



City of St. Helena Tree Committee Regular Meeting

1480 Main St., St. Helena, CA 94574
Thursday, June 8, 2017 @ 3:30 PM

PLEASE NOTE: Any person who wishes to speak regarding an item on the agenda or make a comment under the "Oral Communication" portion of the agenda may do so, but please observe the time limit of three minutes.

Page

1. CALL TO ORDER
2. ROLL CALL
Committee Chair: Edie Kausch
Vice Chair: Scott Freeland
Members: Matthew Strouss
Alternates: Susan Allen
City Council Member Liaison: Mary Koberstein
Staff Liaison: Carlos Uribe
3. PUBLIC FORUM:
An opportunity for the public to directly address the Committee on items of interest to the public that are not listed on the agenda. Any person addressing the Committee should provide his or her name and address, and limit comments to five minutes. **Because of restrictions imposed by the Brown Act, the Committee may not engage in substantive discussion, nor take action on matters not described on the agenda.**
4. REPORTS BY STAFF AND COMMITTEE:
Reports by staff and/or committee on items of general interest. **Brief questions for clarification may be posed and answered, and Committee may request that items be placed on a future agenda. Except under certain circumstances, the Brown Act prohibits any other discussion or action by the Tree Committee.**
 - 4.1. Matthew Strouss to report on grant meeting with City Grants Manager Tracey Perkosky.
 - 4.2. Carlos to report on 1386 Sylvaner tree mitigation approved at July 14, 2016 meeting.
5. CONSENT CALENDAR:
Members of the Tree Committee or the public may ask that any items be considered individually for purposes of considering alternative action, for extended discussion, or for public comment. Unless that is done, on motion may be used to adopt all recommendation actions.
 - 5.1. Tree Committee Meeting Minutes of May 11, 2017.
[5-11-2017 Minutes Draft](#)
6. SCHEDULED MATTERS:

3 - 4

- 6.1. Tree removal permit request at 1225 Allyn Av. Remove 1 Mulberry tree in the planter strip. The removal is to accommodate for the installation of a new home. 5 - 9
[1225 Allyn Permit Application](#)
- 6.2. Tree Removal permit request at 1734 Scott St. Removal of 3 trees as follows; 1-10" Chinese Pistache. This tree is in the way of the proposed house remodel. 2-multi trunk Plums. These trees are in decline and drop waste on the sidewalk. The trees will be replaced with similar stature trees, not to exceed 30' in height. Replacement species to be determined. 11 - 19
[1734 Scott Permit Application](#)
[Public Comment](#)
- 6.3. Discussion: Tree Committee goals and set committee priorities.
- 6.4. Discussion: Tree Committee to review the draft tree ordinance. 21 - 39
[Tree Ordinance Revision Draft 042414](#)
- 6.5. Discussion: Invitation of a Fish and Wildlife representative to speak at a Tree Committee meeting regarding trees near rivers and creeks in St Helena.
- 7. DISCUSSION OF ITEMS TO BE PLACED ON THE NEXT MEETING AGENDA:
 - 7.1. Discussion of Tree Committee goals and set committee priorities.
 - 7.2. Discussion: Tree Committee to review the draft tree ordinance.
- 8. ADJOURNMENT

The next regular Tree Committee meeting is scheduled for July 13, 2017 at 3:30 pm, City Hall 1480 Main Street.

This agenda was posted at City Hall, 1480 Main Street on June 2, 2017.

Chrissy Cook, Public Works Administrative Assistant

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the meeting, please contact City Hall at (707) 967-2792. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR35.102-35.104 ADA Title II). However, City staff will attempt to assist at any time with accessibility.

Tree Committee Members:

Edie Kausch - Chair
Scott Freeland - Vice Chair
Matthew Strouss
Susan Smith-Alternate

**MINUTES
ST. HELENA TREE COMMITTEE
ST. HELENA CITY HALL, CONFERENCE ROOM
1480 MAIN STREET, ST. HELENA
Thursday, May 11, 2017
3:30 pm – 5:00 pm**

1. ROLL CALL @ time: 3:32 pm

Present: Edie Kausch, Matthew Strouss, Susan Smith

Absent: Scott Freeland

Council Liaison: Mary Koberstein

Staff Liaison: Public Works Maintenance Manager Carlos Uribe
Public Works Admin Chrissy Cook

2. PUBLIC FORUM: An opportunity for the public to directly address the Committee on items of interest to the public that are not listed on the agenda. Any person addressing the Committee should provide his or her name and address, and limit comments to five minutes. **Because of restrictions imposed by the Brown Act, the Committee may not engage in substantive discussion, nor take action on matters not described on the agenda.**

- Anthony Micheli 1125 Crinella. Wants to know when the City is going to start to enforce the triangle of visibility. Specifically at Spring Mountain Road and Madrona.

3. REPORTS BY STAFF AND COMMITTEE: Reports by staff and/or committee on items of general interest. ***Brief questions for clarification may be posed and answered, and Committee may request that items be placed on a future agenda. Except under certain circumstances, the Brown Act prohibits any other discussion or action by the Tree Committee.***

- Edie Kausch announced that Joan Westgate had resigned.
- Edie Kausch announced that she will not be renewing her application for Tree Committee.
- Carlos Uribe Reported on seasonal weed abatement.
- Chrissy Cook passed out applications and information on City committees that are looking for members.
- Carlos will follow up on tree mitigation on 1386 Sylvaner.
- Carlos reported on total cost of tree mitigation.

- Matthew Strouss to report on meeting with City Grants Manager Tracey Perkosky. **Was not able to schedule a meeting.**

4. **CONSENT CALENDAR:** Members of the Tree Committee or the public may ask that any items be considered individually for purposes of considering alternative action, for extended discussion, or for public comment. Unless that is done, one motion may be used to adopt all recommendation actions.

A. Tree Committee special meeting minutes of April 13, 2017

Approved: Edie Kausch motioned to approve, Matthew Strouss seconded. **Vote 3-0.**

5. **SCHEDULED MATTERS:**

A. Permit Review: Blanket tree pruning permit at various locations throughout the City for AT&T utility lines adhering to City of St Helena municipal code 12.24.100.

This permit will be valid for 1 year.

Approved with Conditions. Edie Kausch motioned to approve, Matthew Strouss seconded.

Vote 3-0.

B. Permit Review: 1544 Hudson Ave. Prune Six (6) Valley Oaks for weight reduction.

Approved. Edie Kausch motioned to approve, Matthew Strouss seconded. **Vote 3-0.**

C. Permit Review: Tree removals and mitigation at Crane Park bocce courts.

Remove Two (2) declining Liriodendron trees. Both have major branch die back. Replace One (1) with Chinese Pistache as a memorial Tree for Juan Diaz. The memorial replacement tree was approved at the Thursday March 23, 2017 Tree Committee meeting.

Approved with Conditions. Edie Kausch motioned to approve, Susan Allen seconded. **Vote 3-0.**

D. Discussion of Tree Committee goals and set committee priorities. **Tabled for June 8, 2017 meeting.**

E. Mary Koberstein to report on easement discussion with City Attorney on Heritage Tree Program.

Ideas: To set up a conservation easement template, a companion to an ordinance. Build incentives for residents to keep and plant trees. Promote awareness of the Heritage tree map. Would probably be a good cause for a sub-committee.

