

**Chapter 3.2 - Landscaping and Screening****Sections:**

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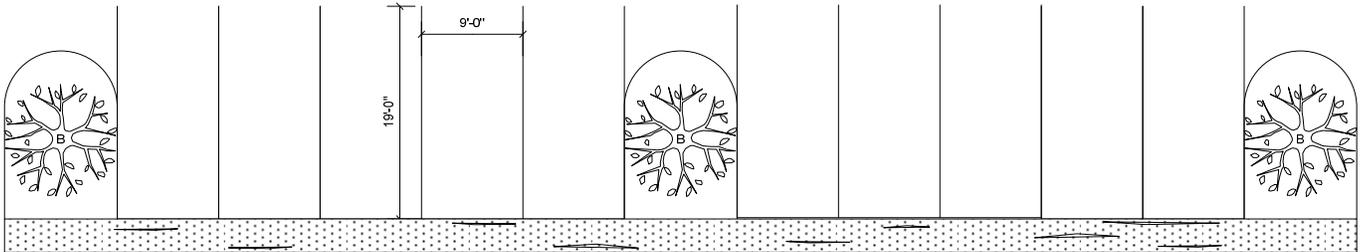
**3.2.100 Purpose**

The purpose of this chapter is to promote community health, safety and welfare by protecting existing trees and setting development standards for landscaping, street trees, fences and walls. Landscaped areas should help to control surface water drainage and can improve water quality.

**3.2.200 Landscape Requirements**

- A. Requirements by Zone.** In the following designated districts, not less than the stipulated percent of gross site area shall be occupied by landscaping.
1. Residential (R), twenty (20%) percent.
  2. Residential Multiple Family (RMF), twenty (20%) percent.
  3. Downtown Commercial (DC), ten (10%) percent.
  4. Highway Commercial (HC), ten (10%) percent.
  5. Light Industrial (LI), five (5%) percent.
  6. Public Facility (PF), ten (10%) percent
  7. Open Space (OS), twenty-five (25%) percent
  8. North Sisters Business Park Sub-district (NSBP), twenty (20%) percent
  9. Sun Ranch Tourist Commercial (TC), ten (10%) percent
  10. Sun Ranch Residential (SRR), twenty (20%) percent
  11. Floodplain (FP), thirty (30%) percent
  12. Urban Area Reserve, twenty (20%) percent
- B. Determination of Landscaped Area.** In determining landscaped area setbacks, private patios and all other areas not occupied by buildings, parking lots, vehicle storage areas, or driveways may be included.
- C. Development Standards**
1. All landscaping within the City shall comply with the requirements of the Oregon Forestland-Urban Interface Fire Protection Act, also known as Senate Bill 360.
  2. Areas occupied by clubhouses, recreation buildings, pools, saunas, interior walkways and similar amenities may be also included as landscaped areas, up to fifty (50) percent of the required landscape area.

3. A hard surface pedestrian plaza or combined hard surface and soft surface pedestrian plaza, if proposed shall be counted towards meeting the minimum landscaping requirement, provided that the hard-surface portion of the plaza shall not exceed twenty-five (25) percent of the minimum landscaping requirement, and shall be comprised of the following:
  - a. Any permeable surface such as brick pavers, or stone, scored, or colored concrete; and,
  - b. One (1) tree having a minimum mature height of at least twenty (20) feet for every three hundred (300) square feet of plaza square footage; and,
  - c. Street furniture including but not limited to benches, tables, and chairs; and,
  - d. Pedestrian scale lighting consistent with the City's Dark Skies Standards; and,
  - e. Public trash receptacles.
4. Bark dust, chips, aggregate and other non-plant ground covers may be used, but shall cover no more than 25 percent of the area to be landscaped.
5. Street trees shall be planted in accordance with the provisions of Street Tree Section 3.2.600 of this Code.
6. Any landscaping area provided in front of building(s) in the Downtown Commercial or Light Industrial zoning district shall be counted as double toward meeting the total landscape requirements.
7. A landscape strip, a decorative wall (masonry or similar quality material), arcade, trellis, evergreen hedge, or similar screen shall screen parking lots from adjacent streets to a height of three (3') feet. The required wall or screening shall provide breaks, as necessary, to allow for access to the site and sidewalk by pedestrians via pathways. Any areas between the wall/hedge and the street/driveway line shall be landscaped with plants or other ground cover.
8. All mechanical equipment, refuse area, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and Residential districts. Properties located in the Light Industrial (LI) District shall refer to Chapter 2.6 for screening requirements.
9. Landscaping shall also be provided where practical in areas within a parking lot not used for the parking of vehicles, drives or turning area.
10. Parking Areas. All parking areas containing more than 10 spaces and all parking areas in conjunction with an off-street loading facility shall provide landscaping and screening in accordance with the following standard;
  - a. Except for Light Industrial Zone properties, landscape islands shall be provided to break up the parking area into rows of not more than five (5) contiguous parking spaces. Landscape islands shall be a minimum of 15 feet X 7 ½ feet and include at least one tree in compliance with the Street Tree section and shrubs and ground cover.

