



ORDINANCE NO. 6041

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE (AMC) 7.98 TO INCREASE NUMBER OF PROTECTED TREES AND PROHIBIT ACTIVITIES THAT COULD HARM PROTECTED TREES

WHEREAS, the City of Albany prioritizes tree protection; and

WHEREAS, the parks and recreation department and Parks Commission are reviewing the Albany Municipal Code to make adjustments to increase tree protection, and

WHEREAS, the current City tree code allows activities that could harm protected trees; and

WHEREAS, it is reasonable to increase the number of protected trees;

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

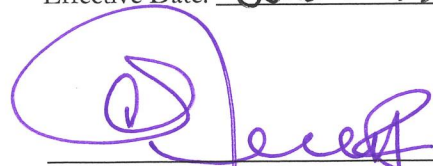
Section 1: The text of the Albany Municipal Code is hereby amended as shown in Exhibit A of this ordinance.

Section 2: A copy of this ordinance shall be filed in the office of the city clerk of the City of Albany, and these changes shall be made to the Albany Municipal Code.

Passed by the Council: May 22, 2024

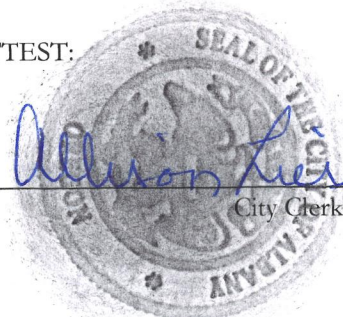
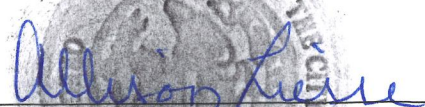
Approved by the Mayor: May 22, 2024

Effective Date: June 21, 2024



Mayor

ATTEST:

City Clerk

AMC Tree Protection Update

7.98.020 Definitions.

(1) "Certified arborist" means a person certified by the International Society of Arboriculture as having specialized knowledge, experience, and training related to arboriculture.

(2) "City Forester" means the person designated by the Parks and Recreation Director to be the authorized representative in matters concerning the urban forest of the City of Albany.

(3) "Critical root zone" means the area around a tree where roots are critical to a tree's survival. The critical root zone is estimated and expressed as a circle around the center of a tree's trunk, where the radius is calculated by adding one foot for every one inch of trunk diameter plus the tree trunk's radius; where all tree measurements are consistent with those for establishing tree circumference. For example, a tree with a tree circumference of 6.5 feet would have a trunk radius of 1 foot and diameter of 25 inches. The critical root zone would be a circle with a radius of 26 feet (1 ft + (25 in * 1 ft/in)) from the center of the tree's trunk and have a total diameter of 52 feet.

(4) "Hazardous or dangerous tree" means a tree that is classified as a hazardous or dangerous tree by the Parks, Recreation, and Tree Advisory Commission.

(5) "Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns.

(6) "Public trees" means trees located on property designated as a public park and trees located in public right-of-way not defined as street right-of-way.

(7) "Parks and Recreation Director" means the person designated by the City Manager to supervise the Parks and Recreation Department and who is charged with certain duties and responsibilities by this chapter, or the duly authorized representative.

~~(8) "Remove or removal" means to fell or sever a tree or the intentional use of any procedure, the natural result of which is to cause the death or substantial destruction of the tree. Removal does not in any context include normal pruning of trees.~~

"Remove" or "Removal" means to cut down a tree or remove 40 percent or more of the crown, trunk, or root system of a tree; or to damage a tree so as to cause the tree to decline or die. The term "removal" includes, but is not limited to, topping, damage inflicted upon a root system by application of toxic substances, operation of equipment and vehicles, storage of materials, change of natural grade due to unapproved excavation or filling, or unapproved alteration of natural physical conditions. The term "removal" does not include normal trimming or pruning of trees.

(9) "Significant tree" means:

(a) Any heritage, rare, threatened, or endangered tree of any size as defined or designated under state or federal law; or

(b) Any tree designated as significant by the Parks, Recreation, and Tree Advisory Commission by virtue of heritage parameters or size.

(10) "Street trees" means trees located in public rights-of-way within the City.

(11) "Tree" means a self-supporting, perennial woody plant characterized by one main trunk or in some cases multiple trunks, and one main canopy of leaves, usually growing to a height of 15 feet or higher.

(12) “Tree circumference” means the distance measured around the trunk of a tree at four and one-half feet above the mean ground level from the base of the trunk. The circumference of a tree with multiple trunks is determined by adding together the individual trunk circumferences greater than six inches. (Ord. 6006 § 1, 2022; Ord. 5948 § 1 (Exh. A), 2020; Ord. 5495 § 1, 2001; Ord. 5096 § 2, 1993).

7.98.040 Permits required.

(1) A permit shall be obtained from the City Forester, applying criteria developed by the Parks, Recreation, and Tree Advisory Commission, before planting, pruning, or otherwise affecting a street tree.

(2) A permit shall be obtained from the City Forester, applying criteria contained in AMC 7.98.180, for the removal of individual trees equal to or greater than ~~six and one-half~~ **five and one-quarter feet** in circumference on all property within the city limits of the City of Albany.

(3) With a permit, adjacent property owners may plant street trees so long as the selection, location, and planting of such trees is in accordance with this chapter.

(4) Any street tree planted that does not comply with this chapter may be removed by the City at the direction of the Parks, Recreation, and Tree Advisory Commission. The cost of such removal will be borne by the person or persons who planted the tree.

(5) Permits shall be valid for a period of 180 days following the date of issuance. (Ord. 6006 § 1, 2022; Ord. 5948 § 1 (Exh. A), 2020; Ord. 5495 § 1, 2001; Ord. 5096 § 2, 1993. Formerly 7.98.090).