

ORDINANCE 5181

AN ORDINANCE CLARIFYING AMC CHAPTER 7.98 THROUGH THE ADDITION OF 7.98.105 TO CLARIFY THE CITY'S ROLE IN THE REMOVAL OF DEAD OR DANGEROUS TREES, AND DECLARING AN EMERGENCY.

WHEREAS, Chapter 7.98 of the Albany Municipal Code sets forth tree regulations in effect throughout the City of Albany, and

WHEREAS, the aforesaid regulations authorize the City to take certain steps to remove dead or dangerous trees and to take other actions as the City may deem necessary or desirable for the protection of persons and property, and the maintenance of urban vegetation;

WHEREAS, limitations on time, money, and staff resources sometimes make it undesirable to take certain actions which may be authorized by the regulations;

NOW, THEREFORE, the people of the City of Albany do ordain as follows:

Section 1. AMC Section 7.98.105 is hereby created to read as follows:

7.98.105 City's power and authority is permissive, not mandatory.

Under no circumstances shall this Chapter obligate the City of Albany, or any employee or agent thereof, to undertake any particular action to enforce any of the terms of this Chapter. All authority granted to the City, its agents and employees, shall be permissive and not mandatory, and the City, its agents and employees shall have complete discretion to determine whether or not enforcement action of any type should be undertaken and if so, the nature of the enforcement action itself. The remedies provided in these regulations shall be cumulative and in addition to any and all remedies available at law or equity.


Section 2. Emergency Declared:

IT IS HEREBY adjudged and declared that this Ordinance is necessary for the immediate preservation of the public peace, health and safety of the City of Albany, and an emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect when signed by the Mayor.

Passed by the Council: May 24, 1995

Approved by the Mayor: May 24, 1995

Effective Date: May 24, 1995



Chuck McLaran, Mayor

ATTEST:



Deputy City Recorder