

ORDINANCE NO. NS-2147

AN ORDINANCE AMENDING THE BEND CODE BY ADDING A NEW SECTION ON DEAD OR DECAYING TREES TO TITLE XIII OF THE BEND CODE AND DECLARING AN EMERGENCY

Findings:

- A. Title XIII of the Bend Code was adopted to include provisions relating to nuisances in a single separate title. Most of the provisions in Title XIII originated from the former Chapter 5.
- B. In the reorganization of the code, Subsection 3 of the former Section 5.355 Trees was inadvertently omitted from inclusion in either the new Title V or Title XIII.
- C. Staff has recommended that the former Section 5.355(3) be reinstated and included in Title XIII.
- D. Council agrees with the staff recommendation.
- E. Dead and decaying trees pose a risk to human safety and to property and the lack of an effective code provision creates a safety risk.

Section 1. Bend Code Title XIII is amended by adding a new section to read as follows:

**Trees.**

(1) No owner or person in charge of property shall allow a dead or decaying tree to stand if it is a hazard to the public or to persons or property on or near the property.

(2) A violation of this section is a Class B Civil Infraction.

Section 2. All other provisions of the code remain in effect.

Section 3. The City Recorder is directed to include the additional section in an appropriate location in Bend Code Title XIII.

Section 4. This measure is necessary for the peace, health and safety of the city and shall take effect immediately on passage.

Read for the first time the 7th day of July, 2010.

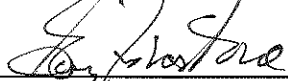
Read for the second time the 21<sup>st</sup> day of July, 2010.

Approved by roll call vote the 21<sup>st</sup> day of July, 2010.

YES: 7                      NO: 0

Authenticated by the Mayor the 21<sup>st</sup> day of July, 2010.

Approved as to form:

  
\_\_\_\_\_  
Gary Firestone, Legal Counsel

  
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Kathie Eckman, Mayor

ATTEST:

  
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Patricia Stell, City of Bend Recorder