

ORDINANCE NO. 1698

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND AMENDING CHAPTER 12.48 OF TITLE 12 TO THE CITY OF WOODLAND MUNICIPAL CODE RELATED TO TREES

WHEREAS, the City of Woodland’s (“City’s”) history is intertwined with trees and the community developed out of a native valley oak grove, and residents have planted thousands of trees of diverse types to complement native oaks; and

WHEREAS, in 1930, the City became a self-proclaimed City of Trees, and

WHEREAS, in 1940, the City created a Tree Commission and adopted an ordinance to govern and protect its public trees; and

WHEREAS, in 2017, the City approved a Climate Action Plan prioritizing the maintenance of its large trees, which provide the highest greenhouse gas reduction benefits, and setting a goal of expanding its tree coverage to 25% by 2035; and

WHEREAS, in 2019, the City approved its first-ever Urban Forest Management Plan; and

WHEREAS, in addition to their intrinsic aesthetic and shade value, it is now recognized and documented by scientific studies that trees provide other critical benefits to society; and

WHEREAS, trees absorb carbon dioxide, a key greenhouse gas which contributes to the warming of the earth’s climate; and

WHEREAS, the planting and preservation of trees sustains public health by supporting relaxation and reducing stress, increases life-giving oxygen, promotes ecological balance and biodiversity, improves air quality, and tempers the effect of extreme temperatures.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODLAND DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 12.48 of the Woodland Municipal Code is hereby amended in its entirety as follows:

“CHAPTER 12.48 TREES

12.48.010 - Findings/purpose.

The Woodland City Council finds that in order to promote the public health, safety and general welfare of the City, while at the same time recognizing individual rights to develop and manage private property in a manner which will not be prejudicial to the public interest nor prohibit development of private property, it is necessary to enact regulations governing the planting, removal and preservation of street trees, other City trees, heritage trees, specimen trees, landmark trees and established trees on specified private property within the City. Furthermore, this chapter

seeks to balance community goals and aspirations with the desires and rights of property owners by prioritizing the conservation of valley oaks and establishing clear and fair standards for their protection, removal, and replacement on municipal land and where appropriate, on private property.

12.48.020 - Definitions.

As used in this chapter the following words and terms shall have the meaning hereinafter set forth:

“Back of walk” means the back of the sidewalk.

“City” means the City of Woodland.

“Code” means the Woodland Municipal Code.

“Commercial Property” means any property zoned for commercial, office, retail or industrial use or any multi-family residential property with five or more units.

“Community Development Director” means the Community Development Director of the City or his or her designated representative.

“Community Services Director” means the Community Services Director of the City or his or her designated representative.

“Development project” shall be as defined at Government Code Section 65928.

“Diameter at Breast Height” or “DBH” means the diameter of a tree measured at 54 inches above ground level consistent with ISA standards. The diameter may be directly measured with calipers or diameter tape or be calculated by use of the following formula: $DBH = \text{circumference at breast height} \div 3.14$.

“Drip line area” means the area within a circle measured from the trunk of the tree outward to a point at the perimeter of the outermost branch structure of the tree.

“Established tree” means a tree of any species with a trunk diameter of 12 inches or more at DBH which is of good quality in terms of health, vigor, growth and conformity to generally accepted horticultural standards of shape for its species.

“Fronting property” means real property parallel to a public street or sidewalk and adjacent thereto.

“Heritage oak tree” means any valley oak tree (*Quercus lobata*), with a trunk diameter of 33 inches or more at DBH which is of good quality in terms of health, vigor, growth and conformity to generally accepted horticultural standards of shape for its species.

“ISA” means the International Society of Arboriculture.

“ISA-certified arborist” means a professional arborist who holds a current, valid certification granted by the ISA in one or more specialties.

“Landmark tree” means a tree or stand of trees which is of historical, cultural, or public significance as designated by the City Council upon the recommendation of all of the following groups and/or commissions:

1. The Parks and Recreation Commission; and
2. The Urban Forestry Group.

“Minor Maintenance” means and includes trimming or pruning branches that are less than three inches in diameter to promote the life, growth, health or beauty of trees.

“Major maintenance” means and includes major trimming or pruning or cabling, and any other similar act which promotes the life, growth, health or beauty of trees, except watering and minor pruning. Major trimming and pruning shall mean the removal of branches of three inches in diameter or greater.

