RESOLUTION NO. 19-0457

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, PIERCE COUNTY, WASHINGTON AUTHORIZING THE REMOVAL OF A DANGEROUS TREE LOCATED AT 11704 32ND STREET EAST, IMPLEMENTING THE PROCEDURE IN CHAPTER 8.15 EMC.

WHEREAS, at least one tree located at 11704 32nd Street East fell across the public right-of-way during a windstorm on Sunday, January 6, 2019, damaging utility lines and property; and

WHEREAS, staff performed a site visit January 23, 2019 to determine if any other dead or dangerous trees are in the area that could injure someone or cause damage to public or private property in a future windstorm; and

WHEREAS, during said visit, staff determined at least one tree located outside and south of the public right-of-way and on private property appears dead and dangerous; and

WHEREAS, even though the dangerous tree is located on private property, it is likely to fall onto public right of way similar to the tree that fell on January 6, 2019; and

WHEREAS, Edgewood Municipal Code (EMC) 8.15.020 states, “All landowners within the City shall maintain their property in a manner that does not pose a hazard to the public health, safety or welfare”; and

WHEREAS, EMC 8.15.030 provides that when there is a violation of EMC 8.15.020, that the City Council may initiate proceedings against the property owner by passing a Resolution, which shall not occur until written notice has been given to the property owner and five days have passed; and

WHEREAS, a Notice of Violation was sent to the property owner on January 30, 2019 to inform of the apparent code violation and requirement to correct the situation; and

WHEREAS, a written response was received by City Hall on March 25, 2019, wherein the property owner claims that she cannot afford to remove the dangerous tree, and requests that the City do so at the City’s cost; and

WHEREAS, EMC 8.15.040 provides that “If the landowner fails to remove or destroy the dangerous condition(s) identified in the city council resolution by the deadline established thereby, the city may cause the removal or destruction of such condition(s)”; and

WHEREAS, the Notice of Violation issued on January 30, 2019 serves as the “five days’ written notice” described under EMC 8.15.030; and
WHEREAS, the City Council is interested in abating this nuisance as soon as possible to avoid any possible injury or property damage;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGWOED, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The City Council hereby directs the landowner to remove or destroy the aforementioned dangerous tree on or before June 7, 2019.

Section 2. If said tree is not removed or destroyed by the property owner by the June 7, 2019 deadline, the Public Works Director is hereby authorized to have the dangerous tree removed immediately thereafter.

Section 3. The City Council may take any and all action to recover its costs as allowed by chapter 8.15 RCW.


Daryl Eidinger, Mayor

ATTEST:

Rachel Pitzel, City Clerk