F. Discussion: Tree Committee to review the draft tree ordinance. **Tabled for June 8, 2017 meeting.**

6. **TENTATIVE AGENDA ITEMS FOR NEXT MEETING:**

- Discussion of Tree Committee goals and set committee priorities.
- Discussion: Tree Committee to review the draft tree ordinance.
- Fish and Game to speak at a Tree Committee meeting

ADJOURNMENT: Adjourn at 5:02 pm

Approved:

Attest:

Edie Kausch, Chair

Carlos Uribe, Maintenance Manager

PART 1 of 6

**CITY OF ST. HELENA
NAPA COUNTY, CALIFORNIA
TREE PERMIT/CONTRACT
APPLICATION FOR CITY TREES**

PERMIT # _____

**TO: DEPARTMENT OF PUBLIC WORKS
1480 MAIN STREET
ST. HELENA, CA 94574**

APPLICANT: Bob Branstad
(Property Owner or Contractor)

ADDRESS: 1225 Allyn Ave, St. Helena, CA 94574
(Address, City, State & Zip)

PHONE: (510) 334-2322

JOB LOCATION: Same

I (or we) hereby request permission to carry out the following Tree work as required in Section 17.8 & 17.10 of the City of St. Helena Municipal Code:

TREE TRIMMING ☐ TREE ROOT PRUNING ☐ TREE REMOVAL ☒ TREE REPLACEMENT ☐

DESCRIPTION OF TRIMMING, ROOT PRUNING, REMOVAL AND/OR REPLACEMENT TREES:

mulberry tree in the planter strip.

Estimated Start Date _____ Estimated Completion Date _____

DIAGRAM OF LOCATION OF PROPOSED WORK

Attach diagram on separate sheet(s) if necessary

Applicant agrees to comply with all ordinances, regulations, specifications and conditions which may apply or be required as a condition of this Permit/Contract.

Applicant shall indemnify, defend and hold harmless The City of St. Helena and its agents, officers, officials employees and volunteers in interest from and against all claims, damages, losses and expenses including attorney fees arising out of or in connection with work performed under this Permit/Contract, except where caused by the sole negligence or willful misconduct of The City of St. Helena. This obligation of Applicant to indemnify, defend and hold harmless shall continue in effect after the completion of the project authorized under this Permit/Contract.

SIGNATURE and DATE OF APPLICANT E Branstad 5/17/17

SIGNATURE and DATE OF OWNER E Branstad 5/17/17

Tree Permit Application
8/29/2012

PART 2 of 6

CITY ARBORIST REPORT

Type of Tree(s) Mulberry Diameter(s) 11"
(Site Sketch Required for Multiple Trees)

Sidewalk Damage: Yes X No X Lift in Inches: 4"

Other Damage: not a trip hazard, but a lift in sidewalk

Condition of Location: Good _____ Fair X Poor _____

Hazards Present: Yes _____ No X If Yes, Explain: _____

Distance of Utilities from Tree: Water 12' Sewer N/A Other _____

Overhead Obstructions: Yes X No _____ If Yes, Explain type and height: _____

30' communications 35' High voltage
25' 12k distribution

Recommend Approval: Yes X No _____

Comments: This tree can be mitigated to accommodate for
installation of new home. There are a few places in the
ROW to mitigate. Note: tree is not on Master tree list for Cal III

Signature Carlo (Ufile) Date 6/2/17
City Arborist

* * * * *

SITE SKETCH FOR TREE OR TREES
Attach diagram on separate sheet(s) if necessary

PART 3 of 6

ACTION BY PUBLIC WORKS DIRECTOR

Date Received by Public Works Director _____

Approved _____ Denied _____ Modified as Follows _____ Referred to Tree Committee _____

Requirements/Conditions: _____

Signature _____ Date _____
Director of Public Works

* * * * *

PART 4 of 6

ACTION TAKEN BY TREE COMMITTEE

Date of Meeting _____ Refer to Minutes Dated _____

Approved _____ Denied _____

Comments/Recommendation _____

Signature _____ Date _____
Tree Committee Chair Person

* * * * *

PART 5 of 6

APPEAL INFORMATION
(For Tree Planting Only)

The Tree Committee has been appointed by the City Council, pursuant to Section 17.5 of the Municipal Code of the City of St. Helena. If you are dissatisfied with the above action by the Tree Committee, you may, within ten (10) days of the receipt of this notice, file an appeal with the City Council as provided in Section 17.12 of the Municipal Code. The Tree Committee may comment and make a recommendation to the City Council.

_____ I wish to appeal this action to the City Council.

I certify that I am the owner of the property described above or the owner's representative and I understand the approved requirements and conditions.

Signature of Applicant _____ Date _____



**PUBLIC NOTICE:
ON THURSDAY JUNE 8, 2017 AT 3:30 PM
THE ST HELENA TREE COMMITTEE
WILL CONSIDER THE
FOLLOWING PROJECTS:**

1225 Allyn Avenue, St. Helena, CA. Removal of 1 Mulberry tree in the planter strip.

1734 Scott Street, St. Helena, CA. Removal of 4 trees as follows; 1-10" Pistache. This tree is in the way of the proposed house remodel. 2-multi trunk Plums. These trees are in decline and drop waste on the sidewalk. 1-8" Liquid Amber Maple. This tree is not suited for the space. The trees will be replaced with similar stature trees, not to exceed 30' in height. Replacement species to be determined.

Pursuant to the City's adopted Tree Removal Policy this office is providing notice that a permit for the removal of this tree is to be heard by the City of St. Helena Tree Committee.

The public hearing for the consideration of tree removal will be held at the regularly scheduled St. Helena Tree Committee meeting on June 8, 2017 at 3:30 pm, located in the Conference Room at City Hall, 1480 Main Street.

The Public Works Department has placed a public meeting notice conspicuously on the tree's at least fifteen (15) days prior to the public meeting of the Tree Committee to consider the Tree Removal and Replacement Permit. This posting shall be monitored to ensure posting remains visible until hearing.

Please direct any inquiries to the Department of Public Works at (707) 968-2658 or email ccook@cityofstheleena.org.

THE MEETING WILL BEGIN AT 3:30 PM

Copies of agenda are available on the Monday afternoon immediately preceding the hearing at City Hall, at the St. Helena Public Library, or on the City's website at www.cityofstheleena.org.



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 City of St. Helena Tree Committee 1480 Main St. St. Helena, CA 94574 (707) 968-2658 ccook@cityofstheleena.org You have received this Public Hearing Notice because you are a resident, property owner, or interested party located within 300 feet of a project that is noted on this flyer. All are welcome to attend the following meeting: <i>Tree Committee Meeting</i> <i>Thursday June 8, 2017</i> <i>3:30 p.m.</i> <i>City Hall Conference Room</i> ALL INTERESTED PARTIES are invited to attend said hearing and express opinions or submit evidence for or against the proposal outlined above. If a person wishes to challenge the nature of the above action in court, they may be limited to raising only those issues that they or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City of St. Helena at, or prior to, said public hearing.	TO:
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PART 1 of 6

**CITY OF ST. HELENA
NAPA COUNTY, CALIFORNIA
TREE PERMIT/CONTRACT
APPLICATION FOR CITY TREES**

PERMIT # _____

**TO: DEPARTMENT OF PUBLIC WORKS
1480 MAIN STREET
ST. HELENA, CA 94574**

APPLICANT**APPLICANT:**

Owen DeHoff

(OWNER)

ELIOT SUTRO
SUTRO ARCHITECT

(Property Owner or Contractor)

ADDRESS:

1980 Vallejo Street, San Francisco, CA 94123

135 MATHEISON ST.
HEALDSBURG CA 95448

(Address, City, State & Zip)

PHONE:

(917) 892-9739

415. 271. 7100

JOB LOCATION:

1734 Scott Street

I (or we) hereby request permission to carry out the following Tree work as required in Section 17.8 & 17.10 of the City of St. Helena Municipal Code:

TREE TRIMMING ☐ TREE ROOT PRUNING ☐ TREE REMOVAL ☒ TREE REPLACEMENT ☐

DESCRIPTION OF TRIMMING, ROOT PRUNING, REMOVAL AND/OR REPLACEMENT TREES:

Replace with similar stature tree - not to exceed 30' in height - species tbd.

