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## CITY OF OREGON CITY CITY COMMISSION WORK SESSION AGENDA

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Hanlon Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City  
Wednesday, May 20, 2026 at 6:00 PM

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*Typically there are no public comments at work sessions, but written comments are accepted by:*

- *Email [recorderteam@orcity.org](mailto:recorderteam@orcity.org) (deadline to submit written testimony via email is 3:00 PM on the day of the meeting)*
- *Mail to City of Oregon City, Attn: City Recorder, P.O. Box 3040, Oregon City, OR 97045*
- *You may also attend this meeting by watching the livestream on the City's YouTube Channel:*

<https://www.youtube.com/user/CityofOregonCity>

### **1. CONVENE MEETING AND ROLL CALL**

### **2. GENERAL BUSINESS**

- a. Street Tree Code Review and Fee Discussion

### **3. ADJOURNMENT**

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#### **ADA NOTICE**

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The location is ADA accessible. Hearing devices may be requested from the City Recorder prior to the meeting. Individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-657-0891.

Agenda Posted at City Hall, Pioneer Community Center, Library, City Website.

**Video Streaming & Broadcasts:** The meeting is streamed live on the [Oregon City's website](#) and available on demand following the meeting. The meeting can be viewed on Willamette Falls Television channel 28 for Oregon City area residents as a rebroadcast. Please contact WFMC at 503-650-0275 for a programming schedule.



**CITY OF OREGON CITY**

625 Center Street  
Oregon City, OR  
97045  
503-657-0891

Staff Report

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**To:** City Commission **Agenda Date:** May 20, 2026  
**From:** Kelly Hart, Community Development Director  
Shaun Davis, Police Chief

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**SUBJECT:**

Street Tree Code Review and Fee Discussion

**STAFF RECOMMENDATION:**

N/A

**EXECUTIVE SUMMARY:**

Staff is returning with draft code amendments and a proposed street tree penalty fee structure based on the City Commission direction provided in March. The Commission's direction was to create a stronger deterrent for unpermitted street tree removal, topping, severe crown reduction, and related damage, while increasing the maximum penalty to approximately \$25,000.

The proposed framework retains the City’s existing replacement and fee-in-lieu structure, clarifies how street tree violations are identified and enforced, and creates a tiered penalty schedule based on tree size and enhanced penalty factors. The proposed fee table is intended to include the \$1,000 base civil infraction, with a maximum total penalty of \$25,000 for a single tree under the enhanced tier.

The proposed code amendments also update the City’s general civil infraction maximum from \$300 to \$1,000, unless otherwise specified in the code, and add more specific street tree enforcement language in OCMC 12.08.050.

**BACKGROUND:**

At the prior work session, staff presented the existing penalty structure and code provisions, reviewed comparator city approaches, and discussed whether Oregon City should establish a stronger street tree enforcement framework. The current street tree penalty structure relies primarily on the City’s general civil infraction framework. The relevant penalty language dates back to 1994 and currently provides a maximum penalty of \$300 unless a different amount is specified in code.

The Commission direction from March was to move forward with a stronger penalty framework that better deters the removal or topping of non-hazardous or non-diseased

street trees, particularly in higher-priority areas such as downtown and the 7th Street/Molalla Avenue corridor. The proposed amendments respond to that direction by pairing code clarification with a proposed fee structure that can be adopted by resolution and adjusted over time.

**OPTIONS:**

The draft code amendments focus on three areas: increasing the general civil infraction maximum, clarifying the street tree enforcement section, and establishing authority for tree-specific penalties through a City Commission-adopted fee resolution.

**1. Increase the general civil infraction maximum to \$1,000**

Draft amendments to OCMC 1.16.010, 1.20.090, and 1.24.210 replace the existing \$300 maximum penalty language with a \$1,000 maximum penalty, unless otherwise specified in the code. This creates a stronger base penalty and aligns the general code enforcement framework with the proposed street tree enforcement model.

**2. Clarify the permit pathway and relationship to Chapter 17 definitions**

The proposed changes to OCMC 12.08 clarify that street tree removal, as defined by OCMC 17.04, may be authorized through a Tree Permit application process in a form established by the City. This makes the relationship between Chapter 12 and the operative Chapter 17 definitions clearer, particularly for topping, severe crown reduction, tree removal, and major pruning.

