



CITY OF SANGER
TREE & LANDSCAPE COMMISSION
APRIL 6, 2009

AMENDED AGENDA

*6:00 PM Regular Meeting
City Hall Council Chambers*

- A. CALL TO ORDER**
- B. SWEARING IN OF NEW COMMISSIONER**
- C. ROLL CALL**
- D. FLAG SALUTE - Commissioner Pinuelas**
- E. AGENDA APPROVAL, ADDITIONS AND / OR DELETIONS**
- F. PUBLIC PARTICIPATION**

This portion of the meeting is reserved for persons desiring to address the Commission on any matter not on the agenda and within the area of responsibility of the Commission. It is the policy of the Commission not to answer any questions impromptu and complaints should be referred to the Director's office. Speakers should limit their comments to five minutes.

- G. MINUTES**
- H. OFFICER REPORTS**
 - 1. Chairperson's Report
- I. COMMITTEE REPORTS**
 - 1. Downtown Beautification
- J. NEW BUSINESS**
 - 1. Review & discussion: Draft revised tree ordinance (Chapter 58, Article IV, City Code)
 - 2. Discussion of city code (Chapter 58, Article IV & Chapter 58, Article I, Sec.58-2) responsibility for trimming and maintaining trees, shrubs, groundcover within right-of-way.
- K. NEXT MEETING - May 4, 2009**
- L. ADJOURNMENT**

*Madlyn Esquer, Commissioner
David Pinuelas, Commissioner*

*Raul Cantu, Chairperson
Gail Sergent, Commissioner*

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*Larry Lihosit
Secretary/Planner*

*Tim Chapa
Director*

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*John Mulligan
Deputy Public Works Director*



CITY OF SANGER
 TREE & LANDSCAPE COMMISSION
 MEETING OF APRIL 6, 2009

CITY OF SANGER
 MINUTES OF THE TREE & LANDSCAPE COMMISSION
 For March 2, 2009

The regular meeting was held in the Sanger City Hall Chamber at 6:00 p.m.

- A. CALL TO ORDER:** Vice Chairperson Esquer called the meeting to order at 6:05p.m.
- B. ROLL CALL:** These Commissioners were present; Sergent, Pinuelas, and Esquer. Commissioner Cantu was absent.
- Staff present included John White, Acting City Manager and Larry Lihosit, Planner.
- C. FLAG SALUTE:** Vice Chairperson Esquer led the flag salute.
- D. AGENDA APPROVAL:** Agenda approved.
1. Motion to approve: Sergent
 2nd: Pinuelas
 Vote: 3-0 (approve)
- E. PUBLIC PARTICIPATION** Karen Steihauer of 519 J Street made these comments;
- 1 Uneven alley at 7th Street (south side).
 2. Raised areas along 7th Street.
- F. MINUTES:**
1. Minutes, February 2, 2009.
 Motion to approve: Pinuelas
 2nd: Sergent
 Vote: 3-0 (approve)
- G. OFFICER REPORT:**
1. Chairperson's Report: Dispensed with.
- H. COMMITTEE REPORTS:**
1. Downtown Beautification: The Chamber of Commerce will meet on March 24th and discuss downtown property improvement. Graffiti busting volunteers will meet at the Community Center on that same day at 6 p.m. John White added that written notice would be sent. Commissioner Sergent noted that the last Saturday clean-up included many students. Code Enforcement will check the wet sidewalk along 7th Street for possible building code violations.
- I. OLD BUSINESS:**
1. Status of tree planting at 803 P Street Larry Lihosit reported that Mrs. Deaver had responded to the Code Enforcement letter, requesting an extension which was granted until June

30, 2009. Commissioner Sergent asked if the work would be done in phases. John White responded by saying that the trees may not be planted during the summer

2. Review & discussion of the Pasadena Tree Ordinance
Consensus- that a draft new law be prepared by staff for Commission review at the next meeting. The Commission wished to see mention of penalty and exception to the topping rule for mulberry, pear, and sycamore trees.

