

Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES

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Chapter 12.04

CULVERTS IN DITCHES

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Section 12.04.010 Required for water drainage.

It is unlawful for any person to fill by any means the drainage ditch abutting his or her property so as to prevent the normal flow of drainage water therein without first installing a culvert in the drainage ditch with a diameter of at least twelve inches running the length thereof. (Ord. 18 § 1, 1949: prior code § 8700)

Section 12.04.020 Notice of required installation.

In the event such a culvert is not so installed, the superintendent of streets may give notice of the violation of this Chapter to the owner, occupant or person in possession, or to any other person causing or failing to comply with this Chapter, by serving upon such person a notice containing a demand for the immediate construction of such a culvert within such drainage ditch. In lieu of service upon such person, serving of such notice may also be made by registered mail and by posting for a period of five days, a copy of the notice of the violation of this Chapter. In case of an owner, occupant or person in possession who is not present in the county, the notice may be given to his agents in lieu of service by mailing and posting. (Ord. 18 § 2, 1949: prior code § 8701)

Section 12.04.030 Action by city upon failure to install culvert.

A. If any person who is thus notified, fails, refuses or neglects to install such culvert, the superintendent of streets may make such installation and may also perform such other work as is necessary to permit the drainage of water through such drainage ditch.

B. Pursuant to sections 21.01.060 and 21.01.080, the City may recover in an action at law in any court of competent jurisdiction the amount expended for such installation and other work, and in addition thereto the sum of ten dollars (\$10.00) for each day such drainage ditch does not have a culvert installed therein after the service of the notice in the manner required in section 12.04.020, together with costs and expenses incurred in such action. (Ord. 2006-07, Amended, 06/06/2006; Ord. 18 § 3(a, b), 1949: prior code § 8702(a, b))

Section 12.04.040 Street improvement fund.

All money recovered under the provisions of this Chapter shall be paid into the street improvement fund. (Ord. 18 § 4, 1949: prior code § 8703)

Section 12.04.050 Procedure not exclusive.

The procedure provided in this Chapter is not exclusive and shall not prevent the city from exercising any remedy provided by law to prevent damage to or protect any street or property. (Ord. 18 § 5, 1949: prior code § 8704)

Section 12.04.060 Violation.

Violation of any of the provisions of this Chapter is unlawful and an offense. Such violations are punishable as provided by Chapter 21.01 of Title 21. (Ord. 2006-07, Amended, 06/06/2006; Ord. 92-04 § 29; Ord. 20 § 1, 1949: Ord. 18 § 3(c), 1949: prior code § 8702(c))

Chapter 12.08

CONSTRUCTION IN THE CITY RIGHT-OF-WAY

Sections:

- 12.08.005 Title.**
- 12.08.010 Definitions.**
- 12.08.020 Permit required.**
- 12.08.030 Permit fees.**
- 12.08.040 Filing of plan.**
- 12.08.050 Compliance with permits and standards.**
- 12.08.060 Competence to perform work.**
- 12.08.070 Restoration upon completion.**
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- 12.08.090 Waiver of deposit.**
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- 12.08.120 Exemptions.**
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- 12.08.140 Emergency work.**
- 12.08.150 City liability.**
- 12.08.160 Abatement proceedings.**
- 12.08.170 Penalty and cost of enforcement.**

Section 12.08.005 Title

This ordinance shall be known as the construction in the city right-of-way ordinance. (Ord. 2002-03, Added, 05/07/2002)

Section 12.08.010 Definitions

For purposes of this Chapter:

Person: Includes any individual, firm, partnership, association, corporation, public district, public agency, public utility, trust, estate, other political subdivision or any other entity.

Encroachment: Shall be defined as any activity, obstruction, or structure, temporary or permanent, encroaching into the road right-of-way excepting utility poles or pole lines placed upon the unimproved portion of the highway.

Director of public works: means the director of public works for the city of Galt public works department or his or her designee.

Permit: May be in the form of an encroachment permit, approved public improvement plan, or other form as established

by the director of public works.

(Ord. 2002-03, Repealed and Replaced, 05/07/2002)

Section 12.08.020 Permit required

It is unlawful for any person to lay, construct or maintain any pipes, drain, or conduit across, along or on any street, road or highway or other right-of-way in the city, or to make any excavation or cut or encroachment therein, without first obtaining a permit from the director of public works to do so in the manner herein provided. Every applicant shall state in detail the following information:

A. The location, dimension, purpose, extent and nature thereof;

B. The time during which it is estimated that the excavation or encroachment will exist;

C. Such other information as may be required by the director of public works.

More than one proposed excavation or encroachment may be included in one application. The director of public works may issue a general annual permit for the repair and maintenance activities of public utility agencies. A copy of the permit shall be maintained at the work site at all times when work is in progress.

(Ord. 2002-03, Repealed and Replaced, 05/07/2002)

Section 12.08.030 Permit fees

Processing fees in an amount established by resolution of the city council shall be paid for permits prior to permit issuance, except where a continuous billing account has been established. Costs incurred by city of Galt public works department for processing and checking the application, and for inspection shall be billed to the permittee based upon the city fee schedule in effect at the time of permit processing.

(Ord. 2002-03, Repealed and Replaced, 05/07/2002)

Section 12.08.040 Filing of plan

Every applicant for a permit hereunder shall file with the application a plan showing the street or highway in which the proposed work will be executed, together with the approximate locations and dimensions of proposed excavations, repairs, improvements, activities, and/or encroachments. When excavations are

made for service connections or for the repair of trouble in conduits or other pipes, or for culverts or drainage pipes under driveways, the director of public works may waive the filing of a plan. (Ord. 2002-03, Repealed and Replaced, 05/07/2002)

Section 12.08.050 Compliance with permits and standards

Any act done under the authority of a written permit issued pursuant to the provisions of this Chapter shall be done in accordance with the terms and conditions of such permit. All federal and state laws and codes, and the construction standards of the city will be complied with during the execution of work under the permit. All work in the city right-of-way shall be done and must be constructed in accordance with the standard plans and specifications for public improvements adopted by the city. The failure of any permittee to obey the provisions of this Chapter or the lawful directions of the director of public works or his or her designated representative relative to work shall be deemed to be sufficient cause to refuse the request of the person for further permits for work of such character or to cause the stoppage of any work and progress by the director of public works by written notice until the permittee is in full compliance with the terms of this Chapter. (Ord. 2002-03, Repealed and Replaced, 05/07/2002)

Section 12.08.060 Competence to perform work

All activities covered by the permit must be performed under the direction of a contractor licensed to perform such work by the state of California; or by a public agency or public utility. The director of public works is authorized to waive the licensing requirement when other satisfactory evidence of competence to perform the work is provided or the activity is deemed by the director of public works to be simple in nature. (Ord. 2002-03, Repealed and Replaced, 05/07/2002)

Section 12.08.070 Restoration upon completion

Immediately upon completion of the work necessitating the excavation or encroachment permitted by the permit issued hereunder, the permittee shall at his or her own cost and expense, promptly and in a workmanlike manner refill the excavation and/or remove the obstruction. All excavations shall be refilled in a manner consistent with all applicable city standard specifications and any specific terms and conditions contained in the permit. Upon completion of the refilling of the excavation the director of public works shall require the permittee to resurface that portion of the street or highway damaged by the permittee's excavation or encroachment. The resurfacing shall be done in accordance with the standard specifications prescribed by the city council for the repair and resurfacing of city highways. All surplus materials, debris and waste matter will be removed and properly disposed of by the permittee.

