

Gridley City Council – Special City Council Meeting Agenda Study Session

Monday, October 20, 2025; 5:30 pm
Gridley City Hall, 685 Kentucky Street, Gridley, CA 95948

“Our purpose is to continuously enhance our community’s vitality and overall quality of life. We are committed to providing high quality, cost-effective municipal services and forming productive partnerships with our residents and regional organizations. We collectively develop, share, and are guided by a clear vision, values, and meaningful objectives.”

The Public is encouraged to attend and participate in person. Comments from the public on agenda items will be accepted until 4 pm on October 20th, 2025, via email to csantana@gridley.ca.us or via the payment/document drop box at Gridley City Hall and will be conveyed to the Council for consideration.

You may view using the following link, ID, and passcode:

<https://us06web.zoom.us/j/81189920717?pwd=RYn1EdGCCGorDgXPQIPmrucUR7Ey0oJ.1>

Webinar ID: 811 8992 0717

Passcode: 976296

CALL TO ORDER

COMMUNITY PARTICIPATION FORUM - *Members of the public may address the City Council on matters not listed on the agenda. The City Council may not discuss nor take action on any community participation item brought forward by a member of the community. Comments are requested to be limited to three (3) minutes.*

CONSENT AGENDA - None

STUDY SESSION - ITEMS FOR DISCUSSION

1. Draft Sidewalk Ordinance Update

Staff recommends the City Council review and provide feedback on the draft sidewalk ordinance update during this study session

Recommended Action(s):

- a. provide feedback on the draft sidewalk ordinance

2. Draft Tree Ordinance Update

Staff recommends the City Council review and provide feedback on the draft tree ordinance update during this study session

Recommended Action(s):

- a. provide feedback on the draft tree ordinance

CLOSED SESSION - None

ADJOURNMENT – adjourning to a regular meeting on October 20th, 2025

NOTE 1: POSTING OF AGENDA- This agenda was posted on the public bulletin board at City Hall at or before 5:30 p.m., October 17th, 2025. This agenda along with all attachments is available for public viewing online at www.gridley.ca.us and at the Administration Counter in City Hall, 685 Kentucky Street, Gridley, CA.

NOTE 2: REGARDING UNSCHEDULED MATTERS – In accordance with state law, it shall be the policy of this Council that no action shall be taken on any item presented during the public forum or on unscheduled matters unless the Council, by majority vote, determines that an emergency situation exists, or, unless the Council by a two-thirds vote finds that the need to take action arose subsequent to the posting of this agenda.

City Council Agenda Item #1
Staff Report

Date: October 6, 2025
To: Mayor and City Council
From: Elisa Arteaga, City Administrator

	Regular
x	Special
	Closed
	Emergency

Subject: Draft Sidewalk Ordinance Update – Study Session Discussion

Recommendation

Staff recommends the City Council review and provide feedback on the draft sidewalk ordinance update during this study session. No action will be taken at this meeting. Following Council's input, staff will return at a future meeting with a revised ordinance for formal consideration and first reading.

Background

The City's current sidewalk regulations are found in Gridley Municipal Code Chapters 12.04 (Construction and Maintenance of Sidewalks) and 12.05 (Sidewalk Repair). These provisions are outdated, contain duplicative language, and lack clarity regarding property owner responsibilities.

The City's liability insurance pool, Northern California Cities Self Insurance Fund (NCCSIF) in meetings with city staff has made recommendations to update sidewalk ordinances similar to other city models. The change recommended is for Gridley to adopt an updated ordinance which places responsibility for sidewalk maintenance, repair, and liability for injuries on the adjacent property owner. This update is intended to reduce municipal liability exposure, align with state law, and ensure sidewalks are safe and accessible for public use. Staff will consider feedback and discuss any potential programs for new sidewalk and repair projects.

This streamlined ordinance is drafted to be concise, enforceable, and consistent with NCCSIF's recommendations.

The draft ordinance before Council (Attachment A) would:

- Repeal Gridley Municipal Code Chapters 12.04 and 12.05 in their entirety.
- Assign clear responsibility to property owners to install, maintain, and repair sidewalk areas adjacent to their property.
- Establish liability for injuries or damages resulting from unsafe sidewalk conditions due to a property owner's failure to maintain.
- Authorize the Public Works Director along with Administration to oversee enforcement, grant extensions, and manage cost recovery.

