

**AN ORDINANCE AMENDING KLAMATH FALLS CITY CODE SECTIONS 3.715, 3.730, 3.735, 3.740, 3.745, AND 3.755 REGARDING TREE MAINTENANCE**

**WHEREAS**, the City Council of Klamath Falls has adopted a goal objective of improving the visual image of the City;

**WHEREAS**, guaranteeing appropriate street tree maintenance and abiding by official pruning standards extends a tree's lifespan, improves its overall health, provides greater energy conservation, enhances property values, and mitigates urban heat islands;

**WHEREAS**, City staff has an opportunity to encourage more tree maintenance in accordance with certified and official pruning standards compared to previous practice;

**WHEREAS**, providing guidance and training about certified tree pruning standards to all contractors who maintain street trees is essential for tree health, community well-being, and safety in city rights-of-way; and, NOW, THEREFORE,

**THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:**

Section 1

City Code Sections 3.715, 3.730, 3.735, 3.740, 3.745, and 3.755 are hereby amended as noted below.

**3.715 Street Tree Plan and list of trees.**

A. It is in the best interest of the City that a Street Tree Plan be developed and established for the planting, maintenance and replacement of trees in and along its streets. This section is adopted for the purpose of providing for such a plan.

B. The City Manager shall prepare or cause to be prepared a Street Tree Plan for the planting and maintenance of trees in the streets of the City. Said plan shall be consistent with the landscaping provisions of Chapter 14 of the CDO and, until such time as the Plan is developed, those CDO provisions shall be applied under this Act.

C. The City Manager shall maintain a list of approved varieties of trees that may be planted on any street within the City in accordance with the Street Tree Plan. Approval shall be based upon considerations such as maturity, height, susceptibility to disease or pests, reasonable expected freedom from nuisance characteristics and general suitability for any particular locations.

D. The City may plant street trees along the streets of the City in the public right-of-way and in accordance with the Street Tree Plan.

**3.730 Street tree trimming permit requirements and conditions.**

Any person desiring for any purpose to cut, prune, or treat any street tree, shall make application to the City Planning Department on forms furnished by the City. Such application must state the number and kind of trees to be pruned or treated, the name of permittee and/or contractor, and the time by which the proposed work is to be done and such other information as may be required by the City. Any work done under such written permit must be performed in strict accordance with the terms and provisions of this Act. In issuing or denying a permit, the City Planning Department shall apply all the standards as set forth in this Act and the objectives on the Street Tree Plan. Permit fees shall be established by the City Manager pursuant to Section 1.075.

**3.735 Maintenance.**

A. All street trees must be pruned to American National Standard (ANSI) Pruning Standards. A current copy of said Standards shall be available for review at the City Planning Department.

B. The owners of trees on private grounds and having branches projecting into the street shall maintain those trees in accordance with City Code Section 5.632.

C. The care and maintenance of street trees are the continuing duty and routine of the City.

D. Wherever the owner or owners, lessees, occupants or persons in charge of private grounds shall neglect or refuse to prune any tree as provided, said tree may be declared a nuisance pursuant to Chapter 5, Article 10 and the City may prune or treat, or cause to be pruned or treated, said tree. The person remedying the condition shall be authorized to enter the premises for that purpose. The nuisance abatement provisions of Chapter 5, Article 14 shall be followed for the collection of costs incurred by the City in abating the nuisance.

E. The City may prune and maintain, or cause to be pruned and maintained, all street trees and trees on private property which have branches projecting into and over the street, the cost of which shall be paid by the property owner, provided prior notice has been given and the property owner has failed to have the work done.

### **3.740 Protection of trees.**

A. It is unlawful for any person to "top" or "head" any public tree contrary to the standards set out by ANSI. "Topping" is defined as the cutting of the branches and/or trunk of a tree in a manner which will substantially reduce the overall size of the tree's crown (more than 20% in a calendar year) so as to destroy the existing symmetrical appearance or natural shape of the tree 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 in writing by the City Manager.

