

**CITY OF LA GRANDE**  
**ORDINANCE NUMBER 2794**  
**SERIES 1990**

**AN ORDINANCE OF THE CITY OF LA GRANDE, OREGON, REGULATING PLANTING, MAINTENANCE, PROTECTION, CONTROL AND REMOVAL OF TREES IN PUBLIC PLACES; PROVIDING PENALTIES; REPEALING ORDINANCE NUMBER 2781, SERIES 1989; AND DECLARING AN EMERGENCY.**

**THE CITY OF LA GRANDE ORDAINS AS FOLLOWS:**

Section 1. DEFINITIONS

A. Arborist See "Residential Contractor."

B. Abuse or Mutilation Intentionally damaging, cutting, carving, transplanting or tree trimming as defined in Section 6; or removing any tree; or attaching rope, wire, nails advertising posters, or other contrivances to any tree; allowing any gaseous, liquid or solid substance which is harmful to such trees to come in contact with any tree; or setting fire or permitting any fire to burn, when such fire or heat thereof will injure any portion of any tree.

C. City The City of La Grande, a municipal corporation of the state of Oregon.

D. City Manager The person appointed by the city council, in accordance with the city charter, to perform the duties of the City Manager. The City Manager may designate other persons as his designee to carry out the functions and duties prescribed in this Ordinance.

E. Owner The person owning such property, as shown by the county assessor's plat of Union County, state of Oregon.

F. Park Park shall include public parks having individual names.

G. Park shrubs Shrubs and all other woody vegetation not considered trees, in public parks or areas to the public has free access.

H. Park trees Trees in public parks or areas to which the public has free access.

I. Parking Strip That part of the a street or highway, not covered by sidewalk or other paving, lying between the property lines, and that portion of the street or highway usually used for vehicular traffic.

J. Person An individual, firm, partnership, association, or corporation.

K. Property Line The right-of-way boundaries of a street, highway, or alley.

L. Public Places Includes all other grounds owned by the City of La Grande, county of Union, State of Oregon; for example, grounds surrounding City Hall and the library, the viaduct area, parking lots, ect.

M. Residential Contactor An individual who or business entity which is an independent contractor, as defined by ORS 701.025; engaged as an independent contractor to remove trees, prune trees, remove tree limbs or stumps. Also known as an "Arborist."

N. Street or highway The entire width of every public way or right-of-way of any dedicated street or alley.

O. Street shrubs Shrubs, bushes, and all other woody vegetation not considered trees, lying within the right-of-way of any dedicated street or alley.

P. Street trees Trees on land lying within the right-of-way of any dedicated street or alley.

## Section 2. STREET TREE SPECIES TO BE PLANTED

The List of tree species described in the Tree Selection Guide constitutes the official street tree species for the City. The tree Selection Guide is attached hereto and by this reference incorporated herein as if fully set forth.

## Section 3. PERMIT TO PLANT TREES, SHRUBS, BUSHES, ECT.

A. Permits No trees, shrubs, bushes, or other woody vegetation shall hereafter be planted in public parking strips or other public places in the City without first securing a permit from the City of La Grande, Community Development Department. Such permit shall be issued if Community Development Department staff determines the requested planting conforms to the guidelines set forth in this Ordinance; however, Community Development Department Staff may make more specific recommendations for species to be planted in certain areas of the City. A permit is not required to plant annual or perennial flowers in those public areas, as long as the mature height of the plant does not create visibility problems or other safety hazards.

B. Variance Any person wishing to plant a tree, shrub, bush or other woody vegetation in a public parking strip or other public place, which does not conform the requirements of the Ordinance, may request a variance from said regulations from the City Manager. Upon receiving a request for such variance, the City Manager shall issue or deny the variance within ten (10) days.

A variance may be granted only in the event that all of the following circumstances are found to exist. These criteria shall be addressed in writing as part of the letter of application. Variances will be considered where strict application of this Ordinance would create an undue or unnecessary hardship.

(1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other property in the same neighborhood or vicinity. Such circumstances result from a situation over which the applicant has no control.

(2) The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same neighborhood or vicinity.

(3) The variance would not be detrimental to the purposes of this Ordinance or to property in the neighborhood for which the variance is requested or otherwise conflict with any other Ordinance or policies of the City.

(4) The hardship necessitating the variance does not arise as a result of a violation of this Ordinance since its effective date.

(5) The variance requested is the minimum variance which will alleviate the hardship.

C. State Highways Permission to plant on state highways within the city limits must be obtained from the City in accordance with this Ordinance and from the Oregon State Highway Department.

D. County Roads Permission to plant on county roads within the city limits must be obtained from the City in accordance with this Ordinance and from the Union County Road Department.

## Section 4. SPACING

The spacing of street trees will be in accordance with the four species size classes listed in the Tree Selection Guide referred to in Section 2 of this Ordinance, and no trees may be planted closer together than the following:

Class I & II: 25 feet

Class III: 35 feet

Class IV: 40 feet

Exceptions may be made for special planting, in accordance with section 3.B., of this Ordinance. If trees or other vegetation are not planted in compliance with this section, the City Manager may order such trees or vegetation removed and/or replanted in accordance with this section, at the owner's expense.

#### Section 5. PERMIT TO REMOVE TREES

A. It shall be unlawful to remove a tree from a public parking strip or other public place without first securing a permit from the City of La Grande Community Development Department. Permits to remove tree(s) from a public parking strip or other public place will be granted only if Community Development staff determine that at least one of the following conditions exist:

(1) The tree is dangerous and may be made safe only by its removal.

(2) The tree is dead or dying, and its condition cannot be reversed.