J. NEW BUSINESS:

None

K. ANNOUNCEMENTS:

1. Next meeting April 6, 2009
1. Arbor Day festivities will take place at Kelly Park on March 14 (Saturday) at 10 a.m. The Commission is invited to participate.

L. ADJOURNMENT:

The meeting adjourned at 6:50 p.m.

Motion to adjourn: Sergent
2nd: Pinuelas
Vote: 3-0 (to adjourn)



CITY OF SANGER
TREE AND LANDSCAPE COMMISSION
RESOLUTION NO. 2009-01

RECOMMENDING CITY COUNCIL REVISION TO CITY CODE
CHAPTER 58, ARTICLE IV

WHEREAS, on June 1, 2006, the City Council of the City of Sanger adopted Ordinance 1079 establishing a Tree and Landscape Commission; and

WHEREAS, the Ordinance designates the Tree and Landscape Commission as responsible to develop and administer landscaping standards (Sect. 58-77 b); and

WHEREAS, the Tree and Landscape Commission of the City of Sanger did conduct a public meetings in the Council Chambers of the Sanger City Hall, Sanger, California, on February 2, March 2, and April 6, 2009 to discuss tree ordinances in other California towns and cities as well as the City of Sanger; and

WHEREAS, the Commission the Commission noted that Sanger's current ordinance does not include key elements recommended by the International Society of Arboriculture including; Findings which explain the reasons why the city establishes these rules, Purpose and Intent which explain the goals that the city hopes to achieve through these rules, Jurisdiction which establishes the physical limits of this law, Policies which outline a clear definition of the manner in which the city intends to achieve its goals, and Appeal of the Commission's decisions; and

WHEREAS, the Commission also noted that the existing ordinance confuses private and public property by not clearly designating public right-of-way as within public domain, as well as omits the need for prior approval of an Encroachment Permit to affect landscape within the public domain, and

WHEREAS, the Commission noted that other cities and towns in California have written their ordinances in plain, simple English that can be understood by most citizens without the aid of legal professionals,

NOW, THEREFORE, BE IT RESOLVED by the City of Sanger Tree and Landscape Commission to recommend to the City of Sanger City Council that it revise Chapter 58, Article IV of City Code to mitigate these omissions and changes.

* * * * *

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of a Resolution duly and regularly adopted and passed by the Tree and Landscape Commission of the City of Sanger, California, at a regular meeting held on the 6th day of April, 2009, by the following vote:

AYES: COMMISSION MEMBERS:
NOES: COMMISSION MEMBERS:
ABSENT: COMMISSION MEMBERS:

Dated: April 6, 2009

*Lawrence F. Lihosit, Secretary
to the Tree and Landscape Commission
of the City of Sanger*

ARTICLE IV. ~~TREES AND SHRUBS~~

LANDSCAPING WITHIN PUBLIC RIGHT-OF-WAY
AND ON CITY PROPERTY

Sec. 58-76 Findings.

Healthy, well chosen trees can help recharge ground water, reduce soil erosion and water pollution, decrease noise along streets, provide shade and reduce street-side temperatures, reduce air conditioning costs, provide a wind break, and instill community pride. Unfortunately, poorly chosen trees can cause problems. Information obtained from videotape of city sewer lines reveals significant damage to the collection system caused by invasive tree roots. A recent city survey also noted significant damage to curbs, gutters, sidewalks, and streets caused by surface tree roots. In addition, a significant number of trees in the city's older section have reached maturity, are diseased, and often conflict with overhead utility lines and/or structures. Tree planting in past decades did not take into account tree height at maturity, types of roots, or a possible variation of species to avoid susceptibility to blight and plague, nor did it consider water conservation.

Sec. 58-77 Purpose and intent.

