



CITY OF SEDRO-WOOLLEY
Sedro-Woolley Municipal Building
325 Metcalf Street
Sedro-Woolley, WA 98284
Phone (360) 855-0771
Fax (360) 855-0707

Mark A. Freiburger, PE
Director of Public Works

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Subject: Hazard or Nuisance Tree Inspection, Trimming and Removal

Questions occasionally arise from the public regarding city policy regarding hazard or nuisance trees on city or private property. Sedro-Woolley Municipal Code Chapter 12.40 Tree Standards covers trees planted within public property or trees located on private property that overhang or interfere with use of public property. Pertinent sections of Chapter 12.40 are quoted verbatim below. Refer to Chapter 12.40 for additional sections dealing with subdivisions, prohibited trees and recommended trees.

Note that trimming of street trees and removal of hazard or nuisance trees is the responsibility of the abutting property owner, as defined in sections 12.60 and 12.80. See section 12.120 for the inspection, notification and appeal process. The city may at its discretion participate in the cost of trimming or removal of such trees.

12.40.010 Purpose.

It is hereby declared that the preservation and development of the beauty of nature is essential to the progress and growth of the city. It is the policy of the city to plant and maintain, and to encourage the planting and maintenance of, desirable trees and other plantings to enhance the beauty of the community for the health, welfare and safety of its citizens. The council has become concerned with the proper selection, location and care of trees planted in parking strips, other public places and adjacent areas, and has studied ways to eliminate problems connected with adequate street illumination, safety to the community preservation of public utilities, and providing the greatest aesthetic value to the city. The ordinance codified in this chapter is adopted for the purpose of establishing rules and regulations relating to the planting, care and maintenance of such trees. (Ord. 1382-00 § 1, 2000)

12.40.020 Definitions.

As used in this chapter, the following words and phrases shall have the meanings ascribed to them:

- A. "Owner" means the legal owner of real property fronting or abutting on any property of the city and any lessees of such owner, including fee owner and holder of a purchaser's interest in a real estate contract.
- B. "Parking strip" means that part of the public street or avenue, or right-of-way not covered by sidewalks, lying between the property line and the curb or that portion of the street or avenue being used for vehicular traffic.
- C. "Public property" means all roads, streets, avenues, alleys, public rights-of-way, tree lawns, parking strips or any public property or portion thereof of the city. (Ord. 1382-00 § 2, 2000)

12.40.030 Permission to plant trees.

All trees, shrubs and plants planted in any public place or right-of-way shall be with prior permission of the city and in accordance with the provisions of this chapter. No tree shall be planted in any parking strip or public property less than four feet wide. No tree shall be planted closer to any curb or sidewalk than the following: small trees, two feet; medium trees, three feet; and large trees, four feet. On streets that do not have curbs and/or sidewalks or planters, the city shall approve the location of new trees consistent with street and sidewalk standards. No tree shall be planted within twenty feet of another tree or within twenty-five feet of a street light or intersection. Trees planted under utility lines shall not exceed a maximum mature height of twenty-five feet. No street tree other than small trees may be planted under or within ten

lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, transmission line, or other utility. (Ord. 1382-00 § 3, 2000)

12.40.040 Utility right-of-way.

Notwithstanding any other provision of this chapter, all trees shall be placed and maintained in such a manner as not to interfere with any utility franchise, license or right-of-way granted, or to be granted, by the city. (Ord. 1382-00 § 4, 2000)

12.40.050 Removal of Trees and Shrubs.

The stumps and roots of trees or shrubs removed under the authority of this chapter 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. The remaining roots shall be treated with a suitable compound to prevent future sprouting or growth. Roots from trees planted on public property or adjacent private property, which have disrupted or broken the adjacent street surface, sidewalk or curb, shall be repaired at the adjacent property owner's expense. (Ord. 1382-00 § 5, 2000)

12.40.060 Trimming overhanging trees – Duty of property owner.

All property owners within the corporate limits of the city shall, at their own expense, keep all trees, brush and other foliage from projecting out over the public streets and sidewalks and alleys so as not to interfere, in any way, with the use of street construction, utility franchises right-of-way and license, and cleaning equipment, nor shall the same interfere with sidewalk traffic or create a hazardous situation insofar as the same obstructs the view of motorists using the public streets. (Ord. 1382-00 § 5, 2000)

12.40.070 Clear vision area.

A clear vision area shall be maintained on the corners of all property adjacent to the intersection of two streets or of a street and a private drive or street, alley or railroad. A clear vision area shall contain no planting, fence or other temporary or permanent obstruction exceeding three feet in height, measured from the top of the curb, or where no curb exists, from the established centerline grade of the street. Taller trees may be permitted if all branches and foliage to a height of eight feet above the top of the curb or sidewalk and fourteen feet above the street are removed. No tree shall be planted closer than twenty feet from any public or private street corner, measured from the nearest intersection curb or curbline. No street tree shall be planted closer than twenty feet from any fire hydrant. (Ord. 1382-00 § 6, 2000)

12.40.080 Care and disposition of existing trees.

Any hazardous or nuisance trees in existence on the effective date of the ordinance codified in this chapter shall be removed by the property owner. The city may remove, or cause to be removed, at the expense of the abutting land owner, a tree or part of a tree which is in an unsafe condition or constitutes a nuisance, or which by reason of its nature is injurious to utilities, sidewalks or other public improvements. The city may, but is not required, to contribute to the cost of removal and replanting by payment or in-kind services. (Ord. 1382-00 § 7, 2000)

12.40.120 Inspection and appeal

A. The city may inspect any tree upon or which overhangs any public property or lawn to determine whether the same or any portion thereof is in such a condition as to constitute a hazard or impediment to the progress or vision of anyone traveling on public property. Any tree or part thereof growing upon private or public property, but overhanging or interfering with the use of public property that endangers life, health, safety or property, or is otherwise in violation of this chapter, is hereby declared to be a public nuisance. The city shall by written notice require the adjacent property owner to abate the nuisance by trimming, destroying or removal, at the owner's cost and expense. The property owner shall have thirty days from the date of the notification of the nuisance to remove or trim the hazardous or nuisance tree. If the adjacent property owner does not cause the nuisance to be corrected or removed, the city may abate the nuisance and the cost shall be assessed to the adjacent property owner.

B. Appeals from the city determination that a nuisance exists may be made by any citizen or the adjacent property owner within ten days after the property owner is notified of the city determination. Such determination may be appealed to the city council at the next regularly scheduled meeting. Action taken by the city council on such appeal shall be final.

C. If the owner of such private property does not correct or remove such nuisance within thirty days after receipt of written notice from the city, they shall be guilty of a civil infraction, and subject to a monetary penalty of not more than two hundred fifty dollars. Each day for which the violation is allowed to continue shall be a separate offense. Nothing contained in this chapter shall be deemed to impose any

liability upon the city, its officers or employees, nor to relieve the owner of any private property from the duty to keep any tree upon his property or under his control in such a condition as to prevent it from constituting a public nuisance as defined in this section. (Ord. 1382-00 § 11, 2000)

12.40.130 Reserved rights.

Nothing in this chapter shall create a property right or interest in the public right-of-way for adjoining owners. The city may amend or repeal all or part of this chapter at any time. (Ord. 1382-00 § 12, 2000)