(3) The tree is diseased and presents a potential threat to other trees within the City, unless it is removed.

(4) The tree is causing damage which cannot be corrected through normal tree maintenance, to nearby public or private facilities.

(5) Removal of the tree is required to make room for trees growing on either side, in accordance with the Tree Selection Guide.

(6) The tree is located under an electrical power line and would have to be severely disfigured by pruning, in order to meet power line clearances.

(7) The tree is one of the following species: willow, Chinese elm, evergreen, black locust, fruit or nut bearing, box elder.

B. The permit to remove trees may also include a provision which would suggest the permittee replace the tree(s) removed with trees recommended in the Tree Selection Guide. No additional permits shall be required for those replacement trees.

C. If a tree is removed from the subject area without a permit, the City Manager may order such tree replaced by a suitable tree. Failure to comply with such order within a reasonable time, as determined by the City Manager, shall be deemed a separate violation of this Ordinance.

#### Section 6. TREE TRIMMING

A. It shall be unlawful for any person to top any street tree, park tree, or other tree on planting strips or other public property. Topping is defined as a severe cutting back of limbs to stubs larger than three inches (3") in diameter within the crown, to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes are exempt from this provision of this Ordinance. Certain trees under other obstructions, or where other pruning practices are impractical, may be exempted from this provision of this Ordinance, at the determination of the city Manager.

B. Pruning for or by Utility Upon obtaining a written permit from the Community Development Department, the utility maintaining its utility system in the street may prune or cause to be pruned, using proper arboricultural practices in accordance with said permit, any tree located in or overhanging the street which interferes with any light, pole, wire, cable, appliance or apparatus used in connection with or as part of a utility system, but no tree shall be pruned without the consent of the abutting owner or occupant of the premises. The owner or occupant has one month after receipt of notice to have said trees pruned by a qualified line clearance

contractor, in accordance with utility company or applicable industry requirements, at the owner's or occupant's expense, and in accordance with the terms of this Ordinance. If the owner or occupant fails, neglects or refuses to have such tree pruned as required by the notice, the utility may prune or cause to be pruned, the tree at its expense in accordance with the conditions of the permit. The Community Development Department, at its discretion, may waive the notification of single tree permit process if the utility adequately demonstrates the ability to meet the performance requirements of this section and to apply, consistently proper arboricultural practices to the pruning of trees.

#### Section 7. DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

See Ordinance Number 2764, Series 1989.

#### Section 8. REMOVAL OF TREE STUMPS

It shall be unlawful for a person to leave a stump of a street tree projecting above the level of the ground. Removal of such stump(s) will be the responsibility of the owner.

#### Section 9. ARBORIST'S PERMIT

A. It shall be unlawful for any person to engage in the business or occupation of pruning, treating or removing trees within the City without first applying for and procuring a permit from the Community Development Department, City of La Grande. The permit fee shall be paid annually in advance; provided, however, that no permit shall be required of any public agency or City employee doing such work in the pursuit of their public utility endeavors. Before any Commercial Tree Service Permit shall be issued, each applicant shall first show possession of any and all valid licenses required by the State of Oregon for the scope of the applicant's work. For tree removal and pruning, the applicant must show possession of a valid license from the Oregon Construction and Contractors Board or the Oregon Landscape Contractor's Board. For pesticide application, the applicant must show possession of a Commercial Pesticide Operator's License from the Oregon Department of Agriculture. Before any Commercial Tree Service Permit shall be issued, each applicant shall also first file evidence of a commercial general liability and a business automobile liability insurance policy from a company acceptable to the City and authorized to do business in the State of Oregon. The limits of the insurance shall be set by Resolution of the City Council. Certificates shall be furnished evidencing such insurance and bearing an endorsement naming the City as additional insured. The insurance shall be in full force and effect during the period covered by the permit.

B. Permit fees shall be established by Resolution of the City Council.

#### Section 10. WORK WITHIN PUBLIC RIGHTS-OF-WAY

No person shall remove, trim or maintain any tree within a public street or alley which requires blocking of any street, sidewalk, or alley, without first obtaining a permit from the Community Development Department, City of La Grande.

#### Section 11. Abuse or Mutilation of Trees

It shall be unlawful for any person, firm, or corporation to abuse, destroy or mutilate any tree, shrub, bush, or other woody vegetation in a public parking strip or any other public place.

## Section 12 Appeal to the City Council

A. Decisions made by the City Manager pursuant to Sections 3 and 4 of this Ordinance may be appealed to the City Council by writing to the City Recorder within ten (10) days of the City Manager's decision and requesting that the appeal be placed on the agenda for the next regular City council meeting. The letter of appeal shall state how and why the decision of the City Manager is not in accordance with this Ordinance.

B. Citations issued by the City Manager pursuant to Sections 5.6.7.8.9. and 10, shall be heard in the district court and shall not be appealable to the City Council.

## Section 13. 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.

## Section 14. Penalty

Any person violating any provision of this Ordinance shall be, upon conviction or plea of guilty, subject to a fine not to exceed Five Hundred and No/100 Dollars (500.00).

## Section 15. Emergency Clause

Inasmuch as it is essential to the preservation of the public health , welfare, peace, and safety of the citizens of the City of La Grande, Oregon, that this Ordinance be effective immediately upon its enactment, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its adoption and approval by the City Council of the City of La Grande.

## Section 16. Repeal

Ordinance Number 2781, Series 1989; all amending Ordinances, and all other Ordinances or parts in conflict herewith shall be, and the same hereby are, repealed.

Passed by the City Council and approved by the Mayor May 16, 1990.