covers, such as rights-of-way, public parks, and cemeteries.

V. DEFINITIONS

PRINCIPLE: To prevent misunderstanding, words that may be unfamiliar to lay citizens should be defined. If a standards and specifications appendix accompanies the ordinance, many arboricultural terms can be placed there instead of in this section.

EXAMPLES OF WORDS OR TERMS TO DEFINE: arborist, contractor, city forester or city arborist, tree, public tree, private tree, tree lawn, parkway, right-of-way, easement, etc.

VI. LICENSING

PRINCIPLE: One way to protect trees and citizens from irresponsible companies or individuals who pose as arborists is to require practitioners to have a license. Conditions for obtaining the license may even require that the person be a certified arborist. (See Bulletin No. 6.) This section provides licensing authority and includes details such as fees, frequency of renewal, testing procedures, types of licenses, suspensions and appeals, surety bonds, showing identification on equipment, etc.

EXAMPLE: It shall be unlawful for any person to engage in the business of planting, cutting, trimming, pruning, removing, spraying, or otherwise treating trees, shrubs, or vines within the City without first producing evidence of certification/license before the City. (An explanation of requirements and fees is then presented.)

VII. INSURANCE

PRINCIPLE: Arborists work under dangerous circumstances and around high-value property. Since it is often difficult for homeowners to ascertain whether property and tree workers are adequately covered, or to insist on such coverage, a provision in the tree ordinance can easily correct the situation.

EXAMPLE: Before any license shall be issued, each applicant shall first file evidence of possession of worker compensation and liability insurance in the minimum amounts of \$1,000,000 for bodily injury or death and \$100,000 property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavor as herein described.

A license requirement protects both trees and property owners.



Important details of planting and tree care can be best placed in a separate standards document, but can also be listed in the ordinance or in an appendix. Specification examples include suitable species, spacing, distance from curb and sidewalk, and acceptable pruning practices.



VIII. LANDSCAPING

PRINCIPLE: This section can ensure that trees will be a part of new developments. But planted vegetation can be an asset or a liability — depending on what is planted and how it is done. This part of the ordinance can define a process for having new landscape plans reviewed and approved by the city forester or tree board, with the issuance of building permits only after such a review.

EXAMPLE: In new subdivisions or when the development of commercial property occurs, the city forester shall review landscaping plans and may require street trees to be planted in any of the streets, parking lots, parks, and other public places abutting lands henceforth developed and/or subdivided.

IX. TREE PLANTING, MAINTENANCE, AND REMOVAL

PRINCIPLE: Good tree care and management is possible only if people have specific information about practices that result in safe, healthy trees that contribute to a quality environment rather than to creating problems. The purpose of this section is to provide that information in the form of requirements. In many ways, it is the heart of a good ordinance. Actually, the material in this section is best included in a separate standards and specifications chapter, but placing it directly in the ordinance is an option. Either way, all specifications should be reviewed at least every five years and should include such specifics as desirable and undesirable tree species, spacing, pruning techniques, high-risk trees, sight obstruction, and vandalism.

A good way to clearly specify pruning and other tree work standards is to use the terms and definitions as contained in ANSI A300 standards. For nursery stock, use ANSI Z60.1, available online at the site of AmericanHort.

EXAMPLES:

TREE SPECIES — The Town Tree Board develops and maintains a list of desirable trees for planting along streets in three size classes: small, medium, and large.

SPACING — The spacing of street trees will be in accordance with the three species size classes listed in this ordinance. No trees may be planted closer together than the following, except in special plantings designed or approved by a landscape architect: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet.

UTILITIES — 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.

DISTANCE FROM CURB AND SIDEWALK — The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in Section ___ 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.

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 by the International Society of Arboriculture as an inappropriate technique to reduce tree size that cuts through a stem more than two years old at an indiscriminate location. (Such a point is usually between branches, leaving a stub.)

X. ADJACENT LANDOWNER RESPONSIBILITY

PRINCIPLE: Quite naturally, homeowners often want to plant trees or do work on trees that abut their property but are on a public right-of-way. This section describes a process by which the homeowner can do the work, but only in accordance with the sound principles of urban forestry management and arboriculture.

EXAMPLE: No person shall plant, remove, cut above the ground, or disturb any tree on any street, park, or other public place without first filing an application and procuring a permit from the city forester. The person receiving the permit shall abide by the standards set forth in this ordinance.



An ordinance may provide authority to investigate privately owned trees that may pose a threat to the public and require removal or mitigation, such as pruning.

XI. TREE PROTECTION

PRINCIPLE: Protecting existing trees is a major challenge. Therefore, more and more progressive communities are using this section not only to prevent insect and disease epidemics, but also to protect trees on both public and private property from damage during construction. Increasingly, another use of this section is to identify and protect trees of historic value or unusual qualities (called heritage trees). Requiring permits for all tree removal is one way to achieve these goals. Penalties may be established requiring violators to pay a fine in the amount of the tree's appraised value. Ideally, such funds will be designated solely for planting more trees.

EXAMPLE 1: Upon the discovery of any destructive or communicable disease or other pestilence that endangers the growth or health of trees or threatens to spread disease or insect infestations, the city forester may at once cause written notice to be served upon the owner of the property upon which such diseased or infested tree is situated, and the notice shall require such property owner to eradicate, remove, or otherwise control such condition within reasonable time to be specified in such notice.

EXAMPLE 2: The following guidelines and standards shall apply to trees proposed in a developer's tree protection plan to be retained. (Rules are then specified such as not grading or locating utilities within the tree's drip line, placing protective barriers around trees, preventing siltation, etc. Or, developers may be required to preserve a percent of forested tracts, plant trees in open space, or pay into a county tree-planting fund so that there is no net loss of tree cover.)

EXAMPLE 3: The city forester shall have as one of his/her duties the location, selection, and identification of any trees that qualify as heritage trees. A tree may qualify as a heritage tree if it meets one or more of the following criteria: (Criteria may include species rarity, old age, association with a historical event or person, abnormality, scenic enhancement, etc.)

XII. PRIVATE TREES

PRINCIPLE: Since trees on private property often affect the safety and welfare of other trees and people other than the owner, a provision is needed to allow community action in such cases. This section provides authority to inspect private trees, designate them as public nuisances, and demand their removal or mitigation, such as pruning, when necessary.

EXAMPLE: The city forester or his/her official designee has the authority to enter onto private property whereon there is located a tree, shrub, plant, or plant part that is suspected to be a public nuisance and to order its removal if necessary. (Note: An appropriate legal definition of a public nuisance is needed here, such as any tree with an infectious disease or insect problem that poses a significant threat to the community's tree population; dead or dying trees; a tree or limb(s) that obstruct street lights, traffic signs, the free passage of pedestrians or vehicles; a tree that poses a threat to safety, etc. Also needed is a description of the legal process for notifying property owners and causing abatement of the nuisance, including removal and billing for costs by the city if action is not taken by the owner.)

XIII. PERMITS

PRINCIPLE: Permits provide a way to make certain that anyone who plants, works on, or removes public trees (and sometimes private trees) is knowledgeable and capable of doing the job right. Permits are also a means to ensure compliance with standards and specifications, allow for follow-up inspections, and generally serve as a tool for enabling a community to control the future of its urban forest.