- Require sidewalk installation in cases of property improvement or redevelopment, with provisions for deferral agreements or in-lieu fees.
- Align with state law by referencing procedures in the California Streets and Highways Code for notice, hearings, and assessment of costs.
- Include repeal of inconsistent provisions elsewhere in the Gridley Municipal Code to avoid conflicts.

Next Steps

- Gather Council feedback during this study session.
- Incorporate any requested changes.
- Return to Council at a future meeting with the updated ordinance for first reading and introduction.

Financial Impact

No direct fiscal impact is anticipated from adoption of the ordinance. Long-term, the ordinance may reduce City liability exposure and associated legal costs by clarifying that property owners are responsible for sidewalk conditions. In addition, the ordinance establishes a clearer framework for billing, assessments, and liens, which will allow the Finance Department to implement a more streamlined and consistent process for cost recovery when the City undertakes repairs on behalf of property owners.

Compliance with City Council Strategic Plan or Budget Goals

This request supports the City Council's strategic priorities related to public safety and community well-being. Specifically, it aligns with the City's goal to enhance the safety of residents.

Attachments

Attachment A – Draft Ordinance: Sidewalk Installation, Maintenance, and Liability (Repealing GMC Chapters 12.04 and 12.05)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRIDLEY REPEALING GRIDLEY MUNICIPAL CODE CHAPTERS 12.04 ("CONSTRUCTION AND MAINTENANCE OF SIDEWALKS") AND 12.05 ("SIDEWALK REPAIR") AND ADOPTING A NEW CHAPTER 12.06 RELATING TO SIDEWALK INSTALLATION, MAINTENANCE, AND LIABILITY

WHEREAS, the City of Gridley ("City") seeks to ensure that its sidewalk system is properly maintained, safe for public use, and accessible; and

WHEREAS, the City's current sidewalk regulations, contained in Gridley Municipal Code Chapters 12.04 and 12.05, are outdated, duplicative, and unclear in assigning responsibilities for installation, repair, and maintenance; and

WHEREAS, the City's liability insurance pool, the Northern California Cities Self Insurance Fund (NCCSIF), has recommended that Gridley adopt an updated ordinance which places responsibility for sidewalk installation, repair, maintenance, and liability upon adjacent property owners; and

WHEREAS, assigning responsibility to property owners for sidewalk conditions will reduce municipal liability exposure and establish clear expectations for maintenance of public pathways; and

WHEREAS, adoption of this ordinance will provide the City's Public Works and Finance Departments with clearer authority and a streamlined process for enforcement, billing, and cost recovery when the City performs work on behalf of property owners; and

WHEREAS, the City Council finds that adoption of this ordinance is in the best interest of the health, safety, and welfare of the residents of Gridley;

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

Section 1. Repeal of Existing Chapters and Inconsistent Provisions.

Gridley Municipal Code Chapters 12.04 and 12.05 are hereby repealed in their entirety. In addition, any other ordinances or provisions of the Gridley Municipal Code that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 2. Adoption of New Chapter.

A new Chapter 12.06 of the Gridley Municipal Code is hereby adopted to read in its entirety as follows:

Section 3. Chapter 12.06– Sidewalks

Section 12.06.010 – Maintenance and Repair of Sidewalks

A. Notwithstanding anything to the contrary, the maintenance and repair of sidewalk areas and the making, confirming, and collecting of assessments for the cost and expenses of such maintenance and repair may be carried out in accordance with Chapter 22 of Division 7, Part 3, of the California Streets and Highways Code, as it now exists or may hereafter be amended. In the event of any conflict between the provisions of that Chapter and this section, the provisions of this section shall control.

B. The owners of lots or portions of lots adjacent to or fronting on any portion of a sidewalk area between the property line of the lots and the street line—including parking strips, sidewalks, curbs, and gutters—and persons in possession of such lots shall repair and maintain such sidewalk areas and pay the costs and expenses thereof. Costs shall include any charges for the City of Gridley’s inspection and administration whenever the City awards a contract for such maintenance and repair, as well as the costs of collection of assessments or handling of any lien placed on the property due to failure of the property owner to promptly pay such assessments.

