

City of Grants Pass Municipal Code



Ord. 997, 999 and 1433 have been repealed.
Chapter 6.42 has been amended by Ord. 4633 §1, 1988.

Chapter 6.42

STREET TREES

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6.42.100 Purpose and Objectives.

Trees, as defined, regulated and protected herein, are declared to be a natural community resource, and it is the intent of the Grants Pass Council to protect and regulate them as a means to achieve the following objectives:

1. To purify the air by reducing dust and other air contaminants.
2. To provide shade and wind protection.
3. To reduce street noise and glare.
4. To screen unsightly objects and scenes.
5. To keep the City streets free from dead, unhealthy, or hazardous trees.
6. To beautify and provide a pleasing, restful, healthy environment.

These objectives are in the interest of the health, safety and welfare of citizens and visitors to the City.

The Grants Pass Council also finds that (a) the better use of this resource will improve the appearance of the City and enhance tourism, a major component of

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the economy of the City, and (b) the enhancement of this resource is consistent with, and materially aids, the accomplishment of the purposes of the City's Comprehensive Plan (including 3.1, 3.2, 3.40, 3.50, 5.24, 5.25, 7.1, and 7.4).

6.42.200 Definitions.

- A. Tree. A woody perennial plant, usually with one main trunk, attaining a height of at least six (6) feet at maturity, and a shrub when planted in, or projecting upon, a City right-of-way.
- B. City. Means the City of Grants Pass, Oregon.
- C. Person. Includes any individual, firm, association, or corporation of any kind, whether acting directly or through an agent.
- D. Owner. The possessor of title to the land on which particular trees stand (or the owner's agent); in the case of a tree on semi-public land the owner is considered to be the owner of the fee title to the land.
- E. Manager. The City Manager of the City of Grants Pass or any City employee appointed by the Manager to act for the Manager.
- F. Public Land. Any land belonging to the City of Grants Pass.
- G. Semi-Public Land. Land on which the City of Grants Pass has (a) a right-of-way or other easement such that the City has the legal right to control or regulate the planting, care, and disposal of trees on such land or (b) the right, pursuant to intergovernmental agreement, contract, lease, or law, to exercise control over the land, that is broad enough to encompass the planting, care and disposal of trees on such land.
- H. Topping. 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 substantially remove the normal canopy.

6.42.300 Authority of the Manager.

- A. Regulation. The Manager shall have the authority to enforce this ordinance, including the planting, maintenance and removal of trees on public and semi-public property to preserve or enhance safety or aesthetics.
- B. Supervision. The Manager shall have the authority and it shall be his duty to supervise or inspect all work done under an Encroachment Permit issued in accordance with the terms of this ordinance.

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- C. Conditions of Permit. The Manager shall have the authority to affix reasonable conditions to the granting of a permit in accordance with this ordinance.

6.42.400 Permit Required.

No person shall plant, set out, prune, root prune, remove, cut above ground, kill, or otherwise disturb any tree on public or semi-public property without first filing an application for, and procuring, an Encroachment Permit from the City Manager. The person receiving the permit shall abide by the standards adopted pursuant to Section 500 below.

- A. Planting. The application required herein shall state (1) the number of trees to be planted or set out, (2) the location, size, species or variety of each tree and (3) such other information to allow a fair determination of whether a permit should be issued.
- B. Removal and Replacement.
1. The application required herein shall list the reason(s) for requesting tree removal. The property owner shall bear the cost of removal and replacement of all trees removed and the costs of any public property damaged during removal or replacement. The tree(s) need not be replanted if such tree(s) is inconsistent with the easement.
 2. Whenever it is necessary to remove a tree or trees from semi-public land in connection with the paving or widening of a street, the City shall replant such trees or replace them. This requirement will be satisfied if any equivalent number of trees are planted according to standards adopted pursuant to Section 500.
 3. Trees may be removed or relocated in the following cases:
 - a. Trees which pose a safety hazard to pedestrian or vehicular traffic or unmanageably threaten or cause a disruption to public utilities service;
 - b. Trees which pose a safety hazard to building;
 - c. Trees which prevent physical ingress and egress to a building, lot or parcel of property;
 - d. Trees which prevent the development of a lot or parcel, or the physical use thereof;

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- e. Diseased trees which are a hazard to people, buildings, or other improvements on a lot or parcel, or to other trees;
- f. Trees so weakened by age, storm, fire, ice, or other injury so as to cause danger to persons or property;
- g. Dead trees;
- h. Trees which are replaced by other trees within four months pursuant to a plan mutually approved by the property owner and the City;
- i. Trees of the species listed in Section 600, if the property owner and the City agree to the removal.

