

ORDINANCE NO. 2008-031

Adopted by the Sacramento City Council

June 5, 2008

**AN ORDINANCE AMENDING SECTIONS 12.56.020,
12.60.020, 12.64.020, and 12.64.050 , AND 12.64.060 OF
TITLE 12 OF THE SACRAMENTO CITY CODE RELATING
TO TREES**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

BACKGROUND

SECTION 1.

Section 12.56.020 of Title 12 of the Sacramento City Code is amended to read as follows:

When used in this chapter, the following words and phrases shall apply:

“City street tree” means and includes any tree growing on a public street right-of-way. City street trees are maintained by the city.

“Director” means the director of the department of transportation or the director’s designated representative.

“Maintain” or “maintenance” means and includes trimming, pruning, spraying, injecting, fertilizing, cabling, treating for disease or injury, and any other similar acts which promote the life, growth, health or beauty of trees, excepting only watering, unless specifically so stated.

“Maintenance easement” means a strip of land parallel to a public street right-of-way and adjacent thereto, which is six and one-half feet wide, measured from the front property line, (and the side property line if a corner lot), except that a maintenance easement shall not be deemed to exist on any parcel where the adjacent public street right-of-way provides space for a city street tree.

“Maintenance easement private street tree” means and includes any tree growing within a maintenance easement. No parcel contains more than one maintenance easement private street tree per forty (40) feet of street frontage. If there is more than one tree in the maintenance easement per forty (40) feet of street frontage, only the one closest to the street is a maintenance easement private street tree, and the other(s) are private trees.

“Person” means and includes any individual, partnership, corporation or other private or public entity, including but not limited to the property owner, a tenant, a licensed or unlicensed provider of tree services retained by the property owner or tenant, or a licensed or unlicensed provider of tree services acting without the consent of the property owner or tenant.

“Planting list” is the list of trees which is approved by the director for planting as street trees.

“Private tree” means and includes any tree on private property outside of the maintenance easement. The owner of the parcel is responsible for maintenance of private trees.

“Property owner” means and includes the person listed as the owner of the property on the then current assessor’s roll.

“Public tree” means and includes any tree on public property, excepting trees growing on a public street right-of-way.

“Public utility” means and includes every pipeline corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, sewer system, and heat corporation, where the service is performed for or the commodity delivered to the public or any portion thereof.

“Street tree” means and includes both city street trees and maintenance easement private street trees.

SECTION 2.

Section 12.60.020 of Title 12 of the Sacramento City Code is amended to read as follows:

“Administrative regulations” means regulations promulgated jointly by the director and commissioner, and approved by the city council and the board of supervisors of Sacramento County, specifying procedures for the removal and destruction of elm trees or portions thereof.

“Commissioner” means the agricultural commissioner of Sacramento County, his or her assistants, deputies or authorized employees or agents.

“Director” means the director of department of transportation of the city, his or her assistants, deputies, or authorized employees or agents.

“Elm tree” includes any of the following: any living or standing elm (or zelkova) tree or part thereof or any dead elm (or zelkova) tree or dead part of any elm

tree, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed.

SECTION 3.

Section 12.64.020 of Title12 of the Sacramento City Code is amended to read as follows:

“Circumference” means circumference measured four and one-half feet above ground level.

“Director” means the director of the department of transportation or the director’s authorized representative.

“Drip line area” means the area measured from the trunk of the tree outward to a point at the perimeter of the outermost branch structure of the tree.

“Heritage tree” means:

1. Any tree of any species with a trunk circumference of one hundred (100) inches or more, which is of good quality in terms of health, vigor of growth and conformity to generally, accepted horticultural standards of shape and location for its species.
2. Any native Quercus species, Aesculus California or Platanus Racemosa, having a circumference of thirty-six (36) inches or greater when a single trunk, or a cumulative circumference of thirty-six (36) inches or greater when a multi-trunk which is of good quality in terms of health, vigor of growth and conformity to generally accepted horticultural standards of shape and location for its species.
3. Any tree thirty-six (36) inches in circumference or greater in a riparian zone. The riparian zone is measured from the center line of the water course to thirty (30) feet beyond the high water line.
4. Any tree, grove of trees or woodland trees designated by resolution of the city council to be of special historical or environmental value or of significant community benefit.

SECTION 4.

Section 12.64.050 of Title12 of the Sacramento City Code is amended to read as follows:

- A. A property owner shall be responsible for maintaining all heritage trees on the property owner’s property.