EXAMPLE: No person except the city arborist, his/her agent, or a contractor hired by the city arborist may perform any of the following acts without first obtaining from the city arborist a permit for which no fee shall be charged: (treatments and actions are listed, each one specifying whether it applies to trees on public land or to any tree, public or private).

XIV. ENFORCEMENT

PRINCIPLE: For an ordinance to be more than a piece of paper, authority must be given to the city forester or other official to enforce the provisions. This includes the right to issue notices of violation, notices to perform work, and the ability to stop work.

EXAMPLE: The city forester shall have the authority to publicize and enforce rules, regulations, and specifications concerning the trimming, spraying, removal, planting, pruning, and protection of trees, shrubs, vines, hedges, and other plants upon the right-of-way of any street, alley, sidewalk, or other public place in the city. (Details about the process of rule-making, review, and approval by the governing body and enforcement need to be included.)

XV. PENALTIES, CLAIMS, AND APPEALS

PRINCIPLE: Enforceable, meaningful ordinances must contain provisions for penalties and violations. Most cities have standard statements that will work in a tree ordinance, or one may be written specifically related to trees. There needs to be a process for the city to do needed work if a landowner fails to comply with an order, and there should also be an appeal process.

EXAMPLES:

VIOLATIONS — Any person who violates any provision of this ordinance or who fails to comply with any notice issued pursuant to provision of the ordinance, upon being found guilty of violation, shall be subject to a fine not to exceed \$500 for each separate offense. Each day during which any violation of the provisions of this ordinance shall occur or continue shall be a separate offense. If, as the result of the violation of any provision of this ordinance, the injury, mutilation, or death of a tree, shrub, or other plant located on city-owned property is caused, the cost of repair or replacement, or the appraised dollar value of such tree, shrub, or other plant, shall be borne by the party in violation. The value of trees and shrubs shall be determined in accordance with the latest revision of *A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs, and Evergreens*, as published by the International Society of Arboriculture.



Each community's ordinance must be written to serve that community's unique needs and circumstances.

ASSESSMENT OF CLAIM — In the event that a nuisance is not abated by the date specified in the notice, the city arborist is authorized to cause the abatement of said nuisance. The reasonable cost of such abatement shall be filed as a lien against the property on which the nuisance was located. In addition, the owner of the property upon which the nuisance was located shall be subject to prosecution.

APPEALS — (Include your municipality's standard appeals process.)

XVI. OTHER

Because circumstances vary so widely between municipalities, there may be other sections necessary to fashion an ordinance to the needs of your community. These range from sections that local government may require in all its ordinances (such as a severability clause that states that if any section of the ordinance is found to be invalid or unconstitutional, it does not affect the validity of remaining sections) to how the urban forestry program is to be financed. The ordinance must fit your town's needs.

Don't Overlook Evaluating and Revising

The basic steps toward protecting and managing the trees in any community are (1) determining what you have (an inventory), (2) deciding what you want, i.e., what is right for your community (safety, a certain percent crown cover, diversity, etc.), and (3) establishing goals and an implementation strategy (a plan). Tree ordinances are part of the latter. They are one of the ways of attaining the desires of residents to have the kind of community forest they deserve for a quality lifestyle.

No tree ordinance is static. As communities grow and change, it is essential to review your ordinance and make certain it keeps pace with the changing needs and challenges. Review what works and what doesn't work. For example, if homeowners in new suburbs are encouraged to plant street trees but this is being ignored by non-resident owners of duplexes or apartments, what might be changed in the ordinance to solve the problem?

Monitoring is often the overlooked step in urban forestry. It is made easier when a tree board or department sets management goals annually and reviews the city's vision statement regularly. It also helps to stay current on what is being done in other cities with similar growth patterns and challenges. The bottom line is that ordinances are not one-time documents. They are a tool, and they need to be updated or replaced like any other tool in order to serve best.



Tree ordinances are important for large cities, small towns, and developing suburban areas.

FOR MORE INFORMATION ...

For more information and references, please visit arborday.org/bulletins. Explore the Foundation's website for other helpful pages on trees, sale items, the Tree City USA program, public education, the management of community forests, and much more.

Tree City USA Bulletin ORDER FORM

Name _____
 Organization _____
 Address _____
 City _____ State _____ Zip _____
 Phone _____

For a complete list of Tree City USA Bulletins, visit arborday.org.

	1 Issue \$3.00 ea.
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3. Resolving Tree/Sidewalk Conflicts	3.
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6. How to Hire an Arborist	6.
7. How to Save Trees During Construction	7.
8. Don't Top Trees!	8.
9. Writing a Municipal Tree Ordinance	9.
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THE TREE CITY USA PROGRAM IS SPONSORED BY THE Arbor Day Foundation in cooperation with the U.S. Forest Service and National Association of State Foresters. To achieve the national recognition of being named as a Tree City USA, a town or city must meet four standards:

- Standard 1: A tree board or department
- Standard 2: A tree care ordinance
- Standard 3: A community forestry program with an annual budget of at least \$2 per capita
- Standard 4: An Arbor Day observance and proclamation

Each recognized community receives a Tree City USA flag, plaque, and community entrance signs. Towns and cities of every size can qualify. Tree City USA application forms are available from your state forester, the Arbor Day Foundation at arborday.org/treecity, or your state forestry agency.

PHOTO COURTESY OF: Friends of Trees (page 2).

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SAMPLE MUNICIPAL TREE ORDINANCE—WITHOUT TREE ADVISORY BOARD

Be it ordained by the City Council of the City of:

(City) _____

(State) _____

Section 1. Purpose.

To enhance the quality of life and the present and future health, safety, and welfare of all residents, to enhance property values, and to ensure proper planting and care of trees on public property, the City Council herein delegates the authority and responsibility for managing public trees, establishes practices governing the planting and care of trees on public property, and makes provision for the emergency removal of trees on private property under certain conditions.

Section 2. Definitions.

As used in this Article, the following words and phrases shall have the meanings indicated:

Damage – any injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part of the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.

Nuisance – any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety, and welfare.

Parkway – the area along a public street between the curb and the sidewalk; or if there is no curb or sidewalk, the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.

Public property – all grounds and rights-of-way (ROWS) owned or maintained by the City.

Public tree – any tree or woody vegetation on city-owned or city-maintained property or rights-of-way.

Top or Topping – the non-standard practice of cutting back of limbs to stubs within a tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

Section 3. Authority and power.

- (a) **Delegation of authority and responsibility.** The Director of the (**insert Managing Department**) and/or their designee, hereinafter referred to as the "Director", shall have full authority and responsibility to plant, prune, maintain and remove trees and woody plants growing in or upon all municipal streets, rights-of-ways, city parks, and other public property. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.
- (b) **Coordination among city departments.** All city departments will coordinate as necessary with the Director and will provide services as required to ensure compliance with this Ordinance as it relates to streets, alleys, rights-of-way, drainage, easements, and other public properties not under direct jurisdiction of the Director.

