

Sierra Curtis Neighborhood Association Additions/Changes to the Revised Tree Ordinance

The Tree Ordinance in the Sacramento City Code should have its own separate Title instead of being listed under Title 12 STREETS, SIDEWALKS, AND PUBLIC PLACES.

AN ORDINANCE AMENDING SECTIONS 2.62.030 AND 8.04.100, REPEALING AND ADDING CHAPTER 12.56, AND ~~REPEALING~~ CHAPTERS 12.60 AND 12.64 OF THE SACRAMENTO CITY CODE, RELATING TO TREES

Section 2.62.030 The powers and duties of the commission are:

E. to hear appeals from the Director of Public Works relating to tree maintenance and tree removal on public and private land not a part of development (Title 17)

Chapter 12.56 TREES GENERAL

12.56.010 Findings and Purpose.

Add All City street trees and public trees are protected

12.56.020 Definitions

“City street tree” means any tree whose trunk is partially or completely located within a public right-of-way including any street, road, sidewalk, park strip, mow strip, or alley. City street trees are maintained by the City.

“Private protected tree” means a tree located on private property or in a utility easement that has a diameter of 25 inches or more measured 4.5 feet above ground level or is older than 50 years. At least 60% of the canopy is live, no more than 40% of the limbs are infested with mistletoe, is free of structural root/root collar defects that would jeopardize the stability of the tree, has structural defects that cannot be addressed by ANSI A300 Standards for Tree Support Systems, whose root structure has physically been determined by a licensed structural engineer not to be causing damage to any main structure.

“Qualified arborist” means a person who has graduated from an accredited four-year college or university with major course work in arboriculture, horticulture, entomology, plant pathology or related field, or who is a Registered Consulting Arborist with the American Society of Consulting Arborists, or who is a Board Certified Master Arborist or Certified Arborist by the International Society of Arboriculture (ISA) with current certification status

“Qualified tree pruner” means a person who is Certified Tree Worker/Climber Specialist by the International Society of Arboriculture (ISA) with current certification status or a person who has five or more years of demonstrable professional experience as an arborist and who agrees in writing to perform all work in compliance with ANSI A300 standards.

“Public Trees” shall mean and include any tree on public property excepting trees growing on a public street right-of-way.

12.56.040 Public Projects

A. If the city proposes to remove a city street tree and/or public trees as part of a public project during the initial design phase of the project potential tree removals will be listed on Urban Forestry website, the local neighborhood association shall be notified, the trees shall be posted with a removal sign for 30 calendar days. The sign shall indicate the posting date and when the 30 days expires, reason for removal, explanation on how to appeal a decision and who to contact to lodge an appeal. If the Project Manager cannot incorporate the trees into the project then the appeal will be reviewed by the Director of Public Works. An appellant has 10 calendar days from receiving notification of the director’s decision to appeal to the Parks and Recreation Commission. Notification of appeals to the Parks and Recreation Commission shall be listed on Urban Forestry’s web site; the city street trees/public trees shall be posted with a sign to notice the time, date, and location of the Parks and Recreation Commission meeting at least 10 calendar days prior to the appeal hearing.

12.56.060 Tree Permits

B Issuance

1. The director may issue a tree pruning permit on city street/public trees only if the following conditions are met:

a. the contractor performing the work is either a qualified tree pruner or qualified arborist, has the appropriate State of CA contractor’s license and appropriate liability/worker’s comp insurance per City regulation . The pruning work is in compliance with ANSI 300 standards. No removal of limbs/branches greater than 4-inches in diameter for temporary equipment clearance, no line of site pruning for billboards and/or signs, no pruning for views.

2. *The director may issue a tree removal permit on city street/public trees only if the following conditions are met:*

a. in the case of relocation or destruction 1) the public 30 calendar day notification process (tree removal posted on Urban Forestry’s website, local neighborhood association notified, tree posted with a removal sign)

b. any tree that is not structurally unsound which would warrant removal, and which has more than 60 % live canopy, and with less than 40% of the limbs infested with mistletoe shall be mitigated at \$325. per trunk inch measured at 4.5 feet above ground level.

c. any person may appeal the director’s decision to issue a tree removal permit for a city street/public tree. The appeal will be reviewed by the Director of Public Works. An appellant has 10 calendar days from receiving notice of the director’s decision to appeal to the Parks and Recreation Commission.