(Ord. 2002-03, Repealed and Replaced, 05/07/2002)

Section 12.08.080 Deposit

Except as hereinafter provided, the director of public works shall require the applicant to deposit a sum of money sufficient in the opinion of the director of public works to cover the total cost of refilling any excavation and proper restoration of the highway as required hereunder. The deposit shall be a letter of credit acceptable to the director of public works; or cash, certified check or cashier's check payable to the city. If the work of refilling the excavation is in accordance with the requirements of section 12.08.060 and the restoration of the highway is completed in accordance with the standards herein prescribed, the deposit shall be returned to the permittee at the expiration of one hundred eighty days (180) from the completion of work. If during such time the refilled excavation settles, or if the resurfacing or restoration of the highway disintegrates or develops ruts or holes, the director of public works shall require the permittee to repair or resurface the highway to eliminate all ruts and holes or other failures as determined by the director of public works. If the permittee fails or refuses to do such work,

the director of public works shall do the work required, and pay the cost thereof out of the deposit. If the deposit is insufficient for this purpose the deficiency shall be charged to the permittee. If the permittee fails or refuses to pay such a deficiency upon demand, the city may recover the same by an action in any court of competent jurisdiction. Until the deficiency is paid in full no new permits shall be issued to such permittee.

(Ord. 2002-03, Repealed and Replaced, 05/07/2002)

Section 12.08.090 Waiver of deposit

The director of public works may waive a special deposit whenever in his or her opinion the proposed excavation or encroachment is of a minor nature or other suitable security is provided, as determined in the discretion of the director of public works.

(Ord. 2002-03, Repealed and Replaced, 05/07/2002)

Section 12.08.100 General deposit

In lieu of making a special deposit required by section 12.08.070, the applicant may make and maintain with the city of Galt a general deposit in an estimated amount determined by the director of public works to be sufficient to pay for the cost of any expected repairs occasioned by any excavation or encroachment authorized by any permit issued hereunder to the applicant, but not to exceed twenty-five thousand dollars (\$25,000). The general deposit shall be held and used for the same purposes as the special deposit required herein. The deposit shall be a letter of credit acceptable to the director of public works, cash, certified check or cashier's check payable to the city. However, the maintenance of a general deposit does not relieve an applicant from making application for every proposed excavation or encroachment.

(Ord. 2002-03, Repealed and Replaced, 05/07/2002)

Section 12.08.110 Refusal to restore road structures

If the permittee fails or refuses to restore any road structure or any excavation as required by section 12.08.060 or remove any obstruction which he or she has placed upon the highway or

fails and refuses to restore or resurface that portion of the structures damaged by him or her in accordance with the standards herein prescribed, the director of public works may cause such refilling and resurfacing or other restoration to be performed and pay the cost thereof out of the deposit made by the permittee. The deposit shall also be used to maintain the work for a period of one hundred eighty days (180) after completion thereof. If the amount of the deposit is not sufficient to cover the cost of the work and the maintenance thereof the deficiency shall be charged to the permittee. If the permittee fails or refuses to pay the deficiency upon demand, the city may recover the same and any attorney fees by an action in any court of competent jurisdiction. Until the deficiency is paid in full no new permits shall be issued to such permittee. In lieu of such deductions the director of public works may bill such person for the amount owed by him or her to the city. If such amount is not paid within fifteen days (15) of the rendition of the bill, the director of public works may deduct the amount from the general deposit as herein provided.

(Ord. 2002-03, Repealed and Replaced, 05/07/2002)

Section 12.08.120 Exemptions

No deposit shall be required of any public district, public agency, public utility, or political subdivision (as provided in California Streets and Highway Code section 1468) which is authorized by law to establish or maintain works or facilities in, under or over any public highway, nor shall the application of any such governmental unit be denied except as hereinafter provided. Every such applicant shall be entitled as a matter of right to a permit but shall otherwise be subject to the provisions of this Chapter. The director of public works shall have the right to deny a permit to such applicant where the applicant has failed to comply with the provisions of this Chapter relating to the refilling of excavations, removing or relocating obstructions or the resurfacing or restoration of any highway, and the maintenance thereof, under any previous permit.

(Ord. 2002-03, Repealed and Replaced, 05/07/2002)

12.08.130

Section 12.08.130 Permit nontransferable

All permits issued hereunder shall be nontransferable and the work authorized by the permit must commence within thirty days (30) of issuance thereof or other approved start date, and must be completed within the time estimated in the application. The director of public works may grant a reasonable extension of time when the work has been unavoidably delayed without fault of the permittee.

(Ord. 2002-03, Repealed and Replaced, 05/07/2002)

Section 12.08.140 Emergency work

Nothing herein contained shall prohibit any person from performing such activity as may be necessary for the preservation of life or property when such necessity arises if the person making the excavation promptly notifies the director of public works of any such action. Any person performing such activity shall restore the site in accordance with the standards prescribed by this Chapter that would be applicable if a permit had been issued. Any person performing emergency work of activities pursuant to this section shall bare the burden of proving the existence of such emergency.

(Ord. 2002-03, Repealed and Replaced, 05/07/2002)

Section 12.08.150 City liability

The issuance of a permit hereunder shall not be construed as imposing any liability upon the city or upon any of its officers, employees, or agents by reason of damage or injury to persons or property resulting from any activity, repair, improvement, excavation or obstruction authorized by the permit.

(Ord. 2002-03, Repealed and Replaced, 05/07/2002)

Section 12.08.160 Abatement proceedings

Any activity contrary to the provisions of this Chapter or contrary to the issued permit or the terms or conditions imposed therein is unlawful and a public nuisance, and the City Manager or his or her designee is authorized to commence in the name of the city actions or proceedings for the abatement and removal and enjoining thereof in the manner provided by

sections 21.01.060 and 21.01.080, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate and remove such operation and restrain and enjoin any person, firm or corporation from so operating.

(Ord. 2006-07, Amended, 06/06/2006; Ord. 2002-03, Added, 05/07/2002)

Section 12.08.170 Penalty and cost of enforcement

A. Any person violating the provisions of this Chapter or any encroachment permit issued pursuant to this Chapter is guilty of a misdemeanor.

B. In addition to any other remedies available at law, any person violating the provisions of this Chapter or any encroachment permit issued pursuant to this Chapter shall be liable to the city for all expenses and damages caused by any such violation.

C. In addition to any other remedies provided by this Chapter or state law, there are hereby imposed the following administrative civil penalties for each violation of this Chapter or the terms and conditions of any encroachment permit issued pursuant to this Chapter.

1. Any person initiating work within the public road right of way without obtaining an encroachment permit shall be subject to and responsible for a fine in the amount of \$750 for a first violation, \$1,000 for a second violation, or \$1,000 for a third or subsequent violation.

2. Any person in possession of a valid encroachment permit that initiates work within the public road right of way, but fails to provide notification for inspection as required by the permit shall be subject to and responsible for a fine in the amount of \$500 for a first violation, \$1,000 for a second violation, or \$1,000 for a third or subsequent violation.

