

CITY OF RIVERBANK

ORDINANCE NO. 2019-002

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA,
AMENDING CHAPTER 96: TREES OF TITLE IX: GENERAL REGULATIONS BY ADDING A
NEW SECTION 96.20: DANGEROUS TREES, MISTLETOE A NUISANCE, TO THE CITY OF
RIVERBANK CODE OF ORDINANCES**

WHEREAS, The City of Riverbank has an adopted Street Tree List to permit specific trees within the City; and

WHEREAS, the proposed Ordinance amendment adds language to Chapter 96 to add regulations and clarify requirements related to the removal of dangerous trees within the City; and

WHEREAS, the City Council reviewed and considered, pursuant to the California Environmental Quality Act (CEQA), the proposed ordinance amendment is exempt from CEQA pursuant to CEQA Guidelines Section 15061, under the General Rule that CEQA applies only to projects, which have the potential for causing significant effect on the environment.

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

SECTION 1: Amending Chapter 96: Trees of Title IX: General Regulations of the Riverbank Municipal Code by adding Section 96.20, which shall read as follows:

CHAPTER 96: TREES

Sections:

- 96.01 Title.
- 96.02 Definitions.
- 96.03 Street tree plan.
- 96.04 Plan administration.
- 96.05 Authority of City Manager.
- 96.06 Planting generally.
- 96.07 Permits required.
- 96.08 Abusing or mutilating trees prohibited.
- 96.09 Open ground maintenance.
- 96.10 Interference prohibited.

- 96.11 Building construction necessitating altering or removing tree; permit and deposit required.
- 96.12 Private tree maintenance; failure a nuisance; notice.
- 96.13 Planting in new subdivisions; plan and deposit submission.
- 96.14 Emergency situations; public utilities may trim without permit.
- 96.15 Changing the variety of approved trees; procedure.
- 96.16 Liability of property owner.
- 96.17 Responsibility of property owner or occupant.
- 96.18 Appeal for decision.
- 96.19 Penalty for violations; civil action.
- 96.20 Dangerous Trees, Mistletoe a Nuisance

Cross Reference:

Oak and landmark tree preservation, see Ch. 156

[...]

§ 96.20 DANGEROUS TREES, MISTLETOE A NUISANCE

(A) Any tree or shrub growing in a street tree area or public place which is endangering or which in any way may endanger the security or usefulness of any public street, sidewalk or other public place or the full and safe operation of public utility wires, is hereby declared to be a nuisance, and the City Manager may cause the same to be trimmed or removed. In the case of any such trees or shrubs in the private property portion of the street tree area, the City Manager shall notify the owner, or the duly authorized agent, in writing that such tree or shrub is a nuisance and should be trimmed or removed. Failure of the property owner or his duly authorized agent to remove or trim such tree or shrub within 30 days after receipt of the notice by the Manager shall be a violation of this chapter, and the Manager, may then remove or trim the tree or shrub and assess the cost against the property owner.

(B) Mistletoe growing in any tree in the City is hereby declared to be a nuisance. The Manager may cause mistletoe growing in any tree in the street tree areas to be removed. In the case of mistletoe growing on trees on private property portion of the street tree area, the Manager, or their duly authorized representative, shall notify the owner, or their duly authorized agent, in writing that such mistletoe is a nuisance and should be removed. Failure of the property owner to remove or to have such mistletoe removed, within 35 days from the date of the notice shall be in violation of this chapter and the City Manager may then remove, or cause to be removed such mistletoe and the cost of removal shall be assessed against the property owner.

SECTION 2: This Ordinance shall become effective thirty (30) days from and after its final passage (02/22/2019), provided it is published pursuant to GC § 36933 in a newspaper of general circulation within fifteen (15) days after its adoption.

The foregoing ordinance was given its first reading and introduced by title only at a regular meeting of the City Council of the City of Riverbank on January 8, 2019. Said ordinance was given a second reading by title only and adopted.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Riverbank at a regular meeting on the 22nd day of January, 2019; motioned by Councilmember District 1 Luis Uribe; seconded by Vice Mayor (CM-D4) Darlene Barber-Martinez, and moved said ordinance by a City Council roll call vote of 5-0:

AYES: Campbell, Fosi, Uribe, Barber-Martinez, and Mayor O'Brien
NAYS: None
ABSENT: None
ABSTAINED: None

ATTEST

APPROVED

(ORIGINAL DOCUMENT ON FILE WITH THE CITY CLERK)

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

APPROVED AS TO FORM:

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Tom P. Hallinan, City Attorney