**3. Replace the existing violation section with a more complete enforcement section**

The draft amendment renames OCMC 12.08.050 from “Violation—Penalty” to “Enforcement” and creates a clearer structure for interpretations, violations, penalties, enhanced penalties, and general enforcement. The new language identifies how an unpermitted street tree removal may be established, including use of stump measurement as prima facie evidence, and states that proof of violation is prima facie evidence that the property owner is responsible for the violation.

**4. Identify specific street tree violations**

The proposed enforcement section identifies the following as violations of Chapter 12.08:

- removal or topping of a regulated street tree without an approved permit;
- removal of a tree in violation of an approved permit;
- major pruning of a street tree or public tree without an approved permit;
- failure to comply with an approved permit or required mitigation;

- topping, pruning, or otherwise inflicting willful or negligent damage to a tree crown or roots inconsistent with ISA Best Management Practices;
- removal of the stump of a regulated tree removed without a permit;
- unauthorized critical root zone disturbance;
- soil contamination that affects the ability of the tree to grow to maturity; and
- interference with City staff carrying out work or inspection activities under the chapter.

**5. Establish penalty authority and enhanced penalty factors**

The proposed language provides that violations may be processed as civil infractions, through the Code Enforcement process, and through penalties identified in Chapter 12.08 and adopted by City Commission resolution. Enhanced penalties would apply when aggravating factors are present, including repeat violations, removal after notice of the permitting process, removal of a tree 24 inches or greater, removal of a heritage tree, removal within the Willamette River Greenway Overlay District, or removal within the MUD, MUC-1 and MUC-2 zoning districts.

**PROPOSED FEE STRUCTURE:**

The proposed fee structure uses a tiered approach based on the diameter of the removed or topped tree. The amounts shown below are intended to be total penalty amounts, inclusive of the \$1,000 civil infraction. This structure keeps the penalty predictable, easier to administer, and consistent with the Commission’s direction that the maximum penalty should be around \$25,000.

Diameter of Tree Removed or Topped	Regular Fine (includes base civil infraction)	Enhanced Fine (includes base civil infraction)
Less than 6 inches	\$1,000	\$2,500
6 to 12 inches	\$2,500	\$5,000
13 to 18 inches	\$5,000	\$7,500

19 to 24 inches	\$7,500	\$10,000
25 to 30 inches	\$10,000	\$15,000
31 to 36 inches	\$12,500	\$17,500
37 to 44 inches	\$15,000	\$20,000
45 inches and above	\$20,000	\$25,000

Under the proposed table, staff would apply the regular or enhanced tier as the total fine amount for a single tree. The enhanced tier would apply when one or more enhanced penalty factors are present. The draft resolution would clearly state that the amounts in the table include the \$1,000 civil infraction to avoid any ambiguity during enforcement.

**Alternative Fee Application for Commission Consideration**

As an alternative to the enhanced tier shown above, the Commission could direct staff to use the regular tier as the base tree-size penalty and then add \$5,000 for each enhanced violation factor. This approach would make the penalty more responsive to the number of aggravating circumstances, but it would also require a clear maximum cap if the Commission wants the total penalty to remain at or near \$25,000.

Example Scenario	Regular Fine Based on Tree Size	Enhanced Factors	Alternative Total Before Cap	Total if capped at \$25,000
40-inch street tree removed without permit	\$15,000	One enhanced factor: tree 24 inches or greater	\$20,000	\$20,000
40-inch street	\$15,000	Two enhanced	\$25,000	\$25,000
		Page 4 of 6		

tree removed without permit in the Willamette River Greenway		factors: 24 inches or greater + WRG location		
40-inch removed without permit in MUC-1 zone	\$15,000	Three enhanced factors: 24 inches or greater + WRG location + MUC-1 zone	\$30,000	\$25,000

If the Commission prefers this alternative model, staff recommends that the resolution expressly state whether the \$25,000 direction is a hard cap for each tree or whether multiple enhancement factors may exceed that amount.