- (c) **Interference.** No person shall hinder, prevent, delay, or interfere with the Director or his agents while engaged in carrying out the execution or enforcement of this Ordinance.

Section 4. Tree planting and care standards.

- (a) **Standards.** All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations" and shall follow all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture.
- (b) **Requirements of franchise utility companies.** The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards.
- (c) **Preferred species list.** The Director shall maintain an official list of desirable tree species for planting on public property in two size classes: Ornamental (20 feet or less in height at maturity) and Shade (greater than 20 feet at maturity). Trees from this approved list may be planted without special permission; other species may be planted with written approval from the Director.
- (d) **Planting distances.** The Director shall develop and maintain an official set of spacing requirements for the planting of trees on public property. No tree may be planted within the visibility triangle of a street intersection or within 10 feet of a fire hydrant.
- (e) **Planting trees under electric utility lines.** Only trees listed as Ornamental trees on the official city tree species list may be planted under or within 15 lateral feet of any overhead utility wire.

Section 5. Prohibition against harming public trees.

- (a) It shall be unlawful for any person, firm, or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the Director.
- (b) It shall be unlawful for any person, firm, or corporation to attach any cable, wire, sign, or any other object to any street, park, or public tree.
- (c) It shall be unlawful for any person, firm, or corporation to "top" any public tree. Trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the determination of the Director.
- (d) Any person, firm, corporation, or city department performing construction near any public tree(s) shall consult with the Director and shall employ appropriate measures to protect the tree(s), according to procedures contained in the Best Management Practices (BMPs) for "Managing Trees During Construction" published by the International Society of Arboriculture.
- (e) Each violation of this section as determined and notified by the Director shall constitute a separate violation, punishable by fines and penalties under Section 10, in addition to mitigation values placed on the tree(s) removed or damaged in violation of this section.

Section 6. Adjacent owner responsibility.

- (a) The owner of land adjacent to any city street or highway, when acting within the provisions of this Ordinance, may plant and maintain trees in the adjacent parkway area.

- (b) No property owner shall allow a tree, or other plant growing on his or her property to obstruct or interfere with pedestrians or the view of drivers, thereby creating a hazard. If an obstruction persists, the Director shall notify the property owner to prune or remove the tree or plant. If the owner fails to comply with the notice, the City may undertake the necessary work and charge the cost to the property owner.

Section 7. Certain trees declared a nuisance.

- (a) Any tree, or limb thereof, on private property determined by the Director to have contracted a lethal, communicable disease or insect; to be dead or dying; to obstruct the view of traffic signs or the free passage of pedestrians or vehicles; or that threatens public health, safety, and welfare is declared a nuisance and the City may require its treatment or removal.
- (b) Private property owners have the duty, at their own expense, to remove or treat nuisance trees on their property. The City may remove such trees at the owner's expense if the owner does not comply with treatment and/or removal as specified by the Director within the written notification period.

Section 8. Violations and penalty.

Any person, firm or corporation violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each offense.

Section 9. Appeals.

Appeals to decisions by the Director, or to penalties imposed after violations of this ordinance, shall be heard by City Council.

Section 10. Savings and repeal.

All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

Section 11. Severability.

Should any word, sentence, clause, paragraph, or provision of this Ordinance be held to be invalid or unconstitutional the remaining provisions of this Ordinance shall remain in full force and effect.

CITY OF MONMOUTH, COUNTY OF POLK

STATE OF OREGON

An Ordinance Repealing Ordinance)
1297 and Replacing it with the Provisions)
Of This Ordinance Relating to the Tree)
Advisory Board)

ORDINANCE NO. 1369

WHEREAS, The City Advisory Tree Board was created on November 1, 2005 by Resolution 1574. The Resolution was amended by Resolution 1595 on July 11, 2006. The Resolution and all amendments were replaced with Ordinance 1297 on July 19, 2011.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF MONMOUTH, OREGON ORDAINS:

Section 1. Ordinance 1297 of the Monmouth City Code is hereby repealed and is replaced with the following provisions:

Section 2. There is hereby created and established a commission to be entitled and designated as the Tree Advisory Board.

Section 3. Under the direction of the City Council it shall be the responsibility of the Board to study, investigate, counsel, develop and/or update annually 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 will be presented annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the city of Monmouth.

Section 4. Membership. The Board shall consist of seven members appointed by the Mayor and approved by the City Council. Not less than six members shall be residents of the City at the time of their nomination, appointment and tenure in office. A nonresident member may be appointed and approved when the Mayor and City Council determine that such individual has special qualifications and expertise in the subject matter of the Board and has expressed interest in being appointed and serving and advancing the interests of the city.

Section 5. Term of Office. The term of office shall be three years.

Section 6. Vacancies and Removals. Any vacancies shall be filled by appointment by the Mayor with approval by the Council. Any member may be removed for cause. A member of the board who is absent from three consecutive meetings without an excuse approved by the Board is presumed to be in nonperformance of duty and the City Council may declare the position vacant and appoint a new member to fill the unexpired term.

Section 7. Officers. The Board at its first meeting on or after July 1, each year, shall select one member to be the chairperson, another to be vice-chairperson and another to be secretary. The chairperson shall preside over the meetings of the board and perform such other duties as

may be delegated by the board. The vice-chairperson shall act in the absence of the chairperson. The secretary shall take and prepare the minutes of the board in accordance with ORS 192.610 through 192.650. The secretary shall forward to the City Recorder, monthly, a copy of the minutes of the meetings of the board. The secretary shall keep all the records of the board and shall perform such other duties as may be delegated by the board. The secretarial duties may be delegated to staff.

Section 8. Meetings. The board shall meet at times and dates to be set by rule of the board, and may meet upon the call of the chairperson or on call by a majority of its members. If necessary, members may attend the meeting by conference call in accordance with ORS 192.670(2).

Section 9. Procedures. The board's procedures shall be in accordance with Robert's Rules of Order. The board may adopt supplementary rules of procedure. All meetings are subject to the requirements of the Oregon Public Meetings Law (ORS Chapter 192.610 to 192.690). A majority of the members of the board shall constitute a quorum for the conduct of business and the concurrence of a majority of those members present shall be required to decide any matter. If the Board is unable, because of a lack of a quorum or other cause, to act or make a recommendation on any matter before it in a timely manner, the City Council may act on the matter directly.

Section 10. Council Liaison. The Mayor appoints council liaisons to each board and commission. It is the responsibility of the council liaison to attend the meeting as a neutral observer, report on actions taken and facilitate communication between the board and the City Council. The Council liaison is not a member of the board.


Section 11. Staff Support. The City Manager assigns staff to each board and commission. Staff's responsibility is to give the board neutral guidance and answer any questions of the board members. The staff person is typically not a member of the board.