**Figure 3.2.200.A – Landscape Islands**

- b. Divider medians between rows of parking spaces that are a minimum of 6 feet in width (as measured from the inside of the curb or edge of pavement to the inside of the curb or edge of pavement) may be substituted for interior islands, provided that 1 tree is planted for every 40 feet and shall be landscaped in accordance with Chapter 3.2. Where divider medians are parallel with the buildings, there shall be designated pedestrian crossings to preserve plant materials.
  - c. A row of parking spaces shall be terminated on each end by a terminal island that is a minimum of 6 feet in width. The terminal island shall contain at least 1 tree and shall be landscaped in accordance with Chapter 3.2.
  - d. At the sole discretion of the decision authority, the requirement for landscaped islands or medians may be met through the design of additional parking lot landscaping if the configuration of the site makes the use of islands or medians impractical.
11. Buffering is required for parking areas containing four or more spaces, loading areas, and vehicle maneuvering areas. Boundary plantings shall be used to buffer these uses from adjacent properties and the public right-of-way. A minimum five (5) foot - wide perimeter landscaping buffer shall be provided around parking areas; and a minimum ten (10) foot-wide perimeter landscaping buffer shall be provided around trees. Additionally, where parking abuts this perimeter landscape buffer, either parking stops shall be used or landscape buffers shall be increased in width by three (3) feet.
  12. When a commercial or industrial site adjoins a Residential District, where fences are required, such fencing shall be landscaped as appropriate.
  13. All required building setbacks shall be incorporated in the landscape design, unless these areas are utilized in driveways, etc.
  14. A combination of trees, shrubs and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, drought-tolerance, water availability, and drainage conditions; ground covers alone are not acceptable. As necessary, soils shall be amended to allow for healthy plant growth. The Community Development Director or designee may require the substitution of any

plant material which they have reason to believe will not survive successfully under the particular conditions of the site in question.

15. Planted trees shall have a minimum caliper size of two (2) inches and shall conform to the standards described by the ANSI A300 standards for nursery stock, latest edition.
16. Detention facilities, such as ponds, shall be graded so that the sides of the facilities are no steeper than 3:1. Additionally, the facilities shall be landscaped with plant materials that provide erosion control and biofiltration.
17. Plans for the development of required landscaping shall be submitted to the Community Development Department for review and approval prior to the issuance of any building permit. When special conditions of design warrant, changes may be submitted for consideration.
18. All required landscaping shall be installed by the developer and approved by Community Development Department, prior to occupancy of any building, unless other arrangements are agreed to by the Community Development Director.
19. The use of drought-tolerant plant species is encouraged, and may be required when irrigation is not available. If the plantings fail to survive, the property owner shall replace them in kind or in consultation with the Community Development Director or designee. All other landscape features required by this Code shall be maintained in good condition, or otherwise replaced by the owner. Irrigation systems connected to the City water system shall have a back-flow prevention device installed as required by Public Works' Standards and Specifications, latest edition.