**Policy Issue: Maximum Penalty Direction**

The Commission direction referenced a maximum penalty generally around \$25,000. The remaining policy choice is whether to proceed with the proposed fixed enhanced tier or to use the alternative model that adds \$5,000 for each enhanced violation factor. The fixed enhanced tier is more predictable. The per-enhancement-factor model is more responsive to multiple aggravating circumstances, but it requires consideration of the per-violation fine to avoid exceeding the Commission’s general maximum penalty direction.

**DISCUSSION:**

The proposed framework responds to the policy issue identified in the prior work session: Oregon City already has replacement and fee-in-lieu requirements, but the penalty for violations has not provided a meaningful deterrent. The draft amendments do not replace the existing replacement framework. Instead, they add an enforcement structure for conduct that occurs without a permit, outside an approved permit, or in a manner that damages public or street trees.

The tiered fee structure is more administrable than a strict per-inch calculation. A per-inch structure can produce large changes based on small measurement differences and may be more difficult to explain in enforcement proceedings. The tiered model still increases proportionally with tree size while keeping the schedule easier for the public, staff, and the hearings officer to apply. This is also consistent with City Commission direction.

Using a resolution for the specific fee amounts also gives the City flexibility to adjust the fee schedule over time without reopening the entire code framework. The code would establish

authority, applicability, and enforcement procedure; the resolution would establish the dollar amounts.

**REQUEST FOR COMMISSION DIRECTION:**

Staff requests direction on the following items before returning with final ordinance and resolution materials:

1. Should staff proceed with code amendments increasing the general civil infraction maximum from \$300 to \$1,000?
2. Should staff proceed with the proposed OCMC 12.08.050 enforcement structure, identifying specific street tree violations and enhanced penalty factors?
3. Which fee structure does the Commission prefer: the proposed fixed tiered fine schedule, the alternative model that adds \$5,000 per enhanced violation factor, or a modified version of either approach?
4. Should the \$25,000 figure be treated as a hard maximum total penalty for each tree, inclusive of the \$1,000 civil infraction?
5. Should the enhanced penalty factors include 24-inch or greater trees, heritage trees, trees within the Willamette River Greenway Overlay District, repeat violations or removal after notice, and trees within MUD, MUC-1 and MUC-2?

**NEXT STEPS:**

If the Commission confirms direction, staff will return with final ordinance language amending OCMC Chapters 1.16, 1.20, 1.24, and 12.08, together with a companion resolution establishing the street tree penalty fee schedule. Staff will also make any needed revisions to clarify the preferred fee model and whether the \$25,000 direction is a hard maximum total penalty cap.

**ATTACHMENTS:**

- Draft Code Amendments - Maximum Fine Language for Chapters 1.16, 1.20, and 1.24
- Draft Code Amendments - Chapter 12.08 Public and Street Trees
- Proposed Street Tree Fee Structure

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### 1.16.010 Penalty.

- A. Any person convicted of a violation of Section 9.04.010 and Chapters 6.04, 9.08, 9.12 except for Sections 9.12.020 through .027, 9.16, 9.20 and 9.24 of this code shall be fined in a sum not to exceed five thousand dollars and/or confinement in jail not to exceed one year. In the event the section violated contains the identical elements of criminal conduct as a state statute, the penalty imposed may not exceed the maximum limits permitted for violation of the state statute.
- B. Any person convicted of an offense which by state statute is made subject to the jurisdiction of the municipal court shall be subject to fine and/or imprisonment as provided in the applicable state statute, not to exceed the foregoing limits.
- C. Any person convicted of the violation of any other section of the code shall be fined not more than one thousand three hundred dollars, unless otherwise specified in this code.

D. Each day a violation continues shall constitute a separate violation.

ED. In addition to the above penalties, the municipal judge may assess reasonable court costs upon conviction.

(Ord. 94-1032 §1, 1994; prior code §1-4-1)

(Ord. No. 15-1008, § 4, 7-1-2015)

### 1.20.090 Fines.

- A. Upon conviction of an infraction of any provision of the Municipal Code, the court may impose a maximum civil penalty of one thousand three hundred dollars (\$~~10~~300.00).
- B. Each day of violation shall constitute a separate civil infraction.
- C. The penalties provided in this section are in addition to, and not in lieu of, any other remedy provided by law, including, but not limited to revocation or nonrenewal of a permit or license, injunction, abatement or civil damages as provided by this code or state law.

