

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES REGULATING AND CONTROLLING THE PLANTING OF TREES AND SHRUBS IN THE PUBLIC STREETS AND PLANTING STRIPS OF SAID CITY, PROHIBITING THE PLANTING OF CERTAIN TREES AND SHRUBS, PROVIDING FOR THE CARE, REMOVAL AND SAFETY OF TREES AND SHRUBS PLANTED IN THE PUBLIC STREETS AND PLANTING STRIPS OF SAID CITY AND ESTABLISHING PENALTIES FOR VIOLATIONS OF THE PROVISIONS HEREOF.

The City Council of the City of El Paso de Robles does ordain as follows:

SECTION I

TITLE OF ORDINANCE: This ordinance shall hereafter be referred to and cited as "The STREET TREE ORDINANCE OF THE CITY OF EL PASO DE ROBLES."

SECTION II

DEFINITIONS: (a) The words "Public Street" when used herein shall include every way set apart for public travel or use in the City of El Paso de Robles, including the entire planting strip, sidewalk area, easements and rights-of-way.

(b) The words "Planting Strip" when used herein shall include the area between curb and sidewalk not intended for sidewalk purposes.

SECTION III

RESPONSIBLE OFFICE: It shall be the duty of the Director of Public Works to carry out the provisions of this ordinance.

SECTION IV

PERMIT REQUIRED: It shall be unlawful for any person, firm or corporation to plant, cut, trim, or remove any tree or shrub growing in any public street of the City of El Paso de Robles without first securing a written permit to do so from the Director of Public Works. No fee shall be charged for such a permit.

SECTION V

APPROVED TYPE OF TREES: All trees and shrubs hereafter planted in any public planting strip or other place in the public streets shall conform as to specie, spacing and location as directed

by the Director of Public Works with City Council approval. Only trees and shrubs that are adaptable and suitable for planting in the varied widths and planting strips areas shall be allowed and any tree or shrub found to be unsuitable shall be excluded.

SECTION VI

PROHIBITED TREES: It shall be unlawful to plant willow, cottonwood, elm, tree of heaven or poplar trees any place in the City of El Paso de Robles unless the Director of Public Works approves the site as one where the tree roots will not likely interfere with a public sewer.

SECTION VII

LOCATION OF STREET TREES: Trees shall be planted in the center of the planting strip midway between the back of the curb and the street side of the sidewalk with a 15 foot minimum distance from the end of any corner curb return, Trees planted on private property shall be at least 5 feet from the sidewalk, and branches from all such trees shall be trimmed to clear the sidewalk by at least seven (7) feet. No shrubbery or hedge exceeding 3 feet in height shall be planted nearer than 15 feet of the intersecting property lines of a corner lot on the street corner of the lot.

SECTION VIII

CARE OF TREES: The Director of Public Works or his duly authorized representative may cause to be trimmed, pruned, or removed any tree, shrub, plant or vegetation in any public street, planting strip or other public space, or public easement, when not in conformity with this ordinance or endangering the use of public facilities.

SECTION IX

DANGEROUS TREES A NUISANCE AND SUMMARY POWERS TO REMOVE SAME: Any tree or shrub growing in private property, which is endangering or in any way may endanger security or usefulness of any public street, sewer, or sidewalk is hereby declared

to be a public nuisance, and the city may remove or trim such tree on private property. Failure of the property owner to remove or trim such tree after ten (10) days notice by the Director of Public Works shall be deemed a violation of this ordinance. Nothing contained herein shall be deemed to impose any liability upon the City, its officers, or employees, nor to relieve the owner of any private property from the duty to keep any tree upon his property or under his control in such condition as to prevent it from constituting a public nuisance as hereinabove defined.

SECTION X

ABUSE OR MUTILATION OF TREES: It shall be a violation of this ordinance to abuse, destroy or mutilate any tree, shrub, or plant in a public planting strip or in any public street or 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 planting strip, or to cause or permit or to allow any gaseous, liquid, or solid substance including weed killers which is harmful to such tree to come in contact with its roots or leaves or allow any burning of grass, leaves or other material so as to harm any such tree.

SECTION XI

RIGHT OF APPEAL: Any person aggrieved by any act or determination of the Director of Public Works in the exercise of the authority herein granted shall have the right of appeal to the City Council of the City of El Paso de Robles, whose decision, after public hearing of said matter, shall be final and conclusive.

SECTION XII

VIOLATION: Any person violating any of the provisions of this ordinance shall be guilty, of a misdemeanor punishable by imprisonment in the City Jail or in the County Jail for a period not to exceed three months or by a fine of not to exceed

Two Hundred and Fifty dollars (\$250.00) or by both such fine and imprisonment.

PASSED AND ADOPTED this 5th day of August, 1957, by the City of El Paso de Robles.

CITY OF EL PASO DE ROBLES


MAYOR PRO. TEM.

ATTEST:


CITY CLERK

STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO
CITY OF EL PASO DE ROBLES

} SS.

I, S. S. Tucker, City Clerk of the City of El Paso de Robles, California, do hereby certify that the foregoing ORDINANCE No. 206, N.S. was duly and regularly adopted, passed, and approved by the City Council of the City of El Paso de Robles, California, at a regular meeting of said City Council held at the regular meeting place thereof, on the 5th day, of August 1957, by the following vote:

AYES: Councilmen McAndress, Mandella, Smart and Sturgeon

NOES: Councilmen None

ABSENT: Councilmen Gates

Dated this 5th day of August, 1957


City Clerk and Ex-Officio Clerk of the City Council,
City of El Paso de Robles, State of California.