#### **D. Landscaping in Right-of-Way**

1. Landscaping in Right-of-Way -- Any landscaped area within the public right-of-way shall not be used when determining required percentage of landscaping provided on-site.
2. Design -- The design of the landscaping of the public right-of-way shall be included in the Landscape Plan and meet the requirements as specified in this section. Adequate space shall be provided in the landscape area to allow free, unrestricted growth and development of the landscaping and street trees.

- E.** All planting shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning, fertilizing, and regular watering. Whenever necessary, planting shall be replaced with other plant materials to insure continued compliance with applicable landscaping requirements.

#### **3.2.300 Screening**

Screening refers to a wall, fence, hedge, informal planting, or berm, provided for the purpose of buffering a building or activity from neighboring areas or from the street. When required, screening may be provided by one or more of the following means:

- A. A solid masonry wall, board fence, or equivalent meeting the standards of the applicable building code.
- B. An evergreen hedge.
- C. An earth berm may be used in combination with any of the above types of screening, but not more than two-thirds (2/3) of the required height of such screening may be provided by the berm. The slope of a berm may not exceed 3:1. The faces of a berm's slope shall be planted with ground cover, shrubs, and trees.
- D. Prescribed screening need not be placed along a lot line so long as a building wall, solid fence, or freestanding wall of the required height exists immediately abutting and on the other side of the lot line.
- E. Screening shall comply with the vision clearance standards in Chapter 2.15 Special Provisions.
- F. In the areas within the Western Frontier Architectural Design Theme, wood, stone or iron or their visual equivalent shall be used consistent with Chapter 2.15 Special Provisions.
- G. Screening walls and fences shall be maintained in good repair including painting, if required, and shall be kept free of litter or advertizing.
- H. Height and Location of Screening. Unless otherwise specified, screening required by this Section shall be a minimum six (6) feet in height. In the front yard or street-side yards in R or C Zoning District such screening shall not be more than four (4) feet in height, unless otherwise specified. All screening shall follow the lot line of the lot to be screened, or the inside edge of the sidewalks, or shall be so arranged within the boundaries of the lot as to substantially hide from adjoining properties the building, facility or activity required to be screened.
- I. Heights of plant screens or hedges specified herein indicate the height which may be expected within three (3) years of planting. The height at the time of planting shall be such that in accordance with good landscape practice the fully required height may be achieved within a three (3) year period.
- J. The standards set forth herein for location and height of landscaping or screening may be modified as directed by the Community Development Director whenever it appears that such landscaping or screening would constitute a danger to traffic by reasons of impairment of vision at a street or driveway intersection.

### **3.2.400 Nonconforming**

For sites that do not conform to these requirements, an equal percentage of the site must be made to comply with these standards as the percentage of building or parking lot expands, e.g. if the building or parking lot area is to expand by twenty-five percent (25%), then twenty-five percent (25%) of the site must be brought up to the standards required by this ordinance.

### **3.2.500 Existing Trees**

- A. Applicability** All development sites containing Significant Trees, shall comply with the standards of this Section. The purpose of this Section is to preserve significant trees within the city limits. The preservation of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature trees reduce air and water pollution, provides summer shade and wind breaks, and require less water than new landscaping plants having established root systems.
- B. Significant Trees** - Individual trees with a trunk diameter of eight (8) inches or greater as measured 4.5 feet above the ground (DBH), shall be identified as significant. Other trees may be deemed significant, when nominated by the property owner and designated by the City Council as "Heritage Trees" (i.e., by virtue of site, rarity, historical significance, etc.).
- C. Mapping Required** Existing significant trees shall be identified on all site plans, partitions and subdivisions and shall be retained whenever possible. Trees to be retained must be identified prior to the commencement of any construction activity and shall be protected during construction pursuant to D below.
- D. Protection Standards** All of the following protection standards shall apply to significant vegetation areas:
1. Significant trees shall be retained whenever practical. Preservation may become impractical when it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district.
  2. Significant trees removed shall be replaced at a 3:1 ratio of trees removed to trees planted. Replacement trees of an appropriate species shall have a minimum two (2) inch caliper size and shall be planted in a suitable location as substitutes for removed trees, at the sole expense of the applicant. Ponderosa pines may be planted as replacement trees where appropriate.
    - a. The Community Development Director or designee shall review tree relocation or replacement plans in order to provide optimum enhancement, preservation and protection of wooded areas. To the extent feasible and desirable, trees shall be relocated or replaced onsite and within the same general area as trees removed.
    - b. When it is not feasible or desirable to relocate or replace trees on-site, relocation or replacement may be made at another location approved by the Community Development Director or designee.
    - c. Where it is not feasible to relocate or replace trees on site or at another approved location in the City, the applicant shall pay into the City Tree Fund, which fund is hereby created, an amount, to be set by the City Council and incorporated into the City of Sisters Master Fee Schedule, for each of the replacement trees that would otherwise be required by this section. This amount shall reflect both the cost of purchasing and the cost of installing a replacement tree. The City shall use the City Tree Fund for the purpose of producing, maintaining and preserving wooded areas and heritage trees, and for planting trees within the City. In addition, and as funds allow, the City Tree Fund may provide educational materials to assist with tree planting, mitigation, and relocation.