Read for the first time: November 1, 2016
Read for the second time: November 15, 2016
Adopted by the City Council: November 15, 2016
Approved by the Mayor: November 15, 2016



John E.D. Oberst, Mayor

ATTEST:



Phyllis L. Bolman, City Recorder

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Chapter 18.145 LANDSCAPING AND STREET TREES

Sections:

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- 18.145.020 Purpose.**
- 18.145.030 Scope.**
- 18.145.040 Definitions.**
- 18.145.050 Compliance with other regulations.**
- 18.145.060 Minimum area requirements.**
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- 18.145.080 Commercial, industrial and multifamily developments.**
- 18.145.090 Residential subdivisions.**
- 18.145.100 Required tree plantings.**
- 18.145.110 Buffering and screening.**
- 18.145.120 Acceptable street and parking lot trees.**

18.145.010 Title.

This chapter shall be known as the Monmouth landscaping and street tree ordinance. (Amended by Ord. 1305, § 1 (Exh. A), November 6, 2012. Code 1983 § 96.305.)

18.145.020 Purpose.

Monmouth recognizes the aesthetic and economic value of landscaping and encourages its use to maintain a pleasant community character. Monmouth values its existing trees and wishes to both protect and retain them. The purpose of this chapter is to promote attractive street views and pleasing commercial frontages; to shade and soften the visual impact of parking lots; to require that trees be protected and retained and, if not possible, to be replaced with similar or appropriate trees; and to establish regulations for the planting, maintenance, removal and replacement of plant materials in the public rights-of-way, and in multifamily, commercial, industrial, and subdivision developments. (Amended by Ord. 1305, § 1 (Exh. A), November 6, 2012. Code 1983 § 96.310.)

18.145.030 Scope.

All construction, expansion or redevelopment of structures or parking lots for commercial, multifamily, or industrial uses shall be subject to the landscaping requirements of this chapter. (Amended by Ord. 1305, § 1 (Exh. A), November 6, 2012. Code 1983 § 96.312.)

18.145.040 Definitions.

In addition to the definitions set forth in MCC 18.45.010, for the purposes of carrying out the intent and purposes of this chapter, words, phrases and terms, as used herein, shall be deemed to have the meaning ascribed to them in this section. To the extent that the definition of a word or phrase in this section differs from the definition of the same or a similar word or phrase in MCC 18.45.010, the definition set forth in this section shall control for the purpose of carrying out and applying the terms and provisions of this chapter.

"Caliper" means the diameter of the tree trunk measured five inches above the base of the tree.

"Ground cover" means low-growing vegetation, excluding grass, which covers the ground in a solid mat.

"Heritage tree" means any tree designated as such by the City Council as provided under MCC 18.155.050.

Multifamily Development. As used in this chapter, "multifamily developments" are those residential uses subject to the site plan review requirements of MCC 18.10.110.

"Noxious weed" means any plant classified by the Oregon State Weed Board that is injurious to public health, agriculture, recreation, wildlife, or any public or private property.

"Park strip" means a portion of street right-of-way that is located between the curb and the sidewalk.

"Plant materials" means trees, shrubs and perennials.

"Remove" or "removal" means the act of eliminating, moving, or taking away any tree from its present location.

"Right-of-way" means the area between a street, or public easement, and private property.

"Severely prune" means to top a tree, or to remove more than 20 percent of the canopy within one year.

"Significant tree" means a particularly impressive or unusual example of a healthy tree defined by size, shape, age or other special species characteristic such as:

- (a) Healthy trees over 50 feet in height; or
- (b) A group of 12-inch or greater caliper stand of evergreen or non-fruit-bearing, hardwood trees; or
- (c) Rare or endangered species, unusual specimens or mature tree species not normally found in this geographic location.

"Street tree" means a tree or substantial shrub on land lying within a right-of-way.

"Topping" means the severe cutting back of limbs within the tree's crown so as to remove the normal canopy and to disfigure the tree.

"Tree" means any self-supporting woody perennial that matures at a height of greater than six feet.

"Xeriscaping" means a method of landscape design that minimizes water use. Plants whose natural requirements are appropriate to the local climate are emphasized, and care is taken to avoid losing water to evaporation and run-off. The specific plants used in xeriscaping depend upon the climate. (Amended by Ord. 1305, § 1 (Exh. A), November 6, 2012. Code 1983 § 96.315.)

18.145.050 Compliance with other regulations.

The regulations set forth herein are intended to apply in addition to and not in lieu of any other applicable regulations, including, but not limited to, Chapter [12.20](#) MCC, Trees Within Rights-of-Way. (Amended by Ord. 1305, § 1 (Exh. A), November 6, 2012. Code 1983 § 96.320.)

18.145.060 Minimum area requirements.

Landscaped areas may include landscaping: around buildings; in open spaces and outdoor recreation areas; in islands and perimeter planting areas in parking and loading areas; and in areas devoted to buffering and screening as required in this section and elsewhere in this chapter. The following area requirements shall be the minimum areas devoted to landscaping:

- (1) Multifamily Developments. In the medium density residential and high density residential zones, a minimum of 15 percent of the gross land area shall be devoted to landscaping in multifamily developments. Interior courtyards, atriums, solar greenhouses, roof gardens and storm drainage retention areas may be included with general landscaped areas in the calculation of this percentage.
- (2) Commercial Developments. In all commercial zones, except the Main Street district, a minimum of 10 percent of the gross land area shall be devoted to landscaping in commercial developments.
- (3) Industrial Developments. In all industrial zones, a minimum of 10 percent of the gross land area shall be devoted to landscaping in industrial developments.
- (4) For expansion of existing developments and parking lots, the required landscape minimum percentage shall be maintained. (Amended by Ord. 1305, § 1 (Exh. A), November 6, 2012. Code 1983 § 96.322.)

18.145.070 General landscape requirements.

The following regulations shall apply to all required landscaping:

- (1) All required landscaping shall be installed prior to occupancy of a development unless arrangements are made with the City Manager to complete the landscaping at a later date, in which case a bond, or other form of security acceptable to the City Manager, in an amount sufficient to insure completion of the landscaping is required.
- (2) Where landscaping or the preservation of existing trees is required, the property owner, or, in the case of street trees, the owner of the adjacent property, shall maintain the landscaping and/or trees during the normal life of the plant materials. Topping or severely pruning trees shall not occur. Only dead, damaged or diseased plant materials shall be removed and shall be replaced as soon as reasonably possible with aesthetically appropriate plant materials.
- (3) Existing Plant Materials. Heritage trees, as designated under MCC [18.155.050](#), and significant trees, as defined by this chapter, shall be preserved and shall be integrated into the landscape plan when a plan is required. Tree preservation priority shall be given to heritage and significant trees and trees located within, or adjacent to, sensitive natural areas, designated wetlands, floodplains, and well head protection areas. Only healthy trees which are appropriate for the site at their mature size must be preserved. Removal of heritage trees shall be as provided under MCC [18.155.100](#).
- (4) Protection from Construction. Excavations, driveways, and general construction activities shall not occur within six feet of any tree required to be preserved or within 80 percent of the distance between the drip line and trunk of the tree, whichever is greater. Construction plans for property adjacent to significant plant materials including heritage and significant trees must be approved in advance by the City Planner.

(5) Noxious weeds as listed by the Oregon State Weed Board shall be removed during site development.

(6) Xeriscaping may be used as a landscaping option. All xeriscaping plans shall be prepared by a licensed landscape professional. (Amended by Ord. 1305, § 1 (Exh. A), November 6, 2012. Code 1983 § 96.325.)

