

CITY OF MILLWOOD

ORDINANCE #542

JUNE 11, 2024

AN ORDINANCE OF THE CITY OF MILLWOOD, SPOKANE COUNTY, WASHINGTON, AMENDING CHAPTER 2.52 BEAUTIFICATION AND TREE BOARD; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the City of Millwood (the "City"), Spokane County, Washington is a non-charter code city, by virtue of the Constitution and the laws of the State of Washington; and

WHEREAS, pursuant to chapter 35A.11 RCW, the City Council (the "Council") may adopt and enforce ordinances of all kinds relating to and regulating its local or municipal affairs and appropriate to the good government of the City; and

WHEREAS, the Council adopted Ordinance #364 in 2007, codified in Chapter 2.52 of the Millwood Municipal Code, which established a program to preserve, protect, maintain, and enlarge the urban forest of the City and, for the further purpose of establishing the Beautification and Tree Board of the City and terms of appointment, to implement said program and make recommendations to the City, thereby enhancing the natural beauty of the City; and

WHEREAS, the City recognizes urban forestry as an equal part of the community infrastructure, and will create, enhance, maintain, support, and sustain a vibrant, healthy, structurally, and ecologically sound community forest resource for the benefit of City residents and visitors; and

WHEREAS, the Council adopted Resolution 2023-03 on May 9, 2023, which adopted on behalf of the City an Urban Forestry Management Plan and set forth various recommendations for the City regarding amendments and updates to Chapter 2.52 of the Millwood Municipal Code; and

WHEREAS, the Council finds it is in the best interests of the City to amend and update such regulations;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY MILLWOOD DOES ORDAIN AS FOLLOWS:

Section 1. New Section 2.52.005 MMC – Purpose. A new Section 2.52.005 MMC is hereby created as follows (deleted language stricken, added language double-underlined):

The purpose of this chapter is to develop and provide for a program to preserve, protect, maintain, and enlarge the urban forest of the city and, for the further purpose of establishing the Millwood Beautification and Tree Board to implement said program and make recommendations to the City, thereby enhancing the natural beauty of the city. The city shall recognize urban forestry as an equal part of the community infrastructure, will create, enhance, maintain, support, and sustain a vibrant, healthy, structurally, and ecologically sound community forest resource for the benefit of city residents and visitors.

Section 2. Amendment to Section 2.52.010 MMC – Definitions. Section 2.52.010 MMC is hereby amended as follows (deleted language stricken, added language double-underlined):

A. "Board" means Millwood beautification and tree board or its designee.

B. "Historic/landmark tree" refers to trees designated as such due to their location, size or age of their species, botanical interest, commemorative plantings, scenic enhancement or historic significance.

C. "Pruning" is the selective removal of any tree or shrub parts to achieve defined objectives.

D. "Public nuisance" is defined and declared to be the following for purposes of this chapter:

(i) Any tree or shrub located on private property having a destructive or communicable disease or other pestilence which endangers the growth, health, life or well-being of trees, shrubs or plants in the ~~town~~ city, or which is capable of causing an epidemic spread of a communicable disease or insect infestation;

(ii) The roots of any tree or shrub, located on private property, which cause the surface of the public street, curb or sidewalk to be upheaved or otherwise disturbed;

(iii) Any tree, shrub or portion thereof located on private property which, by reason of location or condition, constitutes an imminent danger to the health, safety or well-being of the general public on ~~town~~ city property.

E. "Public property" means all roads, streets, avenues, boulevards, alleys, parkways, ~~public rights-of-way~~, tree lawns, parking strips, or any public property or portion thereof, of the ~~town~~ city.

F. "Right-of-way" means all public streets and property granted or reserved for, or dedicated to, public use for street purposes, together with public property granted or reserved for, or dedicated to, public use walkways, sidewalks, bikeways, planter areas, alleys or other structure used for pedestrian or vehicular traffic, or a utility structure or appurtenance and horse trails, whether improved or unimproved, including the air rights, sub-surface rights and easements related thereto. A right-of-way or easement is included within the definition of "right-of-way" whether or not such right-of-way or easement is currently used.

G. "Species" means a group of trees in the same genus made up of similar individuals.

H. "Street tree" means any tree or part thereof located within the public-right-of-way.

I. "Topping/stubbing" means the severe cutting back of limbs to stubs within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

J. "Tree" means a woody plant that has secondary branches supported clear of the ground on a single main stem or trunk with clear apical dominance, usually exceeding ten feet in height at maturity.