D. Whenever the City Manager or his or her designee determines that an encroachment violates the provisions of this Chapter, or the terms and conditions of any permit issued pursuant to this Chapter, the City Manager or his or her designee shall give written notice of such violation to the alleged violator. The notice shall include the following information:

1. The street address, legal description or other description sufficient to identify the affected property.

2. The penalty imposed as a result of such violation.

3. A statement that the party affected may file a written request for hearing with the director of public works if it objects to imposition of the penalty.

4. A statement that the penalty imposed shall be enforced if the party fails to file a timely written request for a hearing.

E. Notice of any administrative civil penalty shall be served either personally or by mailing a copy of such notice by certified mail, postage prepaid, return receipt requested, to the alleged violator. Service shall be effective for all purposes upon receipt if personally served, or within five (5) days of mailing as herein provided. Proof of service of the notice shall be certified at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail, shall be affixed to the copy of the notice retained by the City Manager or his or her designee. The failure of a party to receive such notice shall not affect in any manner the validity of any proceedings taken pursuant to this Chapter.

F. Written request for a hearing must be received by the city manager or his or her designee within seven (7) days of the effective date of service of the notice. The hearing shall be set and conducted pursuant to section 21.03.060. The order of the hearing officer shall be in writing resolving the essential issues raised in the hearing and confirming, amending or rejecting the administrative civil penalty imposed by the Director of Public Works.

G. The manner of contesting the final order of the hearing officer concerning any administrative civil penalty is governed by Government Code section 53069.4 or any successor provision thereto. A copy of the notice of appeal authorized by Government Code section 53069.4 shall be served upon the City Clerk.

H. Each party violating any provision of this Chapter or any encroachment permit issued pursuant to this Chapter shall be guilty of a separate offense for each and every day on which any such violation is committed, continued or permitted by any such person.

I. In addition to any penalty, sanction, fine or imprisonment, any person violating the provisions of this Chapter or any encroachment permit issued pursuant to this Chapter shall be required to pay any and all expenses of enforcement including those costs necessary to inspect, remove and/or correct the violation. In addition to all remedies herein contained, the City may pursue all reasonable and legal means in collecting those sums authorized and due, including, but not limited to the provisions of Chapter 21.01 of Title 21.

(Ord. 2006-07, Amended, 06/06/2006; Ord. 2002-03, Added, 05/07/2002)

Chapter 12.12

PARKS

Sections:

12.12.010 Overnight parking.

12.12.020 Sleeping prohibited in park.

12.12.030 Violation.

Section 12.12.010 Overnight parking.

The city manager is directed to prepare overnight parking regulations for vehicles in certain city parks, which regulations shall be approved by the city council and which also may be amended or withdrawn at any time by the city council upon the recommendation of the city manager.

(Ord. 182 § 1, 1972; prior code § 10618)

Section 12.12.020 Sleeping prohibited in park.

No person shall remain in any park at any time for the purpose of sleeping, except that any infant under the age of two years may sleep in the park during the hours the park is open to the public when under the direct supervision and care of an adult over the age of eighteen years. "Direct supervision and care" means close proximity to and supervision of the infant such that injury from or to any persons or animals running, walking, playing, or otherwise lawfully using the park shall be preventable.

(Ord. 88-25 § 1)

Section 12.12.030 Violation.

Violation of any of the provisions of this Chapter is unlawful and an offense. Such violations shall be punishable as provided by Chapter 21.01 of Title 21.

(Ord. 2006-07, Amended, 06/06/2006; Ord. 92-04 § 31)

Chapter 12.16

SIDEWALKS, DRIVEWAYS, CURBS AND GUTTERS

Sections:

- 12.16.010 Adoption of state provisions.**
- 12.16.020 Permit -required.**
- 12.16.030 Maintenance of sidewalks required.**
- 12.16.040 Maintenance of driveways.**
- 12.16.050 Collection of money upon completion of work.**
- 12.16.060 Violation.**

Section 12.16.010 Adoption of state provisions.

The provisions of section 5600 through 5630, inclusive, of the Streets and Highways Code of the state, as they now exist or may hereafter be amended, are adopted as the procedure governing the maintenance and repair of sidewalks, driveways and driveway approaches in the city. For the purpose of this Chapter, "sidewalk" as defined in section 5600 of said code shall also include "driveway" and "driveway approach."

(Ord. 2002-03, Renumbered, 05/07/2002; Ord. 45 § 9, 1956: prior code § 14208)

Section 12.16.020 Permit -required.

A. It is unlawful for any person, firm, or corporation to construct, repair or cause to be constructed or repaired in the city any sidewalk, driveway, driveway approach, curb, or curb and gutter, without first obtaining a written permit from the city clerk to do the work. The permit shall be on a form provided by the city clerk.

B. If the city clerk refuses to issue a permit, the applicant shall have the right of written appeal to the city council, which may direct the city clerk to issue the permit.

C. When the work is to be done by a licensed contractor at the same time on contiguous property one permit shall be sufficient to cover the entire work contemplated.

D. In no case, however, shall a permit be required or granted to construct sidewalks, curbs, or curbs and gutters, when the city council has instituted improvement proceedings

under the general laws of the state relating to the work.

(Ord. 2002-03, Renumbered, 05/07/2002; Ord. 45 § 2, 1956: prior code § 14201)

Section 12.16.030 Maintenance of sidewalks required.

It is unlawful for any person, firm, or corporation owning any building, lot or premises in the city fronting on any portion of a street, road, or public way where a sidewalk is laid, to allow any portion of such sidewalk in front of such building, lot, or premises to be out of repair or become, be, or remain dangerous to the users thereof for any reason. Such person, firm, or corporation must at all times keep each such sidewalk in such condition that it will not endanger persons or property passing thereon, will not interfere with public conveyance in the use thereof, or be, or remain an obstruction or impediment to normal, customary and usual pedestrian or vehicular traffic.

(Ord. 2002-03, Renumbered, 05/07/2002; Or. 45 § 7, 1956: prior code § 14206)

Section 12.16.040 Maintenance of driveways.

It is unlawful for any person, firm, or corporation owning property within the city into which is constructed a driveway, to fail to keep such driveway or driveway approach in a good state of repair at all times.

(Ord. 2002-03, Renumbered, 05/07/2002; Ord. 45 § 8, 1956: prior code § 14207)

Section 12.16.050 Collection of money upon completion of work.

No contractor shall collect or attempt to collect money for sidewalk, driveway, curb, or gutter work done on a private contract unless the work has been done in all respects in accordance with this Chapter.

(Ord. 2002-03, Renumbered, 05/07/2002; Ord. 45 § 11, 1956: prior code § 14210)

Section 12.16.060 Violation.

A. Any person, firm or corporation violating any of the provisions of this Chapter or failing to comply with any of the regulatory requirements shall be guilty of an offense and shall be

punished in accordance with Chapter 21.01 of Title 21.

B. In addition to the penalties provided in subsection A of this section, any condition caused or permitted to exist in violation of any of the provisions of this Chapter shall be deemed a public nuisance and may be summarily abated pursuant to section 21.01.090 at the expense of the permittee.

(Ord. 2006-07, Amended, 06/06/2006; Ord. 2002-08, Added, 08/20/2002)

Chapter 12.20

STREET TREES

Sections:

- 12.20.010 Title.**
- 12.20.020 Street tree area defined.**
- 12.20.030 Enforcement authority.**
- 12.20.050 Galt landscape manual.**
- 12.20.060 Planting of trees in new subdivisions.**
- 12.20.070 Permission required for removal.**
- 12.20.080 Permit to engage in commercial tree trimming or removal required.**
- 12.20.090 Prohibited trees.**
- 12.20.110 Dangerous trees a nuisance - powers to trim or remove.**
- 12.20.120 Abuse or mutilations of trees prohibited.**
- 12.20.130 Appeals.**
- 12.20.140 Violation.**

Section 12.20.010 Title.