This ordinance establishes policies for landscaping within public right-of-way and on other city owned and/or controlled properties which will result in;

- (a) less consumption of water,*
- (b) less maintenance (above and below ground) resulting in cost savings,*
- (c) no poisonous and/or fruit bearing plants ensuring increased public safety,*
- (d) a more diverse array of trees less susceptible to blight and plague, and*
- (e) a logical system for regulating landscaping activities.*

Sec. 58-78

~~Sec. 58-76. Definitions.~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning; are defined below.~~

Landscape plan means a to-scale drawing of existing and proposed features such as (but not limited to) sidewalks, streets, signs, street lights, utility poles, trees, shrubs, and ground cover.

Public right-of-way means that area ascribed on Final Parcel and Final Subdivision Maps as under the ownership, easement, and/or jurisdiction of the city for streets, bicycle paths, pedestrian trails, and any other area so used through prescriptive rights.

Street trees means trees within public right-of-way.

Landscaping means groundcover, bushes, vines, and trees located within public right-of-way.

~~Park trees means trees, shrubs, bushes and all other woody vegetation in public parks and other areas owned by the city.~~

~~Street trees are trees, shrubs, bushes and all other woody vegetation whose trunk is located primarily within any parkway, public sidewalk, street median, traffic island or other right-of-way under the ownership or control of the City by easement, license, fee title or other permissive grant of use.~~

Topping means the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.

Sec. 58-79 Jurisdiction.

The City of Sanger maintains jurisdiction over all planting and maintenance of vegetation within public right-of-way, parks, and all other properties owned by the City and/or areas of easement granted to the City.

Sec. 58-80 Policies regarding vegetation within public right-of-way, parks, and areas owned by or held in easement for the City.

It is the City policy to maintain healthy vegetation within its jurisdiction that is drought tolerant, requires a minimum of maintenance, and does the least possible damage to infrastructure while posing the least amount of danger of injury or damage to public or private property.

Sec. 58-81 Establishment and composition of tree and landscape commission.

~~Sec. 58-77. Establishment of tree and landscape commission; composition.~~

~~A tree and landscape commission, consisting of five members, all of whom shall reside within the Sanger sphere of influence, is hereby established. The commission shall consist of one member from the planning commission, one member from the parks and recreation commission, one member from the Sanger Environmental Fund, and two members from the public. The city council will attempt to achieve a diversity of commission members reflecting different interests, backgrounds, areas of expertise and other such factors as the council deems appropriate for commission membership.~~

A tree and landscape commission, including five members who reside within the Sanger Sphere of Influence, is hereby established. The members will include one member from the planning commission, one member from the parks and recreation commission, one member from the Sanger Environmental Fund, and two members from the public. The city council will attempt to appoint commissioners who reflect different interests, backgrounds, and areas of expertise.

Sec. 58-82

~~Sec. 58-78. Appointment of members.~~

The members of the tree and landscape commission ~~shall~~ ^{will} be appointed by the Mayor subject to ~~the approval of each appointment by the City Council~~ ^{approval}.

Sec. 58-83 Term of office, vacancies, and compensation.

~~Sec. 58-79. Terms of office; vacancies; compensation.~~

The tree and landscape commissioner's *term of office will*

~~(a) The term of office of the tree and landscape commissioners shall~~ be four years. Terms ~~shall~~ expire on the first Thursday in January.

(b) Vacancies ~~shall~~ ^{will} be on a rotation of two and three positions every two years. The ~~members of the initial commission shall draw lots to determine which two members shall~~ ^{will} serve a two-year term. Members whose term expires ~~shall~~ continue to serve until their successor has been appointed and approved. If a vacancy occurs, other than by expiration of a term, it ~~shall~~ be filled by appointment for the unexpired portion of the term. ^{will}

Tree and landscape *commissioners will*

~~(c) Members of the tree and landscape commission shall~~ receive a fee of \$25.00 for each ~~meeting of the commission which they attend.~~

tree and landscape commission meeting that

Sec. 58-84 Commissioner removal and retirement.