(Ord. 95-1028 §2 (part), 1995)

### 1.24.210 Assessments.

- A. Costs incurred by the city for any actions authorized by the code hearings officer pursuant to this chapter and any civil penalty imposed as a result of an order of the code hearings officer shall be an assessment lien upon the property subject to the order.
- B. If a residential structure is ordered vacated pursuant to this code and the city relocates the tenants of such property, then the cost incurred by the city for relocating the tenants as provided by state law shall be an assessment lien upon the property vacated and from which the tenants are relocated.
- C. The city agency incurring such costs shall furnish a statement of such costs to the owner, in person or by United States mail, postage prepaid and addressed to the owner(s) at the owner(s) residence or place of business, and shall file a copy of such statement for the code hearings officer with proof of service attached. If no objection to such statement is filed with the office of the code hearings officer within fifteen days from the date of service or mailing, the code hearings officer shall certify such statement and forward the same to the city recorder who shall forthwith cause the lien to be recorded in the manner of all city liens.

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1. If an objection to the statement is received within the fifteen-day period, the code hearings officer shall schedule and hold an appeal hearing pursuant to this chapter and the rules adopted by the code hearings officer thereunder. After the hearing, the code hearings officer shall certify such statement, or so much of it as he determines is correct and proper, and forward it to the city Recorder who shall cause it to be recorded in the manner of all city liens.
  2. The code hearings officer shall certify to the city recorder the amount of any civil penalty imposed under any order of the code hearings officer and the city recorder shall cause the certification to be recorded in the manner of all city liens. The lien imposed for the civil penalty shall be in addition to any lien imposed for costs actually incurred by the city.
  3. The city agency incurring costs or providing services may file separate statements for the costs and services furnished as each is incurred or provided.
  4. Liens imposed pursuant to this title shall be collected in all respects as provided for this code and state law.
- D. In addition to the lien imposed under this section, any person found to be in violation of the code by the code hearings officer shall be personally liable for costs incurred by the city pursuant to this chapter and for any civil penalty imposed by order of the code hearings officer. In cases of persons found to be in violation of this chapter as owners of property, the persons shall be personally liable hereunder only if they have control of the property, the legal authority to correct the violation, and knowingly have committed the violation.
1. The civil penalty shall be as set forth in the city code, except if no penalty is stated, the code hearings officer may assess a civil penalty of not more than ~~one thousand~~~~three hundred~~ dollars.

(Ord. 99-1004 §1 (part), 1999)

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## Chapter 12.08 PUBLIC AND STREET TREES<sup>1</sup>

### 12.08.010 Purpose.

The purpose of this chapter is to:

- A. Develop tree-lined streets to protect the living quality and beautify the city;
- B. Establish physical separation between pedestrians and vehicular traffic;
- C. Create opportunities for solar shading;
- D. Improve air and water quality; and
- E. Increase the community tree canopy and resource.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 12.08.015 Street tree selection, planting and maintenance requirements.

All development shall provide street trees adjacent to all street frontages. Species and locations of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List, an approved street tree list for a jurisdiction in the Metropolitan region, or be approved by a certified arborist unless otherwise approved pursuant to this section. If a setback sidewalk has already been constructed or the public works department determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip or within tree wells. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed according to OCMC 12.08.035.C.

- A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage to meet the clearance distances required in subsection B below. The community development director may approve an alternative street tree plan, or accept fee-in-lieu of planting pursuant to OCMC 12.08.035, if site or other constraints prevent meeting the required total number of tree plantings.
- B. The following clearance distances shall be maintained when planting trees:
  - 1. Fifteen feet from streetlights;
  - 2. Five feet from fire hydrants;
  - 3. Twenty feet from intersections;
  - 4. Five feet from all public utilities (i.e. sewer, storm and water lines, utility meters, etc.).
- C. All street trees planted in conjunction with development shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications. Larger caliper size trees may be approved if recommended by a certified arborist or registered landscape architect.

