

Chapter 12.12

WEEDS, TREES AND VEGETATION

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- 12.12.010 Responsibility of owner and occupant--Permit requirement.
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12.12.010 Responsibility of owner and occupant--Permit requirement. All occupants and owners of property within the town are required to trim, remove or destroy all trees, hedges, plants, shrubs or vegetation, or parts thereof, which are growing in a manner which obstructs or impairs the free full public use of the sidewalk area or street in front of the premises of such occupant or owner. All such owners and occupants are further required to remove or destroy all positively confirmed Dutch Elm Disease-infected trees, dead and dying elm wood larger than 1 1/2 inches in diameter, all grass, weeds, shrubs, bushes, trees or vegetation growing, or which have grown and died upon property owned or occupied by such property owners and occupants and which are a fire hazard or menace to public health, safety or welfare. The following conditions shall apply:

- (1) Branches of trees shall not be permitted to extend lower than seven feet above the surface of the sidewalk area or to extend lower than thirteen feet six inches above the surface of the portion of the street used for vehicular traffic, whether planted in the sidewalk area or upon private property;
- (2) Flowers, shrubs and other growth, with the exception of trees, in the sidewalk area shall not be permitted to exceed eighteen inches in height;
- (3) Flowers, shrubs, hedges and other growth growing upon private property abutting any such sidewalk area shall not be permitted to extend out over, across or upon any portion of the sidewalk area except at the minimum height permitted in subsection (1) hereof;
- (4) Permit Requirement. Removal of trees on unimproved property shall require a permit which shall be obtained from the director of public works pursuant to Chapter 12.24;
- (5) Removal and disposal at an approved dumpsite of any living elm tree or part thereof infected to any degree with the Dutch Elm Disease fungus, Ceratocystis ulmi; or any dead elm tree or dead part of any elm tree, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed. (Ord. 611 (part), 2008; Ord. 518 §1(B), (C), 1993; Ord. 467 §§1, 2, 1988; Ord. 283 §1(part), 1968).

12.12.015 Maintenance of right-of-way. (a) All occupants and owners of property within the town are required to maintain the section of right-of-way from the property line to the edge of the road pavement.

(b) Maintenance shall include removal of leaves and weeds which shall be disposed of away from the site. All landscaping shall be approved by the director of public works. Maintenance of all landscaping shall be the responsibility of the property owners. (Ord. 545, 1999).

12.12.016 Maintenance of defensible spaces on hillside lots. All occupants and owners of property located on hillside areas having a slope of thirty percent or greater or partially or wholly within Hazard Zones 3 or 4 shall create and maintain defensible spaces around each building and structure in accordance with the vegetation clearance requirements prescribed in California Public Resource Code 4291 and California Government Code 51182. (Ord. 611 (part), 2008).

12.12.017 Removal of diseased trees. The director of public works shall order, in cases where trees are being killed by disease or pests, the removal of dead or dying trees necessary to prevent spread of pests and disease. The director shall thereafter notify the property owner in writing to promptly remove and properly dispose of the infested or infected trees within fifteen days of notification. All wood shall be properly disposed of away from the site. The director depending on the situation, may allow the wood to be used as firewood if such wood is (1) completely covered with clear plastic with no openings, (2) sealed at the ground with soil and (3) held away from contact with wood by a frame, to prevent the spread of emerging adult pests. (Ord. 550, 1999).

12.12.020 Procedure for abatement. Whenever the owner or occupant of any property in the town fails to trim, remove or destroy trees, hedges, plants, grass, weeds, shrubs, bushes or vegetation, that are obstructing the sidewalk area or street, or are a fire hazard or menace, or are elm trees that have Dutch Elm Disease or diseased elm wood larger than one and one-half inches in diameter, or to maintain the right-of-way as provided in Section 12.12.015, or to remove diseased dead or dying trees as provided in Section 12.12.017, it shall be the duty of the director of public works to give written notice of such failure to comply with the provision of this chapter to the owner, or to the occupant if there by any and to post such notice conspicuously on the property. The notice shall briefly describe the work to be done and shall refer to this chapter and shall contain notification that unless the work shall be done within ten days after the service or posting of the notice the director of public works will do same, and that the costs and expenses thereof will be charged and made a lien against the property.

If the work is not done within ten days after the service or posting of the notice, it shall be the duty of the director of public works forthwith to proceed to do the same and put the property in the condition required by this chapter. The director of public works shall keep a record of the notice, and record of the work done and the cost of same. (Ord. 559(part), 2001: Ord. 518 §I(D), 1993; Ord. 283 §1(part), 1968).

12.12.030 Public nuisance--Cost of abatement as lien. A violation of the provision of this chapter is declared to be a public nuisance subject to civil penalties as provided in Section 9.04.150 of this code, and abatement.

The cost of abatement shall be made a lien on the property involved and collected as other town taxes, all as provided in Section 9.04.160 of this code. (Ord. 559(part), 2001: Ord. 283 §1(part), 1968).