“Owner” means the legal owner of real property.

"Person" means individuals, associations, corporations, public agencies, joint ventures, partnerships, independent contractors, and other agents and employees.

"Pruning standards" means those pruning standards established the American National Standards Institute (ANSI) A300 Series for Tree Care Operations and the ISA Best Management Practices.

“Public nuisance,” for purposes of this chapter, means:

1. Any dead or dying tree, whether located on City-owned property or on private property;
2. Any otherwise healthy tree, whether located on City-owned property or on private property which harbors insects or diseases which reasonably may be expected to injure or harm any tree, shrub or other plant;
3. Any tree, or portion thereof, whether located on City-owned property or on private property which by reason of location or condition constitutes an imminent danger to the health, safety or welfare of the general public;
4. Any tree, or portion thereof whether located on City-owned property or on private property which obstructs the free passage of pedestrian or vehicular traffic (not including driveway expansions) or which obstructs a street light;
5. Any tree, or portion thereof whether located on City-owned property or on private property which dangerously obstructs the view in the visibility triangle as such may be determined by the Community Services Director pursuant to this chapter.

“Public street” means any improved street, road or avenue located within the City and dedicated to the public, but excluding alleys adjacent to residential backyards.

“Specimen tree” means any tree of interest because of size or unusual species, other than a heritage tree, which is of good quality in terms of health, vigor or growth and conformity to generally accepted horticultural standards of shape for its species, as designated by the City Council upon the recommendation of both the Parks and Recreation Commission and the Urban Forestry Group.

“Street tree” means any tree growing within the tree maintenance strip, a street median, an intersection roundabout, City-maintained landscaping (including parks and City-maintained property), or similar spaces within the public right-of-way, whether or not planted by the City.

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

“Tree” means any live woody plant having one or more well-defined perennial stems with a diameter at maturity of six inches DBH.

“Tree maintenance strip” means a strip of land parallel and adjacent to a public street, extending from the back of the curb of the street, or the edge of the paved portion of the street if the street does not have a curb at that location, to the edge of the sidewalk furthest from the street.

“Tree Modification Review Form” means a form to be submitted to the Community Services Director to perform an activity which requires receipt of information identified in this chapter.

“Tree permit” means written authorization by the Community Services Director to perform an activity on a street tree which requires a permit under this chapter.

“Urban Forestry Group” means a group of City employees, headed by an ISA-certified arborist, charged with planting, preserving and maintaining trees within the City.

12.48.030 - Community Services Director duties.

A. The Community Services Director shall perform the following duties:

1. Determine suitable and desirable species of street trees and the areas in which, and conditions under which, such street trees shall be planted.
2. Supervise, direct and control the planting, location, placement, major maintenance, removal, relocation and replacement of street trees and trees in City parks and other City properties;
3. Provide periodic reports to the City Council on activities that take place as a result of enforcement of this chapter.

4. Perform other duties as set forth in this chapter.

12.48.040 - Composition and procedural rules of the Parks and Recreation Commission.

The composition and procedural rules of the Parks and Recreation Commission are set forth in Section 2.28.030 of this Code. The Parks and Recreation Commission shall appoint two members to an Urban Forest Subcommittee to review matters outlined in this chapter. One member of the Sustainability Advisory Committee will be advisory to this subcommittee. The Urban Forest Subcommittee will make recommendations to the Community Services Director on proposed removals of street trees requested by the public through the tree permit process as set forth in Section 12.48.060 and on removals of street trees 24-inches DBH or greater proposed by the Urban Forestry Group.

12.48.050 - Street trees—Activities requiring a tree permit issued to the public.

A. Except as hereinafter provided, it shall be unlawful for any person (other than a City worker or contractor working within his or her assigned duties) to do any of the following acts, with respect to street trees, without a tree permit issued by the Community Services Director:

1. Plant any tree within a tree maintenance strip, street median, intersection roundabout, or on other City property;
2. Move, remove, top, cut down, poison, set fire to or permit fire to burn in proximity to, or perform any act which results in the unnatural death or destruction of a street tree;
3. Perform any activity that will interfere with or retard the natural growth of any street tree;
4. Perform any work or permit any work to be performed within the drip line area of a street tree which would endanger the tree; or
5. Perform major maintenance on a street tree.

12.48.060 - Tree permit issued to public for street trees.