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<sup>1</sup>Editor's note(s)—Ord. No. 18-1009, § 1(Exh. A), adopted July 3, 2019, amended Chapter 12.08 in its entirety to read as herein set out. Former Chapter 12.08, §§ 12.08.010—12.08.050, pertained to similar subject matter, and derived from Ord. No. 08-1014, adopted July 1, 2009.

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- D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.
  - E. All trees planted within the right-of-way shall be planted with root barriers at least eighteen inches in depth adjacent to the sidewalk and curb to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.
  - F. All trees planted beneath powerlines shall be selected based on what is appropriate for the location. In addition, the tree species shall be approved by the associated franchise powerline utility company.
  - G. Tree species, spacing and selection for stormwater facilities in the public right-of-way and in storm water facilities shall conform to requirements of OCMC 13.12 and the adopted stormwater and grading design standards and be approved by the city engineer.
  - H. Any public or street trees planted within the natural resource overlay district shall conform to the applicable requirements of OCMC 17.49, Natural Resources Overlay District (NROD).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### **12.08.025 General tree maintenance.**

Abutting property owners shall be responsible for the maintenance and replacement of street trees and planting strips. Topping of trees is prohibited, unless under recommendation of a certified arborist. Trees shall be trimmed appropriately. Maintenance shall include watering during dry periods, trimming of established trees to remove dead branches and dangerous limbs and to maintain a minimum eight-foot clearance above all sidewalks, ten-foot clearance in clear vision areas pursuant to OCMC 10.32, and fourteen-foot clearance above the street. Planter strips shall be kept clear of weeds, obstructing vegetation and trash.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 2023-1004, § 1(Exh. A), 5-3-2023; Ord. No. 25-1004, § 1(Exh. A), 4-16-2025)

### **12.08.030 Public property tree maintenance.**

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs in all public rights-of-way and public grounds, as may be necessary to ensure public safety or to preserve and enhance the symmetry or other desirable characteristics of such public areas. The public works department and parks and recreation department may recommend to the community development director the removal of any tree or part thereof which is in an unsafe condition or may be injurious to above or below-ground public utilities, structures or other public improvements. Removed trees shall be replaced in accordance with this chapter or the mitigation requirements of the OCMC 17.49, Natural Resources Overlay District (NROD), if the tree to be removed is within the NROD.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### **12.08.035 Tree removal and replacement.**

Existing street trees, trees in the right-of-way, and trees on public property shall be retained and protected during development unless removal is specified as part of a land use approval or in conjunction with a public capital improvement project, in accordance with OCMC 17.41. Tree removal as defined by OCMC 17.04, may be authorized through a Tree Permit application process in a form established by the cCity, and shall be mitigated by the following:

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(Supp. No. 49)

Created: 2025-09-23 14:39:37 [EST]

- A. A dead, diseased, or hazardous street tree, as determined by a certified arborist and approved by the city manager or designee, may be removed if replaced with one new tree for each dead, diseased, or hazardous tree that is removed.
  - 1. Hazardous trees which have raised the adjacent sidewalk in a manner which does not comply with the Americans with Disabilities Act may be removed and replaced without a report from a certified arborist, as defined in OCMC 17.04.082.
  - 2. All replacement street trees under this section shall have a minimum one and one-half inch caliper trunk measured six inches above the root crown.
- B. Removed trees that are not determined to be dead, diseased, or hazardous shall be replaced in accordance with Table 12.08.035. All replaced street trees shall have a minimum one and one-half inch caliper trunk measured six inches above the root crown.

**Table 12.08.035**

Replacement Schedule for Trees Determined to be Dead, Diseased or Hazardous by a Certified Arborist		Replacement Schedule for Trees Not Determined to be Dead, Diseased or Hazardous by a Certified Arborist	
Diameter of tree to be Removed (Inches of diameter at 4-ft. height)	Number of Replacement Trees to be Planted	Diameter of tree to be Removed (Inches of diameter at 4-ft. height)	Number of Replacement Trees to be Planted
Any Diameter	1 Tree	Less than 6"	1 Tree
		6" to 12"	2 Trees
		13" to 18"	3 Trees
		19" to 24"	4 Trees
		25" to 30"	5 Trees
		31" and over	8 Trees

