

Ordinance 02-17

AN ORDINANCE TO REPEAL SKY VALLEY ORDINANCE 99-4 AND TO ESTABLISH AN ORDINANCE FOR THE REGULATION OF THE CUTTING OF TREES WITHIN THE CITY LIMITS OF SKY VALLEY, AND TRIMMING.

The Council of the City of Sky Valley hereby ordains and adopts the following Ordinance:

- I. SKY VALLEY ORDINANCE NO. 99-4 IS REPEALED AND A NEW ORDINANCE IS ENACTED TO READ AS FOLLOWS:

Section 1. Definitions.

- a. Tree: Any tree exceeding eight inches in diameter at eighteen inches above the ground.

Section 2. Tree Committee; creation; duties and restrictions.

- a. Creation of the Tree Committee: There is hereby created a "Tree Committee" consisting of any two Council members and the City Marshall. The Committee shall have the responsibility to carry out the provisions of the Ordinance, and to grant or deny in whole or in part or deny permits requested pursuant to this ordinance. In carrying out it's duties the Tree Committee shall consider adjacent property, value of the trees to be removed, cut, topped or trimmed, the effect on the surrounding vegetation, streams and lands, whether the action is requested in order to enhance the land owner's primary view, the effect on the aesthetic value of the City and the needs of the landowner.
- b. Variances: Any variance to the terms and conditions of this ordinance will be decided by the City Council.
- c. Time for decision: Decisions of the Tree Committee shall be made in writing within seven days of receipt by the City of an application for a permit.
- d. Appeals to Council: Decisions of the Tree Committee may be appealed to the City Council by submission of a letter to the Council by any person seeking such appeal at least 3 days prior to the next regularly scheduled Council session.

Section 3. Fines.

- a. Violations; Amount of Fine: Any person, firm, corporation or other entity or agents thereof violating this ordinance shall be upon conviction or pleas of guilty be subject to a mandatory fine of \$500.00 (five hundred dollars) per violation and \$500 for each additional violation. A violation will occur each time a tree is cut, topped or trimmed in violation of this ordinance.
- b. Replanting. In addition to the above monetary fine any person, firm, corporation or other entity or agents thereof violating this ordinance will be required to replace each tree cut, topped,

trimmed or removal in violation of this ordinance with two (2) hardwood trees. Each hardwood tree must be:

- a. Between eight (8) and ten (10) feet high;
- b. Two inches in diameter at its base; and
- c. Nursery grown with a fifteen (15) gallon ball.

The replanted trees must be approved prior to replanting by a member of the Tree Committee.

Section 4. Cutting, Topping, Trimming and Removal of Trees. (Former Section 4 is hereby repealed and replaced with the following:)

- a. Permit Required: No tree as defined herein to include diseased trees or trees considered hazardous to public safety shall be cut, topped, trimmed or removed from public or private lands without written permit issued by the Tree Committee.
- b. Permit required in addition to building permit: Permits are required on all trees as defined herein and are in addition to building permits. An application for a tree permit shall be submitted with each application for a building permit.
- c. Permit required to remove certain trees near foundation, septic tank or septic field: A permit is required to remove on all trees, in excess of 8" in diameter at a point 18 inches above the ground, which are within 15 feet of a foundation, septic drain field or septic tank as shown on building permit.
- d. Requests in writing: Requests for a permit must be presented in writing to any member of the Tree Committee or the City Clerk. The application for a tree permit will require the applicant to mark all trees to be cut, topped, trimmed or removed with a red ribbon around each tree approximately 3 or 4 feet above the ground. The number of trees to be cut, topped, trimmed or removed will be shown on the application.
- e. Two signatures required: All granted permits shall include at least two signatures of members of the Tree Committee.
- f. Duration of Permit: Permits shall expire (45) forty-five days from the date of issue.
- g. Cutting, topping, trimming or removing trees on another's land: Any cutting, topping or trimming or removing of trees on another person's land will require a signed written permission from that landowner to be sent to city hall before a permit will be issued.
- h. It shall be the responsibility of the landowner to remove all debris from the cutting, removal, trimming or topping of trees within 14 days from the date that the cutting, removal, trimming or topping of trees occurred. There will be a \$100.00 per day fine for violation of this provision. This fine continues from day to day until all debris is removed.

Section 5: Clearcutting Prohibited.


Clearcutting is hereby prohibited.

II. ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED.

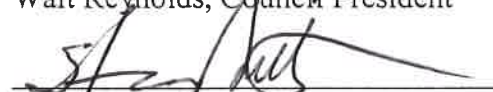
III. THIS ORDINANCE WILL BECOME EFFECTIVE UPON ADOPTION BY THE CITY COUNCIL AND APPROVED BY THE MAYOR AS PROVIDED BY THE CHARTER OF THE CITY OF SKY VALLEY.

It is so ordained and approved by vote of the City Council of the City of Sky Valley this 9th day of December, 2002.

Approved:


W. Delano Moore, Mayor


Walt Reynolds, Council President


Steve Brett, Councilor

Carolyn Burgess, Councilor

Attest:


Linda Wells, City Clerk

Mary Ann Ulmer, Councilor


Britt Whitaker, Councilor

First reading approved by City Council
Second reading approved by City Council

or

Second reading waived by unanimous vote
of all council members present ✓