~~Sec. 58-80. Removal and retirement of members.~~

Tree and landscape commissioners

(a) ~~Members of the tree and landscape commission~~ hold office at the pleasure of the city council and may be removed from office in the sole determination, with or without cause, notice, hearing or appeal ~~by the city council.~~ *chairperson*

consent (or in the case of the chairperson- from the vice chairperson) will

(b) Absence from three consecutive regular meetings of the tree and landscape commission without formal ~~consent of the commission shall be deemed to constitute the retirement of such member from the commission, and the position of such retired member shall~~ *will* be deemed vacant.

Sec 58-85 Powers, duties, quorum, and procedures.

~~Sec. 58-81. Powers; duties; quorum; procedures.~~

~~(a) The powers and duties of the tree and landscape commission shall be to advise the city council on policy issues relating to tree and landscape projects in the city, including tree and landscape policies. It shall be the responsibility of the commission to study, develop and administer landscaping standards and to study, develop and administer a plan for the care, preservation, pruning, planting, replanting, removal and disposition of trees and shrubs in parks, along streets and in other public areas of the city. Upon approval of the plan by the city council, it shall constitute the tree and landscape plan of the city. The commission shall also serve as the downtown beautification committee.~~

(a) *The tree and landscape commission powers and duties will include:*

- (1) *study and develop standards and guidelines to achieve the purposes set forth in Section 58-77,*
- (2) *recommend approval of such standards and guidelines to the city council,*
- (3) *recommend revisions to the standards and guidelines when deemed appropriate,*
- (4) *hear citizen appeals of the standards and guidelines administration by staff, and*
- (5) *participate in the Downtown Beautification Committee. Two members, chosen by the commission chairperson will attend Downtown Beautification Committee meetings and report that committee's actions to the tree and landscape commission.*

~~(b) A majority of the members of the tree and landscape commission shall constitute a quorum for the conduct of business.~~

(b) *In order to conduct business, a majority of the tree and landscape commissioners must be present.*

~~(c) The tree and landscape commission may adopt such rules of procedure as it deems necessary and appropriate and may elect a chairman and vice chairman to preside over its meetings.~~

~~(d) Robert's Rules of Order shall apply to the conduct of the tree and landscape commission meetings, except as they may be modified by rules of procedure adopted by the tree and landscape commission. ; or any modification deemed appropriate by the majority of commissioners, will be used to conduct all meetings.~~

Sec. 58-82. Public tree care.

~~The city may plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such grounds. The tree and landscaping commission may cause or order to be removed any tree or part thereof which is in an unsafe condition or which, by reason of its nature, is injurious to sewers, power lines, gas lines, waterlines or other public improvements or is infected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection, planting and location of such trees is in accordance with the tree and landscaping plan and this article.~~

Sec. 58-83. Private tree care.

~~(a) It shall be unlawful for any person to top any street tree, park tree or other tree located on city property. Trees severely damaged by storms or other causes or trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section upon application to the tree and landscape commission.~~

~~(b) The owner of any tree overhanging any street right-of-way within the city shall prune the branches so that they do not obstruct light from any streetlight or obstruct the view of any street intersection and so that there shall be a clear space of at least eight feet above the surface of a sidewalk and twelve feet above the surface of the street. Tree owners shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public. The city may prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with the visibility of any traffic-control device or sign.~~

~~(c) The owner of any dead or diseased tree which constitutes a hazard to life or property or which harbors insects or disease which constitutes a threat to other trees within the city shall remove such tree. The tree and landscape commission will notify in writing the owner of such tree of the dead, diseased or dangerous condition, which notice shall include an order for removal or pruning of such tree. The owner may request in writing a hearing before the tree and landscape commission. The hearing shall be held within 30 days of the request for the hearing. The commission shall consider all relevant evidence at such hearing and may take such action as it deems appropriate. If no request for a hearing is made by the owner, or if the commission upholds the order for removal, the tree shall be removed by the owner at his expense within 60~~

days after service of the notice unless the commission, after the hearing, vacates the order. Upon the failure of the owner to comply with the order to remove the tree, the city may remove such tree and charge the cost of removal to the owner.

Sec. 58-84. Landscaping plans.

