

ORDINANCE NO. 22
TREE ORDINANCE

00:01 STATUS

The area constituting the City of Maywood Park was originally forested with Douglas firs, true firs, cedars, hemlock, spruce, and other native broadleaf trees such as maple, oak, dogwood, alder, birch, and others.

00:02

Previous and present property owners have also planted many conifers and deciduous trees. These trees have today grown to be sizeable and most attractive, enhancing the beauty and contributing to the individuality of the City of Maywood Park.

00.03

The City of Maywood Park is now benefited by the large numbers of both native and planted trees that add much to the scenic beauty of the area. Their preservation: (1) maintains the ecology of the City; (2) contributes to the livable environment through the filtering effects of trees on air pollution; (3) provides substantial noise barrier; and (4) has become a major factor in sustaining property values and public safety.

00:04

Uncontrolled cutting or destruction of such trees, primarily the conifers such as Douglas firs and others: (1) reduces the windbreaks; (2) widens crown exposure and thus increases chances of windthrow and damage to remaining trees and property and is a threat to safety of persons; (3) reduces shaded area which effects wind direction and microclimatic conditions; (4) reduces property values and encourages substandard development and maintenance of the properties.

00:05 PURPOSE

The City Council of the City of Maywood Park is primarily concerned with the preservation of the conifers in the interest of safety of persons and property values of citizens of the City. The objectives are: (1) to preserve Maywood's park-like character; (2) to preserve property values generally; and (3) concern for the safety of all property owners. Therefore, the Council finds it in the public interest to enact regulations controlling the removal of Douglas firs and other conifers and major broadleaf trees within the City in order to retain as many of the remaining species as is consistent with economic enjoyment and safety of life and property.

00:06 THE ORDINANCE

Therefore, Douglas fir trees and other conifers, along with many broadleaf trees, are declared to be beneficial community assets. To that end, it shall be unlawful to cut down, damage, poison, or in other manner to destroy or cause to be destroyed, trees covered under this Ordinance, except in accordance with provisions of this Ordinance. (See Paragraph 00:10.)

00:07 PROVISIONS

It shall thus be unlawful for any person or organization or company to remove any such trees, or undertake any work for which a permit is required, pursuant to this Ordinance, unless a permit has been granted therefore and is in effect and is displayed.

All provisions of this Ordinance shall apply to any individual, company, partnership, corporation, or association that may desire to remove trees on their own behalf or on behalf of any other person or organization. This includes tree removal by construction companies or persons in the business of felling trees.

00:08 DEFINITION OF TREES COVERED

“TREES” in this instance, generally mean and refer to:

- (1) any living conifer (needle tree) such as, but not limited to, Douglas firs, pines, cedars, redwoods, sequoias, hemlocks, true firs, and spruce trees; and such trees that are seven inches or more diameter breast high (d.b.h.), that is, 4 ½ feet above grade line surrounding the tree;
- (2) Any broadleaf trees which have become 12 inches or more (d.b.h.) and have become important to aesthetic, ecological, and property values. This includes such trees as, but not limited to, maples, oaks, dogwoods, alders, birches, gums, and others.
- (3) Excluded are smaller decorative or ornamental trees such as, but not limited to, yews, junipers, golden cedars, arborvitaes, and others.

00:09 DEFINITION OF REMOVAL

Cutting, felling, or removal, or any procedure which may result in death or substantial destruction of a tree, is considered removal.

Normal trimming, pruning, or topping of a tree are excluded from this Ordinance and considered care and maintenance.

00:10 PERMIT APPLICATIONS

No person shall cut trees as described, in the City of Maywood Park, without first obtaining a City permit, except in emergencies. (See Paragraph 00:20.)

Any person or organization desiring to cut one or more conifers or broadleaf trees covered under this Ordinance shall file an application with the City Council for a permit to do so.

Applications shall be made upon forms to be prescribed and furnished by the City. Such applications shall contain: (1) the number, size, species, and location of a tree or trees proposed to be cut; (2) the time and method of cutting or removal; (3) statement of reasons for cutting or removal; (4) information of any proposed landscaping or planting of new trees to replace those proposed to be cut; (5) such other information as the Council may require.

00:11 PERMITS

Applications shall be accompanied by a permit fee. The fee is nonrefundable, whether or not a permit is thereafter granted. In determining the fee to be paid, all permits granted within a period of one year for cutting of trees upon contiguous property owned by the applicant, shall be considered as having been filed in a single application.

Any and all permits issued by the City of Maywood Park, as required by this Ordinance, shall be declared null and void if commencement of work so permitted is not started within (not to exceed) six months from date of issue. In no case may it be extended for more than 12 months total. Work thereafter will require a new application.

