

Ordinance No ~ 15
275

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

THE CITY OF PRINEVILLE DOES ORDAIN AS FOLLOWS:

SECTION 1. Title of Ordinance

This ordinance shall hereafter be referred to and cited as the STREET TREE ORDINANCE of the City of Prineville, Oregon.

SECTION 2. Enforcing Authority

The Public Works Superintendent or his duly authorized representative shall be charged with the enforcement of this ordinance.

SECTION 3. Permission to Plant Trees

No trees or shrubs shall hereafter be planted in or removed from any public parking strip or other public place in the city without permission from the Public Works Superintendent.

SECTION 4. Prohibited Trees

It shall be unlawful to plant in any public parking strip the following trees:

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

It shall be unlawful to plant willow, cottonwood, or poplar trees anywhere in the city unless the Public Works Superintendent approves the site as one where the tree roots will not interfere with a public sewer.

SECTION 5. Removal of Trees

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

SECTION 6. Dangerous Trees a Nuisance; Summary Powers to Remove Same

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

SECTION 7. Appeals

Appeals from orders made hereunder may be made by filing written notice thereof with the City Recorder within ten days after such order to the city council. The recorder shall thereupon call such appeal to the attention of the city council at the next regular succeeding meeting, at which meeting the appellant and the Public Works Superintendent may present evidence. Action taken by the city council after such hearing shall be conclusive.

SECTION 8. Abuse or Mutilation of Trees

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

SECTION 9. No person shall maintain any tree or shrub at or near any intersection in the City of Prineville which tends to obstruct the vision of persons using the streets at or near such intersection within the said city, and if any such tree or shrub does so

obstruct the vision or create such traffic hazard, the Chief of Police, or his duly authorized representative, may order the removal and/or trimming of such tree or shrub, so as to remove such traffic hazard, and the failure to comply with such order within thirty (30) days after notice by the City Recorder shall be deemed a violation of this ordinance.

SECTION 10. Violation of this Ordinance - - Penalty

Any person violating any of the provisions of this ordinance or failing to comply with them shall upon conviction thereof be punished by a fine not to exceed fifty dollars (\$50.00) or by imprisonment in the city jail not to exceed twenty (20) days or both such fine and imprisonment.

SECTION 11. Conflict

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

SECTION 12. Validity

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

Adopted
Passed by the Common Council
this 13th day of July, 1965.
Frances Juris
City Recorder

2506
Approved by the Mayor
this 13th day of July, 1965.
Wallace L. Bor
Mayor