3. Significant trees that are identified to be retained prior to any construction activity, as required by C, above, shall be removed only with the prior approval of the Community Development Director or designee.
  4. Significant trees that are identified to be retained shall be protected before and during all construction and site preparation activity. Protection measures shall include, but not be limited to, installation of a high visibility tree protection fence [minimum three (3) foot high fence with metal stakes/posts at eight (8) to ten (10) foot intervals] around the dripline(s) of a tree or trees to be preserved.
  5. Grading, operation of vehicles and heavy equipment, and storage of construction materials are prohibited within the dripline of significant trees to be preserved, except as approved by the City for installation of utilities or streets. Such approval shall only be granted after finding that there is no other reasonable alternative to avoid the protected area.
  6. When proposed developments encroach into the dripline area of significant trees, special construction techniques to allow the roots to breathe and obtain water may be required by the Director with respect to any application for a building, grading or development permit.
  7. The City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine vegetation boundaries, building setbacks, and other protection or mitigation requirements.
  8. Conservation Easements and Dedications. When necessary to implement the Comprehensive Plan, the City may require dedication of land or recordation of a conservation easement to protect sensitive lands, including groves of significant trees and natural rock outcroppings.
- E. Exemptions.** The protection standards in “D” shall not apply in the following situations:
1. Dead, Diseased, and/or Hazardous Vegetation. Vegetation that is dead or diseased, or poses a hazard to personal safety, property or the health of other trees, may be removed. Prior to tree removal, the applicant shall provide a report from a certified arborist or other qualified professional to determine whether the subject tree is diseased or poses a hazard, and any possible treatment to avoid removal, except as provided by subsection 2, below.
  2. Emergencies. Significant vegetation may be removed in the event of an emergency without land use approval pursuant to Chapter 4, when the vegetation poses an immediate threat to life or safety, as determined by the Community Development Director or designee. The Community Development Director shall prepare a notice or letter of decision within 7 days of the tree(s) being removed. The decision letter or notice shall explain the nature of the emergency and be on file and available for public review at City Hall.

**3.2.600 Street Trees**

Street trees shall be planted for all developments that are subject to Land Division or Site Design Review. Planting on unimproved streets shall be deferred until the construction of curbs and sidewalks. Street trees shall conform to the following standards and guidelines:

**A. Street Tree Standards.** Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following applies to street tree planting and selection:

1. Street trees shall be planted between 5' and 15' of the curb, wherever possible.
2. Street trees shall be placed at an average of 35' maximum distance apart from one another. Reduced separation may be required for smaller species of trees. Variety in tree placement using clusters of trees and uneven spacing is encouraged.
3. An approved tree grate or other surface treatment acceptable to the Community Development Director or designee shall be used for street trees planted in paved or concrete areas.
4. Except for immature trees of insufficient height to prune and retain a crown that is at least 2/3 the height of the tree, street trees that overhang city property and public rights-of-way shall be pruned to maintain at a minimum a clearance height of 8' over sidewalks and a clearance height of 14' over streets.
5. Existing trees may be used to meet minimum street trees requirements if they are not killed or damaged during or as a result of development. Sidewalks of variable width and elevation may be used to save existing street trees.
6. Existing street trees removed as the result of development shall be replaced by the developer with trees of a species appropriate to the site, as determined by the Community Development Director or designee.
7. Low-growing trees shall be required for spaces under utility wires.
8. Narrow or "columnar" trees may be used where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
9. Trees that are extremely susceptible to insect damage shall be avoided.
10. Trees that produce excessive seeds or fruit are prohibited as street trees.
11. Street trees shall be those species suitable for the location in which they are placed. Recommended tree species include the following tree types, and within these, consideration should be given to those that are most drought-resistant. Drought resistant trees are marked with an asterisk (\*):

