

ORDINANCE NO. 2023-512

AN ORDINANCE OF THE CITY OF GUADALUPE, CALIFORNIA, AMENDING CHAPTER 12.12 OF TITLE 12 OF THE GUADALUPE MUNICIPAL CODE REGARDING STREET TREES

WHEREAS, the Chapter 12.12 of Title 12 of the Guadalupe Municipal Code (the “Street Tree Ordinance”) was enacted in 1959, and has not been updated since; and

WHEREAS, the purpose of the Street Tree Ordinance was to regulate the planting of trees (and other vegetation) in public places including “parking strips” and to protect these and other existing trees (collectively referred to as “street trees”) from injury or abuse as well as provide for required maintenance of street trees (or in the case of dangerous trees, their removal) either by the City or by the owner of the property where street trees were located if so ordered by the Planning Commission; and

WHEREAS, the elimination of the Planning Commission and need to provide for a more efficient way to administer and enforce the Street Tree Ordinance requires the updating of the ordinance; and

WHEREAS, the updates to the Street Tree Ordinance will affirm the value and importance of maintaining the City’s “urban forest” as recognized by a public policy of the state of California in Public Resources Code sections 4799.06, *et seq.*

NOW, THEREFORE, the City Council of the City of Guadalupe does hereby ordain as follows:

SECTION 1. Chapter 12.12 of Title 12 of the Guadalupe Municipal Code is hereby amended to read as follows:

12.12.010 Title for citation.

The ordinance codified in this chapter shall hereafter be referred to as the “Street Tree Ordinance” of the City.

12.12.020 Enforcement authority.

The Director of Public Works, or duly authorized designee, shall be charged with the enforcement of this chapter. The Director of Public Works, or designee may request assistance for enforcement from Code Compliance.

12.12.030 Public plantings—Permission required.

No trees or shrubs shall hereafter be planted in or removed from any public parking strip or other public place in the City without permission from the Director of Public Works or duly authorized designee. For purposes of this Chapter, “parking strip” shall refer to any portion of a City easement over privately owned property adjacent to a City street.

12.12.040 Street tree plan.

All trees and shrubs hereafter planted in any public parking strip or other public place in the City shall conform as to species and location with the recommendation of the Director of Public Works or duly authorized designee or to the street tree plan of the City, which are hereby made a part of the ordinance codified in this chapter.

12.12.050 Trimming and removal conditions.

The Director of Public Works or duly authorized designee, may cause to be trimmed, pruned or removed any trees, shrubs, plants or vegetation in any parking strip or other public place, or may require any property owner to trim, prune or remove any trees, shrubs, plants or vegetation in a parking strip abutting upon the owner's property at the sole cost of the owner, and failure to comply therewith after 15 days' notice from Director of Public Works or duly authorized designee, or from Code Compliance, shall be deemed a violation of this chapter.

12.12.060 Dangerous trees deemed nuisance.

Any tree or shrub growing in a parking strip or any public place, or on private property, which is endangering or which in any way may endanger the security or usefulness of any public street, sewer, sidewalk, or the full and safe operation of public utility wires, is hereby declared to be a public nuisance, and the City may remove or trim such tree, or may permit any public utility to do so, or may require the property owner to remove or trim any such tree on private property or on a parking strip abutting upon such owner's property at the sole expense of the property owner. Failure of the property owner or his or her duly authorized agent to comply therewith, within 30 days after notice from Director of Public Works or duly authorized designee, or from Code Compliance, shall be deemed a violation of this chapter, and subject to the penalties set forth in Section 12.12.100.

12.12.070 Appeal procedures.

Appeals from directions and orders made under this chapter may be made by filing written notice thereof with the City Clerk within 10 days after such direction and order is received, stating in substance that appeal is being made from such direction and order to the City Council. The City Clerk shall thereupon call such appeal to the attention of the City Council at the next regular succeeding meeting, or otherwise as soon as possible but no later than within 45 days, at which meeting the appellant and the from Director of Public Works or duly authorized designee, or from Code Compliance may present evidence. Action taken by the City Council after such hearing shall be conclusive, and in the event the City Council shall uphold the decision of the from Director of Public Works or duly authorized designee, or from Code Compliance, the property owner or his or her duly authorized agent shall have 10 days thereafter to comply with such notice.

12.12.080 Public utility trimming restrictions.

Nothing contained in this chapter shall be construed as limiting the right of any public utility to remove or trim trees which, in its opinion, endanger the safe operation of its wires, poles and appurtenances.

12.12.090 Injuring or destroying trees or plants prohibited.

It is a violation of this chapter to abuse, destroy or mutilate any tree, shrub or plant in a public parking strip or any other public place, or to attach or place any rope or wire (other than one used to support a young or broken tree), sign, poster, handbill or other thing to or on any tree growing in a public place, or to cause or permit any wire charged with electricity to come in contact with any such tree, or to allow any gaseous, liquid or solid substance which is harmful to such trees to come in contact with their roots or leaves.

12.12.100 Violation—Penalty.

Any person guilty of violating any of the provisions of this chapter, or performing any act declared by this chapter to be unlawful, shall be deemed guilty of a misdemeanor or an infraction, depending on the discretion of the City Attorney when filing the criminal complaint, and upon conviction thereof shall be punished by a fine in accordance with the general penalty provision then effect in the City, pursuant to Chapter 1.08 of this code, as amended. In addition to or in lieu of criminal prosecution, from Director of Public Works or duly authorized designee, or from Code Compliance may pursue the administrative remedies set forth in Chapter 1.10 and 1.11 of this Code.

SECTION 2. This Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA), and the CEQA guidelines, and has been found to be exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15060(c)(3) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) because the activity is not a project as defined in Section 15378 and Section 15061(b)(3) of the CEQA Guidelines, because the activity is covered by the general rule which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment.

SECTION 3. The City Council declares that each section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this Ordinance is severable and independent of every other section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this Ordinance. If any section, subsection, paragraph, subparagraph, sentence, clause, or phrase of this Ordinance is held invalid, the City Council declares it would have adopted the remaining provisions of this Ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this Ordinance should remain in effect after the invalid portion has been eliminated.

SECTION 4. The City Clerk is hereby authorized to make minor changes herein to address clerical errors, so long as substantial conformance of the intent of this document is maintained. In doing so, the City Clerk shall consult with the City Administrator and City Attorney concerning any changes deemed necessary.

INTRODUCED at a regular meeting of the City Council on the 10th day of October 2023, by the following roll call vote:

MOTION: MEGAN LIZALDE / CHRISTINA HERNANDEZ


AYES: 5 Councilmembers: Costa Jr., Hernandez, Julian, Lizalde, Robles
NOES: 0
ABSENT: 0
ABSTAINED: 0

PASSED AND ADOPTED at a regular meeting of the City Council on the 24th day of October 2023 by the following roll call vote:

MOTION: MEGAN LIZALDE / CHRISTINA HERNANDEZ

AYES: 4 Councilmembers: Hernandez, Julian, Lizalde, Robles
NOES: 0
ABSENT: 1 Councilmember: Costa Jr.
ABSTAINED: 0

ATTEST:

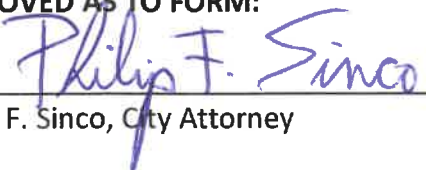


Amelia M. Villegas, City Clerk



Ariston Julian, Mayor

APPROVED AS TO FORM:



Philip F. Sinco, City Attorney