

ORDINANCE NO. 844

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COALINGA AMENDING CHAPTER 3 OF TITLE 7 OF THE COALINGA MUNICIPAL CODE RELATING TO TREES AND SHRUBS

The City Council of the City of Coalinga does hereby ordain as follows:

Section 1.

Section 7-3.102. – Definitions. Is hereby amended to read as follows:

The provisions of this chapter shall not apply to the trimming, pruning, or removal of trees or shrubs:

"Director of Public Works" shall include the Director and his designees.

"Hedge" shall mean any plant material when planted in a dense continuous line or area so as to form a thicket or barrier.

"Park" shall mean any open space maintained by the City or other public agency for recreational purposes.

"Parking Strip" Shall mean the area between the property line and the street line.

"Plant" shall mean all plant material not defined herein as a "hedge", "shrub", or "tree", which is nonwoody, annual or perennial in nature and not necessarily hardy.

"Public place" shall mean all open areas, not defined herein as "park" or "street", which is open to the public and owned or leased to or under the control of the City or other public agency.

"Shrub" shall mean a woody perennial plant which is normally low and not over ten (10) to fifteen (15) feet in height, usually with several permanent stems, adaptable to shaping, trimming or pruning without injury.

"Street" shall mean a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel, including alleys and walks, and including not only the improved or paved area but also parkways, sidewalks, public utility easements and maintenance easements.

"Street tree" shall mean any tree as defined herein planted or maintained within a park or street, or planted and/or maintained on private or public property to the extent it encroaches, overhangs, or is proximate to a park, parking lot, accessway, or street.

"Tree" means any woody perennial plant having a single main axis or stem and usually many branched. It is usually over ten (10) feet in height at maturity and is capable of being pruned and shaped to develop a branch-free trunk.

Section 2.

Section 7-3.201. – Responsibility for trees and shrubs. Is hereby amended to read as follows:

Trees or shrubs within parks, public spaces, shall be the responsibility of the city to maintain and care for, including but not limited to periodic and regular watering, pruning, trimming, weed control, or removal.

Trees or shrubs within parking strips or private property to the extent it may encroach or overhang a public place, park, or street shall be the responsibility of the owner or occupant, including but not limited to periodic and regular watering, pruning, trimming, weed control, or removal.

Street trees shall be the responsibility of the owner of any irrigation system designated to the street tree. Should the tree lack an irrigation system, the responsible party defaults to the owner or occupant abutting the trees location.

Responsibility of trees within parking strips shall be assumed by the owner or occupant of the abutting property.

Any tree or shrub growing in a parking strip, public place, or in private property which is endangering or which in any way may endanger the security or usefulness of any public place, park, parking strip, street, or utility is declared to be a nuisance; and the city may remove or trim such trees, or may require the property owner to trim or remove any such tree.

Section 3.

Section 7-3.204. – Planting of trees and shrubs. Is hereby amended to read as follows:

All trees and shrubs planted in parks, public places or streets, parking strips, or planted on private property to the extent it may encroach or overhang a park, public place or street, as defined in this chapter, shall be located and planted under the supervision of the Director of Public Works, who shall supervise such planting and locating. In the performance of such supervision, consideration shall be given to the following factors; provided that, setbacks and considerations of safety do not interfere:

- (a) Trees and shrubs that must be removed shall be replaced by a new planting, except in unusual circumstances;
- (b) Whenever possible, trees and shrubs shall be planted near old and dying ones in anticipation of their removal;
- (c) Unnatural regularity of spacing and arrangement shall be avoided, staggered or irregular locations or a simulated forest arrangement being preferred;
- (d) Species selected may vary, depending upon location, with a preference for native species; the Director is to nominate several species to be perpetuated as the dominant forest trees within the City;
- (e) The coordinating of tree and shrub planting on public ways with landscaping on private property so as to achieve the above purposes is deemed desirable;
- (f) All street trees and shrubs shall be planted between the curb and the sidewalk, and/or within planting and maintenance easements, and/or within in other areas as determined by the Director of Public Works;
- (g) No street tree or shrub shall be planted or maintained if it obscures adequate site distances at intersections and, in no event, within thirty (30) feet of the curb lines of intersecting streets; and
- (h) Street trees shall be a minimum twenty-four-inch box type. However, fifteen (15) gallon type street trees may be planted as part of the City's street tree removal and replacement program along collector streets and local streets.

Section 4. Section 7-3.205. – Trimming of trees and shrubs. Is hereby amended to read as follows:

The wood or roots of any trees and shrubs planted in parks, public places or streets, parking strips, or planted on private property to the extent it may encroach or overhang a park, public place or street, as defined herein, shall be trimmed, pruned or shaped under the supervision of the Director of Public Works, who shall supervise such trimming, pruning and shaping. In the performance of such supervision, consideration shall be given to the following factors; provided, that setbacks and considerations of safety do not interfere:

- (a) Trimming, pruning and shaping of limbs, not in excess of one-inch diameter on trees and shrubs that have been planted for more than five (5) years shall be permitted by right;
- (b) All limb cuts made on trees and shrubs shall be smooth and flush with the trunk or larger branch on which cuts are made, and in the case of cuts larger than one (1) inch must be treated with an approved preservative; and
- (c) All trimming, pruning and shaping shall be done in accordance with accepted methods of horticulture; and
- (d) All limbs that encroach on a pedestrian walkway shall be trimmed to a minimum height of seven (7) feet; and
- (e) All limbs that encroach on a vehicular path of travel shall be trimmed to a minimum height of fourteen (14) feet.

Section 5. Section 7-3.206. – Removal of trees and shrubs. Is hereby amended to read as follows:

No tree or shrub planted in parks, public places or streets, parking strip, or planted on private property to the extent it may encroach or overhang a park, public place or street, as defined herein, shall be cut down or removed without the permission and supervision of the Director of Public Works, who shall permit and supervise such cutting or removal. In the performance of such supervision, consideration shall be given to the following factors, provided that setbacks and considerations of safety do not interfere:

- (a) The health or condition of the tree or shrub;
- (b) Removal is justified by reason of good forestry practice or the poor health or dangerous condition of the tree or shrub; or
- (c) Construction or other improvements on private property.

Section 6. The City Clerk is further directed to cause this ordinance or a summary of this ordinance to be published once in a newspaper of general circulation published and circulated within the City of Coalinga, within fifteen (15) days after its adoption. If a summary of the ordinance is published, then the City Clerk shall cause a certified copy of the full text of the proposed ordinance to be posted in the office of the City Clerk at least five days prior to the Council meeting at which the ordinance is adopted. The summary shall be approved by the City Attorney.

This Ordinance shall take effect thirty (30) days after its adoption

ATTEST:

The foregoing Ordinance was introduced by the City Council of the City of Coalinga, California, at a regularly scheduled meeting held on July 16, 2020, and was passed and adopted by the City Council at a regular meeting held on _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Date: _____, 2020

Mayor, City of Coalinga

City Clerk, City of Coalinga