Small trees (under 25 feet at maturity)

- a. Canada Red Cherry (*Prunus virginiana*)\*
- b. Flowering Crabapple (*Malus spp.*)\*
- c. Hawthorn (*Crataegus spp.*)\*
- d. Japanese Tree Lilac (*Syringa reticulata*)
- e. Serviceberry (*Amelanchier spp.*)

Medium trees (30 to 45 feet at maturity)

- f. Flowering Plum (*Prunus cerasifera*)
- g. American Hornbeam (*Carpinus caroliniana*)
- h. Callery Pear (*Pyrus calleryana*)
- i. Hedge Maple (*Acer campestre*)
- j. Mountain Ash (*Sorbus aucuparia*)\*

Tall trees (over 50 feet at maturity)

- k. Birch (*Betula spp.*)
- l. Green Ash (*Fraxinus pennsylvanica*)\*
- m. Honey Locust (*Gleditsia triacanthos 'inermis'*)\*
- n. Littleleaf Linden (*Tilia cordata*)
- o. Norway Maple (*Acer platanoides*)
- p. Pin Oak (*Quercus palustris*)\*
- q. Red Maple (*Acer rubrum*)\*
- r. Red Oak (*Quercus rubra*)\*

- B. Prohibited Street Tree Species.** Use of the following tree species as street trees is prohibited for one or more of the following reasons: 1) their roots cause injury to sewers or pavements; 2) they are particularly subject to insects or diseases; 3) they cause safety and visibility problems along streets and at intersections; 4) they create messy sidewalks and pavements. Prohibited species include the following:

- a. Walnut (*Juglans spp.*)
- b. Osage Orange (*Maclura pomifera*)
- c. Weeping varieties of mulberries, crabapples, cherries, etc. (*Morus, Prunus, etc. (weeping)*)
- d. Fruiting Mulberry (*Morus alba*)
- e. Poplar (*Populus trichocarpa*)
- f. Commercial Fruit Trees (*Prunus, Pyrus, etc. (fruiting)*)
- g. Weeping Willow (*Salix babylonica*)
- h. American Elm (*Ulmus americana*)
- i. Siberian Elm (*Ulmus pumila*)

- C. Caliper Size.** Planted trees shall have a minimum caliper size of one and one-half (1 ½) inches and shall conform to the standards described by the ANSI A300 standards for nursery stock, latest edition.

- D. Location.** Street trees shall be planted within existing and proposed planting strips and in sidewalk tree wells on streets without planting strips.

**E. Street Tree Maintenance**

1. Except for trees located in medians within public rights-of-way, which shall be maintained by the City, it shall be the continuing duty and routine obligation of property owner(s) of land abutting public rights-of-way to perform activities required to maintain trees located within the abutting right-of-way in good health and vigor. Activities may include watering, pruning, protection against damage, and replacement if necessary.

2. Street tree removal and planting shall be the obligation of the adjacent property owner(s).
3. All maintenance activities shall be conducted in accordance with the City of Sisters Urban Forestry Ordinance and City of Sisters Public Works Construction Standards, latest edition.

**F. Assurances.** The developer shall install all required landscaping prior to the occupancy of the development. In the event that installation needs to be delayed, the City shall require the developer to provide an estimate of landscaping improvement costs to the City. Upon acceptance of this amount, the City shall require a performance bond in the amount of 120 percent of the accepted estimate from the owner/developer. .