3 trees to be removed, see diagram

Estimated Start Date October 2017 Estimated Completion Date October 2017

DIAGRAM OF LOCATION OF PROPOSED WORK*Attach diagram on separate sheet(s) if necessary*

SEE ATTACHED

Applicant agrees to comply with all ordinances, regulations, specifications and conditions which may apply or be required as a condition of this Permit/Contract.

Applicant shall indemnify, defend and hold harmless The City of St. Helena and its agents, officers, officials employees and volunteers in interest from and against all claims, damages, losses and expenses including attorney fees arising out of or in connection with work performed under this Permit/Contract, except where caused by the sole negligence or willful misconduct of The City of St. Helena. This obligation of Applicant to indemnify, defend and hold harmless shall continue in effect after the completion of the project authorized under this Permit/Contract.

SIGNATURE and DATE OF APPLICANT

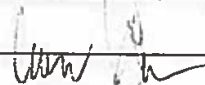
Eliot Sutro



5/18/17

SIGNATURE and DATE OF OWNER

Owen DeHoff



5/18/17

Tree Permit Application
8/29/2012

2

PART 2 of 6

CITY ARBORIST REPORT

Type of Tree(s) ① Chinese Pistache ②/③ ^{purple} plum Diameter(s) see below
(Site Sketch Required for Multiple Trees)

Sidewalk Damage: Yes X No Lift in Inches: 0

Other Damage: minor cracks old concrete

Condition of Location: Good Fair X Poor

Hazards Present: Yes No X If Yes, Explain:

Distance of Utilities from Tree: Water 12' Sewer N/A Other 12' from tree #3

Overhead Obstructions: Yes X No If Yes, Explain type and height:
communication 30' 45' 24 k High Voltage
12 k distribution 35'

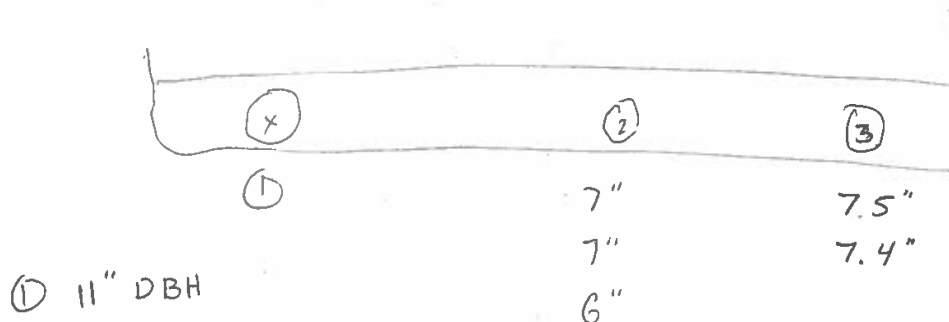
Recommend Approval: Yes X No

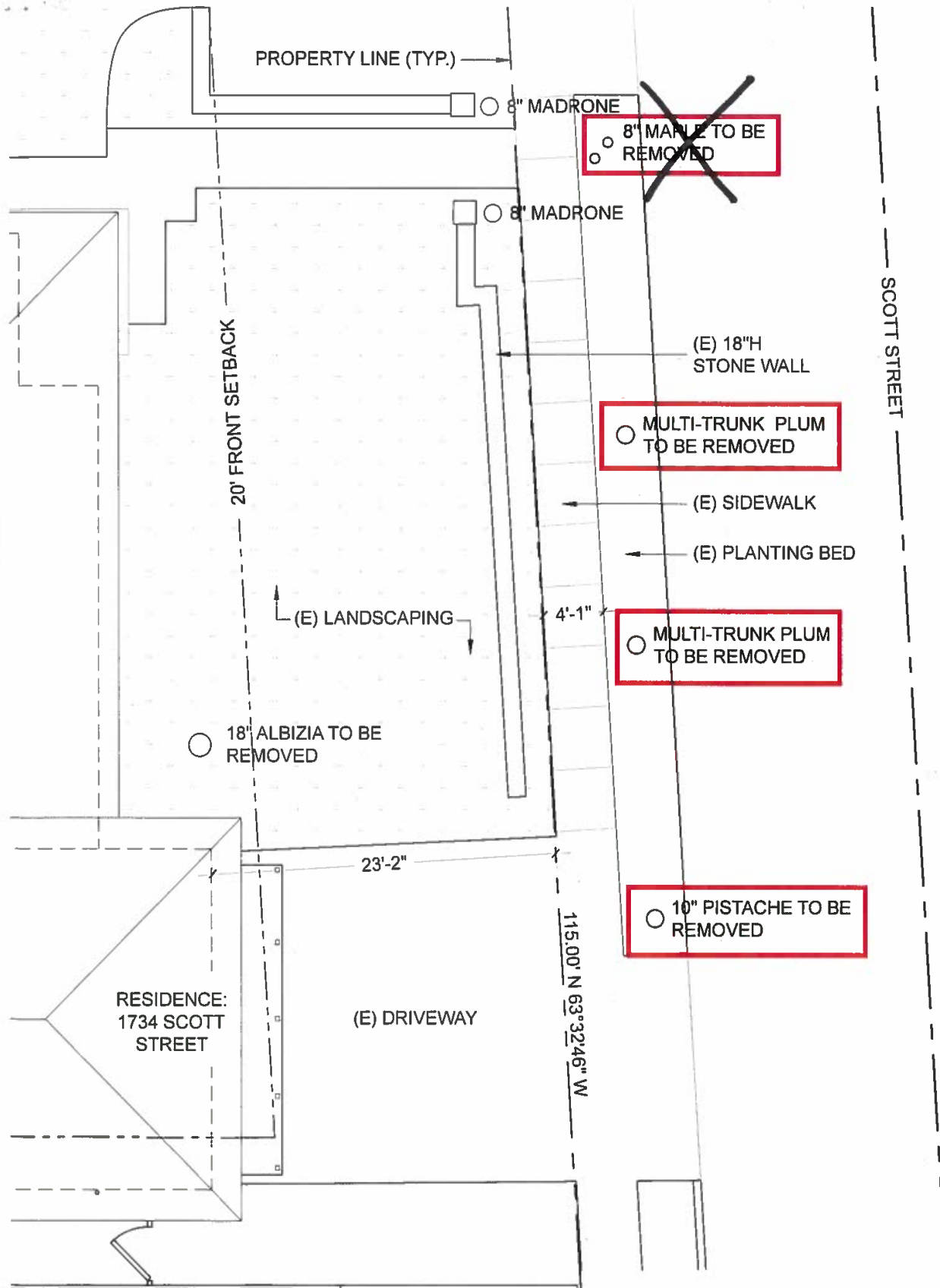
Comments: Both plum trees are in major decline
The pistache is in good shape. Homeowner will be
present to explain the reason to remove pistache

Signature *Colo (file)* Date 5/2/17
City Arborist

* * * * *

SITE SKETCH FOR TREE OR TREES
Attach diagram on separate sheet(s) if necessary







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Pursuant to the City's adopted Tree Removal Policy this office is providing notice that a permit for the removal of this tree is to be heard by the City of St. Helena Tree Committee.

