

Chapter 12.30 TREES

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12.30.010 Purpose.

That it is for the best interests of the city of Willows and of the citizens and public thereof that a comprehensive plan for the planting and maintenance of trees and other plants in or which may overhang public streets or parks within said city should be developed and established; that this chapter is adopted, therefore, for the purpose of establishing rules and regulations relating to the planting, care, and maintenance of such trees and other plants. [Ord. 469-69 § 1, 2-24-69. Prior code § 16.5-1].

12.30.020 Short title.

This chapter shall be known and cited as the tree ordinance of the city of Willows. [Ord. 469-69 § 2, 2-24-69. Prior code § 16.5-2].

12.30.030 Definitions.

For the purpose of this chapter the following terms, words, phrases and their derivations shall have the meaning as hereinafter set forth:

“City” shall mean the city of Willows.

“Master street tree list” shall mean the trees designated and approved by the city council of the city of Willows, for planting in the streets of the city of Willows. The master street tree list shall be reviewed from time to time by the city council. This list shall be kept on file by the city of Willows for public information.

Number. Wherever used in this chapter, the singular number includes the plural and the plural includes the singular.

“Owner of the property” shall mean the person as herein defined who is the legal owner of real property fronting on any street of the city of Willows and any lessee of such owner.

“Park” shall mean any park or area surrounding a public building owned by the city of Willows.

“Person” shall include an individual, firm, association, partnership, corporation, company or organization of any kind and the lessees, trustees, receivers, agents, servants, and employees of any such person.

“Planning commission” shall mean the planning commission of the city of Willows. The street superintendent and the director of parks are for the purpose of this chapter members pro tem.

“Safety committee” shall be composed of the chairman of the planning commission, the chief of police, the fire chief, the street superintendent and the director of parks.

“Scalp” or “scalping” shall mean pruning down to the main trunk and limbs.

“Shall” is mandatory.

“Street” shall include any public street, road, avenue, boulevard, parkway, lane, walk, alley, right-of-way or other public way, or planting easement or portion thereof in the city of Willows.

“Tree supervisor” shall mean the person or persons designated by the city manager to be responsible for park and/or street tree maintenance.

“Trees” shall mean trees, shrubs or plants over 36 inches high growing in any street right-of-way or park in the city of Willows. [Ord. 469-69 § 3, 2-24-69. Prior code § 16.5-3].

12.30.040 Master tree list.

The planning commission of the city shall compose a master tree list which shall be presented to the city council for approval and shall be reviewed and revised if necessary every two years by the planning commission. It shall be unlawful to plant any tree on the public streets or parks that is not on the list. [Ord. 469-69 § 4, 2-24-69. Prior code § 16.5-4].

12.30.050 Master tree plan.

The planning commission of the city shall develop a master tree plan which shall include the following:

- (1) Types of trees on each street or park;
- (2) Spacing of trees;

(3) Pruning procedures;

(4) Maintenance schedule and care;

(5) Planting times, procedures, areas and soils (fertilizers, etc.).

The planning commission shall seek the advice of utility companies, garden clubs, horticulturists or anyone else they feel has knowledge on the subject to assist them. [Ord. 469-69 § 5, 2-24-69. Prior code § 16.5-5].

12.30.060 Prohibited trees.

It shall be unlawful to plant any trees which, upon maturing, become a liability to the community or a public nuisance due to structural weaknesses, disease, or insect susceptibility, short life, destructive root systems and rank growing branches which overhang any street or require excessive maintenance by the city. [Ord. 469-69 § 6, 2-24-69. Prior code § 16.5-6].

12.30.070 Tree protection.

It shall be unlawful for any person to break, injure, deface, mutilate, kill or destroy any tree or set fire or permit any fire to burn where such heat of the fire thereof will injure any portion of any tree in any public place or way in the city, and to knowingly cause or permit any wire charged with electricity to come into contact with any tree in any public place or way; and to place, apply, attach or keep attached to any such tree or to any guard or state intended for the protection thereof, any wire, rope, sign, paint, or other substance, structure, thing or device of any kind of nature whatsoever; and to place or maintain any stone, cement or other substance so that it shall substantially impede the free access of water or air to the roots of any street trees.

During the erection, repair, alteration, removal or moving of any building, house or structure, good and sufficient guards shall be placed to prevent injury, damage or defacement to any park or street tree in the vicinity of such operation.

Any person doing business as a public utility subject to the jurisdiction of the Public Utilities Commission of the State of California and any duly constituted public agency authorized to provide and providing utility service shall be permitted to trim, brace, prune or perform such other acts with respect to trees, growing adjacent to the public streets of the city or which grow upon private property to the extent that they encroach upon such public streets, as may be necessary to comply with the safety regulations of said commission and as may be necessary to maintain the safe operations of its business. However all work must be done in compliance with the master tree plan, this chapter and the planning commission.