The ordinance codified in this Chapter shall be known as the "street tree ordinance" and may be cited as such.
(Ord. 94-15 § 1; Ord. 49 § 1, 1959)

Section 12.20.020 Street tree area defined.

The term "street tree area" refers to the street right-of-way, and five feet on either side for planting street trees.
(Ord. 49 § 3, 1959; prior code § 14801)

Section 12.20.030 Enforcement authority.

The planning director or his duly authorized representative shall be charged with the enforcement of this Chapter.
(Ord. 94-15 § 2; Ord. 49 § 4, 1959; prior code § 14800)

Section 12.20.050 Galt landscape manual.

The city landscape manual shall be the official guide for planting within street tree areas.
(Ord. 94-15 § 4; Ord. 49 § 5, 1959; prior code § 14803)

Section 12.20.060 Planting of trees in new subdivisions.

Before any street improvements in any new subdivision of real property in the city are accepted by the city council, the subdivider shall have the street trees planted to conform to the provisions of the Galt landscape manual. Watering and care of the trees thereafter shall be the responsibilities of the subdivider or the purchasers of the property.
(Ord. 94-15 § 5; Ord. 49 § 6, 1959; prior code § 14804)

Section 12.20.070 Permission required for removal.

No person, firm or corporation shall remove or injure, any tree, shrub or plant within any street tree area or other public place of the city without prior permission and written approval therefor from the planning director or his duly authorized representative. The planning director or his duly authorized representative is authorized to grant such permission in his discretion and where necessary. No permission shall be valid for a longer period than sixty days after its issuance. Exception is made for authorized public agencies pursuant to section 12.20.110.
(Ord. 94-15 § 6; Ord. 49 § 11, 1959; prior code § 14809)

Section 12.20.080 Permit to engage in commercial tree trimming or removal required.

Any person, firm or corporation engaged in the business of tree removal, tree pruning, stump removal, or engages in tree or limb cabling or guying, is considered to be a contractor if the total cost (labor and materials) of the project is three hundred dollars or more. Contractors must possess a C-61, Subdivision D-49 (tree services) specialty contractor's license. Such contractors shall also be required to secure a business license to operate in the city from the finance director or his/her duly authorized representative. The requirement for a contractor's license is not applicable to persons, firms or corporations performing the activities of a nurseryman who in the normal course of routine work performs incidental pruning of trees, or guying of planted trees and their limbs.

Nor does the contractor's license requirement apply to a gardener who in the normal course of routine work performs incidental pruning of trees measuring less than fifteen feet in height after planting. However, the requirement for a city business license is applicable.

(Ord. 94-15 § 7: Ord. 49 § 12, 1959: prior code § 14810)

Section 12.20.090 Prohibited trees.

It is unlawful for any person to plant in any street tree area the following trees: Acacia, Black Walnut, Eucalyptus, Elm, Palm Poplar, Tree of Heaven, Conifers or Sycamore. It is unlawful to plant Willow, Cottonwood or Poplar trees anywhere in the city unless the city engineer or his duly authorized representative approves the site as one where the roots will not interfere with public utilities. Any tree planted within a street tree area must be in compliance with the Galt landscape manual.

(Ord. 94-15 § 8: Ord. 49 § 7, 1959: prior code § 14805)

Section 12.20.110 Dangerous trees a nuisance--Powers to trim or remove.

Any tree or shrub growing in a street tree area or public place or in private property which is endangering or which in any way may endanger the security or usefulness of any public street or sidewalk is declared to be a public nuisance, and the city may require the property owner to trim or remove any such tree or shrub on private property or on a parking strip abutting such owner's property or may permit any public utility to do so or the city may trim or remove such tree or shrub. Failure of the property owner or his duly authorized agent to trim or remove such tree or shrub in the time ordered by the planning director or his duly authorized representative based on the dangerous nature of the tree or shrub, shall be deemed to be a violation of this Chapter, and the planning director or his duly authorized representative may then trim or remove the tree or shrub and assess the cost against the property.

(Ord. 94-15 § 10: Ord. 49 § 9, 1959: prior code § 14807)

Section 12.20.120 Abuse or mutilations of trees prohibited.

It is a violation of this Chapter to abuse, destroy, or mutilate any tree, plant, or shrub in a street tree area or any other public place, or to attach or place any rope, wire (other than one used to support a young or broken tree), sign, poster, handbill, or other things to or on any tree growing in a public place, or to cause or permit any wire charged with electricity to be placed or attached to any such tree, or allow any gaseous, liquid, or solid substances which are harmful to such trees to come in contact with their roots or leaves.

(Ord. 49 § 13, 1959: prior code § 14811)

Section 12.20.130 Appeals.

Any tree or shrub growing in a street tree area or public place or in private property which is endangering or which in any way may endanger the security or usefulness of any public street or sidewalk is declared to be a public nuisance, and the City may require the property owner to trim or remove any such tree or shrub on private property or on a parking strip abutting such owner's property or may permit any public utility to do so or the city may trim or remove such tree or shrub. Failure of the property owner or his duly authorized agent to trim or remove such tree or shrub in the time ordered by the Planning Director or his duly authorized representative based on the dangerous nature of the tree or shrub, shall be deemed to be a violation of this Chapter, and the Planning Director or his duly authorized representative may then trim or remove the tree or shrub and assess the cost against the property, as provided by sections 21.01.100 and 21.01.110.

(Ord. 2006-07, Amended, 06/06/2006; Ord. 94-15 § 11: Ord. 49 § 10, 1959: prior code § 14808)

Section 12.20.140 Violation.

Violation of any of the provisions of this Chapter is unlawful and an offense and is subject to the penalties described in Chapter 21.01 of Title 21 of the Galt Municipal Code.

(Ord. 2006-07, Amended, 06/06/2006; Ord. 94-15 § 12: Ord. 92-04 § 33: Ord. 49 § 14, 1959)

Chapter 12.24

UNDERGROUND UTILITIES

Sections:

- 12.24.010 Definitions.**
- 12.24.020 Petition required for establishment.**
- 12.24.030 Public hearing by council.**
- 12.24.040 Council may designate districts by resolution.**
- 12.24.044 District area established by reconstruction.**
- 12.24.045 District area established by initial improvements.**
- 12.24.046 Preexisting condition.**
- 12.24.050 Unlawful acts.**
- 12.24.060 Overhead facilities permitted for emergencies.**
- 12.24.070 Provisions not applicable to certain types of utilities.**
- 12.24.080 Notice to property owners and utility companies.**
- 12.24.090 Responsibility of utility companies.**
- 12.24.100 Responsibility of property owners.**
- 12.24.110 Responsibility of city.**
- 12.24.120 Extension of time.**
- 12.24.130 Violation.**

Section 12.24.010 Definitions.

