

ORIGINAL

ORDINANCE NO. 103

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, CREATING A CITY TREE BOARD, AND SETTING FORTH THEIR DUTIES AND RESPONSIBILITIES AND SETTING FORTH REGULATIONS FOR THE PLANTING AND CARE OF PUBLIC TREES.

WHEREAS, the citizens of the City of Woodinville are supportive of ensuring quality care of trees and other vegetation, and

WHEREAS, the citizens of the City of Woodinville are supportive of creating and sustaining a City Tree board within the City; NOW THEREFORE

THE CITY COUNCIL OF THE CITY OF WOODINVILLE, 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 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 areas owned by the City, or to which the public has free access as a park.

Section 2. Creation and Establishment of a City Tree Board.

There is hereby created and established a City Tree Board for the City of Woodinville, Washington. The Tree Board shall be made up of five members; residents or business owners, with at least one business owner and at least three residents and with a certified arborist, who is not required to live in Woodinville or the Planning Area. Any arborist who does live within Woodinville or the Planning Area will be given preference over those who do not. The members of the board shall be appointed by the Mayor and with the approval of the Council.

Section 3. Term of Office

The term of the five persons to be appointed by the Mayor shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur

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during the term of any member, his successor shall be appointed for the unexpired portion of the term.

Section 4. Compensation

Members of the Board shall serve without compensation.

Section 5. Duties and Responsibilities

It shall be the responsibility of the Board to study, investigate, council and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in the parks, along streets and in other public areas. Such plan will be presented to the City Council and upon their acceptance and approval shall constitute the official comprehensive City Tree Plan for the City of Woodinville, Washington. Upon City Council approval of the Plan, the Board will be responsible for reviewing and developing educational materials to be distributed to developers and citizens to assist in the implementation of the plan.

The Board, when requested by the City Council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

Section 6. Operation

The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

Section 7. Street Tree Species to be Planted

The Tree Board shall be responsible for developing a list of official tree species for Woodinville including members of small, medium, and large tree varieties. No species other than those included in this list may be planted as street trees without written permission of the City Tree Board.

Section 8. Spacing

The spacing of street trees will be in accordance with the three species size classes listed in Section 7 of this Ordinance, and no trees may be planted closer together than the following: Small Trees, 30 feet; Medium Trees, 40 feet; and Large Trees, 50 feet; except in special plantings designed or approved by a landscape architect.

Section 9. 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 7 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.

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Section 10. Distance from Street Corners and Fireplugs

No Street Tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No Street Tree shall be planted closer than 10 feet of any fireplug.

Section 11. Utilities

No Street Trees other than those species listed as Small Trees in Section 7 of this Ordinance 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 12. Public Tree Care

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

Section 13. Tree Topping

It shall be unlawful as a normal practice for any person, firm, or City department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this Ordinance at the determination of the City Tree Board.

Section 14. Pruning, Corner Clearance

Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of at least eight feet (8') above the surface of the street or sidewalk. The City shall give two week notice to said owners to remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. If the owner fails to remove the condition constituting a safety hazard, the City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign or otherwise creates a safety hazard.

Section 15. Tree Planting

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The City shall have the right to regulate the species, installation method, and relative condition of trees located in the City right of ways and City owned property and to cause removal and replacement of unsuitable, damaged, or unhealthy trees.

Section 16. 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 17. Interference with City Tree Board

It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Street Trees or Park Trees as authorized in this Ordinance.

Section 18. Arborists Certification 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 obtaining a certification from the International Society of Arboriculture, provided, however, that no certification shall be required of any public service company or City employee doing such work in the pursuit of their public service endeavors. The person or firm conducting tree work shall also possess evidence of liability insurance in the minimum amounts of \$500,000 for bodily injury and \$1,00,000 property damage resulting from the pursuit of such endeavors as herein described.

Section 19. Review by City Council

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

Section 20. Penalty.

Any person violating any provision of this Ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$2,000 .

Section 21. 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.

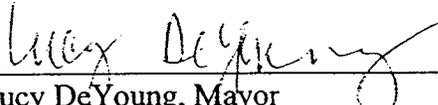
Section 22. Effective Date.

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This ordinance, or a summary thereof consisting of the title, shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF WOODINVILLE THIS 24th
DAY OF October, 1994.

APPROVED:



Lucy DeYoung, Mayor

ATTEST/AUTHENTICATED:



James K. Katica
City Clerk/Treasurer

APPROVED AS TO FORM :
OFFICE OF THE CITY ATTORNEY

By: 

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.