

**CITY OF GOLD BAR, WASHINGTON
ORDINANCE #786**

**AN ORDINANCE FOR THE CITY OF GOLD BAR, WASHINGTON AMENDING GOLD BAR
MUNICIPAL CODE TITLE 12, RELATING TO STREETS, SIDEWALKS, AND PUBLIC
PLACES AND TREE MANAGEMENT**

WHEREAS, the City of Gold Bar recognizes that trees are a valuable community asset that contribute to the environmental, economic, and social well-being of its residents; and

WHEREAS, the *Gold Bar Comprehensive Plan* states that “the primary vision of the City of Gold Bar is to retain the rural character of the surrounding area” and that “the community highly values the environmental, historical, and scenic attributes of the city and surrounding area. The vision for Gold Bar includes protecting and enhancing these assets, and working to make them more accessible”; and

WHEREAS, trees provide numerous benefits, including improved air quality, stormwater management, erosion control, mitigating the urban heat island effect, carbon sequestration, energy conservation, increased property values, and enhanced community character; and

WHEREAS, the City Council passed Ordinance No. 778 on June 18, 2024 establishing the Tree Board with stated duties of the Tree Board to include assisting with the annual application to obtain or renew the *Tree City USA* designation through the Arbor Day Foundation; and

WHEREAS, the Arbor Day Foundation’s *Tree City USA* program encourages municipalities to establish and maintain sound urban forestry practices; and

WHEREAS, one of the core requirements of achieving and maintaining *Tree City USA* designation is the adoption of a tree care ordinance that provides clear guidance for the planting, maintenance, and protection of public trees; and

WHEREAS, adopting public tree management regulations will further the goals and policies of the *Gold Bar Comprehensive Plan*, support community-wide environmental stewardship, and ensure the preservation and health of the City’s urban forest for future generations; and

WHEREAS, the City Council finds it is in the best interest of public health, safety, and welfare to adopt a public tree management ordinance as part of its efforts to achieve *Tree City USA* recognition;

NOW THEREFORE, THE COUNCIL FOR THE CITY OF GOLD BAR ORDAINS that Gold Bar Municipal Code Title 12, Streets, Sidewalks, and Public Places shall be amended to create a new Tree Management chapter as follows.

Section I, Title 12.08.010 – Purpose

Section II, Title 12.08.020 – Definitions

Section III, Title 12.08.030 – Authority and Power

Section IV, Title 12.08.040 – Tree Planting and Care Standards

Section V, Title 12.08.050 – Prohibition Against Harming Public Trees

Section VI, Title 12.08.060 – Adjacent Owner Responsibility

Section VII, Title 12.08.070 – Violations and Penalties

Section VIII, Severability

Section IX, Effective Date

Section I, Title 12.08.010 – Purpose

To enhance the quality of life and the present and future health, safety, and welfare of all residents, to enhance property values, to ensure proper planting and care of trees on public property, and to protect, preserve and promote the growth of trees within the city. The city council herein ~~delegates~~ defines the authority and responsibility for managing public trees and establishes practices governing the planting and care of trees on public property with the short-term goal of no net loss of forest canopy cover on city-owned public lands and right-of-way and the long-term goal of a measurable gain.

Section II, Title 12.08.020 – Definitions

As used in this chapter, the following words and phrases shall have the meanings indicated:

"Damage" means any injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part of the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.

"DBH" or "DSH" is an acronym for tree diameter at breast height (or standard height) which means the diameter of existing trees measured four and one-half feet above the ground line on the high side of the tree. For the purposes of code enforcement, if a tree has been removed and only the stump remains, the size of the tree shall be the diameter of the top of the stump adjusted to DBH using published tables or regression curves.

"Invasive species" means a species listed as a weed of concern in Washington Administrative Code (WAC) Chapter 16-750 ~~WAC~~, Revised Code of Washington (RCW) Chapter 17.10 ~~RCW~~, or by Snohomish County in its noxious weed list.

"Nuisance" means any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety, and welfare.

"Public right-of-way" means the area along a public street between the private property line and the curb and/or sidewalk; or if there is no curb or sidewalk, the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.

"Public property" means all grounds and rights-of-way (ROWs) owned or maintained by the city.

"Public tree" means any tree or woody vegetation on city-owned or city-maintained property or rights-of-way.

"Significant tree" means any tree (using current Urban Forestry Standard) that is six inches diameter at breast height (DBH) or more.

"Top" or "topping" means the non-standard practice of cutting back of limbs to stubs within a tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

Section III, Title 12.08.030 – Authority and Power

A. Delegation of Authority and Responsibility. The Public Works Director and/or their designee, " , shall have full authority and responsibility to plant, prune, maintain, and remove trees and woody plants

growing in or upon all municipal streets, rights-of- ways, city parks, and other public property. This shall include the removal of trees that may threaten electrical, telephone, cable, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease, or is a safety hazard.

B. Tree Board. The Public Works Director shall work with and consider all recommendations of the Tree Board.

C. Consultant. The public works director will contract with the International Society of Arboriculture (ISA) certified arborists for recommendations on tree health, pruning and removal, as needed. An ISA certified arborist will be consulted prior to the removal of any significant public tree.