00:12 PERMIT FEES

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| (1) For cutting or removal of one or two trees | \$10.00 |
| (2) For cutting or removal of three or more trees | \$25.00 |
| (3) No fee required for application filed by City of Maywood Park or other governmental agencies. | |

00:13 FIELD CHECK

If the City Council determines there are valid objections to the removal of any tree under this Ordinance, the removal application must be field-checked prior to issuance of any permit. It shall be checked by persons knowledgeable or by professional foresters or consultants.

Field-checks shall be for soundness of the tree; danger to persons and property; effects upon surrounding trees and properties; and aesthetic and ecological impact upon the area. The person retained to make the inspection will be required to make a full report, with recommendations to the Council.

00:14 CONDITION OF APPLICATION

The applicant shall agree, in writing, to entry onto his or her premises by a representative of the City, by professional or knowledgeable persons to inspect the trees involved, and any required officials must be allowed to examine the permit in cases of disputes or questionable action. Such entry shall be lawful. Failure to allow such entry and failure to display a permit shall be unlawful, constituting a violation of this Ordinance.

00:15 CRITERIA FOR ISSUING A PERMIT

A permit may be issued as requested in the application, in whole or in part. It may also be denied in whole or in part, subject to compliance by the applicant with reasonable conditions to be imposed in order to promote the purpose of this Ordinance.

CONDITIONS INCLUDE:

- (1) Condition of trees with respect to disease, hazard, or danger to life or property;
- (2) Closeness or proximity of existing or proposed structures;
- (3) Interference with existing utility services or traffic safety;
- (4) Possible negative effect of tree size and growth on persons or property;
- (5) Drip-line of trees have been greatly extended and roots, may today, have become an urgent problem to foundations, driveways, or walls;
- (6) Necessity to remove a tree or trees in order to construct proposed improvements or changes in landscaping;
- (7) Topography of the land and effect of tree removal on erosion, soil retention, stability of earth, protection of nearby trees, air quality, windbreaks, desirability or balance between shade and open spaces;
- (8) The ecological impacts, any adverse effects upon existing biological system, effects on microclimates, effects upon noise pollution and any rise in noise levels, and changes in wind velocities;
- (9) The number of trees existing in a neighborhood, the character and property uses in the neighborhood, effect of tree removal upon neighborhood characteristics, beauty, and property values;

(10) Effects upon air quality and natural clearing of the atmosphere and effects on natural aesthetics;

(11) The adequacy of the applicant's proposals and any plan to plant new trees and shrubs as substitutes for trees to be cut for improved landscaping.

00:16 DETERMINATION OF ACTION

An application for tree removal shall be heard and determined by the City Council or its designate. The Council or its designate shall take into consideration all of the information presented in the application, that presented covering any field inspection, and the recommendation of such professionals as may be called upon. The initial decision by the City Council or its designate shall be made within 45 days of the date the application was submitted.

00:17 HEARINGS

In the event there are sufficient objections to the removal of any tree under this Ordinance, the City Council shall require notice of public hearing to be published in the Maywood City Bulletin, prior to the initial hearing, and prior to any hearing on an applicant's appeal for a re-hearing that may be requested.

In addition, the Council shall give written or personal notice to owners or parties who are affected by the granting or denial of an applicant's request.

00:18 APPEAL HEARINGS

Any decision by the City Council may be appealed by an affected party, for review by way of a re-hearing. Notice of appeal from a Council decision must be made in writing within ten (10) days after the decision has been handed down. Such notice shall be published in the next following Maywood City Bulletin, and at least ten (10) days prior to a re-hearing date.

00:19 PERMIT NOTIFICATION

In granting a permit, the Council shall so advise the applicant personally or by written notice within two days following such action.

If a permit is denied by the City Council or its designate, the applicant shall be notified personally or by written notice within two days after such action. In such case, the applicant shall be provided with the specific basis and criteria upon which such denial is predicated. Such decision shall also be published in the Maywood City Bulletin immediately following such action.

00:20 EMERGENCY ACTION

- (1) Under emergency hazard conditions that require immediate cutting or removal of either conifers or broadleaf trees to eliminate imminent threat to persons or property, an emergency permit may be issued without payment of any fee and without formal application or hearing. Any member of the City Council or the Council's designate may provide such an emergency permit to the extent necessary to avoid immediate danger.
- (2) Under emergency conditions where no Council member may be quickly located, then responsibility for action to relieve the hazardous situation must rest with the owner to take proper action.

However, in either case, under emergency tree felling conditions without filing a tree permit, the persons doing so shall report such action and supply such reasonable information to justify the action taken, at the next following session of the Maywood Park City Council, or the next following session reasonably possible to file such a report.

00:21 PENALTIES

Cutting or felling of trees in violation of this Ordinance, or the breach of any terms or conditions of a permit granted under this Ordinance, or violation of any of the provisions shall be unlawful and the applicant may be subject to a fine of not more than Five Hundred and no/100ths dollars (\$500.00). The unlawful cutting of each individual tree shall be a separate offense hereunder.