The public hearing for the consideration of tree removal will be held at the regularly scheduled St. Helena Tree Committee meeting on June 8, 2017 at 3:30 pm, located in the Conference Room at City Hall, 1480 Main Street.

The Public Works Department has placed a public meeting notice conspicuously on the tree's at least fifteen (15) days prior to the public meeting of the Tree Committee to consider the Tree Removal and Replacement Permit. This posting shall be monitored to ensure posting remains visible until hearing.

Please direct any inquiries to the Department of Public Works at (707) 968-2658 or email ccook@cityofsthelelena.org.

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MAIN FACADE, SUBJECT
PROPERTY FROM SCOTT STREET



From: **Linda Rose** linda@mgrose.com
Subject: **Scott Street**
Date: **June 7, 2017 at 10:11 AM**
To: **Tree Committee**



Dear Tree Committee,

I really hope there is a way to save the Pistachio tree at 1734 Scott Street. It is important to the look of the street. Scott Street used to be the prettiest street in town. Now so many trees have been cut down, the street looks very different. This is a beautiful tree that needs to be saved.

Thank you,
Linda Rose

Proposed Revisions

DRAFT

April 24, 2014

CITY OF ST. HELENA**ORDINANCE NO. ____****AMENDING CHAPTER 12.24 “TREES AND
OTHER VEGETATION” OF THE ST. HELENA
MUNICIPAL CODE**

The City Council of the City of St. Helena does hereby ordain as follows:

SECTION 1: Chapter 12.24 of the St. Helena Municipal code is amended to read as follows (additions shown by underline and deletions shown by strikethrough):

12.24.010 Findings and purpose.

A. The city council finds and declares that ~~trees~~ a healthy urban forest contributes greatly to the health, safety, and general welfare of all of the city’s citizens and that the preservation and proper maintenance of trees is a matter of city-wide concern. The city council further finds and determines that it is necessary to enact regulations protecting trees on public and private property and prohibiting unnecessary damage, removal, or destruction of trees in the urban forest.

B. The city council recognizes and finds that urban trees provide great aesthetic benefits, offer windbreaks, provide summer shade, noise abatement, ~~and~~ privacy screening, erosion control, act as filters against airborne pollutants, release oxygen, ~~are and serve as~~ wildlife habitats, ~~and prevent landslides through their root systems. All trees perform these functions for the property on which they are growing.~~ Trees of significant size and maturity perform these functions for all persons living ~~in their vicinity~~ within the urban forest. Trees are key elements in a living system the boundaries of which do not conform to the arbitrary property lines of individual lots and parcels and upon which the continued health and welfare of this community depends. In addition, trees ~~in the community and in a neighborhood~~ within the urban forest provide a sense of identity and tradition and townscape, and enhance property values.

C. The city council further finds and declares that careless treatment and arbitrary removal of trees detracts from scenic beauty, ~~causes erosion, increases risks of landslides,~~ reduces property values and the desirability of neighborhoods, ~~increases drainage costs, thereby further reduces the attractiveness of an area and may negatively impact the local ecosystem and its residents.~~

D. A purpose of the city council in enacting the following regulations is to protect certain trees that are an essential part of the city’s natural heritage, referred to in this chapter as heritage trees and other protected trees, wherever they may be

Proposed Revisions

DRAFT

April 24, 2014

growing in the city, while at the same time, recognizing an individual property owner's right to utilize his or her land in a way that is otherwise allowed by law.
(~~Ord. 01-6 § 3 (part); prior code § 17.1~~)

12.24.020 Definitions.

When used in this chapter, the following words and phrases shall apply:

"Alter" means to take an action that could ~~foreseeable~~ foreseeably diminish the health and vigor of a tree. Alter includes but is not limited to: excessive or improper pruning of a tree, grade changes around or near a tree, excessive irrigation of a tree, and trenching in the root zone of a tree. Alter does not include periodic pruning of a tree to preserve or protect its health, growth or appearance, in accordance with accepted arboricultural standards and practices.

"ANSI" means the American National Standards Institute.

"Arborist" means certified arborist, city arborist, certified city tree worker, or project arborist.

~~Candidate Heritage Tree. The tree committee shall adopt and maintain a list of properties or parcels that contain a tree of a size, species or historical value that makes it eligible for heritage tree status.~~

"Certified arborist" means a person who has been tested by and is currently certified as an "arborist" by the International Society of Arboriculture or who is a registered member of the American Society of Consulting Arborists.

"Certified tree worker" means a person who has been tested by and is currently certified as "tree worker" by the International Society of Arboriculture.

"City" means and includes all territory over which the city now has, or shall hereafter acquire, jurisdiction for the exercise of its police powers or other regulatory powers.

"City arborist" means a certified arborist designated by the director of public works.

"City tree" means a tree growing on any city-owned property, right of way or easement dedicated to the city. All street trees, as defined in this section, are city trees.

"Committee" means the tree committee established pursuant to this chapter.

"Diameter at breast height" and "DBH" means the diameter of a tree measured at fifty-four (54) inches above the natural grade.

Proposed Revisions

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April 24, 2014

"Director" means the director of public works or the director's designated representative.

"Drip line" means an area of the ground delineated by the vertical projection of the outside periphery of the foliage crown area of a tree down to the ground surface.

"Drip line area" means the area within X distance from the trunk of a tree, measured from the perimeter of the trunk of the tree at fifty-four (54) inches above the natural grade, where X equals a distance ten times the diameter of the trunk at fifty-four (54) inches above natural grade.

"Excessive pruning" means removing more than twenty-five (25) percent of the functioning leaf, stem or root in any twelve-month period, or removal of foliage causing an unnatural or unbalanced appearance.

"Habitat" means the region where a plant or animal naturally grows or lives.

"Heritage tree" means any tree or grove of trees within the city boundaries designated by a resolution of the city council and having met the requirements set forth in this chapter.

"Landscape architect" means an individual holding a valid license to practice landscape architecture in the State of California.

"Maintain" or "maintenance" means trimming, pruning, pest management, injecting, fertilizing, cabling, treating for injury and other similar acts which promote the life, growth, health or beauty of trees and other plants, excepting watering only, unless specifically so stated.

"Master street tree list" means the list of trees approved for planting in planting strips and planting easements, city parks and other city properties, as approved by the city council.

"Master tree plan" means the plan designating specific trees and maintenance practices for specific locations in areas of the city, as approved by the city council.

"Permit" means....

"Planting easement" means an easement held by the city on private property for sidewalks, plantings and/or utilities.

"Planting strip" means the portion of the public right-of-way between the curb, gutter or edge of street surfacing and the property line, but excluding curbs and sidewalks.

"Project" means an activity for which a tree permit, building permit, grading permit, demolition permit, encroachment permit, variance, design review approval, use permit, or tentative/final map approval is required by the city under this code.