D. Interference. No person shall hinder, prevent, delay, or interfere with the public works director or their agents while engaged in carrying out the execution or enforcement of this ordinance.

Section IV, Title 12.08.040 – Tree Planting and Care Standards

A. Standards. All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations" and shall follow all tree care best management practices (BMPs) published by the International Society of Arboriculture.

B. Removal. Any tree removed from a parcel or transplanted offsite must be replaced according to best practices in Title 12.08.040 section (A).

C. Requirements of Franchise Utility Companies. The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards. Proper selection and placement of trees in and around overhead utilities can eliminate potential public safety hazards, reduce expenses for utilities and their customers, and improve landscape appearance.

D. Preferred Species List. The Public Works Director shall maintain an official list of desirable tree species for planting on public property. Trees from this approved list may be planted without special permission; other species may be planted with approval from the Public Works Director.

E. Invasive Species. Removal of invasive woody plants are encouraged. These invasive plants can quickly colonize an area, reducing the health and vitality of non- invasive plants.

F. Planting Distances. The Public Works Director shall develop a set of spacing requirements for the planting of trees on public property. No tree may be planted within the visibility triangle of a street intersection or within ten feet of a fire hydrant.

G. Planting Trees Under Electric Utility Lines. Only trees listed on the official city tree species list with a mature height of twenty feet or less may be planted under or within fifteen lateral feet of any overhead utility wire.

H. Significant Trees. Every effort should be made to preserve and maintain significant trees unless their removal is in the public interest. If a significant tree is removed, there will be a 3:1 replacement whereby three trees will be planted as replacement. The replacement trees will be planted on the same property, if possible. Planting will occur in the landscape season.

I. Education. The city shall aspire to annually celebrate Arbor Day. Resources on proper tree care and maintenance shall be made available to the community.

J. Utility Locates. All stump removals or digging for tree plantings shall require underground utility locations prior to any action.

Section V, Title 12.08.050 – Prohibition Against Harming Public Trees

A. It shall be unlawful for any person, firm, or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the public works director.

B. It shall be unlawful for any person, firm, or corporation to attach any cable, wire, sign, or any other object to any street, park, or public tree.

C. It shall be unlawful for any person, firm, or corporation to "top" any public tree. Trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the determination of the Public Works Director.

D. Any person, firm, corporation, construction company, owner of a private residence, or city ~~department~~ employee performing construction near any public tree(s) shall consult with the Public Works Director and shall employ appropriate measures to protect the tree(s), according to procedures contained in the best management practices (BMPs) for "Managing Trees During Construction" published by the International Society of Arboriculture. An ISA certified arborist will be consulted for a tree preservation plan, as needed.

Section VI, Title 12.08.060 – Adjacent Owner Responsibility

A. The owner of land adjacent to any city street or highway, when acting within the provisions of this ordinance, may plant and maintain trees in the adjacent public right of way area.

B. No property owner shall allow a tree, or other plant growing on his or her property, to obstruct or interfere with pedestrians, the public right of way or the view of drivers, thereby creating a hazard. If an obstruction persists, the public works director shall notify the property owner to prune or remove the tree or plant. If the owner fails to comply with the notice, the city may undertake the necessary work and charge the cost to the property owner and assess fines and fees. See Chapter 1.10 for nuisance fines and fees.

C. No property owner shall allow a tree, or other plant, planted or maintained by the property owner within the adjacent public right of way area, to obstruct or interfere with pedestrians, the public right of way or the view of drivers, thereby creating a hazard. If an obstruction persists, the public works director shall notify the property owner to prune or remove the tree or plant. If the owner fails to comply with the notice, the city may undertake the necessary work and charge the cost to the property owner and assess fines and fees. See Chapter 1.10 for nuisance fines and fees.

Section VII, Title 12.08.070 – Violations and Penalties

Any person, firm or corporation violating any provision of this ordinance shall be subject to GBMC 1.10 Code Enforcement.

Any person negligently damaging or deforming a city tree shall be liable to the city for the cost of replacement trees, including the cost of nursery stock as close in size to the damaged or deformed tree(s) as is feasible and the city's costs for soil preparation, planting and actual or estimated costs of establishment. Damaged trees greater than six inches at DBH shall be replaced at a ratio of two new trees

per one damaged tree, while all trees less than six inches at DBH shall be replaced at a ratio of one new tree per damaged tree.

Section VIII, Severability

This ordinance is severable and if any portion of it shall be declared invalid or unconstitutional, the remaining portion shall remain valid and enforceable.

Section IX, Effective Date

This ordinance shall take effect from, and after, its passage, approval, and publication as provided by law.

Passed by the Council for the City of Gold Bar on this _____ day of _____, 2025.

Attest: _____, Steve Yarbrough, Mayor

Attest: _____, Lisa Stowe, Clerk/Treasurer

First Reading: _____

Posted: _____

Second Reading: _____

Passed: _____