18.145.080 Commercial, industrial and multifamily developments.

(1) Site plans for all commercial, industrial and multifamily developments shall include a landscape plan, to be reviewed under the provisions of MCC [18.10.110](#), Site plan review. The landscape plan shall include a detailed planting plan, the location, size and variety of all proposed and existing plant materials, ground cover and lawn areas and the method of irrigating the landscaped areas.

(2) Landscaping shall be irrigated, either with a manual or automatic system to sustain viable plant life. A xeriscaping landscape plan using drought-tolerant plantings may be submitted.

(3) Landscaping with plant materials, lawn and/or ground cover is required in the setback/yard area. Gravel and/or bark mulch may be used for traveled surfaces such as paths and to mulch around the base of individual plant materials. Spacing of the plant materials, ground cover and/or lawn shall be appropriate to the species and the purpose for the planting.

(4) Landscape Contractor Required. All landscaping installations shall be done by a landscape contractor licensed by the State of Oregon. (Amended by Ord. 1305, § 1 (Exh. A), November 6, 2012; Ord. 1374 § 1 (Exh. A), June 20, 2017. Code 1983 § 96.330.)

18.145.090 Residential subdivisions.

Residential subdivisions shall submit, as part of the tentative subdivision plan application, a landscape plan delineating the type and placement of all street trees. For all new subdivisions, trees shall be planted in designated park strips. Where there is no designated park strip, street trees shall be planted in yard areas adjacent to the street. (Amended by Ord. 1305, § 1 (Exh. A), November 6, 2012. Code 1983 § 96.335.)

18.145.100 Required tree plantings.

Tree plantings in accordance with this section are required for all landscape areas, including, but not limited to, parking lots for 10 or more cars and public street frontages.

(1) Street Trees.

(a) **Acceptable Trees.** Street trees in designated park strips may be planted by the abutting property owner, after obtaining the consent of the City Manager as required by MCC [18.145.070](#), provided the species is on the list of acceptable species set forth in MCC [18.145.120](#) and meets all other requirements of this chapter. Street trees under utility wires shall be of a species designated as appropriate in MCC [18.145.120](#) whose size and growth habit will not interfere with the overhead utility lines. Street trees shall have a minimum of a two-inch trunk caliper and shall be typical of the species, be healthy nursery stock, be free of pests and diseases and be of similar species to existing trees in the area.

(b) **Planting Requirements.** Street trees shall be planted a maximum of 30 to 50 feet apart based upon the species size as shown in MCC [18.145.120](#). Trees shall be planted in the appropriate park strip width, subject to limitations regarding planting under power lines as shown in MCC [18.145.120](#).

(c) Planting, maintenance, and removal of street trees shall comply with all requirements of Chapter 12.20 MCC, Trees Within Rights-of-Way.

(2) **Parking Lot Trees.** The intent of requiring parking lot trees is to provide a canopy effect to shade and soften the visual impact of the parking lot. Parking lots which provide 10 or more parking places shall have trees in planters at the rate of one tree for every seven parking spaces. The planters shall be a minimum of three feet by three feet and shall be protected by either curbs or tire stops. At the end of each parking aisle and in nonparking areas (excluding traffic aisles) there shall be curbed planters, landscaped with appropriate plant materials.

(3) **Areas Where Trees May Not Be Planted.** Unless approved otherwise by the City Manager, trees may not be planted:

- (a) Within 25 feet of a street corner;
- (b) Within 10 feet of fire hydrants and utility poles;
- (c) Within 20 feet of street light standards;
- (d) Within a 10-foot triangular visual clearance area of a street intersection, driveway or alley;
- (e) Within four feet from an existing curb face, except where required for street trees;
- (f) Within 10 feet from a water valve, transformer or other above-ground facility of an underground utility;
- (g) Within 10 feet of a public sanitary sewer, storm drainage, or water line; or
- (h) Where the City Manager determines the trees may be a hazard to the public interest or general welfare. (Amended by Ord. 1305, § 1 (Exh. A), November 6, 2012. Code 1983 § 96.340.)

18.145.110 Buffering and screening.

(1) Buffer plantings are used to reduce apparent building scale, provide a transition between contrasting architectural styles, and generally mitigate incompatible or undesirable views and are used to soften rather than block viewing. Where required, a mix of plant materials shall be used to achieve the desired buffering effect. At a minimum, this mix shall consist of trees, shrubs, and ground cover, and may also consist of existing vegetation, such as natural areas that will be preserved.

(2) Buffering is required for parking areas containing 10 or more spaces, loading areas, and vehicle maneuvering areas. A minimum five-foot-wide perimeter landscaping buffer shall be provided around parking areas to buffer these uses from adjacent properties and the public right-of-way.

Where parking abuts this perimeter landscape buffer, either parking stops shall be used, or planters shall be increased in width by two and one-half feet. On-site plantings shall be used between parking spaces, as well as between parking bays and vehicle maneuvering areas. Low-lying ground cover and shrubs, balanced with vertical shrubs and trees, shall be used to buffer the view of these facilities. Decorative walls and fences may be used in conjunction with plantings but may not be used alone to comply with buffering requirements.

(3) Screening is required where unsightly views or visual conflicts must be obscured or blocked and/or where privacy and security are desired. Fences and walls used for screening may be constructed of wood, concrete, stone, brick, wrought iron, or other commonly used fencing/wall materials. Acoustically

designed fences and walls shall also be used where noise pollution requires mitigation. A chain link fence with slats shall qualify for screening only if a landscape buffer is provided in compliance with this section.

(4) Where landscaping is required for screening and/or buffering, the plant materials shall be at least six feet in height and 80 percent opaque within two growing seasons.

(5) The requirements of MCC [18.145.100\(2\)](#) and this section shall pertain only to new parking lots.

(6) Refuse Containers or Areas. Any refuse container or disposal area, which would be visible from a public street or right-of-way, shall be screened from view by placement of a solid screen (e.g., wood fence, masonry, or stone wall) not less than five feet in height. Fences shall not exceed seven feet in height. All refuse material shall be contained within the screened area.

(7) Outdoor Swimming Pools. All swimming pools having a depth of two feet or more shall be enclosed by a fence, preventing passage, having a minimum height of four feet. Fences shall have a self-latching gate.

(8) Compliance. The requirements stated in subsection (6) of this section, Refuse Containers or Areas, and subsection (7) of this section, Outdoor Swimming Pools, shall apply to existing refuse containers and areas and to existing outdoor swimming pools.

(9) In applying these screening and buffering standards the Planning Commission shall be guided by the need to protect the public and adjacent land uses from objectionable noise, dust, odors, erosion, heat, glare, unsafe, or unsanitary conditions. All required screening and buffering shall comply with this section pertaining to view obstructions.

(10) The requirements for screening/buffering parking and refuse areas shall not apply to single-detached, duplex, triplex, or townhome residential uses. The requirements for screening and protecting swimming pools shall apply to all outdoor swimming pools whether public or private in any land use zone within the City. (Amended by Ord. 1305, § 1 (Exh. A), November 6, 2012; Ord. 1408 § 1 (Exh. A), May 2, 2023. Code 1983 § 96.342.)