Whenever in this Chapter the words or phrases defined in this section are used, they shall have the respective meanings assigned to them in the following definitions:

- A. Commission: means the Public Utilities Commission of the state.
- B. Person: means and includes individuals, firms, corporations, partnerships, and their agents and employees.
- C. Poles, overhead wires and associated overhead structures: means poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located aboveground within a district and used or useful in supplying electric, communication, or similar or associated service.
- D. Underground Utility District or district: means that area in the City within which poles,

overhead wires, and associated overhead structures are prohibited as such area is (1) described in a resolution adopted pursuant to the provisions of section 12.24.040; or, (2) designated pursuant to the provisions of sections 12.24.044, 12.24.45, or 12.24.46.

E. Utility: includes all persons or entities supplying electric, communication, or similar or associated service by means of electrical materials or devices.

(Ord. 2002-10, Amended, 10/15/2002Ord. 78-4 § 1 (part): prior code § 17000)

Section 12.24.020 Petition required for establishment.

Prior to a public hearing as referred to in section 12.24.030, any property owner who is a proponent for the establishment of an underground utility district shall secure the names of at least fifty-one percent of the property owners within the proposed district on a petition supplied by the city requesting that the district be formed. When this has been filed with the city, the date of the public hearing may be set.

(Ord. 78-4 § 1 (part): prior code § 17001 (part))

Section 12.24.030 Public hearing by council.

The council may from time to time call public hearings to ascertain whether the public necessity, health, safety, or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the city and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service. The city clerk shall notify all affected property owners as shown on the last equalized assessment roll and utilities concerned by mail of the time and place of such hearings at least ten days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard. The decision of the council shall be final and conclusive.

(Ord. 78-4 § 1 (part): prior code § 17001 (part))

Section 12.24.040 Council may designate districts by resolution.

If, after any such public hearing, the council finds that the public necessity, health, safety, or welfare requires such removal and such underground installation within a designated area, the council shall, by resolution, declare such designated area an underground utility district and order such removal and underground installation. Such resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby.

(Ord. 78-4 § 1 (part): prior code § 17002)

Section 12.24.044 District area established by reconstruction.

Whenever an area undergoes reconstruction and all utilities serving a property parcel are placed underground, then that property and any successor property parcels shall be considered part of the underground district. Whenever an area undergoes reconstruction and all utilities along a City right-of-way are placed underground, then the portion of the City right-of-way where all utilities have been placed underground shall be considered part of the underground district.

(Ord. 2002-10, Added, 10/15/2002)

Section 12.24.045 District area established by initial improvements.

Whenever an area receives initial improvements and all utilities serving that area of property parcels and future or existing right-of ways are placed underground, then all parcels and any successor property parcels, and any City right-of-ways in that area shall be considered part of the underground district.

(Ord. 2002-10, Added, 10/15/2002)

Section 12.24.046 Preexisting condition.

Any areas, properties, parcels, City right-of-ways, already in a condition of having no overhead utilities due to reconstruction and/or the construction of initial improvements as of the date of the establishment of this ordinance shall also be considered part of the underground district.

(Ord. 2002-10, Added, 10/15/2002)

Section 12.24.050 Unlawful acts.

Whenever the council creates an underground utility district and orders the removal of poles, overhead wires and associated overhead structures therein as provided in section 12.24.040, it is unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ, or operate poles, overhead wires and associated overhead structures in the district after the date when the overhead facilities are required to be removed by such resolution, except as the overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in section 12.24.100, and for such reasonable time required to remove the facilities after the work has been performed, and except as otherwise provided in this Chapter.

(Ord. 78-4 § 1 (part): prior code § 17003)

Section 12.24.060 Overhead facilities permitted for emergencies.

Notwithstanding the provisions of this Chapter, overhead facilities may be installed and maintained for a period not to exceed fourteen days, without authority of the city council in order to provide emergency service. The city council may grant special permission on such terms as the city council may deem appropriate in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use, or operate poles, overhead wires and associated overhead structures.

(Ord. 78-4 § 1 (part): prior code § 17004)

Section 12.24.070 Provisions not applicable to certain types of utilities.

This Chapter and any resolution adopted pursuant to section 12.24.040 shall, unless otherwise provided in such resolution, not apply to the following types of facilities:

A. Any municipal facilities or equipment installed under the supervision and to the satisfaction of the city engineer;

B. Poles or electroliers used exclusively for street lighting;

C. Overhead wires, exclusive of supporting structures, crossing any portion of a district within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a district, when such wires originate in any area from which poles, overhead wires and associated overhead structures are not prohibited;

D. Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of thirty-four thousand five hundred volts;

E. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street or alley;

F. Antennae, associated equipment and supporting structures, used by a utility for furnishing communication services;

G. Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts;

H. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects. (Ord. 78-4 § 1 (part): prior code § 17005)

Section 12.24.080 Notice to property owners and utility companies.

A. Within ten days after the effective date of a resolution adopted pursuant to section 12.24.040, the city clerk shall notify all affected utilities and all persons owning real property within the district created by the resolution of the adoption thereof. The city clerk shall further notify such affected property owners of the necessity that, if they or any person occupying

such property desire to continue to receive electric, communication, or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to applicable rules, regulations and tariffs of the respective utility or utilities on file with the commission or adopted by the city.

B. Notification by the city clerk shall be made by mailing a copy of the resolution adopted pursuant to section 12.24.040, together with a copy of the ordinance codified in this Chapter, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities.

(Ord. 78-4 § 1 (part): prior code § 17006)

Section 12.24.090 Responsibility of utility companies.

If underground construction is necessary to provide utility service within a district created by any resolution adopted pursuant to section 12.24.040, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the commission or adopted by the city.

(Ord. 78-4 § 1 (part): prior code § 17007)

Section 12.24.100 Responsibility of property owners.

A. Every person owning, operating, leasing, occupying, or renting a building or structure in a district shall perform construction and provide that portion of the service connection on his property between the facilities referred to in section 12.24.090 and the termination facility on or within the building or structure being served, all in accordance with applicable rules, regulations and tariffs of the respective utility or utilities on file with the commission or adopted by the city.

B. In the event any person owning, operating, leasing, occupying, or renting the property does not comply with the provisions of subsection A of this section within the time provided for in the resolution enacted pursuant to section 12.24.040, the city engineer shall post written notice in a conspicuous place on the

property being served and give written notice by mail to all customers being billed for the utility on the property being served and thirty days thereafter shall have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to the property.

(Ord. 78-4 § 1 (part): prior code § 17008)

Section 12.24.110 Responsibility of city.

The city shall remove at its own expense all city-owned equipment from all poles required to be removed under this Chapter in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to section 12.24.040.

(Ord. 78-4 § 1 (part): prior code § 17009)

Section 12.24.120 Extension of time.

In the event that any act required by this Chapter or by a resolution adopted pursuant to section 12.24.040 cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation.

(Ord. 78-4 § 1 (part): prior code § 17010)

Section 12.24.130 Violation.

Violation of any provision of this Chapter or failure to comply with any of its requirements is unlawful and an offense. Each day during any portion of which any violation of any of the provisions of this Chapter is committed, continued or permitted, is a separate and distinct violation. Such violations are punishable as provided by Chapter 21.01 of Title 21.