C. For the purposes of this section, maintenance and repair of sidewalk areas shall include, but not be limited to: grinding, removal, and replacement of sidewalks; repair and maintenance of curbs and gutters; removal and filling or replacement of parking strips; removal of weeds and/or debris; pruning of tree roots and installation of root barriers; trimming of shrubs and/or ground cover within the sidewalk area; and any other work necessary to keep the sidewalk area in a safe condition for public use and free from interference with public convenience.

D. Notwithstanding Section 5614 of the California Streets and Highways Code, the Public Works Director may, in their discretion and for sufficient cause, extend the period within which required maintenance and repair of sidewalk areas must commence by a period not to exceed ninety (90) days from the time the notice is given.

Section 12.06.020 – Liability for Injuries to the Public

The property owner required in Section 12.06.010 to maintain and repair the sidewalk area shall owe a duty to members of the public to keep and maintain the sidewalk area in a safe and non-dangerous condition. If, as a result of the failure of any property owner to maintain the sidewalk area in a nondangerous condition, any person suffers injury or damage to person or property, the property owner shall be liable to such person for the resulting damages or injury.

Section 12.06.030 – Public Works Director

For the purposes of this chapter, the “Public Works Director” or their authorized representative shall be responsible for administering and enforcing the provisions herein.

Section 12.06.040 – Installation of Sidewalks upon Property Improvements

A. In addition to the requirements outlined in the foregoing sections, the City of Gridley reserves the right to require the installation of sidewalk infrastructure where no sidewalk currently exists, under the following conditions:

1. When a property owner undertakes improvements to a parcel that result in structural footprint changes, additions, or other modifications requiring building permits; and
2. When such improvements trigger review under applicable building, development, or ADA accessibility standards as determined by the Public Works Director or Community Development Department.

B. The purpose of this requirement is to ensure pedestrian access, improve public safety, and bring properties into compliance with current sidewalk continuity and Americans with Disabilities Act (ADA) accessibility standards.

C. Installation shall occur as a condition of permit approval and must conform to City sidewalk design specifications and ADA requirements in effect at the time of permit issuance.

D. In cases where immediate installation is impractical or a deferral is requested, the City may, at its discretion, allow a deferral agreement or the deposit of in-lieu fees to be used toward future sidewalk infrastructure in the area, as approved by the City Council or its designee.

Section 12.06.050 – Advancement of Costs

The Public Works Director is authorized to advance from the special assessment revolving fund any sum necessary to pay the cost of sidewalk repair or construction, and may reimburse the fund from any assessment thereafter levied and collected.

Section 12.06.060 – Notice of Cost and Hearing

Upon completion of the repairs or construction, the Public Works Director shall provide notice of the costs in the manner specified in Chapter 22 of Division 7, Part 3 of the California Streets and Highways Code. The notice shall specify the day, hour, and place when the City Council will hear and pass on the report of costs, together with any written objections or protests submitted by property owners liable to be assessed, or other interested persons. The notice shall also describe the procedure to be followed for such

written objections or protests. The hearing shall not occur sooner than ten (10) days after giving notice.

Section 12.06.070 – Conference with Public Works Director

The Public Works Director may include with the notice of cost and hearing, as specified in Section X.XX.XXX, additional notice of a conference with the superintendent of streets. The conference, which may be scheduled by the Public Works Director upon receipt of the written objection or protest, shall be conducted prior to the council hearing for the purpose of discussion between the property owner and the Public Works Director of the costs of repair. Upon the conclusion of the conference, the director shall note conclusions in the report together with any recommendations for adjustment of the costs of repair.

Section 12.06.080 – Hearing by City Council

The City Council, on the day and time fixed for the hearing, shall hear and pass upon the report of the Public Works Director, together with any written protests or objections not withdrawn prior to the hearing, from property owners liable to be assessed for the work of repair, in accordance with the procedure provided in Chapter 22 of Division 7, Part 3 of the California Streets and Highways Code.

Section 4. Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is found to be invalid, such invalidity shall not affect the remaining provisions.

Section. 5 Effective Date.

