

ORDINANCE NO 336

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFIELD WASHINGTON, AMENDING ORDINANCE 230A, TREES, PLANTS AND SHRUBS.

BE IT ORDAINED by the Council of the Town of Fairfield, Washington as follows:

The following sections have been added and read as follows:

12.16.042 Tree pruning and maintenance. Every owner of any tree overhanging any street or right-of-way within the Town shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of at least eight feet above the surface of the street or sidewalk. The Town Council shall give 30 days' notice to said owners to remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. If the owner fails to remove the condition constituting a safety hazard, the town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street form a street light or interferes with visibility of any traffic control device or sign or otherwise creates a safety hazard.

(2) Private parties may have public trees pruned with written permission from the town council at the private party's expense.

(3) The town may prune, spray, or otherwise maintain public trees in order to control infestations of insects or disease or to maintain public safety.

12.16.045 Tree topping It shall be unlawful as a normal practice for any person, firm or City department to top any street tree, park tree, or other tree on public property or in a public easement. "Topping" is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this chapter at the determination of the city council.

12.16.130 Arborist's certification and bond. It shall be unlawful for any person or firm to engage in the business or occupation of pruning or treating public trees within the town without first obtaining a certification form the International Society of Arboriculture; provided, however, that any public service company or town employee doing such work in the pursuit of their public service endeavors shall perform said work under the direction of a certified arborist. The person or firm conducting tree work shall also posses evidence of liability insurance in the minimum amounts of \$500,000 for bodily injury and \$1,000,000 property damage resulting from the pursuit of such endeavors as herein described.

12.16.140 City liability. The town right to trim prune or remove privately owned trees under this chapter shall not be interpreted as an obligation upon the town, and the town's failure to act shall not constitute a basis for any claim of liability against the town.

The following sections have been amended to read as follows:

Section 12.16.050 Permission to remove trees. No trees shall be removed from any parking strip or other public property in town, without permission to the council

12.16.80 Public nuisance. See Ordinance 334 Abatement of Nuisances

Passed by the town council of the Town of Fairfield this 6th day of December 2000. This Ordinance will be in effect immediately after passage, approval and publication as required by law.

Ed Huber, Mayor

Attest:

Approved as to Form:

Sue Adams, Clerk Treasurer, CMC

Brian Ragean, Town Attorney