A. The Community Services Director shall issue tree permits to a fronting property owner seeking to perform any activity for which a tree permit is required for street trees by Section 12.48.050 only if the following conditions are met:

1. The owner has established, to the Community Services Director's satisfaction, that there is a need for the proposed work on the street tree but that the City is unable to perform the work within the time frame desired by the owner; or
2. The owner seeks to remove or trim a street tree to facilitate moving any building or other structure or project; and
3. The owner has established, to the Community Services Director's satisfaction, that the persons who are to perform the work are qualified to do so and that the contractors have an ISA-certified arborist on staff; and

4. If removal is requested, and the street tree is 24 inches DBH or greater, such removal must have been approved by the Community Services Director after a recommendation by the Urban Forest Subcommittee (removal of trees less than 24 inches DBH will be considered by the Parks Superintendent;

5. Major maintenance may only be performed on a street tree after the issuance of a tree permit approved by the Community Services Director. Major maintenance does not require review by the Urban Forest Subcommittee; and

6. If removal is approved, a notice of such removal must be posted on the tree a minimum of 48 hours in advance of said removal.

B. Prior to granting a tree permit for a street tree, the Community Services Director must evaluate the street tree in accordance with ISA standards, and shall consider factors such as the probability that the proposed work will destroy or seriously injure the street tree, the street tree's health, the desirability of that species as a street tree, whether the street tree's condition and the size threaten serious damage to property, the condition and number of other street trees in the vicinity, whether there are other less onerous means to accomplish the applicant's goals, and other related criteria.

C. All work performed on street trees pursuant to a tree permit issued by the Community Services Director under this section shall be completed within a 60-day period from the issuance of the tree permit, or within such longer period as the Community Services Director may specify.

D. The Community Services Director may condition any tree permit granted pursuant to this section for the removal of a street tree, on the permittee removing and replacing the street tree. In such cases, the full cost of removal and replacement shall be borne by the owner and such service shall not be provided by the City.

E. The Community Services Director may condition any tree permit granted pursuant to this section on other conditions as the Community Services Director determines to be necessary to satisfy the criteria set forth in this Section 12.48.060.

12.48.070 - Appeals for tree permit requested by public for street trees.

A. Any application for a tree permit which has been denied by the Community Services Director and/or the Urban Forest Subcommittee may be appealed to the Parks and Recreation Commission for review and action.

B. Any such appeal and all accompanying documents will be placed on the agenda of the next regular Parks and Recreation Commission meeting. Written notice of the date, time and place of such meeting shall be mailed to the applicant not less than 10 days prior to the date of the meeting.

C. The Parks and Recreation Commission may approve the application unconditionally, conditionally or partially, or may deny the application.

D. The Parks and Recreation Commission shall consider the provisions of Section 12.48.060 when reviewing a tree permit application which has been denied by the Community Services Director and/or the Urban Forest Subcommittee.

E. A written statement of the action of the Parks and Recreation Commission on the application shall be mailed to the applicant within 10 calendar days following the Parks and Recreation Commission meeting.

F. Any interested person wishing to appeal a decision of the Parks and Recreation Commission to the City Council must file a written appeal with the City Clerk. Such written appeal must be placed in the U.S. Mail, properly addressed with postage prepaid within 10 calendar days of the date the written decision of the Parks and Recreation Commission is mailed to the applicant. Any such appeal shall be accompanied by fees as prescribed in the current schedule of fees as adopted by the City Council.

G. The appeal shall set forth the action or decision complained of, the reason(s) alleging that the action or decision should be altered or overruled and shall be signed by the applicant or his authorized agent.

H. The City Clerk shall set the appeal for hearing before the City Council within 45 days after the appeal is filed. Upon hearing the matter, the City Council may grant, conditionally grant, or deny the appeal. The decision on the appeal shall be announced at the close of the hearing and shall become final at that time.

12.48.080 - Street trees requiring review by the Urban Forest Subcommittee and Urban Forestry Group prior to removal.

A. The Urban Forestry Group will provide a list of proposed street trees 24 inches DBH or greater to be removed to the Urban Forest Subcommittee. A notice of proposed removal must be posted on the street trees proposed to be removed a minimum of 14 days before the Urban Forest Subcommittee meeting where tree removal will be considered. The notice shall specify the date, time, and location of said Urban Forest Subcommittee meeting. If removal is recommended, a notice of such removal must be posted on the tree a minimum of 48 hours in advance of said removal.

