

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE SECTION 7.98.220 AND DECLARING AN EMERGENCY.

WHEREAS, AMC Chapter 7.98 sets forth regulations concerning the planting, maintenance, and removal of trees in the city of Albany; and

WHEREAS, AMC Section 7.98.220 currently requires that, in any prosecution for violation of this Chapter, the City prove that the violation was willful; and

WHEREAS, the City's regulations concerning the planting, maintenance, and removal of trees have been in place for many years and have received sufficient public notice to warrant that citizens be accountable to its terms without the requirement that their actions be deemed "willful"; and

WHEREAS, it is the desire of the City Council that violations of Chapter 7.98 be prosecuted as strict liability offenses.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Albany Municipal Code Section 7.98.220, penalties is hereby amended to read as follows:

"7.98.220 Penalties. Any person ~~willfully~~ violating any of the provisions of this code relating to the planting, pruning, trimming, or removal of trees shall be **strictly liable for such violations and punished** ~~guilty of a misdemeanor punishable~~ under the general penalty provided for in Chapter 1.04 AMC. **Proof of a specific criminal intent shall not be required. Any violations of this Chapter which affects an individual tree shall be a separate offense.**"


Section 2: Emergency Clause. In as much as this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the city of Albany, and an emergency is hereby declared to exist; and this Ordinance shall take effect and be in full force and effect when signed by the Mayor.

Passed by the Council: March 11, 2009

Approved by the Mayor: March 11, 2009

Effective Date: March 11, 2009

ATTEST:



City Clerk



Mayor