(a) No person shall remove any tree having a minimum trunk diameter of six inches at breast height on any parcel within the city in anticipation of developing that parcel.

(b) All subdivision and other land development applications shall include a landscaping plan. Such plan shall indicate all proposed landscaping and shall include a map of the undeveloped/pre-developed property which clearly indicates all trees on the property, including the trees which are proposed for removal. The plan shall be consistent with the tree and landscape plan and city landscaping standards.

Sec. 58-86 Care of trees, bushes, and groundcover within public right-of-way.

- (a) *With the sole exception of Lighting and Landscape Districts, when landscaping within public right-of-way abuts private property, the private property owner is responsible to irrigate, prune and maintain healthy trees, bushes, and ground cover and also in such a manner that they do not impair overhead wires, obstruct the view of traffic and/or traffic signs and lights, and/or present danger to persons or property.*
- (b) *The city may prune, maintain, remove and/or replace trees, bushes, and groundcover to ensure public safety or to preserve and enhance the beauty or health of such grounds.*
- (c) *Tree topping is prohibited except for these species;*
 - a. *Mulberry*
 - b. *Pear*
 - c. *Sycamore*
- (d) *Pruning should be done during winter months.*
- (e) *Planting should not be done during summer months.*

Sec. 58-87 Landscaping within public right-of-way by citizens.

Prior to any vegetation removal and/or planting within public right-of-way, citizens must submit to the Public Works Director (or his or her designee) an Encroachment Permit application for review and approval. Part of this application will include a landscape plan. Proposed planting must follow city adopted standards and guidelines. In the event of approved tree removal, the Public Works Director will require its replacement (using any species listed within the standards and guidelines) in such cases that replacement will not contradict those city standards and guidelines. The Public Works Director (or his or her designee) will respond to the application in writing within 15 calendar days, approving the request, conditionally approving the request, or denying the request.

Sec. 58-88 Appeal.

The applicant may appeal the Public Works Director's decision by submitting a written request for appeal to the Public Works Director within 5 calendar days of receipt of such decision. The Public Works Director will schedule an appeal at the next available tree and landscape commission meeting.

Sec. 58-89 New Development landscaping within proposed public right-of-way.

All landscaping within proposed public right-of-way, parks, and all properties to be dedicated to the city as part of new development will conform to city standards and guidelines.

Sec. 58-90 violation of this article and penalty.

Any person violating any provision of this article will be deemed guilty of an infraction in accordance with Chapter 1, Section 1-7 (c) and cited in accordance with Chapter 1, Section 1-8 of city code. That person will be punished in accordance with Chapter 1, Section 1-7 (c) of city code.

CITY OF SANGER

ORDINANCE NO. 1079

AN ORDINANCE OF THE CITY OF SANGER
AMENDING ARTICLE IV OF CHAPTER 58
OF THE SANGER CITY CODE
RELATING TO TREES AND SHRUBS

The City Council of the City of Sanger does ordain as follows:

Article IV of Chapter 58 of the Sanger City Code is amended to read as follows:

ARTICLE IV. TREES AND SHRUBS

Sec. 58-76. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Park trees means trees, shrubs, bushes and all other woody vegetation in public parks and other areas owned by the city.

Street trees are trees, shrubs, bushes and all other woody vegetation whose trunk is located primarily within any parkway, public sidewalk, street median, traffic island or other right-of-way under the ownership or control of the City by easement, license, fee title or other permissive grant of use.

Topping means the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.

Sec. 58-77. Establishment of tree and landscape commission; composition.

A tree and landscape commission, consisting of five members, all of whom shall reside within the Sanger sphere of influence, is hereby established. The commission shall consist of one member from the planning commission, one member from the parks and recreation commission, one member from the Sanger Environmental Fund, and two members from the public. The city council will attempt to achieve a diversity of commission members reflecting different interests, backgrounds, areas of expertise and other such factors as the council deems appropriate for commission membership.