18.145.120 Acceptable street and parking lot trees.

Common Name	Scientific Name	Mature Height	Canopy Spread	Minimum Park Strip Width		Overhead Powerlines	
				4 feet	8 feet	Yes	No
Accolade Elm	<i>Ulmus japonica</i> x <i>wilsoniana</i> 'Morton'	70'	60'		X		X
Akebono Flowering Cherry	<i>Prunus yedoensis</i>	25'	25'		X	X	
American Hornbeam	<i>Carpinus caroliniana</i>	20-30'	20-30'	X		X	X
Amur Maackia	<i>Maackia amurensis</i>	12-30'	12-30'	X		X	X
Amur Maple	<i>Acer ginnala</i>	20'	20'	X		X	X
Anglo Yew	<i>Taxus x media</i> 'Hicksii'	2-20'	2-20'	X		X	X
Aristocrat Pear	<i>Pyrus calleryana</i> 'Aristocrat'	40'	28'	X			X

Common Name	Scientific Name	Mature Height	Canopy Spread	Minimum Park Strip Width		Overhead Powerlines	
				4 feet	8 feet	Yes	No
Autumn Blaze Pear	<i>Pyrus calleryana</i>	30'	25'	X		X	
Autumn Brilliance Serviceberry	<i>Amelanchier x grandiflora</i>	20'	15'	X		X	X
Bigleaf Snowbell Tree	<i>Styrax obassia</i>	35'	25'	X		X	X
Blirelana Plum	<i>Prunus x blireiana</i>	20'	20'	X		X	X
Canada Red Chokecherry	<i>Prunus virginiana</i> 'Canada red'	25'	20'		X	X	
Capital Pear	<i>Pyrus calleryana</i> 'Capital'	35'	12'	X		X	
Chanticleer Pear	<i>Pyrus calleryana</i> 'Chanticleer'	20-35'	20'	X		X	X
Chokecherry	<i>Prunus virginiana</i>	20-30'	20'	X		X	X
Bur Oak	<i>Quercus macrocarpa</i>	55'	45'		X		X
Cascara	<i>Rhamnus Purshiana</i>	30'	25'	X		X	X
Catalpa	<i>Catalpa speciosa</i>	60'	40'		X		X
Centurion Crabapple	<i>Malus</i> 'Centurion'	20'	15'	X		X	X
Chancellor linden	<i>Tilla cordata</i> 'Chancole'	35'	20'	X			X
Chinese Dogwood	<i>Cornus kousa chinensis</i>	25'	25'	X		X	
Chinese Elm	<i>Ulmus parvifolia</i>	40-50'	45'		X		X
Chinese Flame Tree	<i>Koelreuteria bipinnata</i>	20-30'	20-30'	X		X	X
Chinese Tupelo	<i>Nyssa sinensis</i>	40'	30'	X	X		
Columnar Goldenrain	<i>Koelreuteria paniculata</i>	30'	6'	X		X	X
Columnar Siberian Crabapple	<i>Malus Baccata</i>	30'	10'	X			X
Cornelian Cherry Dogwood	<i>Cornus mas</i>	15-20'	20-25'	X		X	X
Crabapple	<i>Malus</i> spp.	10-25'	20'	X		X	X
Crape Myrtle	<i>Lagerstroemia</i> cultivars	20'	20'	X		X	X
Crimson Cloud Hawthorn	<i>Crataegus laevigata</i>	25'	18'	X		X	X
Crimson Spire Oak	<i>Quercus alba</i> x <i>Q. robur</i> 'Crimschmidt'	45'	15'	X			X
David's Maple	<i>Acer davidii</i>	30'	20'	X		X	
Dogwoods	<i>Cornus</i> spp.	15-30'	30'	X		X	X
Eastern Redbud	<i>Cercis canadensis</i>	20-35'	25-40'		X		X

Common Name	Scientific Name	Mature Height	Canopy Spread	Minimum Park Strip Width		Overhead Powerlines	
				4 feet	8 feet	Yes	No
Edith Bogue Magnolia	Magnolia grandiflora	30'	15'	X		X	
English Oak	Quercus robur	50-60'	40'		X		X
European Hornbeam	Carpinus betulus	50'	35'		X		X
Forest Green Oak	Quercus frainetto 'Schmidt'	50'	30'	X			X
Galaxy Magnolia	Magnolia 'Galaxy'	35'	25'	X		X	X
Glenleven Linden	Tilia cordata 'Gleneven'	45'	30'		X		X
Glorybower Tree	Clerodendrum trichotomum	20'	20'	X		X	
Goldenrain Tree	Koelreuteria paniculata	20-40'	20-40'		X		X
Green Vase Zelkova	Zelkova serrata 'Green vase'	50'	40'		X		X
Hackberry	Celtis occidentalis	60-80'	40-60'		X		X
Hedge Maple	Acer campestre	30'	25'	X		X	X
Jacquemontii Birch	Betula jacquemontii	40'	30'	X			X
Japanese Hornbeam	Carpinus japonicus	20-30'	12-15'	X		X	X
Japanese Maple	Acer palmatum	8-20'	6'	X		X	X
Japanese Pagoda Tree	Sophora japonica	50-70'	50-70'		X		X
Japanese Snowbell	Styrax japonicum	20-30'	25'	X		X	X
Japanese Tree Lilac	Syringa reticulata	25'	20'	X		X	X
June Snow Giant Dogwood	Cornus controversa 'June snow'	40'	30'	X			X
Katsura Tree	Cercidiphyllum japonicum	40-60'	20-30'		X		X
Legacy Sugar Maple	Acer saccharum 'Legacy'	50'	35'		X		X
Lilacs	Syringa spp.	6-20'	6-20'	X		X	X
Little Leaf Linden	Tilia cordata	30-50'	30'		X		X
Maidenhair Tree	Ginkgo biloba	40-70'	25-35'		X		X
Metro Gold Hedge Maple	Acer campestre 'Panacek'	30'	25'		X		X
Newport Plum	Prunus cerasifera	20'	20'	X		X	X
Norwegian Sunset Maple	Acer truncatum x Acer platanoides	35'	25'	X			X

