

**Chapter 13.06****VEGETATION MAINTENANCE****Sections:**

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**Section 13.06.010    Obstructions on private property.**

No owner or person in possession of any premises on any corner or interior lot abutting upon a street shall permit the existence of any hedge, shrub, tree, landscaping, mound of earth, or boulders greater than thirty inches in height or limb of a tree less than eighty-four inches in height between the setback lines of such lot and the street excluding planting easements, which is determined by the Public Works Director to obscure and impair the view of intersecting or entering traffic from a street of passing motorists or pedestrians or which impairs the view of the street signs, traffic signs, or any other control devices or signs placed upon the streets for the safety and convenience of the public. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

**Section 13.06.030    Notice of existence of obstruction.**

The Public Works Director shall give written notice of the existence of an obstruction of the type described in Section 13.06.010 personally to the owner or person in possession of the premises mentioned in said Section 13.06.010 or by mailing a notice, postage prepaid, to the person in possession of such premises or to the owner thereof at his or her last known address as the same appears on the last equalized assessment rolls of the County to remove the sight obstruction by trimming or removing the obstructing hedge, shrub, limb of tree, tree, landscaping or removing or regrading the mound of earth or boulders, as determined necessary by the Public Works Director. The Public Works Director may require the removal of such hedge, shrub, limb of tree, tree, landscaping or mound of earth or boulders, if trimming or regrading will not adequately remove the sight obstruction. It is unlawful for the owner or person in possession of said premises to neglect or fail to comply with the directions of the Public Works Director concerning such obstruction within fourteen days after the service upon him or her of

said notice. No permit to remove trees creating a hazard to the public of the type described in Section 13.06.010 shall be required. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

**Section 13.06.050 Injunction.**

In addition to any remedy provided for herein or by law for the violation or violations of Section 13.06.010 and 13.06.030, the City Attorney may maintain an action for an injunction to restrain, abate, or to correct or compel the removal of such violation or violations. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

**Section 13.06.070 Sight obstructions, obstructing or dangerous trees or shrubs on streets.**

A. The Public Works Director may inspect any and all trees, shrubs and hedges which are in any street or which, standing on any private property, overhang or project into any such street, to determine whether any of the same, or any part thereof, appears to be dead, liable to fall, dangerous or an obstruction to public pedestrian, equestrian, bicycle or vehicular travel on any such street or cause such inspection to be performed.

B. In case any tree, shrub or hedge in any street, or any tree, hedge or shrub on any private property overhanging or projecting into any such street appears to be dead, liable to fall, dangerous, or an obstruction to such public pedestrian, equestrian, bicycle or vehicular travel on any such street, the Public Works Director with the concurrence of the Parks and Recreation Director may cut down or cause the same or such parts thereof as are dead, liable to fall, dangerous or an obstruction to such public pedestrian, equestrian, bicycle or vehicular travel, to be cut down, and if in any such street, to remove or cause the same or such parts thereof to be removed therefrom. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

**Section 13.06.090 Vegetation--Property owner maintenance responsibility and duty to public.**

A. The owner or person in possession of a lot fronting on or adjacent to any portion of a street shall maintain any trees, shrubs, hedges or other landscaping along said street or within the street right-of-way adjacent to his or her property in such nondangerous condition that the trees, shrubs, hedges or other landscaping will not interfere with the public convenience or safety in the use of the streets, trails, paths and sidewalks.

B. For purposes of this part, maintenance of trees, shrubs, hedges and other landscaping includes, but is not limited to: deep root watering, root pruning, installing root barriers, clearance and structural trimming, fertilizing, pest control, and removal of branches, leaves and other debris.

C. Property owners or persons in possession required by this section to maintain trees, shrubs, hedges and other landscaping shall owe a duty to members of the public using public streets, trails, paths and sidewalks to maintain such trees, shrubs, hedges or other landscaping in a safe and nondangerous condition for users of the public streets, trails, paths and sidewalks.

D. If any property owner or person in possession fails to maintain any adjacent trees, shrubs, hedges or other landscaping in a nondangerous condition as required by this section, and any person suffers damage or injury to person or property, the property owner or person in possession shall be liable for all damages or injuries caused by the failure of the owner or person in possession to maintain these areas. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

**Section 13.06.101 Dangerous trees--Notice to trim or remove.**

A. When any tree, shrub or hedge or any part thereof appears to be dead, is liable to

fall, is dangerous, or is an obstruction to public pedestrian, equestrian, bicycle or vehicular travel, whether or not the tree, shrub or hedge is on any private property and overhangs or projects into any street or is in any street, the Public Works Director may, by notice in writing, notify the owner or person in possession of the property to cut down, trim or remove the tree, shrub or hedge. No permit to cut down, trim or remove such tree, shrub or hedge shall be required.