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

I HEREBY CERTIFY that the foregoing **ORDINANCE** had its first reading and was introduced during the public meeting of the City Council on the _____ and had its second reading and was adopted and passed during the public meeting of the City Council on the _____, by the following vote:

AYES:	COUNCIL MEMBERS	_____
NOES:	COUNCIL MEMBERS	_____
ABSENT:	COUNCIL MEMBERS	_____
ABSTAIN:	COUNCIL MEMBERS	_____

ATTEST:

APPROVE:

Elisa Arteaga, City Clerk

Michael W. Farr, Mayor

APPROVED AS TO FORM:

Anthony Galyean, City Attorney

EXHIBIT A

City Council Agenda Item #2
Staff Report

Date: October 6, 2025

To: Mayor and City Council

From: Elisa Arteaga, City Administrator

Subject: Draft Tree Ordinance – Study Session Discussion

	Regular
x	Special
	Closed
	Emergency

Recommendation

Staff recommends that the City Council review and provide feedback on the draft Tree Ordinance (Chapter 12.07) during this study session. No action will be taken at this meeting. Following Council's input, staff will return at a future meeting with a revised ordinance for formal consideration and first reading.

Background

The City's existing provisions related to trees and vegetation are limited and outdated. They do not adequately address modern safety, liability, and maintenance concerns related to street trees, park strips, and public right-of-way vegetation.

Street trees contribute to the character, aesthetics, and environmental health of Gridley. However, they also present potential risks and ongoing maintenance responsibilities. Over time, conflicts have arisen regarding whether the City or the adjacent property owner bears responsibility for care, liability, and associated costs.

To address these concerns, staff has prepared a comprehensive Tree Ordinance update (Chapter 12.07). The ordinance draws from best practices in other California cities and aligns with recommendations from the City's risk management and insurance partners.

The draft ordinance (Attachment A) provides a clear framework for the management of street trees and planting strips.

Major provisions include:

- Clarifies that street trees located in the public right-of-way are the responsibility of the adjacent property owner.
- Approved Planting Standards: Limits plantings in park strips to approved lists and prohibits unsafe or obstructive uses.
- Property Owner Responsibilities: Requires property owners to maintain planting strips and trees adjacent to their property in a safe condition.
- City Authority: Authorizes the Public Works Director to remove or prune hazardous trees, abate nuisances, and require removal when necessary for public safety.

- **Liability:** Limits City liability while establishing that property owners are financially responsible for maintenance, damage, or injuries resulting from unsafe conditions.
- **Cost Recovery:** Provides that the City may perform maintenance or abatement work if the property owner fails to do so, with full costs (labor, materials, and administrative fees) billed to the owner. Unpaid costs may be collected as a lien.
- **Permits & Insurance:** Requires permits for tree removal and liability insurance/bonds for commercial tree removal businesses.
- **Enforcement & Appeals:** Establishes nuisance abatement procedures and provides property owners the right to appeal decisions to the City Council.
- **Coordination with Other Code Provisions:** Aligns enforcement with Chapter 8.08 (Abatement of Weeds and Rubbish) to ensure consistent nuisance abatement authority.

This ordinance update is intended to modernize the City's tree management practices, shift liability clearly to property owners, and ensure Gridley's urban forest is maintained in a safe, consistent, and cost-effective manner.

Next Steps

- Receive Council feedback during this study session.
- Incorporate revisions as directed by Council.
- Return to Council at a future meeting with the final ordinance for first reading and introduction.

Financial Impact

No immediate fiscal impact is anticipated from adoption of the ordinance. Long-term, the ordinance is expected to reduce City liability exposure and provide the Finance Department with a streamlined process for cost recovery if the City undertakes tree-related maintenance or abatement on behalf of property owners.

Compliance with City Council Strategic Plan or Budget Goals

The proposed Tree Ordinance update supports the City Council's strategic goals of maintaining safe and reliable infrastructure, protecting public safety, and ensuring fiscal responsibility. By clearly assigning maintenance and liability responsibilities to adjacent property owners, the ordinance reduces the City's long-term exposure to risk and legal claims, while also ensuring that street trees and park strips are properly maintained for community benefit.

