

BAY CITY ORDINANCES

ORDINANCE NO. 641

AN ORDINANCE REGULATING THE
CUTTING OF TREES WITHIN THE
CITY OF BAY CITY.

THE CITY OF BAY CITY ORDAINS AS FOLLOWS:

Section 1. Repeal. Bay City Ordinance No. 470 which was codified as Bay City Ordinance 7-8 is hereby repealed.

Section 2. "Tree". A tree is defined as any woody plant having at least one well-defined stem more than 6 inches in diameter measured at a height of 4.5 feet above natural grade.

Section 3. Public Property. No tree cutting of any kind shall occur in a public right of way or other property owned by the City of Bay City without obtaining prior written approval through the Tree Cutting Application process. Further, no vegetation removal or activity which disturbs the soil shall be done in the public right of way or on public property by an individual or entity without prior written approval by the City. Maintenance of current vegetation, such as grass mowing, located in the public right of way is exempt from this prohibition.

Section 4. Private Property. Any person responsible for the cutting of any tree on private property must file a Tree Cutting Application with the City and obtain prior written approval through the Tree Cutting Application process.

Section 5. Tree Cutting Permit. Any person wanting to cut a tree on any public or private property within the City limits, shall submit a completed Tree Cutting Application to the City Recorder, with the following information:

- a. Landowner's name, address and signature.
- b. The Township, Range, Section and Tax Lot location of the trees to be cut.
- c. The legal description and street address, if applicable, of the property where the tree(s) are to be cut.

- d. The number and species of tree(s) to be cut, together with a map showing the location of the trees to be cut.
- e. The name and address of the person removing the tree(s).
- f. Proof of liability insurance by the person cutting the tree(s) of no less than \$300,000.00.
- g. A statement of the proposed disposition of any bucked logs, stumps, or brush, and a reasonable time table for such disposition.
- h. If the tree cutting is in certain areas within the City or on steep slopes, compliance with the following Ordinance provisions may be required as a condition of the Tree Cutting Permit approval:
 1. Where located in the Hazards Overlay Zone, the information required by the Hazard Overlay Zone Ordinance.
 2. Where subject the Grading and Erosion Control Ordinance, a Grading and Erosion Control Permit shall be required.
 3. Where within a wetland, a wetland delineation report and survey may be required.
 4. Where subject to a joint permit process, a joint permit from the Oregon Department of State Lands and US Army Corps of Engineers shall be obtained.

Section 6. Application Procedure.

1. Upon receiving the application, the Bay City Recorder shall forward the application to the Bay City Public Works Superintendent. The Bay City Public Works Superintendent will review the permit, visit the site and may approve the permit consistent with applicable criteria unless Section 6.2 applies.
2. If the tree(s) are located within a wetland, riparian area setback, an estuary or estuary zone, the Hazards Overlay Zone, or subject to a Grading and Erosion Control Permit, the Public Works Superintendent shall

review the permit with the City Planner of Bay City to determine if additional permits may be required.

Section 7. Commercial Cutting. Any person cutting trees for commercial purposes shall comply with the Oregon Forest Practices Act, and with Bay City Ordinance 255 for hauling of such trees, as may be applicable. Any person cutting trees for commercial purposes shall also be required to file a Tree Cutting Application with the City Recorder and to obtain approval prior to cutting any tree.

Section 8. Hours of Cutting. Any tree regulated under this ordinance shall only be cut during daylight hours or between the hours of 8:00 a.m. and 7:00 p.m., whichever is shorter.

Section 9. Violation. Any person found guilty of each violation of this ordinance shall be punishable as a Class B violation, as determined by the Tillamook County Justice Court, plus court costs.

Section 10. Dangerous Conditions. No permit will be issued during extreme fire danger or under circumstances the City deems dangerous.

Section 11. Severability. The provisions of this ordinance are severable. If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portions of this ordinance shall be in full force and effect and be valid.

Section 12. Savings Clause. Ordinance No. 470, repealed by this ordinance, shall remain in force and effect for any action, violation, collection, prosecution, conviction or punishment of persons or proceedings that accrued before the effective date of this ordinance.

PASSED and ADOPTED by the City Council this 13th day of January, 2009 and APPROVED by the Mayor this 13th day of January, 2009.

/s/ Shaena E Peterson
Shaena E. Peterson, Mayor

Attest:

 /s/Linda Dvorak
Linda Dvorak, City Recorder

First Reading: October 14, 2008
Second Reading: January
Adoption: January 13, 2009
 Ayes: 4
 Nays: 1
 Absentions: 0