- C. Removed trees shall be replaced by approved tree species:
  - 1. Within the right-of-way abutting the same frontage; and
  - 2. Subject to the requirements under OCMC 12.08.015.
- D. If an applicant can demonstrate to the satisfaction of the city manager or designee that a sufficient location to replant tree(s) according to subsection C is not available, the city manager or designee may allow:
  - 1. Installation of replacement tree(s) in one of the following alternative locations:
    - a. Within the right-of-way abutting another property, with abutting property owner approval; or
    - b. On public property, with city manager or designee approval; or
    - c. Within ten feet of the right-of-way in the abutting private yard; or
  - 2. As a last resort, a fee in lieu of replacing the tree(s), subject to the following:
    - a. The applicant must demonstrate, to the satisfaction of the city manager or designee, that none of the alternative replanting options in section D.1 is sufficient for replanting.
    - b. Is to be placed into a city fund dedicated to obtaining trees, planting trees, and/or tree education in Oregon City.

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E. Exceptions:

1. Trees that are listed as invasive non-native, nuisance, prohibited, or noxious vegetation species as defined in OCMC 17.04.605, may be removed without replacement or fee in lieu of replacement.
2. Trees in planter strips three feet or less in width may be removed without [a permit](#), replacement or fee in lieu of replacement.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 2023-1004, § 1(Exh. B), 5-3-2023)

### **12.08.045 Gifts, fee-in-lieu of planting, and funding.**

The city of Oregon City may accept gifts, which are specifically designated for the purpose of planting or maintaining trees within the city. The community development director may allow a fee-in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees in Oregon City. The community development director may determine the type, caliper and species of the trees purchased with the fund. The cost of each tree may be adjusted annually based upon current market prices for materials and labor as calculated by the community development director. A separate fund shall be established and maintained for revenues and expenditures created by activities specified in this chapter. The natural resources committee shall have authority on behalf of the city to seek grants and alternative funding for tree projects. Funds from such grant awards shall be administered by the city pursuant to this section.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### **12.08.050 ~~Violation—Penalty. - Enforcement~~**

#### 1. Interpretations.

- a. A street tree that is removed, as defined by OCMC 17.04, without an approved Street Tree Removal Permit will be considered an unpermitted tree removal.
- b. If a street tree is removed without a permit, a violation will be determined by measuring the stump. A stump that is six caliper inches or more in diameter will be considered prima facie evidence of a violation of this chapter.
- a-c. Proof of violation of this chapter will be deemed prima facie evidence that the property owner is responsible for such violation.

#### 2. Violations.

##### 1. The following are considered violations of the Street Tree Code (Chapter 12.08)

- a. Removal or Topping. Removal or topping, as defined in Chapter 17.04, of a street tree regulated by Chapter 12.08 without an approved permit from the city.
- b. Removal – Approved Permit. Removal of a tree in violation of an approved permit.
- c. Major Pruning without a Permit. Major pruning, as defined in Chapter 17.04 of a street tree or public tree without an approved permit from the city.  
Failure to Comply with Permit. Failure to meet a condition of an approved permit, or to complete the required mitigation as established in this chapter.
- d. Damaging a Tree. Topping, pruning, or otherwise inflicting willful and negligent damage to a tree crown or roots in a manner inconsistent with ISA Best Management Practices.
- e. Removal of a Stump. Removal of the stump of a regulated tree removed without a tree removal permit.

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f. Critical Root Zone Disturbance. Willfully or negligently do the following in the Critical Root Zone: unauthorized ground disturbance or construction activity, including vehicle or equipment access (but excluding access on existing streets or driveways), storage of equipment or materials, including soil, temporary or permanent stockpiling, impervious surfaces, underground utilities, excavation or fill, trenching or other work activities.

g. Soil Contamination. Willfully or negligently allow soil contamination (i.e., soil containing construction debris, concrete, garbage, or any other substance that renders the soil inadequate to support healthy tree growth to maturity as determined by a certified arborist) in the soil volume area.

h. Interference with the City. No person will prevent, delay, or interfere with city staff while engaging in work activities, including but not limited to inspection of trees subject to the provisions of this chapter, planting, cultivating, mulching, pruning, spraying, or removing any street tree, or public tree.

