

ORDINANCE NO. 661 N.S.AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING ORDINANCE 426 N.S., CHAPTER 10.04 OF THE
MUNICIPAL CODE, STREET TREE PLANTING

WHEREAS, a need was determined by the Community Development, Public Works and Community Services Departments to clarify ambiguous wording in the Street Tree Ordinance and modify some sections to more clearly define areas of responsibility and to revise the language to a more workable document; and

WHEREAS, The Ad Hoc Committee, comprised of both Planning and Engineering staff and Planning Commission representatives concurred and made recommendations that were incorporated into the document; and

WHEREAS, these recommendations were approved by the Planning Commission on May 24, 1993.

NOW, THEREFORE, the City Council of the City of El Paso de Robles does ordain as follows: that Chapter 10.04, of the Municipal Code, Street Tree Planting be adopted and revisions be made as shown in the following:

STREET TREE PLANTING AND MAINTENANCE
Chapter 10.0410.04.010 : TITLEPURPOSE AND INTENT:

It is declared that the public interest and welfare requires the City to establish, adopt, and maintain a comprehensive program for the installation, maintenance, and preservation of trees within the City of Paso Robles.

This chapter provides policies, regulations, and specifications necessary to govern installation, maintenance, and preservation of trees to beautify the City, purify the air, provide shade, wind protection, provide screening and buffering and to preserve trees with historic or unusual value subject to the availability of City funds for such purposes.

It is declared to be the policy of the City to line all streets with trees that create a canopy for visual impact and shade, and to provide a consistent and adequate program for maintenance and preservation of such trees. This policy provides for the planting of trees in all areas of the City and for the selection of appropriate species to achieve as much uniformity as possible for beauty and economy. It shall be the duty of the Director of Public Works to enforce, implement, and carry out this policy and provisions of this chapter.

10.04.020 : DEFINITIONS

DIRECTOR: The Director of Public Works, or his designated representative.

MAINTENANCE: The complete care of trees in planting strips, as well as the preparation of ground, fertilizing, mulching, and watering.

PLANTING: Means planting and replacement of trees.

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PLANTING STRIPS: Includes the area between the curb and property line and any area dedicated for planting of street trees.

PUBLIC RIGHT-OF-WAY: Includes every travel way set apart and accepted by the City, for public travel or use in the City of Paso Robles, including the entire planting strip, sidewalk area and easements.

STREET TREE: Street Tree means any tree planted within the public or right-of-way, street tree easement, or so close thereto that the tree benefits the Community as a street tree.

MASTER TREE LIST: The Master Tree List shall list the species of trees suitable and desirable for planting as a street tree.

MASTER TREE PLAN: The Master Tree Plan shall list the street name and the designated species of tree for that street.

TREE PLANTING EASEMENT:

The area recorded on a lot or parcel for the purpose of containing any required street trees. Easements shall be required as a condition on all Final Subdivision Maps. The easement shall be a depth of six (6) feet, as measured from the property line and shall extend across the street frontage of the lot.

10.04.030 : MASTER TREE LIST/MASTER TREE PLAN

The City of Paso Robles shall maintain a Master Tree List which lists the species of trees suitable and desirable for planting as a street tree. The Master Tree Plan shall list the street name and the designated species of tree for that street. The Master Tree List and Master Tree Plan shall be adopted by Resolution of the Planning Commission and shall be maintained on file at City Hall. Revisions or changes in the list may be made as determined necessary by the Planning Commission.

10.04.040 : TREE REMOVAL:

A. No street tree shall be removed from any public right-of-way, tree planting easement, street or property owned or under control of the City without the prior written consent of the Director. Such consent may be granted if the tree is dead, diseased, constitutes a hazard to property or persons using the adjoining street, if roots are causing excessive damage to existing curbs, gutters, or sidewalks, if it interferes with the construction of new improvements, or if it unduly interferes with any utility.

B. Any tree planted by the City in the public right-of-way, that must be removed because of type, growth habits, or disease, or which does not meet future City standards, may be removed and replaced by the City as authorized by the Director.

C. Any tree growing on private property which is endangering, or in the opinion of the Director, constitutes a danger to public streets or public places, or which in any way endangers the usefulness of a public utility, shall be removed or trimmed by the owner of the property within fourteen (14) days after receipt of such notice is given from the Director. In the event the property owner fails to remove or trim such tree(s) within said time, the Director may, after obtaining an Administrative Inspection Warrant from the County, remove or trim such tree(s) and assess the cost thereof against the property owner.

D. Any person doing business as a public utility subject to the jurisdiction of the Public Utilities Commission of the State of California, and any public agency authorized to provide utility service, may be given a permit from the Director, valid for one year from the date of issuance, permitting such person to trim, brace, or perform such other acts, except removal, with respect to trees growing within City right-of-way as may be necessary to comply with the safety regulations of said Commission and as may be

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necessary to maintain the safe operation of its business. Before any tree is removed, under the above provisions, prior written consent must be obtained from the Director.

10.04.050 : STREET TREE PLANTING REQUIREMENTS:

A. The planting of a street tree(s) shall be as a condition of issuance of a Building Permit:

1. The issuance of a building permit, which exceeds \$4,000 in building permit valuation, shall establish the requirement to plant a street tree(s), in accordance with approved City Policy and Standards, unless existing trees on site are deemed adequate by Director.

2. It shall be the responsibility of the Property Owner to plant the required tree(s) prior to the issuance of a Certificate of Occupancy. Street trees shall be planted a maximum of 50 feet on center along street frontages.

3. The minimum size of any street tree shall be 15 gallon with a caliper of 1.5" or greater.

4. The Director, or his/her designated representative, shall be responsible for verifying the existence, location, and species of any street tree(s) planted, prior to notifying the Building Division that a Certificate of Occupancy may be issued.

B. Any tree planted within six (6) feet of any sidewalk, driveway, curb, or gutter, or prone to produce surface roots, shall be provided with a root control barrier. Such barriers must be a minimum of twenty-four (24) inches deep and of a type approved by the Director. A root barrier is mandatory for all residential street tree plantings.

C. Subdivision and Planned Developments: At the time of improvement plan submittal, the Developer shall also submit a Master Street Tree Plan for that subdivision indicating location, size and species of all street trees proposed. Said plan shall be approved by the Development Review Committee and the Director.

10.04.060 : STREET TREE MAINTENANCE RESPONSIBILITY

A. The City of Paso Robles shall provide maintenance for street trees which are planted within the public right-of-way. The City shall not be responsible for any damage caused by street trees to private pipelines.

B. The owner of the property shall be responsible for the maintenance of trees which are located on private property.

In the event that a Tree Planting Easement has been established across private property, it shall remain the owner's responsibility to maintain street trees within said easement.

C. Maintenance by owner or occupant shall include prevention of limb branches from interfering with utility lines.

10.04.070 : PROTECTION OF STREET TREES

A. In order to preserve and protect all street trees, no person shall:

1. Plant, remove, trim, prune, or cut any street tree, whether in the public right-of-way or Tree Planting Easement, unless such work conforms with City Standards, permission has been granted by the Director.

2. Interfere, cause, or permit any person to interfere, with the employees of the City of Paso Robles who are engaged in planting or maintaining, treating, and/or removing any street

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