(Ord. 2006-07, Amended, 06/06/2006Ord. 92-04 § 34: Ord. 78-4 § 1 (part): prior code § 17011)

Chapter 12.28

CUTTING AND REMOVAL OF OAK TREES

Sections:

- 12.28.010** Scope.
- 12.28.020** Definitions.
- 12.28.030** Prohibition.
- 12.28.040** Exemptions.
- 12.28.050** Jurisdiction.
- 12.28.060** Consideration of permits.
- 12.28.070** Permit application criteria.
- 12.28.080** Development control measures.
- 12.28.090** Grading beneath tree driplines.
- 12.28.100** Performance security.
- 12.28.110** Tree removal provisions.
- 12.28.120** Tree preservation fund.
- 12.28.125** Abuse or mutilations of trees prohibited.
- 12.28.130** Appeals.
- 12.28.150** Public nuisance.
- 12.28.160** Stop work order.
- 12.28.170** Suspension, revocation and restoration.
- 12.28.180** Violation - penalty.
- 12.28.190** Other species of trees.
- 12.28.200** Cumulative penalties.
- 12.28.210** Nonliability of city.

Section 12.28.010 Scope.

The provisions of this Chapter shall apply to all oak trees on public property, public trees as defined in this Chapter, and to oak trees on private property not specifically exempted by section 12.28.040.

(Ord. 94-15 § 14; Ord. 90-01 § 1 (part))

Section 12.28.020 Definitions.

As used in this Chapter:

"Approving body" is any one of the following: city council, planning commission or planning director.

"Cutting" means the detaching or separating from a protected tree, any limb, branch or root. "Cutting" includes pruning.

"Damage" means any action undertaken which causes injury, death or disfigurement to a tree. This includes, but is not limited to, cutting, poisoning, overwatering, relocation or transplanting a protected tree, or trenching,

excavating or paving within the protected zone of a tree.

"Deadwood" means limbs, branches or a portion of a tree that contains no green leaves during a period of the year when they should be present.

"Dripline" means the outermost edge of the tree's canopy. When depicted on a map, the dripline will appear as a circle that follows the outermost edge of a single branch or branches, as seen from overhead.

"Encroachment" means any intrusion or human activity into the dripline of an oak tree including, but not limited to, pruning, grading, excavating, trenching, parking of vehicles, storage of materials or equipment, or the construction of structures or other improvements.

"Oak tree" includes, but is not limited to, any of the following: valley oak (*Quercus lobata*), interior live oak (*Quercus wislizenii*), blue oak (*Quercus douglasii*) or oracle oak (*Quercus morehus*) having at least one trunk of six inch diameter measured four feet above the ground, or multi-trunks with an aggregate diameter of eight inches or more, measured four feet above ground.

"Person" means any natural person, partnership, firm, corporation, governmental agency or other legal entity.

"Private land" includes all land owned by private interest, and not designated public land.

"Public land" includes all lands in public trust, federal, state and local, including, but not limited to, public rights-of-way, easements and parks.

"Public nuisance" is any person who intentionally, negligently, accidentally causes harm to oak trees. This includes neglect in the pruning or trimming of overgrown, diseased, decaying, dead or rotting limbs, branches and foliage and other actions which may cause injury to oak trees.

"Public tree" is any tree with one-half or more of its trunk or branches on or above public land.

"Removal" means the physical removal of a tree or causing the death of a tree through damaging, poisoning or other direct or indirect action.

"Routine maintenance" means actions

needed for the continued good health of an oak tree or public trees including, but not limited to, removal of deadwood, insect control spraying and watering.

"Tree" means any oak tree or public tree.

"Tree permit" is a written authorization by the planning director or his designee for the removal of the tree.

(Ord. 94-15 § 15; Ord. 90-01 § 1 (part))

Section 12.28.030 Prohibition.

No city department shall issue tree cutting, encroachment or any other permits which purport to authorize use, construction, or other activity which is subject to the provisions of this Chapter or the zoning Title prior to review and approval as provided in this Chapter.

(Ord. 90-01 § 1 (part))

Section 12.28.040 Exemptions.

The provisions of this section shall not apply to the following:

A. In cases of emergency caused by a tree, being in a hazardous or dangerous condition requiring immediate action for the safety of the structures or human life, such tree may be removed by the permission of the city manager, planning director, public works director, building official or any member of the Galt police department, or an affected public utility company;

B. The necessary cutting and trimming of trees when done for the purpose of protection or maintaining overhead public utility lines pursuant to Rule No. 35 of General Order No. 95 of the Public Utilities Commission of the state;

C. Any lot located in the city that was created by a final subdivision map, consisting of five or more lots, and each residential lot having an area of ten thousand square feet or less, except in the case of a cul-de-sac lot which may be as large as eighteen thousand square feet and developed with a single-family detached house, duplex or a half-plex.

(Ord. 94-15 § 16; Ord. 90-01 § 1 (part))

Section 12.28.050 Jurisdiction.

A. Discretionary Project. The preservation or removal of trees as a condition of approval of a discretionary project shall be monitored and enforced by the planning director or his duly

authorized representative.

B. Parks. The preservation, enhancement or removal of trees within parks, parkways and public recreation easements, shall be the responsibility of the director of public works.

C. Other Public Land. Preservation, enhancement or removal of trees within other city-owned lands or public easements, shall be the responsibility of the director of public works.

D. Building Permits. When any building permit or zoning permit is applied for pursuant to this code and a proposed structure would require the destruction, removal or pruning of an oak tree or public tree, the official issuing the permit shall take into consideration the provisions of this Chapter and the granting or denying of the permit; and the applicant shall be required to obtain the requisite permit.

In the event a permit to destroy or remove an oak tree or public tree is issued in order to enable the applicant to carry out some project of development or improvement of his property, such permit shall be valid and effective only in connection with the actual accomplishment of such project.

(Ord. 94-15 § 17; Ord. 90-01 § 1 (part))

Section 12.28.060 Consideration of permits.

It shall be the responsibility of the applicant to demonstrate the need for a permit or other approval issued pursuant to the provisions of this Chapter.

(Ord. 90-01 § 1 (part))

Section 12.28.070 Permit application criteria.

Prior to the issuance of the permit, the approving body shall ascertain whether or not the tree(s) cannot or should not be retained. The determination of the approving body in granting or denying a permit shall be based upon reasonable criteria, including, but not limited to, the following:

A. The condition of the oak tree or public tree with respect to its general health, status as a public nuisance, danger of falling, proximity to existing or proposed structures, interference with utility services and its status as a host for plant, pest or disease endangering other species of trees or plants with infection or infestations;

B. The necessity of the requested action to

allow construction of improvements necessary for the reasonable economic or other reasonable enjoyment of property;

C. The topography of the land and the effect of the requested action on soil retention, water retention and diversion or increased flow of surface waters;

D. The number, species, size and location of existing trees in the area and the effect of the requested action on shade areas, air pollution, historic values, scenic beauty and the general welfare of the city as a whole;

E. Good forestry practices such as, but not limited to, the number of healthy trees the subject parcel of land will support.
(Ord. 94-15 § 18; Ord. 90-01 § 1 (part))

Section 12.28.080 Development control measures.

The approving body may mandate any or all of the following control measures to mitigate damage to oak trees or public trees caused by the land development; further, these measures are the minimum requirements and shall not be construed to limit the city's authority for additional mitigation or development requirements.

A. No grade cuts greater than one foot shall occur within the driplines of oak trees, and no grade cuts whatsoever shall occur within five feet of their trunks.

B. No fill greater than one foot shall be placed within the driplines of oak trees and no fill whatsoever shall be placed within five feet of their trunks.

C. No trenching whatsoever shall be allowed within the driplines of oak trees. If it is absolutely necessary to install underground utilities within the driplines of an oak tree, the trench shall be either bored or drilled.