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(b) Vacancies shall be on a rotation of two and three positions every two years. The members of the initial commission shall draw lots to determine which two members shall serve a two-year term. Members whose term expires shall continue to serve until their successor has been appointed and approved. If a vacancy occurs, other than by expiration of a term, it shall be filled by appointment for the unexpired portion of the term.

(c) Members of the tree and landscape commission shall receive a fee of \$25.00 for each meeting of the commission which they attend.

Sec. 58-80. Removal and retirement of members.

(a) Members of the tree and landscape commission hold office at the pleasure of the city council and may be removed from office in the sole determination, with or without cause, notice, hearing or appeal, by the city council.

(b) Absence from three consecutive regular meetings of the tree and landscape commission without formal consent of the commission shall be deemed to constitute the retirement of such member from the commission, and the position of such retired member shall be deemed vacant.

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(b) A majority of the members of the tree and landscape commission shall constitute a quorum for the conduct of business.

(c) The tree and landscape commission may adopt such rules of procedure as it deems necessary and appropriate and may elect a chairman and vice chairman to preside over its meetings.

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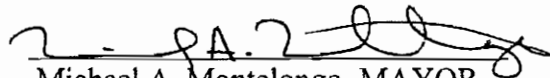
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days after service of the notice unless the commission, after the hearing, vacates the order. Upon the failure of the owner to comply with the order to remove the tree, the city may remove such tree and charge the cost of removal to the owner.

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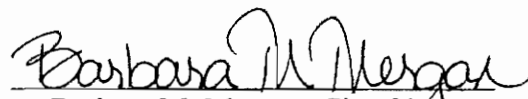
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(b) All subdivision and other land development applications shall include a landscaping plan. Such plan shall indicate all proposed landscaping and shall include a map of the undeveloped/pre-developed property which clearly indicates all trees on the property, including the trees which are proposed for removal. The plan shall be consistent with the tree and landscape plan and city landscaping standards.

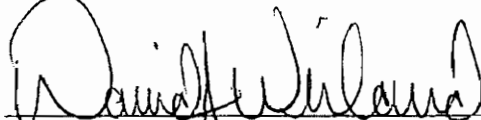

Michael A. Montelongo, MAYOR

I, BARBARA M. MERGAN, City Clerk of the City of Sanger, California, do hereby certify that the foregoing ordinance was introduced on a motion of Councilmember McCann Councilmember Pena, at a regular meeting of the Sanger City Council held on the 18th day of May, 2006, and was duly adopted by the City Council of the City of Sanger at a regular meeting of said City Council on the 1st day of June, 2006 by the following roll call vote:

AYES	COUNCILMEMBERS	Montelongo, Castellano, Neri, Pena, McCann
NOES	COUNCILMEMBERS	None
ABSTAIN	COUNCILMEMBERS	None
ABSENT	COUNCILMEMBERS	None


Barbara M. Mergan, City Clerk

APPROVED AS TO FORM:


David J. Weiland, City Attorney

ARTICLE IV. LANDSCAPING WITHIN PUBLIC RIGHT-OF-WAY
AND ON CITY PROPERTY

Sec. 58-76 Findings.

Healthy, well chosen trees can help recharge ground water, reduce soil erosion and water pollution, decrease noise along streets, provide shade and reduce street-side temperatures, reduce air conditioning costs, provide a wind break, and instill community pride. Unfortunately, poorly chosen trees can cause problems. Information obtained from videotape of city sewer lines reveals significant damage to the collection system caused by invasive tree roots. A recent city survey also noted significant damage to curbs, gutters, sidewalks, and streets caused by surface tree roots. In addition, a significant number of trees in the city's older section have reached maturity, are diseased, and often conflict with overhead utility lines and/or structures. Tree planting in past decades did not take into account tree height at maturity, types of roots, or a possible variation of species to avoid susceptibility to blight and plague, nor did it consider water conservation.

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It is the City policy to maintain healthy vegetation within its jurisdiction that is drought tolerant, requires a minimum of maintenance, and does the least possible damage to infrastructure while posing the least amount of danger of injury or damage to public or private property.

