

ORDINANCE NO. 3601

TITLE: An Ordinance regulating the planting, maintenance, protection, control and removal of trees on private property or within public right-of-ways in the City of Albany providing for penalty for violation thereof.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1:

It shall be unlawful to plant any of the following trees, to wit: box elder, tree of heaven, golden chair, holly, silver maple, bamboo, poplar, willow, conifer, cottonwood, fruit trees (other than ornamental fruit trees), nut trees (other than ornamental nut trees), and ailenthus in or on any street right-of-way or parking strip in the city of Albany.

Section 2:

It shall be unlawful to plant willows, cottonwood, or poplar trees anywhere in the city of Albany unless the _____, city manager or duly authorized representative approves the site thereof as one where the tree roots will not be likely to interfere with public sewers.

Section 3:

The City Manager or duly authorized representative may cause any trees, shrubs, plants or vegetation in or upon any parking strip, street right-of-way or other public place in the city of Albany to be trimmed, pruned, or removed and said trimming, pruning or removal may be done by anyone designated to do so by said City Manager or his duly authorized agent.

Section 4:

No person owning, in possession of, occupying or control of premises within the city shall plant, maintain or allow a tree, shrub, bush or plant which is higher than eighteen (18) inches above the ground of the adjacent roadway and that portion of the roadway between the property line and the curb line within twenty five (25) feet from the intersection of curb lines, if extended, at any street, avenue, or highway intersection.

Section 5:

No trees, shrub or plantings more than eighteen (18) inches in height shall be planted in the public right-of-way abutting roadways having no established curb and gutter.

Section 6:

Any tree, shrub, plant or vegetation growing in or upon any parking strip, street right-of-way or public place or on private property which is endangering or which in any way may endanger the security usefulness of any public street, sewer or sidewalk, or which in any way may be dangerous to the life or property is hereby declared to be a public nuisance, and the city of Albany may remove or trim such tree, shrub, plant or vegetation or may require the property owner to remove or trim any such tree, shrub, plant or vegetation in or upon private property or upon a street right-of-way or parking strip abutting upon said owners property. The failure of the property owner to remove or trim such trees, shrubs, plants or vegetation within thirty days after notice given to him to do so by the City Manager or his authorized representative shall be deemed a violation of this ordinance, and the City Manager or his authorized representative may at any time thereafter remove or trim said tree, shrub, plant or vegetation and assess the cost thereof against the property. The amount of assessment may be docketed by the City Manager in the city lien docket and shall be a lien against the property which can be foreclosed in the same manner as the foreclosure of street assessment liens.

Section 7:

The word "property owner" when used herein shall mean any person firm, or corporation owning, possessing, or having the right to control any property in the city of Albany. In event that more than one person, firm or corporation is joined in concurring ownership in, or has right of possession or control of the same parcel of ground, then each of said persons, firms or corporations shall be jointly and severally responsible to comply with this ordinance.

Section 8:

Appeals from orders made hereunder may be made by filing written notice stating the grounds therefor with the City Recorder of the city of Albany within ten days after such order is received stating in substance that an appeal is being made from such order to the City Council of the city of Albany. The City Recorder thereupon shall call such appeal to the attention of the City Council at the next regular succeeding council meeting at which meeting the appellant and the City Manager may present evidence. The council may take such action in regard to sustaining, overruling, or modifying such orders it deems proper, and any action taken by the City Council after such hearing shall be conclusive.

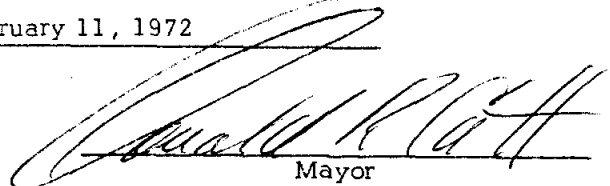
Section 9:

Any person violating any provision of this ordinance shall upon conviction thereof be punished as provided in Section 1.04.010 of the Albany Municipal Code.

Passed by the council: January 12, 1972

Approved by the Mayor: January 12, 1972

Effective date: February 11, 1972



Mayor

ATTEST:



City Recorder