Attachments

Attachment A – Draft Tree Ordinance (Chapter 12.07)

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRIDLEY ADOPTING CHAPTER
12.07 – TREE ORDINANCE**

WHEREAS, the City of Gridley recognizes the importance of trees in providing aesthetic, environmental, and public health benefits to the community; and

WHEREAS, the City seeks to establish standards for the planting, maintenance, protection, and removal of trees within public rights-of-way, park strips, and other city-managed spaces; and

WHEREAS, it is necessary to define the responsibilities of property owners, builders, and the City with respect to the care and liability of trees; and

WHEREAS, the City desires to establish a list of approved street trees, ground covers, and other plantings to promote public safety, consistent urban planning, and preservation of historical trees; and

WHEREAS, the City recognizes that property owners bear primary responsibility for the maintenance and safe condition of trees located within park strips and on private property, and may be held financially responsible for failure to properly maintain trees; and

WHEREAS, the City finds it necessary to declare certain trees or parts thereof as public nuisances if they pose a threat to life, health, safety, or property, and to provide procedures for abatement and enforcement; and

WHEREAS, the City recognizes the importance of severability to ensure that if any section of this ordinance is held invalid, the remaining sections shall remain in effect.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GRIDLEY DOES HEREBY
ORDAIN AS FOLLOWS:**

1. Chapter 12.07 – Tree Ordinance of the City of Gridley Municipal Code is hereby adopted in its entirety, a copy of which is attached hereto as Exhibit A and incorporated herein by reference.
2. The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published or posted as required by law.
3. This ordinance shall take effect thirty (30) days after its adoption pursuant to California Government Code §36937.

PASSED AND ADOPTED this ____ day of _____, **20**, by the City Council of the City of Gridley.

AYES: COUNCIL MEMBERS _____

NOES: COUNCIL MEMBERS _____

ABSENT: COUNCIL MEMBERS _____

ABSTAIN: COUNCIL MEMBERS _____

ATTEST:

APPROVE:

Elisa Arteaga, City Clerk

Michael W. Farr, Mayor

APPROVED AS TO FORM:

Anthony Galyean, City Attorney

Exhibit A - Chapter 12.07 TREE ORDINANCE

12.07.010 TITLE

12.07.020 DEFINITIONS

12.07.030 LIST OF APPROVED GROUND COVERS, ETC – PROHIBITED ACTS

12.07.040 PLANTING AND MAINTENANCE BY BUILDERS AND OWNERS

12.07.050 MAINTENANCE AND REMOVAL BY CITY

12.07.060 LIABILITY OF CITY AND RESPONSIBILITY OF OWNER

12.07.070 REMOVAL, PRUNING, ETC. – GENERALLY

12.07.080 LIABILITY INSURANCE AND BOND ON TREE REMOVERS

12.07.090 INTERFERENCE WITH WORK

12.07.100 INJURING, DESTROYING, ETC.

12.07.110 INSPECTION – CERTAIN TREES DEEMED NUISANCES

12.07.120 PUBLIC NUISANCES – ABATEMENT

12.07.130 APPEALS

- 12.07.010 TITLE

This chapter shall be known as and may be cited and referred to as the “Tree Ordinance of the City of Gridley”

- 12.07.020 DEFINITIONS

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Director: The director of Public Works of the city, or his/her agent.

Maintain or maintenance: Pruning, spraying, fertilizing, propping, treating for disease and/or injury, and any other similar acts which promote the life, growth, health or beauty of trees, except watering unless specifically so stated.

Tree List: The adopted master tree list approved for planting as a street tree, adjacent to streets

Park Strip: The area between the curb, or the place where the curb should be, and the adjacent property line.

Street: Any public street, avenue, boulevard, land, walk, road, parkway, alley, right-of-way, easement or other public way, and any median planting strip located within the street.

Tree: A tree, plant, shrub or other similar form of natural growth.

Street Tree: A street tree is any tree planted or growing within the public right-of-way, typically located between the curb and sidewalk or in a designated planting strip adjacent to the street. While located within the public right-of-way, street trees are considered the sole property of the adjacent property owner, who is fully responsible for their maintenance, care, and any associated liabilities, in accordance with the provisions of this ordinance.