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“Project arborist” means a certified arborist retained by a property owner or developer as required by the city for the purpose of overseeing on-site activity involving the welfare of the trees to be retained. The project arborist prepares reports, appraisals and tree preservation plans, and conducts inspections, as required by the city.

"Property owner" means the person listed on the then-current assessor's roll as the owner of a designated property.

“Protected replacement tree” means any tree that is planted on public or private property as a condition of mitigation for the removal of any existing native or heritage tree(s). The intent of this designation is to insure that trees planted as replacement trees for heritage trees or significant native trees that have to be removed will be protected and preserved so that over the course of time these replacement trees will mature to the size and uniqueness of the trees they replace. Protected replacement trees by definition are subject to all of the conditions and protections as those for heritage trees as set forth in this chapter.

~~“Protected tree” means heritage tree, protected replacement tree, street tree and city tree.~~

"Protected tree" means any of the following trees on public or private property:

1. Heritage tree as established by the terms of this chapter;
2. Replacement tree as established by the terms of this chapter;
3. City tree;
4. The following protected species;
 - a. Coastal Redwood (*Sequoia sempervirens*) greater than twenty-four (24) inches DBH;
 - b. Blue Oak (*Quercus douglasii*) greater than six (6) inches DBH;
 - c. California Black oak (*Quercus kelloggii*), Coastal Live Oak (*Quercus agrifolia*), Interior Live Oak (*Quercus wislizenii*), Valley Oak (*Quercus lobata*), California Sycamore (*Platanus racemosa*), London Plane Tree (*Platanus x acerifolia*), or Deodar Cedar (*Cedrus deodora*) greater than twelve (12) inches DBH;
 - d. Canary Island Date Palm (*Phoenix canariensis*) greater than twenty-five (25) feet in height;
 - e. Any tree over twenty-four (24) inches DBH;
5. All trees protected by Woodlands and Watershed zoning.

6. Tree designated to be saved and protected pursuant to Section 12.24.160(F) of this chapter.

"Pruning" means the periodic trimming, shaping, thinning and removal of branches or limbs of a tree to: maintain plant health by removing dead, diseased or injured wood; control or direct growth; increase the quality or yield of fruits or flowers; or train young plants to position their main branches or ensure strong structure.

"Public utility" means every gas, electrical, telephone, cable and water service, waste disposal or recycling corporation where such service is performed for the city and its residents.

"Qualified city employee," with reference to tree maintenance, means any city park or public works employee who satisfies the ANSI A300 definition of a qualified tree worker (~~Section 3.41~~) of ANSI A300-1995, and complies with the standards of ANSI A300-1995 while performing tree maintenance, and is deemed so qualified by the director.

"Replacement tree" means any tree that is planted on public or private property as a condition of mitigation for the removal of any protected tree.

~~"Root zone" means an area surrounding a tree extending from the trunk of the tree to the natural drip line of the tree.~~

"Root zone" means the area of the ground around the trunk of a tree within the drip line and an additional ten (10) foot wide circular area of ground around the outside of the drip line of a tree.

"Solar collector" means a fixed device or structure, or a part of a device or structure, which is used primarily to transform solar energy into thermal, chemical or electrical energy, and used as part of a system which makes use of solar energy for any or all of the following purposes: (a) water heating; (b) space heating or cooling; and (c) power generation.

"Street" means land which has been dedicated, condemned or legally established by use for a public thoroughfare, whether paved or unpaved in whole or in part, except state highways and freeways. "Street" includes all thoroughfares whether designated by that name or some other, such as avenue, court, way, boulevard or road.

"Street line" means the property line marking the boundary between private property and a city street or right-of-way.

~~"Street tree" means a tree planted in a planting strip or planting easement.~~

"Street tree" means a tree growing within the public planting strip or right-of-way or on an easement dedicated to the city.

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“Tree protection plan” or “TPP” means a plan prepared by a certified arborist or landscape architect that contains measures to protect and preserve trees at a project site.

“Tree protection zone” means the area of temporary fenced tree enclosure. Unless otherwise specified by the project arborist or city arborist, the tree protection zone shall be equivalent to the drip line area. Within the tree protection zone, roots that are critical for tree survival are typically found in the upper three foot soil horizon, and may extend beyond the drip line area. Protecting the roots in the tree protection zone is necessary to ensure the tree’s survival.

“Tree report” means a written report prepared by a certified arborist that provides a brief description of a tree to determine whether or not a tree is dead, hazardous, or constitutes a public nuisance.

“Tree survey report” means a written report by a certified arborist that provides an inventory of all trees on a project site and includes, but is not limited to, information regarding a tree’s location, species, size, condition, maintenance needs, potential impacts of disturbance, recommended mitigation measures, and appraisal value.

“Trench” means to excavate to provide irrigation or install foundations, utility lines, services, pipe, drainage or other property improvements below grade.

“Verification of tree protection” means a written report prepared by the project arborist and certifying that all pre-construction conditions have been satisfied including, but not limited to, tree fencing and erosion control measures.

~~(Ord. 01-6 § 3 (part); prior code § 17.2)~~

12.24.030 Tree committee.

The tree committee shall consist of five members, plus two alternates. A majority of the members shall be residents of the city. Each member shall be appointed by the mayor with the approval of the city council. The tree committee shall serve as an appeals board to decisions of the director on tree issues, shall perform other functions as defined within this chapter, and shall annually review and update the master tree plan and tree list. In all matters pertaining to trees in the city, the committee shall act in an advisory capacity to the city council, the director, the parks and recreation commission, the planning commission and to the public. The committee shall devise a set of bylaws governing its meetings. The term of office of one member of the committee shall expire on June 30th of the next calendar year following appointment of the committee and the term of each other member of the committee shall expire on June 30th of each subsequent year. Committee member appointments after the first expiration date shall be for three-year terms.

~~(Ord. 02-5 § 15a; Ord. 01-6 § 3 (part); prior code § 17.4)~~

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12.24.040 Master tree plan.

The tree committee, with the assistance of the director, shall prepare and recommend to the council a comprehensive plan of street trees for all streets of the city where planting areas are available and provided for trees. The master tree plan may be reviewed and ~~revised~~ recommended for revision from time to time by the tree committee. In accordance with the plan, the ~~director shall proceed each year to plant or replace trees to the extent that funds are appropriated for that purpose by the city council~~ city budget shall appropriate funds annually for replacement of existing city trees and planting of new city trees. (~~Ord. 01-6 § 3 (part); prior code § 17.5~~)

12.24.050 Master street tree list.

A. The tree committee, with the assistance of the director, shall determine criteria for selection of street and park trees, and develop and recommend to the city council a list of trees which meet these criteria. When approved by the city council, the list shall be known as the "master street tree list" and shall be made available to the public. The master street tree list shall be reviewed and recommended for revision from time to time by the tree committee. Only trees on the master street tree list may be planted in planting strips and planting easements, except as may be approved by the tree committee according to provisions of this chapter.

B. The tree committee shall also develop and recommend to the city council a list of undesirable trees which shall not be planted anywhere in the city unless he director approves the site as one where the trees' roots will not interfere with a sewer line or public sidewalk or when measures are taken to protect such sewer lines and sidewalks using commercial barriers or root-control containers. (~~Ord. 01-6 § 3 (part); prior code § 17.6~~)

12.24.060 Planting, maintenance and removal of city trees.

A. Supervision. The ~~director~~ tree committee shall authorize the planting, maintenance and removal of trees or other plants in any planting strip, planting easement, right-of-way, or public way or place in the city.

