

# Illegal tree-cutting garners fines

By Sue Stafford  
Correspondent

The homeowners on South Pine Street and the tree service they employed to remove nine mature ponderosa pine trees from City right-of-way in front of their houses on January 2, 2018, are being fined by the City — but nowhere near the amount they could have been.

In letters that were sent out on March 12, 2018 by the City attorney to three homeowners and Adam Bright Tree Service of Bend, demand is made for payment of \$4,500 for timber trespass to the City within 30 days. This amount represents only the code violation penalties.

Trees located in the City's right-of-way are City property. Section 8.15.180(s) of the Sisters Municipal Code prohibits trimming or cutting trees located in the right-of-way without first obtaining the City's permission. Violation of that code makes a person subject to a fine not to exceed \$500 per violation.

Not only did the property owners fail to obtain the City's permission to remove

the nine pine trees, the City reports, but previous requests to remove the same trees had expressly been denied. Additionally, the wood from the felled trees was also unlawfully appropriated.

The part of the law the City is not enforcing in this case is the Oregon Revised Statute (ORS) 108.810, which states that any person who unlawfully removes trees from the property of another, which includes trees within public right-of-way, is liable to the tree owner for three times the value of the removed tree. According to that same statute, a timber trespasser may also be liable for investigation costs, court costs, attorney fees, and reforestation expenses.

According to the appraisal completed by City Forester Sprindrift Forestry Consulting LLC on January 4, the value of the removed trees is \$31,185.80 (no value was assigned to one dead tree). The demand for \$4,500 does not include damages and expenses incurred by the City to investigate and prosecute the matter to date.

The property owners at

325 S. Pine St., 349 S. Pine St., and 361 S. Pine St. are jointly liable with Bright for the \$4,500.

If payment is not made within 30 days, the City will pursue, allowable by law, collection of treble damages (\$97,557.40) and all applicable fines, penalties, and costs, which would significantly exceed the original fine of \$4,500.

As the business conducting the tree removal, Bright was doing so without a City business license. For that, the City is demanding he pay \$100, which represents the maximum fine under City code. Bright was instructed to cease and desist from all further business activities within the city until the City has been fully compensated for his unlawful actions and he obtains a city business license.

The Urban Forestry Board, in their meeting on March 12, voiced their displeasure with the amount of the fine, saying it was "woefully inadequate." They planned to submit a letter to the City Council registering their disagreement with the fine amount. They serve



PHOTO PROVIDED

A number of trees were removed illegally along Pine Street.

in an advisory capacity, and the setting of fines is in the purview of the City Manager.

At that same meeting, the UFB received a request from a homeowner to remove 12 aspen trees from City right-of-way. The request was denied.

This is the first time the City has imposed fines for illegal tree-cutting, and they will be enforcing the code from here forward.

With steady growth in population and increased building in the city, more trees in town are facing removal

on building sites, which must be approved when the City reviews their site plans. Property owners should be aware that removal of any tree on private property with a diameter of eight inches or greater at four feet from the ground, requires a permit from the City.

Sisters has received the designation of Tree City USA for 10 years. Mature ponderosa pines are considered an integral part of the ambiance of Sisters.



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