Common Name	Scientific Name	Mature Height	Canopy Spread	Minimum Park Strip Width		Overhead Powerlines	
				4 feet	8 feet	Yes	No
Pacific Sunset Maple	<i>Acer truncatum</i> x <i>Acer platanoides</i>	30'	25'	X			X
Paperbark Maple	<i>Acer griseum</i>	20-30'	20-30'	X		X	X
Persian Parrotia	<i>Parrotia persica</i>	35'	20'	X			X
Pin Oak	<i>Quercus palustris</i>	60-80'	40'		X		X
Pyramidal European Hornbeam	<i>Carpinus betulus</i> 'Fastigiata'	40'	25'	X			X
Queen Elizabeth Maple	<i>Acer campestre</i> 'Evelyn'	35'	30'	X			X
Red Baron Crabapple	<i>Malus</i> 'Red Baron'	18'	8'	X		X	X
Red Oak	<i>Quercus rubra</i>	60-75'	40'		X		X
Red Maple	<i>Acer rubrum</i>	40-50'	40-50'		X		X
Redmond Linden	<i>Tilia americana</i> 'Redmond'	40'	25'		X		X
Redspire Pear	<i>Pyrus calleryana</i> 'Redspire'	35'	25'	X			X
Red Sunset Maple	<i>Acer rubrum</i> 'Franksred'	45'	35'		X		X
Rocky Mountain Glow Maple	<i>Acer grandidentatum</i> 'Schmidt'	25'	15'	X		X	X
Rocky Mountain Maple	<i>Acer glabrum</i>	20-35'	20-25'	X		X	X
Rocky Mountain White Oak	<i>Quercus gambelli</i>	20-30'	20-30'	X		X	X
Sango Kaku Japanese Maple	<i>Acer Palmatum</i> 'Sango Kaku'	18'	14'	X		X	X
Saratoga Ginkgo	<i>Ginkgo biloba</i> 'Saratoga'	35'	30'	X			X
Saucer Magnolia/Tulip Tree	<i>Magnolia x soulangiana</i>	15-30'	25'	X		X	X
Sawtooth Oak	<i>Quercus acutissima</i>	40'	40'		X		X
Scarlet Oak	<i>Quercus coccinea</i>	50-80'	45'		X		X
September Goldenrain	<i>Koelreuteria paniculata</i> 'September'	30'	25'	X		X	
Smoke Tree	<i>Cotinus coggygria</i>	10-15'	15'	X		X	X
Snowcloud Serviceberry/Juneberry	<i>Amelanchier laevis</i> 'Snowcloud'	25'	15'	X		X	X
Sourwood	<i>Oxydendrum arboreum</i>	35'	20'		X		X
Sterling Linden	<i>Tilia tomentosa</i> 'Sterling'	45'	35'	X			X

Common Name	Scientific Name	Mature Height	Canopy Spread	Minimum Park Strip Width		Overhead Powerlines	
				4 feet	8 feet	Yes	No
Sunburst Honeylocust	Gleditsia triacanthos 'Sunburst'	45'	35'		X		X
Swamp White Oak	Quercus bicolor	45'	45'		X		X
Tatarian Maple	Acer tataricum	20-25'	20'	X		X	X
Tricolor Beech	Fagus sylvatica 'Purpurea Tricolor'	35'	25'	X			X
Trident Maple	Acer buergeranum	20-30'	25-30'	X		X	X
Tulip Tree	Liriodendron tulipifera	60'	30'		X		X
Turkish Filbert	Corylus colurna	40'	30'		X		X
Village Green Zelkova	Zelkova serrata 'Village Green'	40'	38'		X		X
Vine Maple	Acer circinatum	20-25'	20-25'	X		X	X
White Fringe	Chionanthus virginicus	12-20'	12-20'	X		X	X
Winged Sumac	Rhus copallinum	15-25'	15-25'	X		X	X
Yellow Wood	Cladrastis kentukea	30-45'	30-45'		X		X
Zekova	Zekova serrata	50-80'	40-60'		X		X

(Amended by Ord. 1305, § 1 (Exh. A), November 6, 2012; Ord. 1387, § 1 (Exh. A), November 19, 2019. Code 1983 § 96.345.)

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The Monmouth City Code is current through Ordinance 1409, passed June 6, 2023.

Disclaimer: The City Recorder's Office has the official version of the Monmouth City Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://www.ci.monmouth.or.us/>

City Telephone: (503) 838-0722

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**BEFORE THE CITY COUNCIL OF THE CITY OF INDEPENDENCE
STATE OF OREGON, COUNTY OF POLK**

An Ordinance Establishing the Parks and Recreation Board as the Tree Advisory Board within the City of Independence, and Amending Chapters 2.11 and 12.13 of the Independence Municipal Code]
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Council Bill #2012-15

ORDINANCE NO. 1516

WHEREAS, the City Council finds that the City benefits from a large number of trees, both natural growth and those that have been planted and grown throughout the years; AND

WHEREAS, the preservation and maintenance of trees and wooded areas adds to the scenic beauty of the City, is necessary to preserve the ecology of the City and to retain a livable environment through the filtering effects of trees on air pollution and as noise barriers; AND

WHEREAS, the uncontrolled cutting or destruction of trees and wooded areas will increase erosion of topsoil, create flood hazards and the risk of landslides, reduce windbreaks and shaded areas, reduce property values through the encouragement of substandard development and result in the destruction of existing aesthetic qualities; AND

WHEREAS, the City intends to preserve as many trees as possible on developed and undeveloped public lands; AND

WHEREAS, the City of Independence desires to qualify as a Tree City USA; AND

WHEREAS, the City of Independence also desires to establish a Tree Advisory Board; AND

WHEREAS, the role of the Parks and Recreation Board, as outlined in Chapter 2.11 of the Independence Municipal Code (IMC) should be expanded to include serving as the City of Independence's official "Tree Board," charged with the responsibility of developing and periodically updating a "tree plan" for planting, maintaining and removing trees within these areas. The Board shall also pursue a "Tree City USA" designation from the National Arbor Day Foundation, including the coordination of Arbor Day observances and related proclamations; AND

WHEREAS, the City of Independence Parks and Recreation Board, at its November 15, 2012 meeting, and City Council, at its October 13, 2012 work session, both endorsed the concept of the City of Independence pursuing a "Tree City USA" designation, with the Parks and Recreation Board serving as the City's Tree Board; AND

WHEREAS, the City Council finds it is in the public interest and safety to enact this ordinance immediately; NOW, THEREFORE,

THE CITY OF INDEPENDENCE DOES ORDAIN AS FOLLOWS:

Section 1. Findings. The above findings are hereby adopted as support for the Council's following acts and amendments.

Section 2. There is hereby created and established a City Tree Advisory Board, composed of the members of the Parks and Recreation Board.

Section 3. IMC Chapter 2.11, entitled "Parks and Recreation Board" is hereby repealed and replaced with the following:

§2.11.1 PARKS AND RECREATION BOARD

A. Established. A City Parks and Recreation Board is hereby established.

B. Dual Purpose. The Parks and Recreation Board (Board) shall serve as the City of Independence Tree Advisory Board.

C. Membership. The Board shall consist of seven members and a non-voting City Council liaison, to be appointed by the Mayor. Members on the Board may live, work, or own property in the City; however, a majority of the Board shall at all times live in the City.

D. Duties.

1. Parks and Recreation Board Duties. The Board shall make regular inspections of the park facilities of the City and shall make recommendations to the Council with respect to the development, improvement, extension and promotion of all park facilities.

2. Tree Advisory Board Duties. In addition to those duties established by IMC §12.13, it shall be the responsibility of the Board to study, investigate, counsel, develop and/or update annually 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 will be presented annually to the City Council and, upon its acceptance and adoption by Council resolution, shall constitute the official Comprehensive City Tree Plan for the City of Independence.