Sec. 58-81 Establishment and composition of tree and landscape commission.

A tree and landscape commission, including five members who reside within the Sanger Sphere of Influence, is hereby established. The members will include one member from the planning commission, one member from the parks and recreation commission, one member from the Sanger Environmental Fund, and two members from the public. The city council will attempt to appoint commissioners who reflect different interests, backgrounds, and areas of expertise.

Sec. 58-82 Appointment of members.

The members of the tree and landscape commission will be appointed by the mayor subject to city council approval.

Sec. 58-83 Term of office, vacancies, and compensation.

- (a) The tree and landscape commissioner's term of office will be four years. Terms will expire on the first Thursday in January.
- (b) Vacancies will be on a rotation of two and three positions every two years. The members of the initial commission will draw lots to determine which two members will serve a two-year term. Members whose term expires will continue to serve until their successor has been appointed and approved. If a vacancy occurs, other than by expiration of term, it will be filled by appointment for the unexpired portion of the term.
- (c) Tree and landscape commissioners will receive a fee of \$25 for each tree and landscape commission meeting that they attend.

Sec. 58-84 Commissioner removal and retirement.

- (a) Tree and landscape commissioners hold office at the pleasure of the city council and may be removed from office at the sole determination of the city council, with or without cause, notice, hearing or appeal.
- (b) Absence from three consecutive regular meetings of the tree and landscape commission without formal commission chairperson consent (or in the case of the chairperson- from the vice chairperson) will constitute the retirement of such member from the commission and the position will be deemed vacant.

Sec 58-85 Powers, duties, quorum, and procedures.

- (a) The tree and landscape commission powers and duties will include:
 - (1) study and develop standards and guidelines to achieve the purposes set forth in Section 58-77,
 - (2) recommend approval of such standards and guidelines to the city council,
 - (3) recommend revisions to the standards and guidelines when deemed appropriate,
 - (4) hear citizen appeals of the standards and guidelines administration by staff, and
 - (5) participate in the Downtown Beautification Committee. Two members, chosen by the commission chairperson will attend Downtown Beautification Committee meetings and report that committee's actions to the tree and landscape commission.

- (b) In order to conduct business, a majority of the tree and landscape commissioners must be present.
- (c) Robert's Rules of Order, or any modification deemed appropriate by the majority of commissioners, will be used to conduct all meetings.

Sec. 58-86 Care of trees, bushes, and groundcover within public right-of-way.

- (a) With the sole exception of Lighting and Landscape Districts, when landscaping within public right-of-way abuts private property, the private property owner is responsible to irrigate, prune and maintain healthy trees, bushes, and ground cover and also in such a manner that they do not impair overhead wires, obstruct the view of traffic and/or traffic signs and lights, and/or present danger to persons or property.
- (b) The city may prune, maintain, remove and/or replace trees, bushes, and groundcover to ensure public safety or to preserve and enhance the beauty or health of such grounds.
- (c) Tree topping is prohibited except for these species;
 - a. Mulberry
 - b. Pear
 - c. Sycamore
- (d) Pruning should be done during winter months.
- (e) Planting should not be done during summer months.

Sec. 58-87 Landscaping within public right-of-way by citizens.

Prior to any vegetation removal and/or planting within public right-of-way, citizens must submit to the Public Works Director (or his or her designee) an Encroachment Permit application for review and approval. Part of this application will include a landscape plan. Proposed planting must follow city adopted standards and guidelines. In the event of approved tree removal, the Public Works Director will require its replacement (using any species listed within the standards and guidelines) in such cases that replacement will not contradict those city standards and guidelines. The Public Works Director (or his or her designee) will respond to the application in writing within 15 calendar days, approving the request, conditionally approving the request, or denying the request.

Sec. 58-88 Appeal.

The applicant may appeal the Public Works Director's decision by submitting a written request for appeal to the Public Works Director within 5 calendar days of receipt of such decision. The Public Works

Director will schedule an appeal at the next available tree and landscape commission meeting.