6.42.500 Standards.

The Manager shall develop reasonable standards for the planting, maintenance and removal of trees to carry out the purposes of this ordinance. These standards will apply to trees within Grants Pass city limits on public or semi-public land. These standards may be amended as the need arises, by the Manager. The standards shall include, but not be limited to, the following:

- A. Acceptable tree species and varieties with information on the appropriate placement of each.
- B. Height clearances over streets, sidewalks, or other sections of the right-of-way.
- C. Sight clearances for traffic signs and signals, street lights, intersections and other traffic related fixtures.
- D. Utility clearances including, but not limited to, sewers, storm drains, curbs, sidewalks, driveway aprons, streets, power or telephone lines, fire hydrants and water meters.
- E. Circumstances requiring, and procedures for planting, care or removal of trees.

6.42.600 Certain Trees Prohibited.

No person shall plant in any semi-public area the following trees; poplar, willow, cottonwood, fruit trees, nut trees, or ailanthus (tree of heaven).



6.42.700 Responsibility for Trees.

- A. Owner Tree Care. Trees on semi-public lands, or those on private lands affecting the use of public or semi-public lands, are the responsibility of the owner of the land where the tree is rooted. With regard to such trees:
1. When such tree(s) become hazardous to person or property, it is the owner's responsibility to remove the hazard at the owner's expense;
 2. Tree maintenance required for the protection and proper operation of public utilities, safe public use of rights-of-way, etc., shall be done in accordance with the standards adopted pursuant to Section 500. The consent of the owner need not be obtained; however, a reasonable attempt shall be made to notify the owner before work is begun.
 3. Private Trees. No person shall have on his land a tree that constitutes a hazard to person or property.
 4. Semi-Public Tree Care. The City shall have the right to plant, prune, maintain and remove trees in accordance with standards developed pursuant to Section 300, within the right-of-way of all streets, alleys, squares and public ground, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such semi-public grounds.

6.42.800 Protection of Trees on Public and Semi-Public Lands from Wanton, Malicious, and Negligent Harm.

In relation to any tree or shrub on public or semi-public land, the following acts shall also be illegal:

- A. To break, injure, mutilate, burn, kill, remove, or destroy any tree or shrub without authority to do so as set forth in this ordinance;
- B. To permit any toxic chemical, either solid or liquid, to pass, drain or be emptied on or about any such tree;
- C. To knowingly permit any wire designed to carry electrical current to be attached to any tree, except as consistent with standards developed pursuant to Section 300;

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- D. To excavate any tunnel, ditch, or trench, or to lay any driveway, sidewalk or pavement through or across the root zone of any such tree, except as consistent with standards developed pursuant to Section 500;
- E. To attach any wire, rope, cable, poster, sign, nail, or other fastener to such tree or shrub, except as consistent with standards developed pursuant to Section 500;
- F. To place, deposit or store any stone, brick, sand, earth, or other material as to impede the passage of water, air and fertilizer to the roots of any such tree or shrub, except as consistent with standards developed pursuant to Section 500;
- G. To move any building or other large object along any street in such a manner as to damage any such tree;
- H. To build any structure, pavement, utility or other construction in violation of any provision of this ordinance;
- I. To prevent, delay, or interfere with the Manager or any of his agents, engaging in or about the planting, maintenance, or removal of any tree or as authorized in this ordinance;
- J. To top any tree on public or semi-public land, except in respect to trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions, where other pruning practices are impractical, as determined by the Manager in accordance with the standards developed pursuant to Section 500.

6.42.850 Stumps.

Stumps of trees or shrubs on public or semi-public land are hereby declared to be a public nuisance and must be removed in accordance with the standards adopted pursuant to Section 500.

6.42.900 Arborist Insurance.

It shall be unlawful for any person to engage in the business, occupation or profession of pruning, treating or removing trees in public or semi-public areas within the City limits of Grants Pass without first obtaining liability insurance in the minimum amount of \$300,000.

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6.42.925 Violation.

Violating of Sections 400 through 990 constitutes an offense. Each day the violation is caused or allowed to exist constitutes a separate offense.

6.42.950 Enforcement.

- A. The Manager or his duly authorized representative shall be charged with the enforcement of this ordinance.
- B. A violation of any provision of this ordinance is declared to be a nuisance and may be treated as such by the City and by any court of competent jurisdiction.
- C. Any person violating any provision of this ordinance shall, upon conviction, be fined a sum not exceeding \$500 or be imprisoned in the County Jail for a period not exceeding six months, or be punished by both fine and imprisonment.
- D. As an alternative to 3. above, any person alleged by the Manager to have violated this ordinance may be notified of the right to a hearing before the Grants Pass Council or its designated hearings officer. There shall be at least two weeks notice before the hearing. This two week period includes any other waiting or notice period which shall be considered a part of this two week notice. If the hearing is adverse to the property owner, the Manager may, after one week from the Council's decision, abate the nuisance, by whatever means are reasonably necessary and charge the cost thereof to the person causing the violation.

In addition, the City may also seek judicial assistance through injunctive relief.

If a violation constitutes an immediate and serious threat to the public health, safety, or welfare, the Manager may abate the nuisance immediately, without notice or prior hearing.

6.42.975 Repeal.

Ordinance numbers 1433, 997, and 999 are hereby repealed.

6.42.990 Severance.

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