

ORDINANCE 202-13

AN ORDINANCE OF THE CITY OF WILLIAMS ADDING SECTION 12.35.055 TO THE WILLIAMS MUNICIPAL CODE PROVIDING FOR THE PROCESS TO PROTEST THE REMOVAL OF TREES AND SHRUBS WITHIN THE CITY

The City Council of the City of Williams does ordain as follows:

SECTION 1. Purpose. The purpose of this Ordinance is to add Section 12.35.055 to the City's Municipal Code regarding the process to protest the removal of trees and shrubs growing within the City.

SECTION 2. Authority. The City Council enacts this Ordinance under the authority granted to Cities by Article XI, Section 7 of the California Constitution.

SECTION 3. Addition. The following is hereby added to Section 12.35 of the Williams Municipal Code as follows:

12.35.055 Notwithstanding Section 12.35.050 of the Williams Municipal Code herein to the contrary, the Director of Public Works shall not remove or permit to be removed any live tree or shrub as described therein, except in instances of immediate public danger, without first posting such tree or shrub with a conspicuous "Tree or Shrub Removal Notice," stating in general that the tree or shrub is to be removed ten (10) days after the date of posting. The notice shall state that any person may protest the removal of such tree or shrub by notifying the City in writing prior to the end of the ten (10) day period. Upon receipt of such a protest, the Director of Public Works shall stay the removal and reconsider the decision to remove or permit removal of such tree or shrub within five (5) days. If the tree or shrub poses no threat to public safety, public or private property (including utilities and sewer laterals), or if removal is not required to allow the construction of public or private improvements, or if such threat may be mitigated by pruning, root pruning, irrigation, feeding or other maintenance, the Director of Public Works shall not remove or permit removal of the tree or shrub. Any person aggrieved by the final determination of the Director of Public Works may appeal to the City Administrator, who will stay the removal for five (5) days. Any person aggrieved by the determination of the City Administrator may appeal to the City Council by submitting such request in writing to the City Clerk. The removal will be placed on hold until a decision is rendered by the City Council at their next regularly scheduled meeting. The City Administrator may establish rules or procedures for the processing of any such appeals.

SECTION 4. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 5. Publication. Within fifteen (15) days of passage of this Ordinance, the City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be posted in three public places within the City of Williams.

INTRODUCED to the City Council on the 15th day of May, 2013.

PASSED AND ADOPTED by the City Council of the City of Williams, this 19th day of June, 2013 by the following vote:

AYES: Council Members Ash, Boes, Plachek-Fulcher, Sellers, Troughton

NOES: None

ABSTAIN: None

ABSENT: None

APPROVED:

Patricia Ash, Mayor

ATTEST:

APPROVED AS TO FORM:

Charles Bergson, City Clerk

Ann M. Siprelle, City Attorney