Historic Tree: A tree existing in planter strips and public streets and which has been found by the city to be a tree of notable historic interest because of its age, type or historic associations

- **12.07.030 LIST OF APPROVED GROUND COVERS, ETC.—PROHIBITED ACTS.**

A. The Public Works department shall maintain a current list of approved ground covers and plantings for park strips. Use of plant materials other than those listed shall be by prior approval of the director. No plantings, construction or excavating which endanger pedestrians or vehicular traffic shall be permitted in park strips. No surfacing materials, such as asphalt, gravel, etc., may be used without prior approval of the director. No vines or other plant materials shall be allowed to grow on any street tree. The placing of temporary protection for new lawns or trees or the provision of watering basins shall not be considered a violation of this section.

B. All new and replacement planting shall be confined to shade and ornamental trees from the current official approved list. It is unlawful for any person to plant or place shrubs, low growing trees, flowers, vines, fences, gravel, signs, stakes or any other substance or objects, except watering basins for young trees and temporary protection for newly planted lawns, or to cause or create conditions of uneven ground, holes or other hazards, in park strips within the streets of the city.

- **12.07.040 PLANTING AND MAINTENANCE BY BUILDERS AND OWNERS**

A. The public works department, in coordination with the planning department, may require that the planting of street trees be included in a landscape plan for review and approval. The selection of and the specifications for planting shall be in accordance with the approved tree lists. The maintenance of the approved trees shall be the responsibility of the property owner. No tree which has been deemed as a historical tree shall be removed from the site without the prior approval of the director.

- B. It shall be the responsibility of the property owner to properly maintain all park strips fronting on his or her property regardless of whether such property is developed. This maintenance shall include keeping such strips free from weeds or any obstructions deemed contrary to public safety and in conformance with the official plan. The placing of tar paper, plastic or other material over the ground, or the use of materials or chemicals intended to permanently sterilize the soil in these strips is prohibited.

- **12.07.050 MAINTENANCE AND REMOVAL BY CITY**

- A. The director may remove or cause to be removed any street tree which in the opinion of the director constitutes a hazard or threat to life, health, safety, or property of the public or constitutes a hazard or impediment to the progress or vision of anyone traveling on such streets.
- B. The director may cause the roots of young trees in the process of development to be cut to prevent future sidewalk lifting. Roots on older trees that have lifted sidewalks may be cut. Overhead limbs may be pruned or cut back to compensate for loss of root area.
- C. The director may remove overhead limbs from any tree, regardless of the location of such tree, if in his or her opinion such removals are necessary in the interest of public safety. In the event such trees are on private property, away from the park strip, the director shall notify the property owner, of such intent to remove limbs, by written notice at least 10 days prior to such removals, except in the case of manifest public danger and immediate necessity.
- D. The director shall have full authority to remove or replace, as needed, any tree or other existing improvements within the park strip which does not align with the approved tree list
- E. The City Electric Department may conduct routine inspections and perform necessary trimming of trees that are growing within or encroaching upon the City's powerlines, as needed to maintain public safety and electrical service reliability. The City Electric and Public Works Departments are not responsible for tree beautification or aesthetic pruning. Routine maintenance and aesthetic trimming of trees located on private property remain the sole responsibility of the property owner.
- F. Property owners may not impede or obstruct any necessary maintenance or safety work conducted by the City Electric Department or Public Works Department.

- **12.07.060 LIABILITY OF CITY AND RESPONSIBILITY OF OWNER**

Nothing in this chapter shall be deemed to impose any liability upon any member of the city council of the city, or any of its officers or employees, nor to relieve the owner and occupant of any private property from the duty to keep his or her private property, sidewalks, and the planting strip in front of such private property in a safe condition, and so as not to be hazardous to public travel.

All tree maintenance, including routine maintenance, pruning, and removal of hazardous limbs or vegetation, shall be the sole responsibility of the property owner on whose property the tree is located. The City shall only perform maintenance or other actions as deemed necessary, and only when required to protect public safety, infrastructure, or ensure compliance with this ordinance.

If the City determines that maintenance is needed due to the property owner's failure to adequately maintain a tree or planting strip as required under this chapter, the City may, at its discretion, perform such maintenance or mitigation. In such cases, the property owner shall be held financially responsible, and the City will invoice the property owner for the full cost of labor, materials, and administrative fees associated with the work.