B. Planting and Maintenance. The selection, planting and maintenance of trees in all planting strips or planting easements within the city shall be in accordance with provisions of this chapter and the master street tree plan.

C. Damaged, Injured or Hazardous Trees. City trees in a condition which, in the opinion of the director, are an immediate threat to life or property shall have such conditions corrected or the tree shall be removed. The director shall make this decision after consultation with a certified arborist if circumstances permit. Except

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in such emergency circumstances, city trees which are damaged, injured or destroyed shall have conditions corrected or removed upon ~~recommendations of the director and a certified arborist and approval by the tree committee~~ authorization of the director, after consultation with the city arborist. In all cases the hazardous condition shall be corrected as soon as conditions permit. ~~(Ord. 01-6 § 3 (part); prior code § 17.7)~~

12.24.070 Responsibility for maintenance of street trees and plants in planting strips

A. Except for heritage trees as set forth in Section 12.24.110 and as otherwise allowed by the city council, the property owner fronting a planting strip shall have the responsibility to maintain and care for the street trees and other plants in the planting strip in front of his or her property; to water, spray and trim for beauty; to pay the expense of repairs to property owner's property or to sewer laterals which repairs are necessitated by damage caused by street trees or other plants in planting strips; to trim plants other than trees so as to prevent endangering the security, usefulness or safety of any public street; to repair curb and sidewalk damage caused by trees; and to remove and replace trees in the planting strip if removal is necessary to the public health or safety, including disease control.

B. Notwithstanding subsection A of this section, the city shall have the responsibility to maintain and care for the street trees and other plants in the planting strip along Main Street between Sulphur Creek Bridge and Pine Street; to water, spray and trim such trees for beauty; to trim plants other than trees so as to prevent endangering the security, usefulness or safety of such portion of Main Street; and to remove and replace trees in such planting strip if removal is necessary to the public health or safety, including disease control. The property owner fronting the planting strip along Main Street between Sulphur Creek Bridge and Pine Street shall continue to have the responsibility to pay the expense of repairs to the property owner's property or to sewer laterals which repairs are necessitated by damage caused by trees or other plants in such planting strip; and to repair curb and sidewalk damage caused by such street trees. The city's responsibility to trim and maintain tree roots in such planting strip shall arise only when the property owner repairs curbs and/or sidewalk damage caused by the tree roots.

C. All maintenance, removal and replacement of street trees and other plants in planting strips shall be subject to the provisions of this chapter, including Sections 12.24.060 and 12.24.090. ~~(Ord. 01-6 § 3 (part); prior code § 17.8)~~

12.24.080 Hazardous vegetation deemed nuisance.

Any plant material or part thereof growing upon private property but overhanging or interfering with the use of any public street, easement or right-of-way that in the

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opinion of the director endangers the life, health, safety or property of the public shall be declared a public nuisance and subject to abatement pursuant to the provisions of Chapters 5.32 and 8.08 of this code. (~~Ord. 01-6 § 3 (part): prior code § 17.9~~)

12.24.090 General provisions.

A. No person, other than the director or his or her authorized representative, shall plant or prune any tree within the planting strip or planting easement along any street without first obtaining a written permit to do so from the director. The request for such a permit shall state the type and number of trees, planting and pruning procedures, trenching procedures, the location and such other information as may from time to time be required by the director.

B. Any tree work, tree planting, or tree removal ~~within the city right-of-way of any protected tree as defined by this ordinance~~ requires an encroachment permit in addition to the tree permit required under this chapter. Encroachment permit fees for planting, pruning or removal of ~~street~~ these trees will be waived.

C. All maintenance, removal and replacement of trees shall be performed in compliance with the requirements of this chapter and any tree standards adopted by the city.

D. No person other than a property owner, the city, or a public utility may do any act for which a permit is required by this chapter except a person whose principal business is tree care, pruning or maintenance, who is a certified arborist, or who in the opinion of the director, is qualified for such business and has obtained a business license to carry on such business in the city.

E. No person shall interfere or cause any person to interfere with any tree related work being done pursuant to this chapter by any employee of the city or any person or firm working under the direction of the city. (~~Ord. 01-6 § 3 (part): prior code § 17.10~~)

12.24.100 Pruning and removal permit for public utility.

A. Any public utility subject to the jurisdiction of the State Public Utilities Commission and any duly constituted public agency providing utility service must first obtain a permit from the director, valid for one year from the date of issuance, permitting such public utility to prune or cut, below or above the ground, or brace, remove or perform similar acts on any protected trees or trees growing on private property to the extent that they encroach upon the utilities. Such work is limited to that which may be necessary to comply with the safety regulations of such commission and as may be necessary to maintain the safe operation of its business.

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B. Any public utility holding such a permit shall notify the director in writing at least five days prior to commencement of tree work and shall state the type and location of work contemplated. Prior to commencement of work the permit holder shall provide notice to adjacent property owners. All pruning and removals shall be performed in accordance with the American National Standards Institute (ANSI) A300 Standards for Tree Care Operations, Section 5.7. (~~Ord. 01-6 § 3 (part); prior code § 17.11~~)

12.24.110 Designation of heritage trees.

A. Candidate trees for designation as heritage trees shall be nominated by citizens of the community or the tree committee. Upon nomination, and with the written permission of the owner of the candidate tree, a candidate tree shall be submitted for review by the director of public works and the tree committee. Upon recommendation of the tree committee and resolution by the city council, after the holding of a noticed public hearing, a tree may be designated as a heritage tree by the city council if it meets at least one of the following criteria:

1. Historical significance;
2. Over ~~thirty (30)~~ twelve (12) inches in diameter measured ~~four and one-half feet above the ground~~ diameter at breast height;
3. Unique or rare horticultural specimen;
4. Uniqueness of size or age;
5. Aesthetic value due to symmetry, form, color, or other qualities;
6. An outstanding specimen of a desirable species, especially native oak species;
7. Significance for habitat preservation, including where tree is one of a group of trees each dependant on the other for survival.

B. The director of public works shall cause each tree designated a heritage tree to be identified by placing a tag as may be specified by the director on the tree approximately six feet above the ground, or in another manner as may be specified by the director. The director shall also keep a list of the heritage trees in the city by number and approximate location. No person shall remove the identification without written permission from the director.

C. Upon designation, the city shall cause a notice of heritage tree status to be recorded with the Napa County recorder. The heritage tree designation shall run with the land and be enforceable by subsequent owners of the property.

D. The owner of a heritage tree shall receive a resolution of appreciation from the city and ~~may~~ be eligible for free consultation and advice from ~~a certified arborist~~ the city for the heritage tree.

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E. Heritage tree designation can be removed upon approval of the city council for good cause shown after a noticed public hearing. The tree committee shall make a recommendation to the city council regarding removal of the heritage tree designation.

F. The city arborist shall evaluate heritage trees on a routine basis.

G. The city budget shall appropriate funds annually for maintenance of heritage trees as recommended by the city arborist.

(Ord. 01-6 § 3 (part); prior code § 17.12)

12.24.120 Maintenance, repair and removal of heritage trees in the public right-of-way.

A. The city shall be responsible for maintaining heritage trees in the public right-of-way and the costs associated with such maintenance. Maintenance shall include but not be limited to: watering; pruning for tree health, structure, form and for public safety; spraying for pathogens and insects; fertilizing; and managing the root zone for health and vigor.