B. No such tree standing on any private property shall be removed unless the owner or occupant of such property nearest such tree is given written notice of his or her opportunity within seven days after the giving of such notice to file with the said Director his or her objection in writing to such removal and unless the said Director duly reviews the objection if such is filed and thereafter approves, in writing, the removal if such objection is not sustained and notifies the owner or occupant of such decision. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

**Section 13.06.103 Notice to trim or remove--Delivery.**

The notice mentioned in Section 13.06.101 may be given by delivering a written notice personally to the owner or to the person in possession of the property, or by mailing a postal card, postage prepaid, to the person in possession of such property, or to the owner thereof at his last known address as the same appears on the last equalized assessment rolls of the County. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

**Section 13.06.105 Notice to trim or remove--Contents.**

The notice shall particularly specify what work is required to be done and shall further specify that if the tree, shrub or hedge is not cut down, trimmed or removed within thirty days after the giving of such notice, the Public Works Director shall perform such work or cause same to be done and the cost of the same shall be a lien on the property upon which such tree, shrub or hedge is located, or on the property which fronts upon the street on which such tree, shrub or hedge is located. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

**Section 13.06.107 Notice to trim or remove--Trees on private property.**

If the tree to be removed is on private property, the notice shall further specify that the owner or occupant of private property nearest such tree may, within seven days after the giving of such notice, file with the Public Works Director his or her written objection to such removal; that if such objection is filed, the said Director shall duly review the objection and that if such objection is not sustained, the said Director shall thereafter approve in writing the removal and shall cause notice of such decision to be given to the owner or person in possession in the manner specified in Section 13.06.103 and that no such tree shall be removed until such review has occurred and decision rendered and notice thereof been given. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

**Section 13.06.109 Dangerous trees--Obstructions--Removal by City.**

A. If the tree, shrub or hedge is not cut down, trimmed, or removed as required by notice, the Public Works Director shall forthwith perform such work or cause such work to be performed and the affected property may be assessed for the cost therefor in accordance with Sections 13.06.111, 13.06.113, 13.06.115, 13.06.117 and 13.06.119.

B. In cases of manifest public danger and/or immediate necessity, the Public Works Director shall perform or cause to be performed the work described in Sections 13.06.070 and 13.06.101 without observance of any notice requirements after which the affected property may be assessed therefor in accordance with Sections 13.06.111, 13.06.113, 13.06.115, 13.06.117 and 13.06.119. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

**Section 13.06.111 Dangerous trees--Cost of removal by City.**

Upon completion of the work, the Public Works Director shall cause notice of the cost thereof to be given in the manner specified in this chapter for the giving of notice to perform the work, which notice shall specify the day, hour and place when the City Council will hear and pass upon a report by the Public Works Director of the cost of the work, together with any written objections or protests, if any, which may be raised by any person liable to be assessed for the cost of such work. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

**Section 13.06.113 Removal costs--Assessment against property.**

Upon completion of the work, the Public Works Director shall prepare and file with the City Council a report specifying the work which has been done, the cost thereof, a description of the real property upon which the tree, shrub or hedge was located or of the real property which fronts upon the street on which such tree, shrub or hedge was located and the assessment against the parcel of land proposed to be levied to pay the cost thereof. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

**Section 13.06.115 Hearing on assessment costs.**

Upon the day and hour fixed for the hearing, the City Council shall hear and pass upon the report of the Public Works Director, together with any written objections which may be raised by any property owner or person in possession liable to be assessed for the work of cutting down, trimming or removing any tree, shrub or hedge. Thereupon the City Council may make such modifications in the report as it may deem just, after which, by resolution, the report as submitted or as modified shall be confirmed. The decisions of the City Council on all protests and objections shall be final and conclusive. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

**Section 13.06.117 Assessment deemed a lien when.**

The cost of cutting down, trimming or removing any tree, hedge or shrub may be assessed by the City Council against the parcel of property upon which the same is located, or the parcel of property which fronts upon the street on which such tree, shrub or hedge is located, and such cost so assessed, if not paid within five days after its confirmation by the City Council, shall constitute a special assessment against that parcel of property, and shall be a lien on the property for the amount thereof, which lien shall continue until the assessment and all interest thereon is paid, or until discharged. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

**Section 13.06.119 Lien--Recordation and collection.**

The City Council, after confirmation of the report of the Public Works Director, may order a notice of lien to be delivered to the County Auditor, who shall enter the amount thereof on the County assessment book opposite the description of the particular property, and the amount shall be collected, together with all other taxes against the property. Thereafter, the amount of the lien shall be collected at the same time and in the same manner as ordinary City taxes are collected, and shall be subject to the same penalties and interest, and to the same procedure under foreclosure and sale in case of delinquency, as provided for ordinary City taxes. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

**Section 13.06.121 Liability limitation.**

Nothing contained in this chapter shall be deemed to impose any liability upon the City, its officers or employees, nor to relieve the owner or person in possession of any private

property from the duty to keep trees, shrubs and hedges upon said private property, or under his or her control or upon streets in front of or contiguous to such private property, in a safe condition. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

**Section 13.06.123 No interference with enforcement of this chapter.**

No person shall interfere with or delay the authorized representative of the City from the execution and enforcement of this chapter except as provided by law. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

**Section 13.06.125 Failure to give or receive notice.**

The failure to post, mail or deliver by personal service any notice required under this chapter or the failure of any person to receive such notice shall not affect the validity of any proceedings or actions taken by the City or its employees, agents or contractors under this chapter. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

**Section 13.06.127 Exemption.**

Nothing in Chapter 13.06 shall require the adjacent property owner or person in possession, except for watering, to maintain or otherwise be responsible for City-owned and maintained street trees that are located in the street right-of-way or easement. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)