AN ORDINANCE of the City of Kent, Washington, regulating the planting, maintenance, protection, control and removal of street trees, defining standards and providing for enforcement and penalties for violations.

WHEREAS, it is hereby declared that the public interest and welfare requires that the City of Kent institute and maintain a program for the installation and preservation of trees on all public property in the City of Kent in order to beautify the city and purify its air. It is, therefore, in the public interest that comprehensive and specific plans for the planting and maintenance of trees along the streets within the city should be established. This Ordinance provides for such plans and establishes regulations governing the planting and maintenance of trees along the streets of the city. It is hereby declared to be the policy of the city to line its streets with trees and to provide a consistent and adequate program for maintenance and preservation of such trees. This policy provides for the planting of trees in all areas of the city. It shall be the duty of the Park Board and Director of Parks and Recreation to enforce, implement and carry out this policy and provisions of this Ordinance.

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Definitions: The following words and phrases used in this Ordinance, unless a different meaning is clearly required by the context, shall have the following meanings:

1. "Planting Strip" shall mean the area available for planting between the street curb, or place where the curb should be, and the property line.
2. "Planting" shall mean planting and replacement in planting strips.
3. "Maintain" or "Maintenance" shall mean the entire
care of trees in planting strips, as well as the
preparation of ground, fertilizing, mulching,
planting, spraying, trimming, pruning, topping and
root control, but not watering, unless specifically
so stated.

4. "Director" shall mean the Parks and Recreation
   Director of the City.

5. "Board" shall mean the Park Board of the City.

Section 2. Street Tree Board And Planting List:

1. The Board shall have full advisory authority as to
   the selection, planting and maintenance of all trees,
   plants and shrubs now planted and growing or here­
   after to be planted and grown upon any and all of the
   public streets and planting areas of the city. This
   advice is to be rendered to the Director, the Mayor
   and the Council of the City.

2. The Board shall approve the Official Tree Planting
   List and street tree planting plans. The Board, in
   evaluating such plans prior to approval, shall call
   upon the resources of the Parks and Recreation Depart­
   ment to furnish it with facts concerning trees and
   planting strips in the city.

3. The Board shall consider the recommendations of the
   Director, and shall approve or disapprove the adding
   or removal of trees to the Official Tree Planting
   List. The list as so approved shall be submitted to
   the Council for its adoption, by resolution, as the
   "Official Tree Planting List of the City of Kent".
   Upon adoption by the city, the list shall be filed
   in the office of the Director and shall constitute
   the official list until supplanted by subsequently
   approved and adopted amendments or lists.

4. All new plantings on the streets of the city shall
   be confined to trees from the latest adopted Official
   Tree Planting List; replacement planting may con­
   form to existing trees in the planting strip by
   approval of the Board.
Section 3. Street Tree Planting Plans And Standards:

1. The planting of street trees in the city shall be governed by general and specific tree planting plans approved by the Board. The plans shall be based upon the policies indicated in this Ordinance and upon the following standards:

(A) The Director shall evaluate types and varieties of trees on the tree planting list and nature of the particular area to be planted and shall determine in his opinion the best tree planting for the area.

(B) He shall report his findings and opinion in writing to the Board.

(C) The Board shall approve the general or specific plan. The Board, in evaluating the plan prior to approval, may call upon the resources of the Parks and Recreation Department to furnish it with facts concerning the matter.

2. The Director and the Board shall be guided by and apply the following standards in formulating and approving a street tree plan.

(A) Trees listed on the official tree planting list are to be used, except that other trees may be planted on an experimental basis in selected areas with specific approval of the Board.

(B) The prime purpose of beauty shall always be observed.

(C) The location of specific trees shall be at suitable intervals with consideration given to avoiding or minimizing interference by the trees with existing or planned utilities, driveway approaches, street intersections and building exposures.

(D) Selection of a particular species of tree for a specific block, street or section of the city shall be based upon the nature of
the species and the width of the planting
strip, soil conditions, zoning regulations,
street patterns, building setbacks, utilities,
future underground wiring proposals, and avail­
ability of the particular species.

Section 4. Property Owner Requests:
1. A majority of the abutting property owners in a
given block, street or area of the city where tree
planting is required may petition for the uniform
planting of a tree variety of their own choice.
Such petition shall be approved by the Director,
provided the tree selection is made from the official
street tree list and the selection does not conflict
with the standards above.

2. A petition to the Board bearing the signatures of
not less than ninety (90) percent of the property
owners of any block may be filed with the Board,
requesting a change in the variety of trees in the
planting strip adjacent to their properties. Such
petition shall be approved by the Board, provided
the tree selection is made from the official street
tree list and the selection does not conflict with
the standards above. All expense of such change
will be borne by the property owners requesting the
change, the work to be done under the supervision
of the Director.

Section 5. Street Tree Maintenance, Inspection And
Removal:
1. It shall be the consistent purpose of the city to
provide proper maintenance according to good
municipal forestry practices for all trees growing
along the city arterials, and in business and
industrial districts.

2. It shall be the responsibility of the city of
provide preparation of ground, planting, trimming,
pruning, topping, root control, and removal of
dead or dying trees in residential districts.

3. The Director shall conduct a continual inspection
program of the trees along the streets of the city. All trees found by the Director to be dead, dying or in a dangerous condition likely to cause damage shall be removed. The city at its own cost and expense, and in accordance with the provisions of the Ordinance, will replace all trees so removed.

Section 6. Protection of Street Trees:

1. No person shall plant, install or maintain, shrubs, low growing trees, vines, fences, signs or stakes or any other object, except temporary protection for newly planted lawns, or cause or create conditions of uneven ground, holes, or hazards in planting strips along the streets of the city. When determined by the Director that any such plantings or installations are a hazard to the public or detrimental to the approved tree planting plan, the Director shall have full authority to cause such hazard or detriment to be removed or eliminated.

2. No person shall, without a written permit from the Director, plant, remove, trim, prune or cut any tree between the property line and the curb. Upon permission being granted to any person, the work shall be done under the supervision of the Director.

3. No person shall interfere or cause or permit any person to interfere with employees of the city who are engaged in the planting or maintaining, treating or removing of any tree or plant in the planting strips or in the removing of any stone, cement or any substance in any such street, sidewalk, planting strip, alley or other public place.

4. No person shall wilfully injure or destroy any tree on the streets or public planting areas of the city by any means.

Section 7. Non-Liability of City: Nothing in this Ordinance shall be deemed to impose any liability upon any member of the Board, or upon the City, or upon any of its officers or
employees, nor to relieve the owner and occupant of any private property from the duty to keep trees and shrubs upon private property, or under his control, or upon sidewalks and parking strips in front of such private property, in safe condition.

Section 8. Violations and Penalties: Any person, firm, association, partnership or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than $100.00 or by imprisonment for a period of not more than thirty (30) days in the City jail, or by both such fine and imprisonment.

Section 9. Effective Date: This Ordinance shall take effect and be in force five (5) days after its passage, approval and publication as provided by law.

Isabel Hogan, Mayor

Attest:

MARIE JENSEN, City Clerk

APPROVED AS TO FORM:

DONALD E. MIRK, City Attorney

Passed the 16th day of December, 1970.

Approved the 19th day of December, 1970.

Published the 20th day of December, 1970.

I hereby certify that this is a true copy of Ordinance No. 1743, passed by the City Council of the City of Kent and approved by the Mayor of the City of Kent as hereon indicated.

MARIE JENSEN, City Clerk

(SEAL)