B. The city shall be responsible for repairing curb and sidewalk damage within the public right-of-way caused by heritage trees located in the public right-of-way. The city shall also be responsible for removing and replacing heritage trees in the public right-of-way when necessary for public health and safety, including disease control.

C. Property owners shall be responsible for damage to their properties or to water and sewer lines caused by heritage trees located in the public right-of-way consistent with city utility maintenance policies.

D. All maintenance and replacement of heritage trees in the public right-of-way shall be performed in compliance with the other requirements of this chapter. (Ord. 01-6 § 3 (part); prior code § 17.13)

12.24.130 Permit required pruning. ~~Pruning~~, maintenance and removal of protected trees.

A. No person shall ~~prune, alter, brace or remove, or cause to be pruned, altered, braced or removed, any protected tree, cut or prune, below or above ground, brace, move, remove, cause to cut, alter, or perform such other acts with respect to any protected tree~~ any heritage tree, city tree, or tree designated to be saved and protected pursuant to Section 12.24.160(F) without first obtaining a written permit to do so from the director. The application shall state the number and identify the location of each protected tree for which a permit is sought, and shall contain other

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pertinent information as the director may require. The application may also include documentation of any type, including written recommendations from a certified arborist concerning the health, quality and desirability of alternatives to the tree or trees in question. The necessity for the requested action shall be demonstrated to the director by the applicant.

B. Upon receipt of the application, the director, in consultation with the city arborist, shall make a recommendation to the tree committee as to the acceptability of the requested action based on the following findings:

1. The overall condition of the tree, including any diseases and pests that may be attacking it; the tree's age with respect to its projected life span; the area the tree would hit if it, or any substantial part of it, were to fall; its symmetry and aesthetics; its proximity to existing structures; and any interference it has caused with underground or overhead utility lines;
2. The topography of land and the effect the tree alteration or removal may have on possible erosion or soil retention problems or on increasing the flow or the diversion of surface waters;
3. The number, species, size, and location of the other existing trees in the area and the effect the requested action will have on shade area, air pollution, water conservation, historic values, scenic beauty, and the general welfare of the city;
4. Whether the request is supported by good urban forestry practices and standards such as, but not limited to, the number of healthy trees that a given parcel of land will support.

C. The director shall provide notice of an application for a permit to remove a protected tree to all adjacent property owners within a one hundred fifty (150) foot radius of the protected tree. The notice shall state the location of the protected tree and the date, time and location of the public meeting of the tree committee to consider the protected tree removal permit. The director shall place a public meeting notice on any protected tree that is the subject of a tree removal permit request 15 days prior to a public meeting.

CD. The findings of the director will be presented to the tree committee for its review and approval. If the director recommends and the tree committee approves the application, the director shall issue a permit, subject to such conditions that the director and the tree committee deem appropriate, which ~~may~~ shall include the planting of replacement trees or protected replacement trees.

E. Replacement trees.

1. Where appropriate, replacement trees shall be of a species native to those lands that now constitute the Napa Valley. The city recommends replacement trees at the following ratios:

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(a) One new tree for every tree proposed to be removed on parcels zoned LR, MR, HR, CB, SC, BPO, I, PQP and PR; and

(b) Three new trees for every tree proposed to be removed on parcels zoned A-20, W, AP, LR-1A, and WW.

2. Where on-site replacement trees are not feasible, the applicant may instead make an in-lieu payment to the city for provision of off-site trees at the ratio recommended in Section 12.24.130(E)(1).

~~DE.~~ All cutting or pruning, below or above the ground, bracing, or alteration of a protected tree shall be done only by a qualified city employee, certified tree worker, certified tree care company, certified arborist, or with a certified arborist in attendance and supervising the entire process, except as otherwise allowed by the permit.

~~EG.~~ A permit granted under the provisions of this section shall be valid for a period of sixty (60) days from the date of issuance unless a longer period is stated on the permit.

~~FH.~~ Notwithstanding subsection A of this section, a qualified city employee may prune or cut, below or above the ground, or brace a city tree that is not a heritage tree, or any city tree that is a heritage tree and that creates a hazard or in an emergency circumstance, under the direction of the director and without review of the tree committee.

~~GI.~~ Notwithstanding the findings required in subsection B of this section, the city council may approve the removal of protected trees for good cause. City council may approve the removal of protected trees during the appeals process. (Ord. 01-6 § 3 (part); prior code § 17.14)

12.24.140 Damage to protected trees.

A. Except as permitted in this chapter, no person shall break, injure, deface, mutilate, kill, remove or destroy any protected tree ~~or knowingly cause or permit any wire charged with electricity to come into contact with any protected tree; or place, apply, attach or keep attached to any such tree a guard or stake intended for the protection thereof;~~ any wire, rope, sign, paint or other substance, structure, thing or device of any kind or nature whatsoever; or place or maintain any stone, cement or other substance so that it shall impede the free access of water or air to the roots of any ~~protected~~ such tree.

B. Any party determined to have caused damage to any protected tree as described in subsection A of this section shall be liable for the cost of repair or replacement of the tree. Costs shall be based on Napa County landscape industry costs and ~~on tree valuation standards set by the International Society of~~

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Arboriculture, computed under the Tree Value Replacement Standard using the Guide for Plant appraisal published by the Council for Landscape Tree Appraisers and the most recent form for Northern California as established by the Western Chapter of the International Society of Arboriculture. Such moneys shall be paid to the city and shall be used to repair or replace the damaged tree. (~~Ord. 01-6 § 3 (part); prior code § 17.15~~)

12.24.145 Tree protection plan required.

A. In order to protect existing trees during and after construction of a project, and in order to maximize chances for their subsequent survival, a tree protection plan (TPP) may be required at the discretion of the Director. The requirement to prepare a TPP may be waived if the director determines that no trees will be impacted by the project. When a TPP is waived, the director may require a tree report or tree survey report. The director shall not waive a TPP when 50% or more of the existing tree canopy is to be removed.

B. The TPP shall follow guidelines as set out in the City of St Helena Tree Maintenance Guide.

C. Trees designated as protected trees in a TPP shall be treated as city protected trees as defined by this Chapter for the duration of the project.

12.24.150 Protection of trees during and after construction activity.

A. During construction activity within the drip line of a protected tree inside or outside the public right-of-way, no person shall, without notification to the tree committee 30 days prior to commencement of work and permission from the director of public works, do the following:

1. Change the amount of irrigation provided to any protected tree from that which was provided prior to the commencement of construction activity;
2. Trench, grade or pave into the root zone of a protected tree;
3. Change, by more than ~~two feet~~ six (6) inches, grade elevations within an area from the drip line of any protected tree outward to thirty (30) feet in distance;
4. Park or operate any motor vehicle within the drip line area of any protected tree except in designated parking areas;
5. Place or store any equipment or construction materials within the drip line area of any protected tree except in designated parking areas;
6. Attach any signs, ropes, cables or any other items to any protected tree;
7. Cut or trim any branch of a protected tree for temporary construction purposes;

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8. Place or allow to flow into or over the root zone area of any protected tree any oil, fuel, concrete mix, paint, solvent, plaster, or other deleterious substance.

B. Each tree or group of trees to be retained after construction activity shall be protected by enclosure with a six (6) foot fence prior to grading or movement of heavy equipment. The minimum distance of the fence from the tree shall be at the drip line, but may be extended at the director's discretion an additional ten (10) feet to include the root zone. Fencing shall remain in place until such times as the director is assured the trees are no longer in danger of construction damage.

