

TOWN OF SAN ANSELMO

ORDINANCE NO. 709

AN ORDINANCE REPEALING CHAPTER 13 OF TITLE 4 OF THE SAN ANSELMO MUNICIPAL CODE AND ENACTING A NEW CHAPTER 13 OF TITLE 4 OF THE SAN ANSELMO MUNICIPAL CODE PROVIDING FOR CONTROL OF TREE WORK WITHIN THE TOWN OF SAN ANSELMO

The Town Council of the Town of San Anselmo does ordain as follows:

SECTION 1. Chapter 13 of Title 4 of the San Anselmo Municipal Code is hereby repealed.

SECTION 2. A new Chapter 13 of Title 4 of the San Anselmo Municipal Code is hereby added as follows:

Section 4-13.01. Purpose.

Many sections of the Town are covered by oak, madrone, and other trees which contribute greatly to the scenic beauty of the Town. A large proportion of residential property within the Town is on hillside and sloping terrain. The uncontrolled removal or destruction of trees destroys the scenic beauty, contributes to erosion, increases flood hazards, reduces property values, increases the cost of construction and maintenance of drainage systems through the increased flow and diversion of surface waters and adversely affects the local economy by reducing the attractiveness and desirability of the area as a place to live, work, and visit. In addition, San Anselmo's trees are an integral part of the Town's complex environmental system, the functioning of which does not depend on or conform to the arbitrary delineations of property.

Therefore, the Council finds it necessary, as a matter of public health, safety and welfare to enact the provisions of this chapter to control the removal or destruction of trees within the Town; to preserve trees that are a significant part of San Anselmo's heritage,

and at the same time to recognize the individual's right to use his land in a manner which will not be prejudicial to the public interest.

Section 4-13.02. Definitions.

(a) As used in this chapter, the word "tree" shall mean any woody perennial plant characterized by having one or more trunks, any one of which has a circumference of twenty-five (25") inches or more, measured at twenty-four (24") inches above the ground level.

(b) As used in this chapter, the phrase "heritage tree" shall mean a tree which has a trunk with a circumference exceeding seventy-five (75") inches measured twenty-four (24") inches above the ground level, or a tree which has special significance and is of a species and size designated in a resolution adopted by the Town Council, but shall not mean an acacia tree nor any other tree designated as a "junk" tree by resolution of the Town Council.

(c) "Undeveloped parcel," as used in this chapter, shall mean any lot or parcel, or portion of lot or parcel, which can be further subdivided or further developed under the provisions of Title 10 of this Code.

Section 4-13.03. Undeveloped Parcels.

On any undeveloped parcel of property, public or private, it shall be unlawful, unless a permit has been issued pursuant to Section 4-13.05, to remove or destroy any tree, or to cut or prune a tree or its roots in such a way as to endanger or shorten its life, or to raise the soil level around any tree.

Section 4-13.04. Developed Parcels.

On any developed parcel of property, public or private, it shall be unlawful, unless a permit has been issued pursuant to Section 4-13.05, to remove or destroy any heritage tree, or to cut or

prune a heritage tree or its roots in such a way as to endanger or shorten its life, or to raise the soil level around any heritage tree.

Section 4-13.05. Permits.

(a) Applications. An application for a permit shall be made in writing to the Planning Director and shall contain the number and location of trees or heritage trees to be affected and a brief statement of the purpose of removal or other work desired, as well as such other pertinent information as the Planning Director may require. In the case of subdivisions, such information shall be part of the subdivision filing pursuant to subsection (e) of this section. On receipt of such application, the Planning Director shall inspect the premises and shall thereafter make a determination of the following:

(1) The condition of the trees, or heritage trees, with respect to disease, danger of falling, proximity to existing structures, and interference with utility services;

(2) The necessity of the contemplated work to allow economic enjoyment of the property;

(3) The topography of the land and the effect of the contemplated work on erosion, soil retention, and the diversion of increased flow of surface water;

(4) The general effect of the contemplated work on property values in the area; and

(5) Good forestry practices.

(b) Priority inspections. The Planning Director shall give priority of inspection to those requests based on hazard, danger, or disease.

(c) Issuance. A permit shall be issued unless the Planning

Director finds, after inspection, securing of such expert advice as he deems necessary, and making the foregoing determinations, that the trees affected are of a size, type, condition and location and in such surroundings that the contemplated work would significantly frustrate the purpose of this chapter. He may issue a permit subject to such conditions as he finds reasonably necessary to accomplish the purpose of this chapter.

(d) Emergency conditions. In case of an emergency caused by a particular tree or heritage tree causing a hazardous or dangerous condition, such tree may be removed or cut back by permission of the Planning Director, the Chief of Police or the Fire Chief.

(e) Subdivisions. All subdivision improvement maps filed hereafter shall designate clearly the location, size, and type of any tree and heritage tree scheduled for removal. In addition, heritage trees shall be generally located on the tentative map, which shall be submitted to the Planning Commission for approval. Approval of the improvement plans as required by the subdivision regulations shall constitute a permit to cut, remove or change the soil level around any tree so particularly designated on said plans.

(f) A public utility subject to the jurisdiction of the Public Utility Commission of the State of California, the Department of Public Works or the Park and Recreation Department of Town may apply for a general permit to prune trees, as may be necessary to maintain the safe operation of the utility business, or in the case of a Town department necessary to maintain traffic safety or the safe public use of public property. Such general permit shall not apply to any heritage tree, nor shall it allow cutting, destruction or removal of any tree,

nor shall it allow changing the soil level around any tree. Such general permit shall require that pruning be performed under the supervision of a licensed tree surgeon or a landscape architect named therein. Such permit may be good for an indefinite period of time, and may be revoked at any time for cause by the Planning Director.

Section 4-13.07. Appeals. Any decision made by the Planning Director may be appealed to the Town Council. Such appeal shall be submitted in writing to the Town Clerk within fifteen (15) days of the decision and shall briefly state the grounds of such appeal. Said appeal shall be set on the Town Council agenda at the earliest opportunity, but in no event later than twenty-one (21) days from the date of submission to the Town Clerk. The Council may affirm, modify or reverse the decision of the Planning Director. Pending decision on appeal, all rights growing out of a permit shall be suspended.

Dated: July 13, 1976.

Woodrow V. Capurro
WOODROW CAPURRO

ATTEST:

Caroline Foster
CAROLINE FOSTER
Town Clerk

The foregoing Ordinance was read and introduced at a regular meeting of the San Anselmo Town Council held on June 22, 1976, and was thereafter at a regular meeting of the Town Council held on July 13, 1976, duly passed and adopted by the following vote:

AYES:	Councilmen	Colteaux, Signorelli, Toal, Mayor Capurro
NOES:	Councilmen	None
ABSENT:	Councilmen	Reed

Caroline Foster
CAROLINE FOSTER
Town Clerk