3. *The director shall issue tree removal permits for private protected trees if : a. In the case of destruction or relocation, 1) that the private protected tree must be destroyed or relocated to use the property for any proposed use permitted as of right and that the use could not be made of the property unless the private protected tree is destroyed or relocated taking into account any modifications or revisions to the proposed use that would effectuate its basic project objectives and also preserve the protected tree 2) if a licensed structural engineer provides physical evidence that the private protected tree or its roots are causing damage to any main structure on the property.*

5. *If the director issues a permit to destroy or relocate a private protected tree, the director shall post notice of the permit issuance for 10 calendar days in a conspicuous place in proximity to the tree and shall be mailed to the applicant and all owners of real property located within a five hundred (500) foot radius of the real property upon which the private protected tree is located. Any person may appeal the decision to issue the permit in accordance with the provisions of section 12.56.070. A permit shall not be effective until expiration of the 10 day notice period or final resolution of all appeals, whichever is later.*

12.56.080 Maintenance responsibility and liability of property owner and public utilities

~~A. The owner of any lot adjacent to a street shall maintain any city street trees or utility easement trees located behind the sidewalk or behind the curb if there is no sidewalk. The property owner owes a duty to members of the public using the streets to maintain the city street trees or utility easement trees in a safe and nonhazardous condition for uses of the streets. The property owner is liable for any damage or injury to persons or property arising from the owner's failure to maintain city street trees or utility easement trees as require by this section.~~

B. The owner of any lot adjacent to a street or alley, at their own expense, shall keep all trees on the lot, including utility easement trees and city street trees, trimmed in the following manner:

1. The tree provides a clearance of at least 14 feet above any street or alley:
2. The tree provides a clearance of at least eight feet above any sidewalk: and
3. The tree does not obstruct the view of any traffic sign or device for vehicle traffic in the direction controlled by that traffic sign or device

Add 12.56.110 Protection of trees

Retain existing Chapter 12.56.060 Protection of trees. Add under C. #7.no removal of limbs greater than 4-inches in diameter for temporary equipment clearance. #8, during new building or renovation construction City street trees will be protected by the installation of 6 ft. tall chain link fencing dimension of fencing shall be determined by the Director and the fence poles shall be set into the ground.

Add 12.56.120 Control of disease or infestation of trees on private property.

Upon discovery of any destructive or communicable disease or pestilence which endangers the growth, health, life or wellbeing of trees or plants in the City, or which is capable of causing an epidemic spread of a communicable disease or insect infestation the Director shall at once serve written notice to be served upon the owner of the property upon which such diseased tree is situated, which notice shall require such property owner to eradicate, remove, or otherwise control such condition within reasonable time to be specified in such notice.

Add 12.56.130 Director authorized to enter private property.

In order to accomplish the purposes of this Chapter, the Director is hereby authorized to go upon any property in the City for the purpose of inspecting trees, shrubs, and other plants.

Add 12.56.140 Parking Lot Shade Trees.

Per Title 17 Chapter 17.612.040 Tree shading requirements for parking lots. Pruning/removal permits shall be required for all parking lot shade trees required under this section. Any required trees or other plantings that die or are improperly maintained shall be replaced with health specimens of similar species and size, provided that the replacement trees shall not be required to exceed 48 inch box size. Removal of trees that have caused damage to sidewalks or other infrastructure must be approved by the director and provided there are no alternative means to mitigate the damage or threatened damage while minimizing the impact on the tree. Alternative means of mitigation include root pruning, installing a root barrier, pruning the tree canopy, or altering the planter to accommodate the tree/roots.

Add 12.56.140 Trees on Commercial Properties.

All trees on commercial sites that were a condition of approval under Title 17 are protected trees and shall require permits for pruning and removal.

Add 12.56.150 Establishment of an Urban Forestry Citizen Advisory Group.

The Citizen Advisory Group will be charged with 1. Advising the Mayor, Council, and appropriate City Departments on urban forestry concerns. 2. Review of project plans for major publicly sponsored developments, civic improvements, and changes to the public right-of-way relative to their projected impact on trees and make recommendations regarding these projects to the Mayor and appropriate City Departments. 3. Encourage early and continuous public participation in urban forestry projects and programs. 4. Provide a regular forum, according to an established, publicized agenda, of scheduled topics for public discussion of urban forestry issues. 5. Assist with the development of Policies that affect trees. 6. Be the hearing body to hear appeals from the Director of Public Works relating to tree maintenance and tree removal on public and private land. The Citizen Advisory Group shall be composed of 12 members, 11 voting members. The City's Urban Forester/Tree Superintendent shall act as Chair and serve as a nonvoting member. Each Council Member and the Mayor shall appoint one member, one representative from the Sacramento Tree Foundation, one representative from S.M.U.D. .

Add 12.56.150 Tree Planting

1. Develop a realistic, workable tree planting plan designed to establish and maintain an appropriate tree canopy based on standards recommended by American Forests: 15 % for commercial areas, 25% for urban residential, 60% for suburban, with a goal of 40% on average. 2. Prohibit the planting or cultivation of the following trees a) any cotton bearing cottonwood tree (Genus populus) b) any boxelder tree (Acer negundo) 3 Native, drought tolerant tree species shall constitute 10% of street /public trees when planting new trees or replacing trees that have been removed.
4. A fee of \$300. shall be collected for every new subdivision lot and the City shall provide for the planting of trees within the park strip and those lots without park strips in the utility easement of any new subdivision 5. the director shall provide for the planting of trees in the utility easement of existing homes.

Add 12.56.160 Amendments/Changes to Chapter 12.56

Adding and/ or repealing any sections or Chapters of this code requires a 30 day notification process (posted on Urban Forestry website and notification to neighborhood associations

Add_Chapter 12.60 Dutch Elm Disease