### **3.2.700 Urban Forestry**

**A. Purpose.** The purpose of the Urban Forestry section is to:

1. Promote a diverse, healthy and sustainable urban forest;
2. Enhance the livability of the City of Sisters and maintain the City's unique character;
3. Promote public health and safety; and
4. Provide for the general welfare of Sisters' citizens; by effectively managing, maintaining, conserving and enhancing the City of Sisters' existing and future trees located on city property or public rights-of-way; by providing ongoing education on proper tree planting, maintenance, removal and protection techniques and the benefits of trees and of Sisters' urban forest. This ordinance further implements the policies and goals of the City of Sisters Comprehensive Plan.

**B. Intent.** It is the intent of the City by this section to promote:

1. The effective management of the urban forest resource;
2. The planting, maintenance, restoration and survival of desirable trees within the City;
3. The protection of community residents from personal injury and property damage; and,
4. The protection of the City from property damage caused or threatened by the improper planting, maintenance, or removal of trees located in and upon public areas and rights-of-way within the City.

**C. Applicability and Jurisdiction**

1. The provisions of this ordinance shall apply to trees located now and hereafter on city property and public rights-of-way.
2. The City of Sisters shall have jurisdiction of all trees located now and hereafter on city property and public rights-of-way and shall have the authority to regulate the protection, planting, maintaining, removing and replacing of such trees.
  - a. The Community Development Director or designee is authorized to:
    1. Supervise the urban forestry program and implement the provisions of this ordinance.
    2. With assistance from the City Urban Forestry Board, develop an Urban Forest Management Plan within three (3) years of the adoption of this ordinance and, thereafter, periodically update the Plan.
    3. Implement the approved Urban Forest Management Plan.
    4. Develop and update code provisions establishing standards for planting, protection, maintenance and removal of public and private trees.

5. Review development applications to insure compliance with Sisters' City Code provisions concerning street trees and other trees located on city property or public rights-of-way.
6. Implement and enforce code provisions concerning both public and private trees.
7. Be the city staff liaison to the City Urban Forestry Board.

**D. Urban Forestry Board**

The Urban Forestry Board shall function as an advisory body to the City with respect to this ordinance and urban forestry matters generally.

**E. Removal, Major Pruning, Planting, or Attachment of Seasonal Holiday Lights to Public Trees**

1. Requires City Authorization. Written authorization by the Community Development Director or designee is required for the removal, major pruning, or planting of public trees or the attachment of seasonal holiday lights to public trees.
  - a. Request for written authorization shall be made at least 3 working days before the intended activity.
  - b. The Community Development Director or designee shall base their written authorization on the standards, goals, and objectives set forth in this section and the Urban Forestry Standards and Specifications.
  - c. Work done under such written authorization shall be performed in accordance with the provisions of this section and the Urban Forestry Standards and Specification, unless otherwise authorized by the Community Development Director or designee.
  - d. No such written authorization shall be valid for a period greater than 90 days after the date of issuance.
  - e. The written authorization to remove trees may include a provision requiring the replacement of the tree(s) removed with tree(s) appropriate to the site conditions, as determined by the Community Development Director or designee.
  - f. If the Community Development Director or designee determines that a tree is hazardous, he/she may authorize immediate emergency removal or pruning of such tree. Work shall be done in accordance with the urban Forestry Standards and Specifications, unless otherwise authorized by the Community Development Director or designee.
2. Work Standards and Specifications.
  - a. Activities on and near trees located on city property and public rights-of-way shall be performed in accordance with the provisions of this ordinance and the Urban Forestry Standards and Specifications.
  - b. The Community Development Director or designee shall develop specifications and standards for activities affecting trees located on city property and public rights-of-way, called Urban Forestry Standards and Specifications, including planting, maintenance, protection and removal of trees within the City of Sisters Public Works Construction Standards.
    - i. The Urban Forestry Standards and Specifications shall include a Tree Selection Guide; a list of tree species, varieties and cultivars thereof, approved for planting as well as those prohibited from planting on city property and public rights-of-way. Tree species, varieties and cultivars