No person other than an owner, public utility or city may do any act for which a permit is required under WMC [12.30.120](#) except a person whose principal business is tree surgery, trimming or maintenance and who is qualified by city license for such business, and who has obtained a permit to carry on such business in the city. [Ord. 469-69 § 7, 2-24-69. Prior code § 16.5-7].

12.30.080 Private trees.

The safety committee may inspect any tree or other plant on private property in the city of Willows to determine whether the same or any portion thereof is in such a condition as to constitute a public nuisance and, in addition, for the purpose of abating or correcting any condition or thing declared to be a public nuisance hereunder. [Ord. 469-69 § 8, 2-24-69. Prior code § 16.5-8].

12.30.090 Public nuisances.

The following can be declared public nuisances by the safety committee:

- (1) Any tree or other plant or part thereof growing upon private property but overhanging the street or interfering with the use of any street which in the opinion of the safety committee endangers the life, health, safety or property of the public;
- (2) Any plant which does interfere with, impair or destroy any street improvement, sidewalk, curb, gutter, sewer, street trees, or any public improvement;
- (3) Vines or climbing plants growing into or over any street or any public hydrant, pole, or electrolier;
- (4) Any tree, shrub, or portion thereof planted in a triangular area measured 35 feet along the face of the existing curb or projected curb in either direction from the curb intersection in such condition as to constitute a hazard or impediment to the progress or vision of anyone traveling on a public street. [Ord. 469-69 § 9, 2-24-69. Prior code § 16.5-9].

12.30.100 Nuisance abatement.

If the owner of such private property in which a nuisance exists does not correct or remove such nuisance within 10 days after receipt of written notice thereof from the city manager, the tree supervisor shall cause the nuisance to be corrected or removed and the cost shall be assessed to such owner. In the event the owner of a lot fails or refuses to pay the cost, the tree supervisor shall make a certificate of such cost, and deliver the same to the city council, who shall stipulate the cost to be added to the taxes to be assessed and paid upon said property.

Nothing contained herein shall be deemed to impose any liability upon the city, its officers or employees, nor to relieve the owner of any private property from the duty to keep any tree upon his property or under his control in such condition as to prevent it from constituting a public nuisance as hereinabove defined. [Ord. 469-69 § 10, 2-24-69. Prior code § 16.5-10].

12.30.110 Enforcement by tree supervisor.

The designated tree supervisor or his duly authorized representative shall be the inspecting authority for the pruning, planting, maintenance and removal of trees or other plants in any public way or place in the city of Willows in accordance with the provisions of this chapter and the planning commission. [Ord. 469-69 § 11, 2-24-69. Prior code § 16.5-11].

12.30.120 Permit required.

Public utilities as outlined in WMC [12.30.070](#), the owner of the property or the city are not required to secure a permit to trim, prune, brace, water, fertilize or repair trees in an approved manner; however, they must secure a permit to plant, remove, scalp or destroy any tree on public property.

No tree or shrub shall be removed or destroyed by anyone including the city on public property except upon approval of the planning commission, which may require a new tree or trees to be planted in accordance with the master plan.

Any person desiring to do any act requiring a permit to a street tree shall make written application to the city manager for a permit to do so. The applicant shall set forth the act or thing intended to be done, the number, kind and location of trees to be affected, the proposed manner of doing the act or thing and such other information as may be required. The permit shall be issued by the city manager. If a permit is denied, a written denial shall be given to the applicant, setting forth the reasons therefor, and a copy of such denial shall be delivered by the city manager to the city council. [Ord. 469-69 § 12, 2-24-69. Prior code § 16.5-12].

12.30.130 Revocation of permit.

Any work undertaken by the permittee or his agent may be stopped immediately and the permittee's permit may be revoked by presentation of a written order of revocation of the permit, by the tree supervisor, when in the tree supervisor's opinion the work or conditions outlined in the permit are not being complied with. [Ord. 469-69 § 13, 2-24-69. Prior code § 16.5-13].

12.30.140 Violations.

Any person who shall interfere with or delay the authorized representatives of the city from the execution and enforcement of this chapter, except as provided by law, shall be in violation of this chapter. [Ord. 469-69 § 14, 2-24-69. Prior code § 16.5-14].

12.30.150 Penalties.

Any person violating any of the provisions of this chapter or failing to comply with them shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$100.00 or by imprisonment not to exceed 30 days or both such fine and imprisonment. [Ord. 469-69 § 15, 2-24-69. Prior code § 16.5-15].

12.30.160 Appeal.

Any person aggrieved by an act or determination of the planning commission, the safety committee and the city manager in the exercise of the authority herein granted shall have the right of appeal to the city council of the city, whose decision, after public hearing of said matter, shall be final and conclusive. The appeal herein provided for, to be effective, must be in writing, filed with the city council within the 10-day period provided for in WMC [12.30.100](#) and such appeal shall stay further actions until determined by the council. [Ord. 469-69 § 16, 2-24-69. Prior code § 16.5-16].