

DRAFT ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING TOWN CODE SECTION 19.20.010, "PARKS AND RECREATION - CREATED" AND SECTION 26.10.070, "TREES AND SHRUBS – APPEALS" TO UPDATE REFERENCE TO PARKS COMMISSION TO PARKS AND SUSTAINABILITY COMMISSION"

WHEREAS, Section 19.20.010, "Parks and Recreation – Created" and Section 26.10.070, "Trees and Shrubs – Appeals" reference a "Parks Commission;" and

WHEREAS, the Town Council has voted to add Sustainability issues to the duties of the "Parks Commission" and to rename it the "Parks and Sustainability Commission;" and

WHEREAS, the Town Council deems it necessary to amend Section 19.20.010, "Parks and Recreation – Created" and Section 26.10.070, "Trees and Shrubs – Appeals" reference Parks Commission, to update references to "Parks Commission" to "Parks and Sustainability Commission" in the Town Code;

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ORDAINS as follows:

SECTION I. Section 19.20.010, "Parks and Recreation – Created," of the Town Code is hereby amended to read as follows:

Sec. 19.20.010. Created.

The Town Council shall establish a Parks and Sustainability Commission for the Town by resolution.

(Ord. No. 2212, § I, 2-4-13)

SECTION II. Section 26.10.070, "Trees and Shrubs – Appeals" reference of the Town Code is hereby amended to read as follows:

Sec. 26.10.070. Appeals.

- (a) Decisions of the Director under the provisions of sections 26.10.055, 26.20.010, 26.20.015, and 26.10.060(a) and (c) (in instances involving trees located on private property only), and 26.10.060(e), and 26.30.010 concerning notices to cut down, trim or remove a tree, only, are appealable to the Parks and Sustainability Commission. Appeals shall be commenced by filing a written notice of appeal with the Secretary of the Parks and Sustainability Commission within ten (10) days after the property owner or possessor of land is notified of the decision. The notice of appeal shall state the name and address of the appellant, the location of the tree, including the street address of the property most likely to assist in locating the tree if there is such address, a description sufficient to

identify the tree, describe the specific action of the Director which is the subject of the appeal, and state the grounds for the appeal.

- (b) Determinations of the Parks and Sustainability Commission under the provisions of this chapter, including determinations on appeal from decisions of the Director, are appealable to the Town Council. Appeals shall be commenced by filing a written notice of appeal with the Town Clerk within ten (10) days after the property owner or possessor of land is notified of the decision. The notice of appeal shall state the name and address of the appellant, shall describe the determination or decision appealed from, and shall state the grounds for appeal.
- (c) Any interested person may appeal.
- (d) All appeals under the provisions of this chapter shall be determined after hearing by the appellate body of all of the evidence concerning the determination from which the appeal is taken.

(Ord. No. 2240, § I(Exh. A), 6-2-15)

SECTION III. SEVERABILITY CLAUSE. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person or circumstance is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons and circumstances. The Town Council of the Town of Los Gatos declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

SECTION IV. CEQA FINDINGS. This Ordinance is not a project within the meaning of Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it has no potential to result in physical change in the environment, directly or indirectly. This Ordinance is also exempt under CEQA Guideline 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

SECTION V. PUBLICATION. The Town Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the Town of Los Gatos and shall cause this ordinance or a summary thereof to be published in accordance with Section 36933 of the California Government Code.

SECTION 5. EFFECTIVE DATE. This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the ____ day of ____ 20 , and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on the ____ day of ____ 20 . This ordinance takes effect 30 days after it is adopted.

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____