- thereof, not included in the Tree Selection Guide as approved for planting may be considered and approved by the Community Development Director or designee for planting. Approval shall be based upon the suitability and appropriateness, including drought-tolerance, of the tree species, variety or cultivar for the planting site.
- ii. The Community Development Director or designee shall maintain and update as necessary these standards and specifications. The initial standards and specifications and subsequent updates are subject to the approval of the City Council.
  - c. The City recognizes the American National Standards Institute A-300 Standards for Tree Care Operations, most recent version, as the appropriate standard for tree care. ANSI A300 Standards shall apply to any person or entity repairing, maintaining, or preserving trees on city property or on public rights-of-way. The City shall incorporate by reference the most recent version of the ANSI A300 within the Urban Forestry Standards and Specifications and maintain the most recent version of the ANSI A300 for public review.
  - d. Trees located on city property and public rights-of-way with trunk, branches and/or roots located 15 feet or less from any excavation, grading, demolition or construction site, include the erection, repair, alteration, or removal of any buildings, structures, street, utilities or landscaping, shall require protection from harm and injury, as determined by the Community Development Director or designee. Protection measures shall be conducted in accordance with the Urban Forestry Standards and Specifications.
3. Activities Prohibited. Unless specifically authorized in writing by the Community Development Director or designee:
- a. No person shall top a tree located on city property or on public rights-of-way. Authorization by the Community Development Director or designee to top a tree shall be based upon their determination that topping is necessary to alleviate a dangerous condition, including electric service interruptions, which pose an imminent threat to the public or property.
  - b. No person shall attach or keep attached to any trees located on city property or on public rights-of-way any ropes, wires, nails, chains, or other device whatsoever, except that which is within the Urban Forestry Standards and Specifications as approved for tree support or protection.
    - i. Seasonal holiday lights attached in accordance with the Urban Forestry Standards and Specifications is permissible for a period not to exceed 90 days, unless otherwise approved by the Community Development Director or designee.
  - c. No person shall damage any public tree; allow any gaseous liquid or solid substance which is harmful to trees to come in contact with them; cut or carve, attach advertising posters or other contrivance; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any public tree.
  - d. No person shall major prune, plant, remove or attach seasonal holiday lights to a public tree without authorization from the Community Development Director or designee.

4. Requirements of City Personnel.
    - a. City personnel on official business shall notify the Community Development Director or designee of all activities affecting public trees.
    - b. City personnel on official business are exempt from the written authorization requirement of this section.
    - c. City personnel on official business shall conduct all activities in accordance with the provisions of this section and the Urban Forestry Standards and Specifications.
  5. Requirements of Public Utility Companies.
    - a. Public utility companies and their affiliates shall notify the Community Development Director or designee of all activities affecting public trees within city limits.
    - b. Public utility companies holding a current franchise agreement with the City are exempt from the written authorization requirement of this section.
    - c. All activities shall be conducted in accordance with the provisions of the current franchise agreement.
- F. Penalties.** If, as the result of the violation of the provisions of this ordinance, the injury, mutilation, or death of a tree located on city property or the public right-of-way is caused, the cost of repair or replacement of such tree, of similar size, shall be borne by the party in violation. The replacement value of trees shall be determined by the city in accordance with the latest edition of *Guide for Plant Appraisal*, authored by the Council of Tree and Landscape Appraisers.
- G. Appeals.** Any action related to this code section by the Community Development Director or designee may be appealed to and heard by the City Urban Forestry Board. To be effective, an appeal shall be filed within fourteen (14) working days after the decision of the Community Development Director or designee. The appeal shall be in writing and shall be filed with the City Recorder for placement on the City Urban Forestry Board's agenda. The appeal shall clearly specify the reasons for which a hearing is requested. After a hearing, the City Urban Forestry Board shall render its decision, which shall be final unless appealed to the Planning Commission. To be effective, an appeal to the Planning Commission must be in writing, state the reasons for the appeal, and must be filed with the City Recorder within fourteen (14) working days after notice of the decision of the City Urban Forestry Board is mailed to the applicant. After a hearing, the Planning Commission shall render its decision, which shall be final unless appealed to the City Council. To be effective, an appeal to the City Council must be in writing, state the reasons for the appeal, and must be filed with the City Recorder within fourteen (14) working days after notice of the decision of the Planning Commission is mailed to the applicant. The decision of the City Council shall be final.