D. No irrigation system shall be installed within the driplines of oak tree(s) which may be detrimental to the preservation of the oak tree(s) unless specifically authorized by the approving body or the planning director.

E. Landscaping beneath oak trees may include nonplant materials such as boulders, cobbles, wood chips, etc. The only plant species which shall be planted within the driplines of oak trees are those which are tolerant of the natural semiarid environs of the trees. Limited

drip irrigation approximately twice per summer is recommended for the understory plants. Permitted plants include:

1. Evergreen lady fern (*Dryopteris arguta*);
2. Sulfur flower (*Erlogonum umbellatus*);
3. Giant alum root or hybrid coral bells (*Heuchera maxima* and its hybrids);
4. Vine hill manzanita (*Arctostaphylos densiflora*);
5. Monterey manzanita (*A. hookerii*);
6. Dwarf coyote bush (*Baccharis pilularis*);
7. Carpenteria (*Carpenteria californica*);
8. "Joyce Coulter" Coulter wild lilac (*Ceanothus*);
9. Western redbud (*Cercis occidentalis*);
10. Wild buckwheat (*Eriogonum* species);
11. Toyon (*Heteromeles arbutifolia*);
12. Santa Cruz Island ironwood (*Lyonothamnus floribundus*, subspecies *asplenifolius*);
13. California Oregon grape (*Mahonia pinnata*);
14. Holly-leaf cherry (*Prunus ilicifolia*);
15. Coffee berry (*Rhamnus californica*);
16. Lemonade berry (*Rhus integrifolia*);
17. Sugar bush (*R. ovata*);
18. Chaparral currant (*Ribes malvaceum*);
19. Fuchsia gooseberry (*R. speciosum*);
20. Catalina currant (*R. viburnifolium*);
21. Red valerian (*Centranthus ruber*);
22. Costmary (*Chrysanthemum balsamita*);
23. Corsican hellebore (*Helleborus foetidus*);
24. Butcher's broom (*Ruscus aculeatus*);
25. Bouncing bet (*Saponaria officinalis*);
26. Strawberry tree (*Arbutus uneda*);
27. Judas tree (*Cercis siliquastrum*);
28. White hybrid rock rose (*Cistus xhybridus*);
29. White Australian fuchsia (*Correa alba*);
30. Elaeagnus (*Elaeagnus pungens*);

31. Pineapple guava (Feijoa sellowiana);
 32. Junipers (*Juniperus* species);
 33. Myrtle (*Myrtus communis*);
 34. Oleander (*Nerium oleander*);
 35. Mugo pine (*Pinus mugo*);
 36. Rosemary (*Rosmarinus officinalis*);
 37. Bush germander (*Teucrium fruticans*);
 38. Xylosma (*Xylosma congestum*);
 39. Indian soaproot (*Chlorogalum pomeridianum*);
 40. Clarkia and godetia (*Clarkia* species);
 41. Chinese houses (*Collinsia* species);
 42. Creeping wild rye (*Elymus triticoides*);
 43. Miner's lettuce (*Montia perfoliata*);
 44. Baby blue eyes (*Nemophila menziesii*);
 45. Blue-eyed grass (*Sisyrinchium bellum*);
 46. California fuchsia (*Zauschneria* species);
 47. Inca lily (*Alstroemeria* species);
 48. Naked ladies (*Amaryllis belladonna*);
 49. Anemone (*Anemone coronaria*);
 50. Italian arum (*Arum italicum*);
 51. Asparagus (*Asparagus officinalis*);
 52. Baboon flower (*Babiana stricta*);
 53. Autumn crocus (*Colchicum* species);
 54. Cyclamen (*Cyclamen* species);
 55. Bluebell of Scotland (*Endymion non-scriptus*);
 56. Freesia (*Freesia* species);
 57. Ixia (*Ixia* species);
 58. Spider lily (*Lycoris radiata*);
 59. Grape hyacinth (*Muscari* species);
 60. Daffodils, jonquils and narcissus (*Narcissus* species);
 61. Nerine (*Nerine* species);
 62. Ornithogalum (*Ornithogalum* species);
 63. Pink bulb oxalis (*Oxalis purpurea*);
 64. Giant scilla (*Scilla peruviana*);
 65. Sparaxis (*Sparaxis* species);
 66. Yellow fall crocus (*Sternbergia lutea*).
- F. Paving within the driplines of oak trees

should be stringently minimized. When it is absolutely necessary, porous material should be used.

G. Trees which are to be preserved, and those at the edge of construction sites on adjacent properties, shall be protected prior to and during site grading and construction activities. Protection shall include a minimum setback of fifteen feet from tree trunks (to be expanded based upon tree size and extent of dripline), and placement of a chain link fence (minimum five feet high) as a barrier around trees to prevent accidental damage to trunks or soil compaction and/or excessive burial of root systems. Installation of fencing shall occur under the direction of the planning director designate and may include additional mitigation if so determined.

H. The entire trunk and dripline of existing oak trees and public trees shall be maintained on a single parcel large enough to accommodate reasonable tree growth so as to reduce the risk of tree damage from construction activities on adjacent properties.

(As amended by Ord. 94-15 §§ 19, 20)

Section 12.28.090 Grading beneath tree driplines.

Grading beneath trees to be saved shall be given special attention. Every reasonable effort shall be made to avoid creating conditions adverse to the tree's health. The natural ground within the driplines of protected trees shall remain as undisturbed as possible. Grading within the driplines of oak trees will not be permitted unless specifically authorized by the approving body or by the Planning Director.

A. Major roots two inches or greater in diameter encountered within the tree's dripline in the course of excavation from beneath trees which are not to be removed, shall not be cut and shall be kept moist and covered with earth as soon as possible. Roots one inch to two inches in diameter which are severed shall be trimmed and treated with pruning compound and covered with earth as soon as possible. Such covering and treatment shall occur no later than the same working day.

B. Support roots that are inside the dripline of the tree shall be protected. The permittee is required to hand-dig in the vicinity of major

trees to prevent root cutting and mangling which may be caused by heavy equipment.

C. Cross sections may be required where trees are located adjacent to roadways, new slopes or critical areas. In addition, a dimension from the face of a tree to some critical point or line may be required.

D. Any condition imposed by the planning commission, the city council, or the planning director relating to grading in the vicinity is incorporated into and made a part of the improvement standards. The consulting engineer for the project shall verify in writing on a form to be provided by the planning department that the grading has been completed as required by this section and any conditions imposed by the planning commission, the city council or the planning director.
(Ord. 90-01 § 1 (part))

Section 12.28.100 Performance security.

A. Adequate security may be required for any project for which a permit or other approval is required pursuant to provisions of this Chapter or other city adopted codes. The purpose of such security shall be to guarantee the applicant's compliance with conditions of approval and city ordinance provisions regarding tree protection and preservation. Security may also be required at the discretion of the approving body to insure to completion of any additional work specified as a condition of permit approval or other approvals.

B. The minimum security shall be in the amount of one hundred percent of the estimated cost of the required work as determined by the city based on a certified arborist's report.

C. The security may be in the form of a letter of credit, cash deposit or a combination thereof and shall be approved by the city council.

D. The security and fee deposits may be required by the approving body whenever it appears that substantial work is required by the city or its agencies on the following:

1. Land containing trees;
2. Where substantial grading is required; and
3. When action may be required by the city or any of its agencies to correct a violation of the zoning code or other written policies or

regulations of the city.