B. It is unlawful for any person to engage in the business, occupation or profession of tree trimming or pruning within the corporate limits of the City of Klamath Falls without first obtaining a business license as provided in Chapter 7, Article 1. Issuance of such business license shall be subject to attendance at a tree trimming and pruning class to be conducted by the City (provided, however, International Society of Arboriculture certified arborists or other education or certification approved by the City Manager, or designee, shall not be required to attend the class). Those employees and owners of tree trimming businesses who prune and maintain trees directly shall attend the class once every two years. Any contractor or business which prunes street trees shall provide proof of compliance with this section prior to contracting with the City or obtaining a permit as required by Section 3.730.

C. It is unlawful for any person to attach or keep attached to any public tree any ropes, wires, chains, or other device whatsoever, except that the same may be attached to any tree as support or protection. This prohibition shall not apply to the seasonal attachment of holiday lights.

D. During the erection, repair, alteration or removal of any building, sidewalk, or structure, it is unlawful for the person in charge of such erection, repair, alteration or removal to leave any public tree in the vicinity of such building or structure without a good and sufficient guard or protector as to prevent injury to such tree or its roots arising out of, or by reason of such erection, repair, alteration or removal.

E. It is unlawful for any person to abuse, destroy or mutilate any public tree, shrubs, bush or other woody vegetation without first obtaining a permit to do so.

### **3.745 Permit to remove trees.**

A. It is unlawful to remove a public tree without first securing a permit from the City Planning Department as described in section 3.730. Permits to remove public tree(s) will be granted only if Department 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 Street Tree Plan.
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.

B. The permit to remove trees may also include a provision which would require the permittee to replace the tree(s) removed with tree 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 as determined by the City Manager. Failure to comply with such order within a reasonable time, as determined by the City Manager, shall be deemed a separate violation of this Act.

### 3.755 Stumps.

In addition to the National Standard (ANSI) Pruning Standards, the following regulations are hereby established for the care and removal of tree stumps in or upon the streets of the City. When trees are cut down, the stump shall be removed to a minimum depth of 12" below the surface of the ground, including all surface roots to a depth of 12" unless extenuating circumstances exist. Exceptions shall be approved by the City Manager. Grindings shall be placed back in the stump hole until such time as work is complete when approved topsoil shall be placed in the stump hole at or above the ground surface.

### 3.790 Penalties.

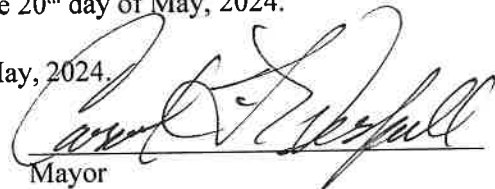
Any person who violates any provision of this article or who fails to comply with any notice issued pursuant to said provisions, shall be subject to a fine not less than \$250.00 for each separate offense; each day during which any violation of the provisions of these sections shall occur or continue shall be a separate offense. Repeated violations may result in the revocation of the offending party's business license with the City. If, as the result of the violation of said provisions, the injury, mutilation, or death of a tree or shrub located in a right-of-way is caused, the cost of repair or replacement of such tree or shrub, of similar size, shall be borne by the party in violation.

## Section 2

This Ordinance shall become effective 30 days from enactment.

Passed by the Council of the City of Klamath Falls, Oregon, the 20<sup>th</sup> day of May, 2024.

Presented to the Mayor, approved and signed this 21<sup>st</sup> day of May, 2024.

  
Mayor

ATTEST:

  
City Recorder

STATE OF OREGON                     )  
COUNTY OF KLAMATH            ) ss.  
CITY OF KLAMATH FALLS         )

I, \_\_\_\_\_, City Recorder for the City of Klamath Falls, Oregon, do hereby certify that the foregoing is a true and correct copy of an Ordinance duly adopted by the Council of the City of Klamath Falls, Oregon at the meeting on the 20<sup>th</sup> day of May, 2024, and therefore approved and signed by the Mayor and attested by the City Recorder.

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City Recorder