B. If the Urban Forest Subcommittee does not support the removal of a street tree, the subcommittee must provide a written findings stating the reasons why the removal is not supported based on the criteria set forth in Section 12.48.060. The recommendation will be provided to the Community Services Director. The matter will be brought to the Parks and Recreation Commission for a determination. If the Parks and Recreation Commission denies the removal, the Community Services Director can forward the request to the City Council for a final determination.

C. Removal of street trees less than 24 inches DBH are not subject to review by the Urban Forest Subcommittee prior to the Community Services Director’s determination.

12.48.090 - Street trees—Activities exempted.

A. Nothing contained in Section 12.48.050 shall be construed to prohibit a fronting property owner from performing minor maintenance work on a street tree or require a tree permit for such activities.

B. Nothing contained in Section 12.48.050 shall be construed to prohibit a public utility from performing such acts with respect to street trees as may be necessary to make repairs, comply with applicable safety regulations, or avoid the interruption of services.

C. Nothing contained in Section 12.48.050 shall be construed to prohibit community volunteers from planting street trees under the guidance and direction of the Community Services Director.

D. Nothing contained in Section 12.48.050 shall be construed to prohibit the City from performing major maintenance work on a street tree or tree removal as a result of a storm/failure, when the Community Services Director has made a determination that immediate removal is necessary to protect public health and safety.

12.48.100 - Removal and Major Maintenance of any heritage oak tree located anywhere on a developed residential property and trees 24-inches DBH or greater located within 20 feet of the back of walk on developed residential property.

A. Except as hereinafter provided, it shall be unlawful for any person to remove, destroy, damage, mutilate, top, poison, apply herbicide to, or otherwise attempt to kill a heritage oak tree located anywhere on a developed residential property or a tree 24 inches DBH or greater within 20 feet back of walk on developed residential property without first submitting a Tree Modification Review Form to the City and being issued an encroachment permit if applicable.

B. Owner shall submit a Tree Modification Review Form to the Director of Community Services prior to the removal or major maintenance of any heritage oak tree located on a developed residential property or any tree 24-inches DBH or greater located within 20 feet back of walk on a developed residential property.

C. The Tree Modification Review Form shall include a bid or estimate for the removal and/or major maintenance of said tree from a business with an ISA-certified arborist on staff. If the business does not recommend major maintenance, Owner must provide a written acknowledgement of the business' recommendation.

D. Owner must submit an encroachment permit application if removal or major maintenance of tree is planned, or work or equipment is located within the public right-of-way. An encroachment permit for the removal or major maintenance of heritage oak trees and trees 24-inches DBH or greater will not be issued until the Community Services Director has reviewed and approved the Tree Modification Review Form.

E. All tree work conducted within the City for private trees covered under this section must be performed by a business that has an ISA-certified arborist on staff and a valid business license with the City.

12.48.110 - Willful destruction of trees located on commercial and undeveloped commercial or residential property is prohibited.

It is unlawful for any person to willfully remove, destroy, damage, mutilate, top, poison, apply herbicide to, or otherwise attempt to kill a heritage oak tree, landmark tree, specimen tree, or established tree located on commercial and undeveloped commercial or residential property in the City, except as may be allowed pursuant to the preservation and replacement requirements outlined in Sections 12.48.130 through 12.48.170. The list of landmark and specimen trees approved by the City Council shall be posted on the City's website. As used in this section, the term "damage" shall include the pruning of a heritage oak tree or established tree in a manner that is inconsistent with the pruning standards in Section 12.48.010.

12.48.120 - Building permits.

A. When any building permit, grading permit, or development permit is applied for pursuant to the Code and a proposed structure or construction project would require the destruction, removal, or pruning of a heritage oak tree, landmark tree, specimen tree, or established tree or encroachment into the drip line of any such tree, said permit shall not be issued until the Community Development Director has confirmed that all requirements of this chapter, including but not limited to the submission of a Tree Modification Review Form and issuance of an encroachment permit if needed, or approval of a Tree Preservation Plan, are met. In no event shall any disturbance of the premises, disturbance of the specified trees, or encroachment into the drip line be allowed until all requirements of the chapter are met and a building permit with appropriate conditions has been issued. The issuance of a building permit shall not serve as a defense to a violation of any provision of this chapter.