B. None of the following activities shall be performed by any person unless a permit therefor is first applied for by the property owner and granted by the director, subject to appeal provisions in Section 12.64.060 of this chapter.

1. The removal of any heritage tree;
2. Pruning of any heritage tree segment greater than twelve (12) inches in circumference or the placement of any chemical or other deleterious substance by spray or otherwise on any heritage tree;
3. Disturbing the soil or placing any chemical or other deleterious substance or material on the soil within the drip line area of any heritage tree.

C. The permit shall be granted by the director if he or she finds:

1. In the case of removal, (a) that the heritage tree must be removed in order for the applicant to use the property for any use permitted as of right or by special permit under the city zoning ordinance for the zoning district in which the property is located and that such use could not be made of the property unless the tree is removed; or (b) that the condition of the tree with respect to disease, danger of falling or interference with utility services is such that the public health, safety or welfare require its removal; or (c) that the tree or tree roots are causing, or threatening to cause, damage to any main structure on the owner's property and there are no reasonable alternative means to mitigate the damage or threatened damage while minimizing the impact on the tree. Reasonable alternative means of mitigation include, but are not limited to, cutting tree roots, trimming the tree canopy, or installing a root barrier. Removing, relocating, or in any way altering any main structure on the owner's property shall not be considered a reasonable alternative means of mitigation; or (d) that the tree no longer meets the criteria for a heritage tree set forth in Section 12.64.020 of this chapter;
2. In the case of any other activity for which a permit is required, that such activity is necessary either to preserve the heritage tree or to engage in construction activity on the property.

D. In the case of removal of any heritage tree under subsection (C) (1) of this section, the director shall not act on such an application until a hearing is held thereon. Notice of the time and place of the hearing shall be posted in a conspicuous place on the real property upon which the heritage tree is located and shall be mailed to the applicant and to all owners of real property located within a five hundred (500) foot radius of the real property upon which the heritage tree is located. Notices shall be posted and mailed at least ten (10) calendar days in advance of the hearing. As used herein, "owner" means the person to whom the property was assessed in the latest equalized assessment roll of the county of Sacramento

unless the director has knowledge of a person other than such assessee claiming record ownership of the property.

- E. The director shall not act on any permit application unless the director has first given the permit applicant an opportunity to be heard thereon. Notice of the time and place at which the applicant may be heard shall be given to the applicant by mail, postage prepaid, at the address shown for the purpose in the application at least ten (10) business days in advance thereof.
- F. The decision of the director may be to grant, grant with conditions or deny any permit applied for and shall be rendered within fifteen (15) business days after the application is filed. It shall be in writing and shall state the reasons therefor. Such decision shall be mailed postage prepaid to the property owner.

Section 5.

Section 12.64.060 of Title 12 of the Sacramento City Code is amended to read as follows:

12.64.060 Maintenance responsibility—Appeal of decision.

Any person dissatisfied with the decision of the director taken under this chapter may appeal such decision to the parks and recreation commission. Such appeal shall be in writing, stating the reasons therefor, and shall be filed with the secretary of the commission not later than ten (10) calendar days after the date of the director's decision. The secretary shall set the appeal for hearing at the next regular commission meeting that is no less than fifteen (15) business days after the appeal is filed. Notice of time and place of the hearing shall be given to the appellant at least ten (10) calendar days in advance thereof by mail, postage prepaid. The decision of the commission shall be final.

The secretary of the commission shall forthwith make a report of its decision to the city council. The decision may be called up for city council review by any member of the city council. To initiate a call-up of a decision, the member shall file a written request with the secretary of the commission within ten (10) calendar days of the date of the secretary's report to the city council. Upon the filing of a request by the member, the city council shall notice and set the matter for hearing before it. Notice of the hearing shall be given in the same manner as notice was given for the hearing before the commission. The hearing before the city council shall be de novo.

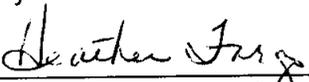
Adopted by the City of Sacramento City Council on June 5, 2008 by the following vote:

Ayes: Councilmembers Fong, Hammond, Pannell, Sheedy, Waters, and Mayor Fargo.

Noes: None.

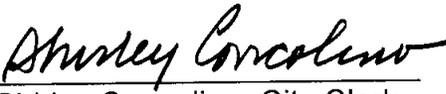
Abstain: None.

Absent: Councilmembers Cohn, McCarty, and Tretheway.



Mayor Heather Fargo

Attest:



Shirley Concolino, City Clerk

Passed for Publication: May 27, 2008

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