E. The terms and conditions of the security shall be determined by the approving body and shall be stated in the conditions of approval.

F. Security posted on actual work required shall be maintained for a period of time not to exceed five years, unless such circumstances dictate a longer period.

G. Any interest gained on cash security posted by the requirement of the agency shall accrue to the applicant and his or her designee.
(Ord. 94-15 §§ 21, 22; Ord. 90-01 § 1 (part))

Section 12.28.110 Tree removal provisions.

A. If a permit is denied, the approving body shall provide written notification, including the reasons for denial, to the applicant.

B. A granted permit shall be valid for a period of six months from the date of issuance. An extension of time may be granted not to exceed an additional six months.

C. It shall be the responsibility of the person trenching, grading or filling within a tree's dripline or cutting, destroying or removing any tree under this Chapter to have the tree permit or a copy of the conditions of approval imposed by the approving body at the tree removal site.
(Ord. 90-01 § 1 (part))

Section 12.28.120 Tree preservation fund.

A tree preservation fund is established for the city for the purposes specified in section 12.28.170. The moneys received in lieu of replacement trees and illegally removed trees shall be forwarded to the finance director for deposit in the tree preservation fund. Under no circumstances shall the funds collected by the city finance director for the tree preservation fund be directed to any other fund to be used for any other purposes other than the planting, enhancement, maintenance and/or monitoring of trees on publicly owned property, easements or rights-of-way.
(Ord. 94-15 § 23; Ord. 92-10 § 1; Ord. 90-01 § 1 (part))

Section 12.28.125 Abuse or mutilations of trees prohibited.

It is a violation of this Chapter to abuse, destroy or mutilate any oak tree, public tree, plant or shrub in a street tree area or any other public place, or to attach or place any rope, wire (other than one used to support a young or broken tree), sign, poster, handbill, or other things to or on any oak tree or public tree growing in a public place, or to cause or permit any wire charged with electricity to be placed or attached to any such oak tree or public tree, or allow any gaseous, liquid or solid substances which are harmful to such oak trees or public trees to come in contact with their roots or leaves.

(Ord. 94-15 § 24)

Section 12.28.130 Appeals.

Appeal from directions and orders under this Chapter may be made by filing a written appeal hearing request, accompanied by the appropriate filing fee, with the City Clerk within five (5) days after such direction and order is received, stating in substance the grounds upon which appeal is being made. The hearing shall be set and conducted pursuant to section 21.03.060. The hearing officer's decision shall be conclusive, and in the event the hearing officer upholds the decision of the Planning Director or his duly authorized representative, the property owner or his duly authorized agent shall have fifteen (15) days thereafter to comply with such decision and orders. Nothing contained in this section shall be deemed to impose any liability upon the City, its officers or employees, or to relieve the owner of any private property from the duty to keep any tree, shrub or plant upon his property or under his control in such condition as to prevent it from constituting a hazard or an impediment to travel or vision upon any street, park, pleasure ground, boulevard, alley or public place within the City.

(Ord. 2006-07, Amended, 06/06/2006; Ord. 94-15 § 25; Ord. 90-01 § 1 (part))

Section 12.28.150 Public nuisance.

Any oak tree, public tree or shrub growing in a street tree area or public place or in private property which is endangering or which in any way may endanger the security or usefulness of

any public street or sidewalk is declared to be a public nuisance, and the city may require the property owner to trim or remove any such oak tree or public tree on private property or on a parking strip abutting such owner's property or may permit any public utility to do so or the city may trim or remove such oak tree or public tree. Failure of the property owner or his duly authorized agent to trim or remove such tree in the time ordered by the planning director or his duly authorized representative based on the dangerous nature of the tree, shall be deemed to be a violation of this Chapter, and the Planning Director or his duly authorized representative may then abate the nuisance by trimming or removing the oak tree or public tree and the cost of such abatement shall become a lien on the property pursuant to section 21.01.100 or assessment pursuant to section 21.01.110.

(Ord. 2006-07, Amended, 06/06/2006; Ord. 94-15 § 27; Ord. 90-01 § 1 (part))

Section 12.28.160 Stop work order.

Whenever the planning director, the planning commission or the city council determines that any permit, or variance or any action being taken thereunder, or any action under it without a permit, is in conflict with this Chapter or with the standards established by the city or any department thereof, or ordinance, regulations, or policy, it shall issue a stop work order which shall prohibit any action thereunder. Such stop work order shall set forth the alleged violations and may list remedies to be taken to correct the violations. The person receiving such a stop work order shall report in writing to the officer, person or body issuing the order within forty-eight hours regarding the next steps to be taken to correct the violations. Such stop work order may be extended to provide an opportunity for a hearing being extended to the affected party. During the period of such extension, the planning commission shall review the matter as herein provided. A stop work order issued pursuant to this section may be withdrawn by the planning department or the officer who issued it upon a finding that the circumstances giving rise to the order no longer exist.

(Ord. 90-01 § 1 (part))

Section 12.28.170 Suspension, revocation and restoration.

In addition to or instead of the measures set forth in this Chapter, the Planning Director or his duly authorized representative, the Planning Commission or the City Council may suspend any permit subject to a public post-suspension hearing upon the finding that a violation of conditions of approval has occurred. Such hearing shall be set and conducted pursuant to section 21.03.060.

If the hearing officer revokes the permit or finds that a violation of conditions of approval has occurred, he or she may require conditions of restoration. Said restoration shall include a requirement to replace in-kind any oak tree(s) which have been removed without a permit. Further the replacement shall consist of specimen trees (no less than a fifteen-gallon size) having a total combined diameter equal to the total combined diameter of the illegally removed tree(s). If the project site is not capable of supporting all the required replacement trees, the violator shall pay to the City a sum equivalent to the retail cost of the number of trees that cannot be accommodated which shall not be less than seventy-five dollars (\$75.00) per inch. These funds will be deposited in the tree preservation fund maintained by the City Finance Department as set forth in section 12.28.120.

(Ord. 2006-07, Amended, 06/06/2006; Ord. 90-01 § 1 (part), 1990)

Section 12.28.180 Violation - penalty.

Violation of any of the provisions of this Chapter is unlawful and an offense and is subject to the penalties described in Chapter 21.01 of Title 21 of the Galt Municipal Code.

(Ord. 2006-07, Amended, 06/06/2006; Ord. 94-15 § 28: Ord. 90-01 § 1 (part))

Section 12.28.190 Other species of trees.

The approving body shall have the authority to adopt mitigation measures as conditions of approval for discretionary projects in order to protect other species of trees.

(Ord. 94-15 § 29: Ord. 90-01 § 1 (part))

Section 12.28.200 Cumulative penalties.

The remedies provided for herein shall be cumulative, not exclusive.

(Ord. 90-01 § 1 (part))

Section 12.28.210 Nonliability of city.

Nothing in this Chapter shall be deemed to impose any liability for damages or a duty of care and maintenance upon the city or upon any of its officers or employees. The person in possession of any public property or the owner of any private property shall have a duty to keep the oak trees upon the property and under their control in a safe, healthy condition. Except as provided in section 12.28.040, any person who feels a tree located on property possessed, owned or controlled by them is a danger to the safety of themselves, others or structural improvements on-site or off-site shall have an obligation to secure the area around the tree or support the tree, as appropriate to safeguard both persons and improvements from harm.

(Ord. 90-01 § 1 (part))