

ORDINANCE NO. 192

AN ORDINANCE Relating to trees, weeds, vegetation and horticultural growth in the city.

THE CITY COUNCIL OF THE CITY OF BELLEVUE DO ORDAIN  
AS FOLLOWS:

Section 1. Trees, plants, shrubs or vegetation or parts thereof which so overhang any sidewalk or street, or public right-of-way, or which are growing thereon in such manner as to obstruct or impair the free and full use of the sidewalk or street by the public or to obstruct vision of the improved portion of a public right-of-way or intersection of streets or which damage, obstruct or endanger power lines, cables, conduits, sewers or drains rightfully located within a public right-of-way, or which have grown or died upon any property and are a fire hazard or a menace to public health, safety or welfare are a public nuisance. It is the duty of the owner of the property wherein or whereon any such nuisance exists or of the property abutting the street wherein or whereon such nuisance exists to abate the same by trimming, destroying or removing such growing or dead growth.

Sec. 2. The failure or refusal to comply with the provisions of Section 1 shall subject the offender to a fine not exceeding \$300.00 or imprisonment not exceeding 90 days or both fine and imprisonment.

Sec. 3. Members of the police department, street department and engineer department shall enforce this ordinance and, if any property owners fail or refuse to abate any such nuisance as defined by Section 1, the city council may, after report filed therewith by an enforcing officer, by resolution requiring such property owner, in addition or as an alternative to the penalties prescribed by Section 2 hereof, to abate the nuisance by removal, trimming or destruction at such owners cost and expense within a time specified in the resolution; and if the removal, trimming or destruction is not made by said owner within the time specified, the city officer, agent or department specified in said resolution may abate the same as provided in Section 5 herein.

Sec. 4. The resolution of the city council as prescribed in Section 3 shall not be passed until the property owner has been given at least five (5) days notice of the pendency of the proposed resolution; such notice shall be given by the employee, agent or department designated in such resolution by mailing a copy of the notice to the owner as such owner's name appears upon the records of the County Treasurer and at the address shown thereon, or, if no owner or address is shown upon such records, a copy of the notice shall be posted upon the property and also shall be published in one issue of the official newspaper of the city. The mailing, posting and publication shall be made at least five (5) days before the date of adoption of said resolution and proof thereof shall be made by the officer giving notice by affidavit filed with the City Clerk. The notice shall describe the property involved, the nature of the hazardous condition constituting the nuisance and require the owner to make such trimming, removal or destruction and state that in the event of the owner's failure so to do, the city will cause the trimming, removal or destruction of such nuisance and that the cost thereof shall be borne by the owner of the property and become a lien against the property.

Sec. 5. If the nuisance is not abated by trimming, removal or destruction by the property owner within the time fixed in the resolution and notice, the enforcing officer may abate the nuisance and he shall render a statement covering the costs of such abatement, including all of the city's expense and mail the bill to the property owner. If the property owner fails or refuses to pay such bill, or if the owner cannot be found, the enforcing officer may cause a lien to be filed against said property which shall be in similar form filed with the same county officer within the same time and manner and enforced and foreclosed as in the manner provided by state law for foreclosure of labor and material liens.

Sec. 6. No trees shall be allowed to come in contact with telephone, telegraph, electric or power wires located upon poles situated within public rights-of-way, provided that, such wires are 25 feet above the level of the public place over which they pass. When an enforcing agent of the city shall find that trees are coming in contact with the wires of public service companies or the City of Bellevue located within a public right-of-way, notice requiring the trimming of the same shall be given to the property owner as in the manner provided in Section 3 and 4 above and if not so trimmed or removed within five days of such written notice served upon the owner of the property or property abutting the street wherein such trees are located or of the posting and publication of notice as above provided, the enforcing official may procure the performance of such work in the manner above provided or he may direct the Superintendent of Streets to issue a permit to the owners of the wires empowering them to trim such trees at such utilities expense. If the work be done by the owner of the wires, the enforcing agent of the city or his agent shall accompany the utility's employees to supervise the extent and manner of trimming said trees and the cost of such supervision shall be borne by the owner of the wires.

Sec. 7. Any public service company, municipality or quasi municipal utility having knowledge of trees, plants, shrubs or vegetation which interfere with, endanger or threatens to interfere with or endanger overhead wires, lights or equipment or underground conduits, pipes, sewers or drains within the public right-of-way and desiring authority to trim or remove the same after failure or refusal of the owner to do so shall report such dangerous or threatening condition to the Superintendent of Streets, on forms provided therefor, and may make application for authority to trim and remove such trees, plants, shrubs or vegetation. The Superintendent of Streets, if he deems the condition described in the applicant's report to constitute a nuisance, shall give notice to the property owner as provided in Section 3 herein, and cause the application and a copy of the notice to be presented to the city council at its next public meeting. At said meeting, the city council may order further investigation and report on the facts, may hear the property owner and may adopt a resolution requiring the property owner to abate the nuisance within the time specified in the resolution or order the abatement of the nuisance by city employees at the property owners' cost and expense or may provide that the utility or public service company making application therefor shall have authority to trim and remove such plants, trees, shrubs and vegetation to such extent as is reasonable and necessary to abate the nuisance and to eliminate the danger to the utilities wires, pipes, conduits,

sewers and drains or to preserve the public health, safety and welfare.


Sec. 8. Before granting a permit to any public service company or quasi municipal utility to trim or remove trees, plants, shrubs or vegetation as authorized by the council's resolution, the licensing officer shall require the utility or quasi municipal corporation to enter into an undertaking to hold the city harmless from damage or claim thereof resulting or alleged to result from such trimming or removal and to reimburse the city for the actual and reasonable cost of supervision by a city inspector of the trimming and removal.

Sec. 9. The provisions of this ordinance shall not be exclusive of other remedies available to the city and are supplemental and in addition to other ordinances or other legal remedies relating to the same.


**Sec. 10.** Except to abate a nuisance as defined herein, no person shall damage, destroy, or mutilate any tree, shrub or plant in a public parking strip or any other public place, or attach or place any rope or wire (other than one used to support a young or broken tree), sign, poster, handbill, or other thing to or on any tree growing in a public place, or cause or permit any wire charged with electricity to come in contact with any such tree, or allow any gaseous, liquid, or solid substance which is harmful to such trees to come in contact with their roots or leaves. Provided, however, that nothing contained herein shall preclude either the owner or occupant of real property from trimming or removing trees, shrubs and plants placed in the parking strip of such real property by such owner or occupant.

Sec. 11. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication in the manner provided by law.

PASSED by the City Council on the 9<sup>th</sup> day of <sup>April</sup>~~January~~, 1957,  
signed in authentication of its passage this 9<sup>th</sup> day of <sup>April</sup>~~January~~, 1957.

  
 Mayor

Approved as to Form:

  
City Attorney

(SEAL)

Attest:

John A. Scholer  
City Clerk

Published: April 11, 1957.

FILED  
CITY OF BELLEVUE  
DATE *April 10, 1957*  
CITY CLERK *Jean A. Schuler*