

CITY OF SAN ANSELMO
ORDINANCE NO. 477

AN ORDINANCE RELATING TO THE PLANTING, PROTECTING, REGULATION AND CONTROL OF TREES IN, UPON OR ALONG PUBLIC STREETS, SIDEWALKS AND WALKWAYS WITHIN THE CITY OF SAN ANSELMO.

THE CITY COUNCIL OF THE CITY OF SAN ANSELMO DO ORDAIN AS FOLLOWS:

SECTION 1. The City Engineer, under the direction of the City Administrator shall have supervision over all matters relating to trees now planted or hereafter to be planted in, upon or along the public streets, sidewalks and walkways within the City of San Anselmo. The City Council shall appoint a committee of two or more persons as it may elect, which shall be advisory to it with respect to the subject matter of this Ordinance.

Whenever by the terms of this Ordinance an approval is required to be obtained or a permit is required to be secured for, or a decision made with respect to, the performance of any act prior thereto, such approval or permit shall be secured from and such decision shall be made by, said City Engineer.

SECTION 2. It shall be unlawful for any person, firm or corporation to plant any evergreen or non-deciduous trees in, upon or along the public streets, sidewalks or walkways within the City of San Anselmo.

SECTION 3. No tree shall be planted in, upon or along any public street, sidewalk or walkway in the City of San Anselmo until such tree shall have been first approved, and the place where it is to be planted designated, and a permit granted therefor, in accordance with the provisions of this Ordinance.

SECTION 4. Trees shall not be planted along public sidewalks less than thirty (30) feet apart irrespective of the size of the lot, except as may be authorized by any permit therefor, and as much farther apart as may be directed.

SECTION 5. No person, firm or corporation shall without a written permit therefor issued pursuant to this Ordinance, cut, prune, break, injure or remove any living tree in, upon or along any public street, sidewalk or walkway in said city, or cut, disturb, or interfere in any way with the roots of any tree in, upon or along any such street, sidewalk or walkway, or spray with any chemical or insecticide any tree in, upon or along any such public street, sidewalk or walkway, or place any sign, poster, or other fixture on any such tree or tree guard, or injure, misuse or remove any device placed to protect any tree in, upon or along any such public street, sidewalk or walkway in said city.

Whenever any tree shall, under the authority of a permit issued therefor under this Ordinance, be cut down or removed in or from any sidewalk area, its butt and roots shall be dug up and removed, or cut level with the ground, as directed by said City Engineer.

When trees are trimmed, all deadwood shall be cut out and refuse removed.

SECTION 6. In the erection or repair of any building or structure, the owner thereof, or the contractor, if the work is being done by contract, shall place such guards around all nearby trees in, upon or along the public streets, sidewalks and walkways within the City of San Anselmo as shall prevent injury to them.

SECTION 7. No person, firm or corporation shall, without written permit attach any electric wire, insulator, or any device for the holding of an electric wire to any tree growing or planted in, upon or along the public streets, sidewalks and walkways within the City of San Anselmo.

SECTION 8. Every person, firm or corporation having any electrical conductor running along or through a public street shall securely fashion such conductor or conductors so that it or they shall not come in contact with any tree in or along said street.

SECTION 9. Every person, firm or corporation having any electrical conductor running along or through a public street, shall temporarily remove such conductor, or conductors, when it shall be necessary in order to take down or prune any tree located in, upon or along a public street, within twenty four (24) hours after the service upon the owner of such electrical conductor, or his or its agents of a written notice from said City Engineer to remove said conductor, or conductors, or the electricity therefrom.

SECTION 10. No person, firm or corporation shall prevent, delay or interfere in the planting, pruning, spraying or removing of any tree located in, upon or along a public street, sidewalk or walkway, or in the removal of stone, cement or other substance about the trunk of any such tree, whether the said work be performed by employees of the City of San Anselmo or by any independent contractor, or his employees, engaged by the City of San Anselmo to perform such work.

No person, firm or corporation shall place within two (2) feet of any existing tree, any paving material, weed killing material or other like substance.

SECTION 11. It is hereby declared that any violation of the provisions of Sections 2 to 10, inclusive, of this Ordinance shall, in addition to any other remedy, constitute a public nuisance, and such nuisance may be abated, as provided by law.

SECTION 12. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding \$500.00, or by imprisonment in the County Jail of Marin County not exceeding 90 days, or by both such fine and imprisonment. Violations of this Ordinance which are of a continuing nature shall constitute a separate offense for each and every day of such continuing violation.

Any and all remedies provided for the enforcement of this ordinance are declared to be cumulative and not alternative.

SECTION 13. This Ordinance shall be published once in full, fifteen (15) days after its final passage in the Ross Valley Times, a daily newspaper of general circulation, printed, published and circulated in the City of San Anselmo, and shall be in full force and affect thirty (30) days from and after its final passage.

The above and foregoing Ordinance was read and introduced at a regular meeting of the City Council of San Anselmo held on Tuesday the 9th day of January 1962, and was thereafter at a regular meeting of the City Council held on the 23rd day of January, 1962, duly passed and adopted by the following vote:

AYES: Councilmen *Smith, Francklin, Reichnuth, Little*

NOES: Councilmen *none*

ABSENT: Councilmen *Roune*

Carleton G. Little
MAYOR

ATTEST:

Anita Gannon
CITY CLERK