12.48.130 - Tree Preservation of Established Trees, Heritage Oak Trees, Specimen Trees and Landmark Trees as part of Development Projects or on Vacant/Undeveloped Commercial and Residential Property.

A. The City desires to preserve trees located on property proposed for development and on vacant or undeveloped sites. Preliminary site plans should be drawn with tree preservation as a key goal unless the applicant can clearly demonstrate the infeasibility of preserving the tree(s).

B. An application for a development project shall be accompanied by a Tree Preservation Plan containing the following information and which shall be approved by the applicable governing entity or body responsible for approving the development project/entitlement or by the Community Development Director where a project entitlement is not required, consistent with the processing requirements outlined in Title 17 of this Code:

1. Contour map showing the location, size, species and condition of all existing trees which are located upon the property proposed for development;
2. Identification of those trees which the applicant proposes to preserve and those which are proposed to be removed and the reason for such removal; where feasible existing mature trees shall be preserved in the site plan as a project amenity for their shade, aesthetic and environmental benefits.

- a. Any heritage oak tree, specimen tree, and landmark tree or any established tree approved for removal shall require a finding that the tree is of poor health, or that the tree poses a health, life or safety risk, and/or it is cost-prohibitive to preserve the tree in a safe and viable manner and no appropriate or feasible design alternatives exist to preserve the tree. Such finding shall be made by the applicable governing entity or body responsible for approving the development project/entitlement.
 - b. Street trees shall be subject to the requirements of Sections 12.48.050 through 12.48.090.
3. A program for the preservation and protection of heritage oak trees, specimen trees, landmark trees, and established trees in healthy condition during and after completion of the development project, as required in the City engineering standards section 20.05(C);
 4. A program for the replacement of any healthy and viable trees proposed to be removed, as required by Section 12.48.150;
 5. Any change in the trees to be saved and/or removed as designated on the approved development plan shall only be permitted upon the written approval of the Community Development Director.

F. Any heritage oak tree, specimen tree, landmark tree, or established tree approved for removal on undeveloped commercial or residential property, and not associated with a development application or building permit application, shall require a finding that the tree is of poor health, or that the tree poses a health, life or safety risk, and/or it is cost-prohibitive to preserve the tree in a safe and viable manner. Such finding shall be made by the applicable governing entity or body responsible for approving the development project or entitlement or by the Community Development Director. For healthy and viable trees approved for removal, replacement requirements as outlined in Section 12.48.150, shall apply.

12.48.140 - Encroachment into drip line area of protected trees during construction.

The existing ground surface within drip line (measured horizontally) of the trunk of any heritage oak tree, specimen tree, landmark tree, or established tree shall not be excavated, filled, compacted or paved without the consultation and consent of the Community Development Director. Tree wells may be used when advisable. Excavation adjacent to any heritage oak tree shall not be permitted where material damage to the root system may result, unless approved by an ISA-certified arborist. Excavation within an oak tree dripline, when approved by the City, may only be performed by a contractor that has an ISA-certified arborist on staff and based on a plan prepared by consulting ISA-certified arborist that has been submitted to and approved by the City in advance.

12.48.150 - Tree replacement program.

A. A person owning or controlling developing or undeveloped commercial property or undeveloped residential property shall be required to replace healthy and viable established trees approved for removal consistent with an approved Tree Preservation Plan (Section 12.48.130) or approved for removal consistent with Section 12.48.130(F), in accordance with subsection (1).

Each healthy and viable heritage oak tree, specimen tree, or landmark tree approved for removal shall be replaced in accordance with subsection (2).

1. For each six inches or fraction thereof of the diameter of an established tree which was approved for removal, two trees of an approved species, each of a minimum 15-gallon container size shall be planted on the project site.
2. For each six inches or fraction thereof of the diameter of a heritage oak tree, specimen tree, or landmark tree which was approved for removal, four trees of an approved species, each of a minimum 15-gallon container size, shall be planted on the project site.
3. If the development site is inadequate in size to accommodate the replacement of trees, the trees may be planted on public property with the approval of the Community Development Director. Upon the request of the developer and the approval of the Community Development Director, the City may accept an in-lieu payment as set forth in the City’s adopted fee schedule and used for tree related projects and/or planting programs.