Sec. 58-89 New Development landscaping within proposed public right-of-way.

All landscaping within proposed public right-of-way, parks, and all properties to be dedicated to the city as part of new development will conform to city standards and guidelines.

Sec. 58-90 violation of this article and penalty.

Any person violating any provision of this article will be deemed guilty of an infraction in accordance with Chapter 1, Section 1-7 (c) and cited in accordance with Chapter 1, Section 1-8 of city code. That person will be punished in accordance with Chapter 1, Section 1-7 (c) of city code.

ARTICLE I. IN GENERAL

Sec. 58-1. Benchmark for official grades.

For the purpose of establishing of record the official grades for the city, it is hereby declared that the United States Coast and Geodetic Survey benchmark monument located at the northwest corner of the intersection of Seventh Street and O Street be taken as the benchmark of the city, the elevation of which is 363.56 feet above sea level. The monument is located 5.6 feet north of the north line of Seventh Street and 1.1 feet east of the west line of O Street.

(Code 1960, § 18.1)

State law reference—Authority to establish grades, Government Code § 40401(e).

Sec. 58-2. Duty to remove grass, weeds and debris from sidewalks and alleys.

(a) Duty to remove weeds. The owners of all properties in the city shall keep the sidewalks and alleys adjoining such properties clean and clear of grass, weeds and debris.

(b) Duty to maintain sidewalks. The owners of all properties located adjacent to or fronting on any portion of the sidewalk area between the property line and the street line shall repair and maintain such sidewalk areas.

(c) Maintenance and repair. For purposes of this article, maintenance and repair of sidewalk areas shall include, but not be limited to, maintenance and repair of surfaces including grinding, curb and gutters, removal of weeds and/or debris, tree root pruning and installing root barriers, trimming of trees, shrubs and/or ground cover and trimming of trees and shrubs within the area between the property line and the street pavement line, including parking strips and curbs, so that the sidewalk area remains in a condition that is not dangerous to property or to persons using the sidewalk in a reasonable manner and does not interfere with, obstruct or impair the visibility of persons using the sidewalk or the adjacent streets.

(d) Liability for injuries. The property owner required to maintain and repair the sidewalk area shall owe a duty to all persons using the sidewalk and adjacent streets to keep and main-

tain the sidewalk area in a safe and nondangerous condition. If, as a result of the failure of any property owner to maintain the sidewalk area in a nondangerous condition as required by this section, a person suffers injury or damage to person or property, the property owner shall be liable to such person for the resulting damages or injury.

(Code 1960, § 18.2; Ord. No. 893, § 1, 8-19-93; Ord. No. 896, § 6(34), 10-7-93)

Cross reference—Yard blower restrictions, § 38-20.

Sec. 58-3. Underground facilities.

(a) All underground utilities, conduits, pipelines, improvements and other facilities located on or across city-owned property and/or rights-of-way shall be maintained and kept in good repair by the persons who own properties which are served by such underground facilities, so that such facilities do not cause any damage to the city-owned property or rights-of-way on which they are located.

(b) In the event underground facilities, not installed pursuant to a written franchise or recorded easement granted by the city or its predecessor in interest, cause damage to any city-owned property and/or rights-of-way, the city may take all appropriate action to repair such facilities and/or any damage to city-owned property or rights-of-way, and/or disconnect, in-fill, remove, incapacitate or otherwise eliminate the underground facilities located on the city property and/or rights-of-way which caused the damage to such property and/or rights-of-way.

(c) The owners of properties which are served by underground facilities subject to this section shall pay all costs, expenses and amounts reasonably incurred by city in removing, incapacitating or otherwise repairing or eliminating the underground facilities which damaged city-owned property and/or rights-of-way, together with all costs, expenses and amounts reasonably incurred by city in repairing the damage to its property and/or rights of way caused by such underground facilities.

(Ord. No. 920, § 1, 10-20-94)

Secs. 58-4—58-25. Reserved.