Section 4. IMC Chapter 12.13, entitled "Street Trees and Shrubs" is hereby repealed and replaced with the following:

Chapter 12.13 PARK TREES, STREET TREES AND SHRUBS

12.13.1 Definitions. For the purpose of this Chapter 12.13, the following definitions shall apply:

"Board". The City Tree Advisory Board, established under the Parks and Recreation Board, IMC 2.11.1 (B).

“Park Trees”. Trees, shrubs, bushes and all other woody vegetation in public parks, public trails and all areas owned by the City or to which the public has free access as a park.

“Street Trees”. Trees, shrubs, bushes and all other woody vegetation on land lying within the public right-of-way on all streets, alleys or other public rights-of-way within the City.

12.13.2. Unless otherwise delegated to the Board or Council by this Chapter, the City Manager or his or her duly authorized representative is charged with the enforcement of this Chapter.

12.13.3. Duties and Responsibilities of the Board. In addition to those duties outlined in IMC 2.11.1.D.2, the Board shall:

1. Establish a tree inventory of street trees and park trees. The inventory shall be updated periodically, not less frequently than every three years.
2. When requested by the City Council, consider, investigate, make findings upon, report and recommend to the City Council any special matter or questions arising within the scope of its duties and responsibilities.
3. Perform all other duties assigned the Board by this IMC §12.13.

12.13.4. Size Classes and Tree Species to be Planted. The Board shall review and maintain the City list of desirable street trees, in three size classes based on mature height: Small (under 25 feet), Medium (25 to 45 feet) and Large (over 45 feet). Efforts shall be made to ensure a diversity of tree species. The Board shall also maintain the list of trees not suitable for planting as park or street trees.

12.13.5. Spacing. The spacing of street trees will be in accordance with the three tree species classes listed in Section 12.13.4, and no trees may be planted closer together than the following: Small trees, 15 feet; Medium trees, 25 feet; Large trees, 35 feet except in special plantings designed or approved by a licensed landscape architect.

12.13.6. Distance from Curbs, Street Corners, Fire Hydrants and Street Lights, and Utilities.

1. No street tree may be planted closer than five feet to any curb, unless planted with a root guard or other appropriate device to prevent damage by the roots to streets, curbs and sidewalks.
2. No street tree shall be planted within twenty feet of any street corner, measured from the point of nearest intersecting curbs or curb lines.
3. No street tree shall be planted within ten feet of any fire hydrant or street light.

4. No street tree shall be placed under or within 10 lateral feet of any overhead utility wire, underground water line, sewer line, transmission line or other utility, other than a species designated as a Small tree under Section 12.13.4.

12.13.7. Public Tree Care.

1. The City may plant, trim, prune, maintain and remove, trees, plants and shrubs within or extending over all public streets, public rights-of-way, parking strips and public grounds, or may require any adjacent land owner to take such actions, as may be necessary to ensure public safety or to preserve or enhance the beauty of such streets, public rights-of-way and public grounds. Failure of a property owner to comply with this section, after thirty days' notice by the City Recorder, shall be deemed a violation of this chapter.

2. The City may remove, cause to be removed, or require any owning or adjacent property owner to remove any tree, plant or shrub which, by reason of its size, location or condition, constitutes a threat to public health or safety, or a hazard to any sewer line, electric power line, gas line, water line or other public improvements or facilities, or is affected with any injurious fungus, disease, insect or other pest. Failure of a property owner to comply with this section, after thirty days' notice by the City Recorder, shall be deemed a violation of this chapter. The removal of such trees, plants or shrubs located on private property shall be in the manner provided for the abatement of noxious vegetation as provided in IMC 8.4.11.

12.13.8. Tree Topping.

1. Except as provided in IMC 12.13.8.2, below, it shall be unlawful for any person to top any street tree, park tree or other tree on public property, unless prior application is made to and approved by the Board. For the purposes of this section, to "top" a tree 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 cause unnatural disfigurement to the tree.

2. The section shall not apply in cases of emergency caused by storm damage or other unexpected casualty; provided, the person who directs or performs such emergency tree topping shall make a report of such tree topping promptly to the Board, including the grounds for the emergency.

12.13.9. Tree Pruning.

1. The owner of the property on which any street tree is situated, and the owner of any tree overhanging any street or public right-of-way shall regularly prune the branches so that the branches shall not significantly 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 13 feet above the street surface or 9 feet above the curb line.

2. All tree pruning of street trees shall be done in conformance with the American National Standards Institute A-300 standards for tree care operations.

3. The City shall have the right to prune any tree, shrub or plant on private property when it significantly obstructs the light of any street lamp or impairs the view of a public street or any traffic control sign or device. The pruning of such trees, shrubs or plants shall be in the manner provided for the abatement of noxious vegetation as provided in IMC 8.4.11.

4. Tree limbs that grow near high voltage electrical conductors shall be maintained clear of such conductors by the responsible electric utility in compliance with any franchise agreement. Except as otherwise provided in such franchise agreement, a utility tree trimming policy shall be subject to review and approval by the Board prior to any trimming by a utility company.

12.13.10. Removal of Trees.

1. It shall be unlawful for any person to remove, destroy, break or injure any tree, shrub or plant in a public place, or place a sign, poster, handbill or other thing on any tree growing in a public place, or to cause or permit any wire charged with electricity to come into contact with any such tree, or to allow any gaseous, liquid or solid substance which is harmful to such trees to come into contact with their roots or leaves, with the following exceptions:

a. The tree is dangerous and may be made safe only by its removal.

b. The tree is dead or dying, and its condition cannot be reversed. Prior to removal, the condition of the tree must be confirmed in writing by a licensed arborist.

c. The tree is diseased and presents a potential threat to other trees within the City, unless removed. Prior to removal, the condition of the tree must be confirmed in writing by a licensed arborist.

d. The tree is causing damage to nearby public or private facilities which cannot be corrected through normal tree maintenance.

e. Removal of the tree is required to make room for trees growing on either side, in accordance with the Street Tree Plan.

2. Under the circumstances listed above in IMC 12.13.10.1, the Board may conditionally approve removal of the tree with a requirement to replace the tree(s) removed with a tree recommended in the City's approved Street Tree List.

3. If a tree is removed from the subject area without Board approval, the Board may cause the tree to be replaced by a suitable tree with a minimum of a 3" caliper and assess the person responsible for the cost of the replacement, including the cost of the tree, labor and any administrative costs.

4. Removal of historic or landmark trees is within the jurisdiction of the Independence Historic Preservation Commission, per Chapter 15.8.10 – Review of Demolitions.

12.13.11. 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.

12.13.12. Review by City Council. Any person aggrieved by a decision of the Board may appeal such decision to the City Council by filing a written notice setting forth the basis for the appeal with the City Recorder, within ten days of decision issuance. The fee for such appeal shall be established by resolution of the City Council. Action taken by the City Council on appeal is final.


Section 5. This ordinance shall become effective thirty days after final passage and its signature by the Mayor.

First Reading to the Council, this 11th day of December, 2012
Second Reading to the Council, this 11th day of December 2012.
Adopted, this 11th day of December, 2012.
Signed by the Mayor this 11th day of December, 2012.



MAYOR JOHN McCARDLE

ATTEST:



Karin Johnson, MMC, City Recorder