C. Planting under a protected tree must conform to the water needs of the tree as determined by a certified arborist or landscape architect. Only porous surfaces shall be installed in the drip line of a protected tree with the exception of public roadways and sidewalks.

~~BD.~~ Where written permission of the director is sought under this section, the director may grant such permission with reasonable conditions as may be necessary to effectuate the intent and purpose of this chapter.

~~C. A protected tree shall be protected after construction activity in accordance with conditions imposed by the city and/or specifications adopted by the tree committee. (Ord. 01-6 § 3 (part); prior code § 17.16)~~

12.24.160 Review of land use applications by tree committee.

A. The planning director shall refer all ~~subdivision~~ development improvements and parcel map applications to the tree committee for review and recommendation. All ~~subdivision~~ development improvement and parcel map applications shall include a map identifying all existing trees over six (6) inches DBH in diameter measured four feet and six inches about the soil line or natural grade, upon the property proposed for ~~division~~ development. All such trees shall be shown by size, species, location and health. All subdivision and parcel map applications shall include a plan for the planting of street trees as deemed necessary by the Tree Committee or the Director.

B. The planning director shall refer all other discretionary planning project applications to the tree committee for review and recommendation if such applications pertain to property that has been identified as having a heritage tree or candidate heritage tree or if the project removes 50% or more of the parcels total tree canopy. Discretionary projects shall include, but not be limited to, design review, use permits, variances, and sign permits. Such applications shall include a site plan identifying the location of the heritage tree or candidate heritage tree, all city trees, and tree canopy survey if applicable.

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C. The tree committee may request the public works designated staff member to review planning project referrals as needed.

D. Within ten (10) days of the receipt of the planning project referral, the tree committee shall notify the planning director if further review of the project is warranted or if additional information is needed for adequate review of the project. Such information may include, but is not limited to, the submittal of an arborist's report noting the health of the tree, or the on-site identification of trees that are proposed for removal.

E. Within thirty (30) days of the receipt of the planning project referral or of the complete information requested for review of the referral, whichever is later, the tree committee shall forward recommendations to the planning director for consideration by the planning commission in its review of the project. Recommendations may include a requirement to prohibit the removal of trees, to redesign a project to lessen the impact upon trees, to plant additional trees to mitigate for tree removal, or to maintain the trees in accordance with conditions imposed.

F. When applicable, the tree committee shall determine the type of tree that shall be planted in planting strips along the street frontage. Property owners shall be responsible for the planting and maintenance of the trees in the planting strips.

G. The director shall be notified of any applications for curb, gutter, sidewalk, street light or driveway installations or other proposed improvements which might require the removal of protected trees, cause injury to any protected tree or interfere with the fulfillment of protected tree plantings. (~~Ord. 01-6 § 3 (part); prior code § 17.17~~)

12.24.170 Solar shade control.

A. No person owning or in control of a property shall allow a tree or shrub to be placed, or, if placed, to grow on such property, subsequent to the installation of a solar collector on the property of another so as to impede reasonable use of the "collect or absorption area" as defined in Section 801.5 of the California Civil Code. For the purpose of this chapter, the location of a solar collector is required to comply with the local building and setback regulations.

B. Nothing in this section shall apply to the replacement of a tree or shrub which has been growing prior to the installation of a solar collector and which, subsequent to the installation of such solar collectors, dies. (~~Ord. 01-6 § 3 (part); prior code § 17.18~~)

12.24.180 Appeal.

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Any person shall have the right to appeal an action of the tree committee to the city council. The appeal shall be filed with the city clerk within ten (10) days after notice of the action or decision being appealed. Prior to scheduling the appeal for the city council the city clerk shall forward the appeal to the tree committee for comment and recommendation to the council. A decision of the city council shall be final. (Ord. 01-6 § 3 (part); prior code § 17.19)

12.24.190 Liability.

Nothing contained in this chapter shall be deemed to impose any liability upon the city, its officers, employees or members of the tree committee nor to relieve the owner of any private property from the duty to keep any tree upon his or her property or under his or her control in such a condition as to prevent it from constituting a public nuisance as defined in Section 12.24.080 of this chapter. (Ord. 01-6 § 3 (part); prior code § 17.20)

12.24.200 Enforcement, Penalties and Fines.

A. The director shall be charged with the enforcement of this chapter.

B. Violation of this chapter is a threat to public health, safety or welfare and is thus declared to be unlawful and a public nuisance. Any such nuisance may be abated and/or restored by the director and also may be abated pursuant to Chapter 1.12 of this code, except that the civil penalty for a violation shall be one thousand dollars (\$1,000) plus the value of any destroyed tree based on an appraisal by a certified arborist. The director shall give ten (10) days written notice to comply to any property owner who is violating the provisions of this chapter or rules, regulations and requirements adopted pursuant hereto. Upon failure of the property owner to comply with a notice to abate a public nuisance, the director may cause compliance by having city employees or contractors perform the necessary work, may assess the cost thereof to the property owner, and impose a lien on the property for the cost thereof plus a fifteen percent (15%) administrative charge.

C. Any person who violates this chapter is guilty of a misdemeanor for each day in which the violation occurs. Such violation shall be punishable by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment not to exceed six months, or by both such fine and imprisonment, pursuant to Chapter 1.20 of this code.

C. ~~Every person who violates this chapter is guilty of a "public nuisance" as defined in Sections 370 and 371 of the Penal Code and in Section 34808 of the Civil Code. For the purposes of this chapter, a violation is deemed an infraction, punishable by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.0) plus the value of the tree, or imprisonment not to exceed six months, or both such fine and imprisonment.~~

D. Upon recommendation of the city arborist the city may rescind an existing business license or permit, deny an application for a new business license or

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permit, or deny the renewal of a business license or permit to operators who are found in violation of this chapter.

Ø. E. The remedies herein are not exclusive. The city may avail itself of any other remedies available in equity or at law. (~~Ord. 02-5 § 16; Ord. 01-6 § 3 (part); prior code § 17.21~~)

SECTION 2: Severability. The City Council hereby declares every section, paragraph, sentence, cause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

SECTION 3: CEQA. The City Council hereby finds that this that the action to adopt these amendments to the Tree and Other Vegetation Ordinance is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) (CEQA) because the action consists of (1) an action taken by a regulatory agency as authorized by state law to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment, and (2) an action by a regulatory agency authorizing actions for the protection of the environment, pursuant to Title 14, California Code of Regulations, Sections 15307 and 15308, respectively. The action is also categorically exempt from CEQA pursuant to Section 15301(h) because it is an action to maintain existing landscaping and native growth.

SECTION 4: Inclusion in the St. Helena Municipal Code. It is the intention of the St. Helena City Council that the text in Sections 1, 2 and 3 be made a part of the St. Helena Municipal Code and that the text may be renumbered or relettered and the word "Ordinance" may be changed to "Section," "Chapter," or such other appropriate word or phrase to accomplish this intention.

SECTION 5: This ordinance shall take effect and be in force 30 days after its adoption, and a summary of this ordinance shall be published once with the names of the members of the Council voting for and against the ordinance in the St. Helena Star, a newspaper of general circulation published in the city of St. Helena.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on the ___th day of _____, 2014, and was adopted at a regular meeting of the St. Helena City Council on the ___ day of _____, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Ann Nevaro, Mayor

ATTEST:

Delia Guijosa, City Clerk

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