12.48.160 - Replacement and/or Removal of Trees on Existing, Developed Commercial Sites.

A. Unhealthy trees or trees that pose a life-safety hazard located on a developed commercial site shall be replaced in-kind and at a 1:1 ratio, subject to a report prepared by an ISA arborist and substantially consistent with a previously approved landscape plan, including street tree spacing and parking lot shade requirements. The tree removal shall be subject to review and approval by the Community Development Director. If no landscape plan is available or on record, Owner may submit a minor design review request for the replacement or removal of trees for review and approval by the Community Development Director and/or Community Services Director as appropriate.

B. Removal and/or replacement of heritage oak trees, landmark trees, specimen trees, or established trees shall be subject to the preservation and replacement program and ratios outlined in Sections 12.48.150 or 12.48.160.

C. Removal of trees to allow for the installation of a solar canopy and/or electric vehicle charging stations shall avoid to the extent feasible the removal of established trees and may not include the removal of heritage oak trees, landmark or specimen trees. If feasible, trees removed shall be replaced in-kind elsewhere on the property. Owner shall submit a request for the replacement or removal of trees for review and approval by the Community Development Director and/or Community Services Director as appropriate.

12.48.170 - Maintenance of Trees and Landscaping on Developed Commercial Site.

Owner of commercial development site shall complete the installation of landscaping and trees in accordance with approved landscaped plans. Owner shall maintain landscaping and trees in healthy and attractive condition as determined by City, and consistent with the approved landscape plan and Landscape Maintenance Agreement, as applicable and pursuant to Section 17.112.060.

12.48.180 - Right of Inspection.

The Community Services Director may inspect any tree on private property in the City in accordance with law, to determine whether a property owner is in compliance with this chapter.

12.48.190 - Liability/responsibility.

This chapter shall not be construed to impose any liability upon the city, its officers or employees for the performance of any act or the failure to perform any act under this chapter, and shall not relieve the owner from the duty to keep any tree upon owner's property in such condition as to prevent it from causing damage or constituting a nuisance.

12.48.200 - Public nuisance.

The Community Services Director is authorized to cause the abatement of any public nuisance as defined under this chapter in accordance with the provisions of Chapter 9.04 of this Code.

12.48.210 - Emergency response.

An owner is not precluded by this chapter from taking action, in the event of an emergency, which would otherwise violate the terms of this chapter if such action is necessary to minimize hazardous conditions to life or property. In the event such emergency action is taken, the owner shall notify the Community Services Director by the next business day.

12.48.220 - Stop work order.

Whenever the Community Services Director or Community Development Director determines that an action being taken is in conflict with this chapter, the Community Services Director or Community Development Director shall cause to be issued a stop work order which shall prohibit such action. The stop work order shall set forth the alleged violations and may list remedies to be taken to correct the violations. The person receiving the stop work order shall report in writing to the Community Services Director or Community Development Director within 48 hours regarding the steps to be taken to correct the violations or to appeal the posting of the stop work order. The stop work order shall remain in effect until a finding is made that the circumstances giving rise to its order no longer exist. Any party receiving a stop work order may appeal through the process outlined in Section 12.48.230.

12.48.230 - Stop work order—Appeal.

Any person dissatisfied with the decision of the Community Services Director or Community Development Director or their designees to issue a stop work order made under Section 12.48.220 may appeal such decision to the City Council. Such appeal shall be in writing, stating the reasons therefor, and, except as otherwise provided herein, shall be filed with the City Clerk not later than 10 days after the date of the Community Services Director or Community Development Director's decision. The City Clerk shall set the appeal for hearing before the City Council within 45 days after the appeal is filed. Notice of the time and place of the hearing shall be given to the appellant at least 10 days in advance thereof by mail, postage prepaid. The decision of the City Council shall be final.

12.48.240 - Violation—penalty.

A. Any person violating any provision of this chapter or failing to comply with any of its mandatory provisions shall be guilty of an infraction, punishable as set forth in Section 1.08.070 of the Code.

B. For work that requires a tree permit, each person who fails to obtain a tree permit, shall be guilty of an offense for each tree affected, and each day or portion thereof following the illegal tree removal shall constitute a separate offense until a permit is obtained and the tree or trees replaced. The violator shall also be responsible for tree replacement. For all other violations of this chapter, each person shall be guilty of a separate offense for each tree affected and for each day or portion thereof that a violation of this chapter is committed, continued or permitted to occur or continue.

