

**TOWN OF BEAUX ARTS VILLAGE
WASHINGTON**

ORDINANCE NO. ____

AN ORDINANCE OF THE TOWN OF BEAUX ARTS VILLAGE, WASHINGTON, AMENDING THE TREE CODE BAV MC 16.25.130, CONSTRUCTION SITE TREE PROTECTION; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the Town desires to amend BAV MC 16.25.130 regarding construction site tree protection; and

WHEREAS, the Town believes that the amendment better serves permit applicants; and

WHEREAS, the Planning Commission conducted a Public Hearing on June 20, 2013 to gather public input on the proposed amendments; and

WHEREAS, the Council conducted a second Public Hearing on July 9, 2013 to gather additional public input on the proposed amendments; **NOW, THEREFORE**,

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BEAUX ARTS VILLAGE, WASHINGTON, AS FOLLOWS:

Section 1. Beaux Arts Village Municipal Code Chapter 16.25.130, Construction Site Tree Protection, is hereby amended to read as follows:

16.25.130 Construction site tree protection.

- (1) All protected trees on a construction site, on the adjacent and otherwise affected Town right-of-ways, and on adjacent properties impacted by site development or construction must be protected during such activity. The property owner shall submit a report prepared by a qualified professional that evaluates the protected trees on site, on the adjacent and otherwise affected Town right-of-ways, and adjacent properties and establishes tree-protection requirements. Tree-protection requirements shall be shown clearly on the permit documents. The town arborist shall ~~be consulted, as necessary, to~~ review the report prepared by the qualified professional to verify that ~~determine the~~ appropriate protection for such trees is provided.
- (2) The requirement for a report may be waived by the Town when requested by the project owner ~~Exceptions to this requirement may be requested and approved by the town arborist when it is determined that the scope of the proposed construction project will not~~

~~likely impact protected trees. Any necessary tree protection requirements deemed appropriate by the town arborist must be included on the permit documents prior to permit approval, and must be accompanied by a report prepared by a qualified professional. Exceptions will be granted by the town in its sole discretion only if an appropriate alternative plan for protection of all protected trees is provided and approved by the town arborist. Such approval shall be obtained prior to the issuance of any site development or construction permit.~~

(3) A stop work order will be issued by the building official if site tree protection guidelines are not followed.

Section 2. Validity. If any section, paragraph, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, clauses, or phrases subsequently may be found by competent authority to be unconstitutional or invalid.

Section 3. Effective Date. This ordinance shall take effect five (5) days after its passage and publication.

PASSED BY THE COUNCIL OF THE TOWN OF BEAUX ARTS VILLAGE and signed in authentication of its passage on this ___th day of _____, 2013.

Richard Leider, Mayor

ATTEST:

APPROVED AS TO FORM:

Sue Ann Spens, Clerk/Treasurer

Wayne Stewart, Town Attorney

I certify that copies of the above ordinance were posted as required by law in the Town of Beaux Arts Village, Washington, on the _____th day of _____, ____.

Sue Ann Spens, Clerk/Treasurer