Failure to pay the invoiced amount within the time specified may result in the amount being collected as a lien against the property or through any other means authorized by law.

- **12.07.070 REMOVAL, PRUNING, ETC. – GENERALLY**

- A. Whenever a property owner desires to remove a tree from a planting strip, the owner or their agent shall apply to the Public Works Department at City Hall for a permit. The applicant shall bear the full cost of removal, including stump grinding.
- B. No person shall remove any tree located in a public area or park strip without written permission from the Director. Once permission is granted, all removal work must be completed within 60 days. This includes removal of the stump and underground portions to the depth specified by the Director, at the applicant's expense.
- C. The planting of any new tree following removal shall be subject to the approval of the Director.

- **12.07.080 LIABILITY INSURANCE AND BOND ON TREE REMOVERS**

Any person or entity engaged in the business of removing street trees shall be required to carry public liability and property damage insurance in the amount to be determined by the City council and shall be filed with the city clerk. Where deemed advisable, the director may require the posting of a performance bond in an amount equal to the cost of the proposed job, which bond shall guarantee the completion of the job in accordance with the rules established by the director.

- **12.07.090 INTERFERENCE WITH WORK**

No person shall interfere or cause any person to interfere with any work being done under the provisions of this chapter by any employee of the city, person or firm doing work for the city on bid, hire or assignment.

- **12.07.100 INJURING, DESTROYING, ETC.**

It is unlawful for any person to injure or destroy any tree planted in city public spaces or plating strips by any means, including but not limited to the following:

- a. Constructing a concrete, asphalt, brick or gravel sidewalk or otherwise filling up the ground area around any tree so as to shut off air, light or water from its roots
- b. Piling building equipment, material or other substance around any tree so as to cause injury
- c. Pouring any deleterious matter on or around any tree or on the surrounding ground, lawn or sidewalk
- d. Posting any sign, poster, notice or otherwise on any tree, tree stake or guard or by fastening any guy wire, cable, rope, nails, screws or other device to any tree, tree stake or guard.
- e. Cause or permit any energized electrical wire to come into contact with any tree without having first obtained a written permit from the park director.
- f. Cause or encourage any fire or burning near or around any tree

- **12.07.110 INSPECTION – CERTAIN TREES DEEMED NUISANCES**

The director may inspect any tree adjacent to or overhanging any street in the city to determine whether the same or any portion thereof is in such a condition as to constitute a threat to the life, health, safety, or property of the public, or constitute a hazard or impediment to the progress or vision of anyone traveling on such streets. Any tree or part thereof growing upon private property but overhanging or interfering with the use of any street which in the opinion of the director endangers the life, health, safety or property of the public shall be declared a public nuisance by the director and abated.

- **12.07.120 PUBLIC NUISANCES – ABATEMENT**

The director shall in writing notify the owner of the property on which such public nuisances exist, describing the nuisance and stating the work necessary to re-move the same, and if the owner of such property does not correct or remove such nuisance within 10 days after receipt of such written notice, the director shall cause the nuisance to be corrected or removed and the cost shall be assessed to such owner.

Any property owner receiving such a notice to abate, may, within 10 calendar days, appeal such determination to the city council, whose decision shall be final. Nothing contained in this chapter shall be deemed to impose any liability on the city, its officers or employees, nor to relieve the owner or any private property from the duty to keep any trees upon his property or under his control in such a condition as to prevent such trees from constituting a public nuisance.

This section shall be enforced in coordination with Chapter 8.08 – Abatement of Weeds and Rubbish, and the provisions of that chapter may also apply to ensure the effective removal of public nuisances related to vegetation, trees, and debris.

- **12.07.130 APPEALS**

An appeal to the city council from any action of the director may be made by filing a written notice thereof with the city clerk within 10 days after such action is taken. The appeal shall clearly specify the reasons for which a hearing by the city council is requested. The city clerk shall thereupon place such appeal on the agenda of the city council for its next regular meeting, at which time the applicant and the director may present evidence.

- **12.07.140 SEVERABILITY**

If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have adopted this chapter, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more portions may be declared invalid or unconstitutional.