1. If, as a result of a violation of this chapter, the injury, mutilation or death of a street tree, heritage oak tree, specimen tree, or landmark tree, or established tree, the cost of repair or replacement of such tree, including enforcement costs, shall be borne by the person in violation of the chapter.

2. For any heritage oak tree removed on private property without a tree permit or Tree Preservation Plan, the violator shall be responsible for an administrative fine of \$1,000 per tree and the replacement of the tree in kind or in accordance with the replacement program and ratios outlined in Sections 12.48.150, and each day or portion thereof following the illegal tree removal shall constitute a separate offense until a permit or Tree Preservation Plan is obtained and the tree or trees replaced.

C. For tree removal without an approved Tree Modification Review Form on developed residential property, each person shall be guilty of a separate offense for each tree affected, and shall be responsible for administrative fines as follows:

1. For trees 24-36 inch DBH, the violator shall be responsible for an administrative fine of \$500; or

2. For trees greater than 36 inch DBH, the violator shall be responsible for an administrative fine of \$1,000.

D. For tree removal without an approved Tree Preservation Plan as part of Development Projects or without approval from the Community Development Director pursuant to Section 12.48.130(F) on Vacant/Undeveloped Commercial or Residential Property, each person who fails to obtain approval of a Tree Preservation Plan or approval from the Community Development Director, as applicable, shall be guilty of an offense for each tree affected, and each day or portion thereof following the illegal tree removal shall constitute a separate offense until approval from the applicable is obtained and the tree or trees replaced:

1. For trees 24-36 inch DBH, the violator shall be responsible for an administrative fine of \$500 and the replacement of the tree in accordance with the replacement requirements and ratios outlined in Sections 12.48.150, with such replacement approved by the Community Development Director or designee; or

2. For trees greater than 36 inch DBH, the violator shall be responsible for an administrative fine of \$1,000 and the replacement of the tree in accordance with the replacement program and ratios outlined in Sections 12.48.150, with such replacement approved by the Community Development Director or designee.

E. For purposes of determining the penalties to be levied pursuant to subsections (C) and (D), the City shall be entitled to use any available data to determine the DBH of the trees removed, including but not limited to the diameter of the remnant trunk of the removed tree, historical records of the property and aerial photographs.

F. In addition to the general penalty set forth above, any condition caused or permitted to exist in violation of this chapter shall be deemed a public nuisance and may be summarily abated by the City in accordance with Chapter 9.04 of this Code and other applicable provisions of law. Each day such condition exists shall be regarded as a new and separate offense.

G. Any administrative citation issued pursuant to this chapter may be appealed pursuant to the procedures set forth in Chapter 9.20 of this Code.

H. Nothing contained in this section shall limit the right of the City Council to authorize the City Attorney or District Attorney to seek or obtain any other form of judicial relief, legal or equitable, to which the City would be otherwise entitled.”

Section 2. Conflicting Laws. To the extent that there is any conflict between the provisions of this Ordinance and any provision of the Woodland Municipal Code, an ordinance, or a resolution or policy, all such conflicting provisions shall be superseded by this Ordinance.

Section 3. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable. This City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

Section 4. Effective Date and Publication. The City Clerk shall certify to the adoption of this Ordinance, and the City Clerk shall cause this Ordinance to be posted or published as prescribed by law. This Ordinance shall take effect thirty (30) days following its adoption.

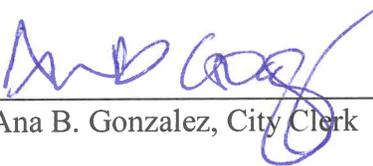
PASSED, APPROVED, AND ADOPTED by the City Council of the City of Woodland at a regular meeting held on the 6th day of December 2022, by the following vote:

AYES: Members Fernandez, Garcia-Cadena, Lansburgh, Stallard and Mayor Vega
NOES: None
ABSENT: None
ABSTAIN: None



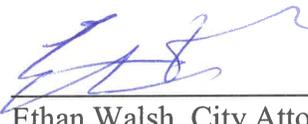
Mayra Vega, Mayor

ATTEST:



Ana B. Gonzalez, City Clerk

APPROVED AS TO FORM:



Ethan Walsh, City Attorney