K. "Tree lawn" means that part of the street or avenue or right-of-way not covered by sidewalk or other paving, lying between the property line and that portion of the street or avenue usually used for vehicular traffic.

Section 3. Amendment to Section 2.52.020 MMC – Establishment of the Millwood beautification and tree board. Section 2.52.020 MMC is hereby amended as follows (deleted language stricken, added language double-underlined):

There shall be created a board to be known and designated as the Millwood beautification and tree board composed of ~~four~~ five voting members appointed by the mayor. Three of these members shall be citizens of Millwood, ~~and the other two of these member, who may or may not be citizens of Millwood, shall have experience in arboriculture or urban forestry. member shall be a town~~ A city official or employee who shall be a nonvoting ex officio member. The initial three members appointed by the mayor shall be appointed as follows: one for two years; one for one year; and one for three years, and each shall serve until his/her successor is duly appointed. Successors to the original Voting members shall be appointed for terms of four years. Vacancy caused by death, resignation or otherwise shall be filled for the unexpired term in the same manner as original appointments are made. All members of the board shall serve without pay and without respect to political affiliations. No member shall serve more than two terms consecutively. Within a reasonable time after appointment of said board and the approval of the members thereof, said committee shall meet and organize the election of a chairman. Board members shall vote and elect one chairperson of the board. The board shall then provide for the adoption of rules and procedures and for the holding of regular and special meetings as said board shall deem advisable and necessary in order to perform the duties set forth.

Section 4. Amendment to Section 2.52.030 MMC –Duties of the board. Section 2.52.030 MMC is hereby amended as follows (deleted language stricken, added language double-underlined):

A. To conduct regular or monthly and special meetings at which the subject of trees, insofar as it relates to the town city, may be discussed by the members of the

board, officers and personnel of the ~~town~~ city, its divisions and all others interested in the tree program;

B. To study the problems and determine the needs of the ~~town~~ city in connection with its tree program.

C. Achieve the objectives of tree pruning, which are to improve structure, mitigate risks, provide clearance, maintain tree health, restoration, mitigate view obstructions, and manage wildlife habitat;

~~GD.~~ Prepare a manual containing guidelines and regulations, which it may add to, delete from or adjust in the best interest of the ~~town~~ city. The manual will be known as "A Community Tree Program-The Urban Forestry Management Plan; Millwood, Washington" and will contain: (1) a historic and landmark tree nomination process, (2) pruning standards, (3) the master tree list, and (4) the inventory of existing trees. The accepted pruning standards will be the most current ANSI standards (as amended). The master tree list will contain trees recommended for planting in specific areas and those trees that are prohibited as street trees. The inventory of existing trees, completed by the board, will include all public trees and will be kept current by issuing planting and removal permits. The manual will be placed on file in the office of the mayor and shall be the official manual of the board;

~~DE.~~ After consulting with those familiar with the subject of plantings (such as landscape architects, arborists, nursery professionals and/or the ~~town~~ city maintenance facilities supervisor), prepare a master tree list, to be recommended by the Parks and Beautification Board and adopted by the ~~town~~ city council, that identifies the size and species of trees suitable and desirable for planting on public property. All trees hereafter planted on public property shall be guided by the master tree list unless a written permit from the ~~town~~ city is first obtained to plant a tree not on the master tree list;

~~EF.~~ Provide news and information regarding the selection, planting and maintenance of trees on public and private property with said public education subject to the availability of funding and other necessary resources;

~~FG.~~ As necessary, advise the ~~town~~ city council on desirable legislation concerning the tree program and tree activities; and

~~GH.~~ ~~Devise a process to develop a comprehensive urban tree plan to be adopted by the city council-~~ The Urban Forestry Management plan will be reviewed by the board to evaluate the city's strategic plans to evaluate progress toward management goals.

I. Prepare a 5-year plan, to be reviewed annually, to determine progress, review activities accomplished, aid in the development of annual operating plans, and plan for future activities to complete the UFMP recommendations.

Section 5. Section 2.52.040 – Enforcing Authority The Mayor, or his/her duly authorized representative, shall be charged with the enforcement of this chapter.