

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5664

AN ORDINANCE amending the Bellevue City Code to create enhanced penalties for removal of significant trees on private property in violation of Land Use Code requirements; amending Section 1.18.045 of the Bellevue City Code; and establishing an effective date.

WHEREAS, significant trees have been removed on private property in violation of City or Land Use Code retention requirements;

WHEREAS, restoration to an equivalent pre-existing condition can rarely be accomplished after removal of significant trees and existing penalties authorized by the City Code are not high enough to deter the offending and irreparable conduct;

WHEREAS, enhanced monetary penalties for illegal significant tree removal on private property may be an effective tool to deter tree clearing in violation of City tree retention requirements; now therefore:

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 1.18.045 of the Bellevue City Code is hereby amended as follows:

BCC 1.18.045 Monetary penalty – Trees and vegetation on city or private property – Illegal clearing, cutting, damaging or removal – BCC 3.43.335 and LUC 20.20.900.

A. Trees and Vegetation on City Property.

BCC 1.18.040(E) shall have no application to a violation of BCC 3.43.335. Instead, the monetary penalty shall be the greater of:

1. Five hundred dollars for each tree cleared, cut, damaged or removed, or for each act of clearing, cutting, damaging or removing vegetation; or

2. Triple the value of each tree cleared, cut, damaged or removed, or of the vegetation cleared, cut, damaged or removed, the value to be the replacement value as determined under the methods described in the Guide for Establishing Value of Trees and Other Plants, published by International Society of Arboriculture, now or as hereafter amended.

B. Significant Trees on Private Property.

1. BCC 1.18.040(E) shall have no application to a violation of LUC 20.20.900.D. and E. Instead, the monetary penalty shall be the greater of:

a. Two hundred dollars for each significant tree cleared, cut, damaged or removed; or

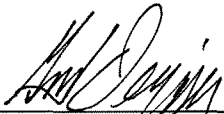
b. The value of each significant tree cleared, cut, damaged or removed, the value to be the replacement value as determined under the methods described in the Guide for Establishing Value of Trees and Other Plants, published by International Society of Arboriculture, now or as hereafter amended.

2. Each significant tree removed in violation of the requirements of LUC 20.20.900.D. and E. is a separate violation, subject to separate penalties.

Section 2. This ordinance shall take effect and be in force thirty (30) days after adoption and legal publication.

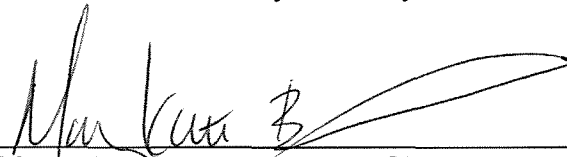
Passed by the City Council this 20<sup>th</sup> day of March, 2006 and signed in authentication of its passage this 20<sup>th</sup> day of March, 2006.

(SEAL)

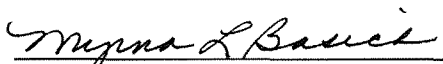
  
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Grant Degginger, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

  
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Mary Kate Berens, Deputy City Attorney

Attest:

  
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Myrna L. Basich, City Clerk

Published March 24, 2006