

CITY OF SAN ANSELMO

ORDINANCE NO. 543

AN ORDINANCE ADDING CHAPTER 13 TO TITLE 4 OF THE SAN ANSELMO MUNICIPAL CODE BEING AN ORDINANCE REGULATING THE REMOVAL OR DESTRUCTION OF TREES ON UNDEVELOPED PRIVATE PROPERTY WITHIN THE CITY OF SAN ANSELMO, PROVIDING FOR A SYSTEM OF GRANTING PERMITS AND STATING THE REASON AND PURPOSE FOR SAID REGULATIONS

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

Section 1, Title 4 of the San Anselmo Municipal Code is hereby amended by adding thereto a new Chapter 13 and sections as follows:

Chapter 13. Private Trees.

Sec. 4-13.01. Purpose. Many sections of the City of San Anselmo are covered by oak, madrone and other trees which contribute greatly to the scenic beauty of the city. A large proportion of residential property within the City of San Anselmo 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.

Therefore, the Council of the City of San Anselmo finds it necessary as a matter of public health, safety and welfare to enact the following regulations to control the removal or destruction of trees within the City.

Sec. 4-13.02. Tree Defined. A "tree", within the purview of this ordinance, shall mean any woody perennial plant characterized by having one or more trunks any one of which has a circumference of fourteen (14") inches, or more, measured at twenty-four (24") inches above ground level.

Sec. 4-13.03. Definitions. (a) City Administrator. As used in this ordinance, shall mean the city administrator of the City of San Anselmo or his designated representative. (b) Undeveloped Parcel: As used in this Ordinance, an undeveloped parcel shall be any lot or parcel, or portion of a lot or parcel, which can be further subdivided or further developed under the Subdivision Ordinance, the Zoning Ordinance or any other regulation or ordinance of the City of San Anselmo. All lots not legally capable of further subdivision or further development upon which a single family home or a duplex structure exists are thus excluded from this ordinance.

Sec. 4-13.04. Removal or Destruction of Trees Prohibited Without a Permit. It shall be unlawful for any person, or entity whatever, to remove or destroy any tree from any undeveloped parcel of property without a permit as provided for herein.

Sec. 4-13.05. (a) Permits Required. Any person, or entity whatever, or agent, servant or employee of any such person, desiring to remove one or more trees on any undeveloped parcel in the City of San Anselmo must apply in writing to the City Administrator for permission to remove the particular tree or trees. The application shall contain the number and location of the trees to be cut or removed and a brief statement of the reason for removal, as well as such other pertinent information the City Administrator may require. On receipt of such application, the City Administrator shall inspect the premises and determine which trees, if any, may be removed. In the case of subdivisions, this information shall be part of the subdivision filing as per (e) hereof.

The decision of the City Administrator shall be based upon the following considerations:

- (1) The condition of the trees with respect to disease, danger of falling, proximity to existing or proposed structures and interference with utility services.
- (2) Necessity of tree removal in order to allow construction

of proposed improvements and to allow economic enjoyment of the property.

(3) Topography of land and the effect of tree removal on erosion, soil retention and the diversion or increased flow of surface water.

(4) The City Administrator shall be guided by the numbers and standards established in the neighborhood and the general effect of tree removal upon property values in the area.

(5) Good forestry practices.

(b) The City Administrator shall give priority of inspection to those requests based on hazard, danger or disease, and he may refer any request to any department, agency, board, commission, the City Council of San Anselmo or any committee for report or recommendation before acting thereon.

(c) The permit shall be issued unless the Administrator finds, after inspection and investigation, that the trees affected are of a size, type, condition and location and in such surroundings and such conditions that their removal would significantly frustrate the purposes of this ordinance. He may issue a permit subject to such conditions as he shall, in his discretion impose, as are reasonably necessary to accomplish the objectives of this ordinance.

(d) In case of an emergency caused by a particular tree causing a hazardous or dangerous condition, such tree may be removed by permission of the City Administrator, any officer of the Police or Fire Department, the Director of Public Works or the Street Superintendent.

(e) Subdivisions. All subdivision maps filed hereafter shall designate clearly the size and type of any trees upon the property which are to be removed. Approval of the map as required by the Subdivision Ordinance shall constitute a permit to remove any trees so particularly designated. Any other changes in the trees to be removed as designated on the subdivision map, as filed and approved, shall be permitted under the provisions and procedures of Subsections (a), (b) or (c) of this Section.

Sec. 4-13.06. Appeal. Any decision made by the City Administrator may be appealed to the City Council by any interested party. Such appeal must be submitted in writing within ten (10) days of the decision, briefly stating the facts and grounds of appeal. The Administrator shall set the matter on the Council's agenda at the earliest opportunity, but in all events not later than twenty-one (21) days from the date of filing and shall notify the appellant in writing of such setting. After public hearing, the City Council may affirm, modify, or reverse the Administrator's decision.

Sec. 4-13.07. Any permit issued under this ordinance, except those under Sec. 14-13.05 (e), shall not become effective until fifteen (15) days after the date of the permit, provided no appeal has been filed and if appeal has been filed then the permit and its effective date shall pend the decision of the City Council on the appeal.

Section 2. Effective Date. This ordinance shall be published once in the Independent-Journal, a newspaper of general circulation, circulated in the City of San Anselmo, within fifteen (15) days after its passage and adoption and shall go into effect thirty (30) days after the date of its passage and adoption.

Section 3. The foregoing ordinance was duly and regularly introduced at a Regular meeting of the City Council of the City of San Anselmo, held in said City on the 13th day of December, 1966, and was thereafter at a Regular meeting of said City Council, held in said City on the 10th day of January, 1967, duly passed and adopted by the following vote:

AYES: COUNCILMEN: Scott, Capurro, Ragan, Smith, Reichmuth
NOES: COUNCILMEN: None
ABSENT: COUNCILMEN: None

Signed and approved this 10th day of January, 1967.

ATTEST:

CITY CLERK ANITA GANNON

MAYOR JOHN M. REICHMUTH