2. A person violating any provision of this chapter will be subject to a civil infraction as established in Chapter 1.20 of this code, the Code Enforcement process as established in Chapter 1.24 of this code, and any penalties identified in this chapter, subject to the fine amount established by city commission resolution.

### 3. Penalties

The following penalties apply to violations of the provisions of this chapter:

1. A person who violates this chapter, upon conviction thereof, will be subject to a civil infraction penalty as established in chapter 1.20 of this code.

1-2. Topping, pruning, or otherwise inflicting willful and negligent damage to a tree.

a. A fine up to the amount established in the city commission fee resolution or up to the appraised loss in value of the illegally topped or pruned tree as determined by a certified arborist plus the arborist's reasonable appraisal fee.

b. Restoration of the tree crown, trunk, or root system as prescribed by a certified arborist and city.

### 3. Enhanced Penalties

An increased penalty for the tree removed in violation of this chapter in the amount established by resolution of the city commission or the value of the tree as determined by a certified arborist, whichever is greater, if any of the following apply:

a. The person has committed a previous violation of a provision of this chapter, or after being informed of the permitting process, removed the street tree without obtaining the proper tree permit; or

b. The street tree removed was any of the following:

i. Twenty-four-inch caliper in diameter or greater, or

ii. A heritage tree per OCMC 12.32, or

iii. Located within the Willamette River Greenway Overlay District per Chapter 17.48, or

iv. Within the MUD, MUC-1, and MUC-2 zoning districts.

### 4. General Penalty

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- a. A person violating any of the provisions of this chapter will, upon conviction thereof, be punished by a fine not to exceed \$1,000, unless otherwise specified in a city commission-adopted fee resolution.
  - b. Each tree and day's violation of a provision of this chapter constitutes a separate offense.

**Proposed Fee Structure**

Civil Infraction - \$1,000, base fine to always charge.

**Street Tree Removal Violation Fine – Simple - Tiered Based on Tree Size**

Diameter of tree removed (Inches of diameter at 4-ft. height)	Fine	Enhanced Penalty
Less than 6"	\$1,000	\$2,500
6" to 12"	\$2,500	\$5,000
13" to 18"	\$5,000	\$7,500
19" to 24"	\$7,500	\$10,000
25" to 30"	\$10,000	\$15,000
31" to 36"	\$12,500	\$17,500
37" to 44"	\$15,000	\$20,000
45" and above	\$20,000	\$25,000

**Alternative Street Tree Removal Violation Fine – Per inch DBH**

Removed or Topped Tree: \$225 per inch

Enhanced Removed or Topped Tree: \$450 per inch

**Fee Structure Comparisons**

Tree Size	Regular Fine (\$1,000 civil infraction starting base) + \$225/inch DBH		Enhanced Fine (\$1,000 civil infraction starting base) + \$450/inch DBH		Alternative Enhanced Fine – Tiered fine plus \$5,000/enhancement violation  \$5,000 for each enhanced violation <ul style="list-style-type: none"> <li>• 36-inch or greater DBH</li> <li>• Heritage tree</li> <li>• In WRG</li> <li>• MUC-1, MUC-2</li> </ul> If a tree were 40 inches, a heritage tree, and located in the WRG, this would be an enhanced fine in addition to the Regular fine of \$15,000, for a total of \$30,000, or \$25,000 DBH measurement.
	Tiered	DBH	Tiered	DBH	
10-inch	3,500	3,250	3,500	5,500	
15-inch	5,000	4,375	7,500	7,750	
20-inch	7,500	5,500	10,000	10,000	
25-inch	10,000	6,625	15,000	12,250	
35-inch	12,500	8,875	17,500	16,750	
45-inch	21,000	11,125	25,000	21,250	

Violations subject to Enhance Fee:

- The street tree removed was any of the following:
  - Twenty-four-inch caliper in diameter or greater, or
  - A heritage tree per OCMC 12.32, or
  - Located within the Willamette River Greenway Overlay District per Chapter 17.48, or
  - Within the MUC-1, and MUC-2 zoning districts.