

one hundred dollars for a second offense within one year of the first offense and a fine of not exceeding two hundred fifty dollars for each additional violation. For purposes of this chapter, each day that a violation of the provisions of this chapter continues shall be deemed a separate offense. (Ord. 234 §10, 1987).

Chapter 13.24

TREES AND LANDSCAPING

Sections:

- 13.24.010 Title.
- 13.24.015 Purpose.
- 13.24.020 Definitions.
- 13.24.030 Enforcement.
- 13.24.040 Drought-tolerant tree and landscape species.
- 13.24.050 Distance from curb and sidewalk.
- 13.24.060 Public tree care.
- 13.24.070 Tree topping.
- 13.24.080 Pruning.
- 13.24.090 Dead or diseased tree removal on private property.
- 13.24.100 Tree removal in anticipation of development--Prohibited.
- 13.24.110 Tree and landscaping plans required for subdivisions and planned developments.
- 13.24.120 Tree and landscaping plans required for commercial, industrial, parking lot and multifamily residential construction.
- 13.24.130 Tree landscaping plans for building permits, site plans, use permits and grading permits.
- 13.24.140 Review and appeals.
- 13.24.150 Hardships--Remedies.
- 13.24.160 Federal, state, county and public utility exemptions.
- 13.24.170 Violation--Penalty.

13.24.010 Title. This chapter shall be referred to as the Tree and Landscape Ordinance of Sutter Creek. (Ord. 274 (part), 1993: Ord. 249 §1, 1990).

13.24.015 Purpose. The purpose of the ordinance codified in this chapter is to provide a method for beautifying the city, to enhance air quality, and to do so in a water-efficient manner. (Ord. 274 (part), 1993).

13.24.020 Definitions. A. Street Trees. "Street trees" are trees on land lying within the public right-of-way on either side of all streets, avenues, ways or alleys within the city.

B. Park Trees. "Park trees" are trees in public parks and all areas owned by the city, or to which the public has free access.

C. Heritage Trees. "Heritage trees" are any of the following:

1. A tree which is of historical significance, specifically designated by planning commission action, or has taken on an aura of historical appeal, and which is indigenous to this area or has adapted exceptionally well to area climatic conditions;

2. Any other tree which has a trunk with a diameter of sixteen inches or more, measured at forty-eight inches above natural grade.

D. Irrigation. "Irrigation" means an automatically timed or manual system of pipes, valves, controllers, wiring and sprinkler heads that will provide adequate water to all trees and landscaping within a project site.

E. Multifamily Residential. "Multifamily residential" means three or more dwelling units.

F. Landscaping. "Landscaping" means any trees, shrubs, grasses, ground covers or flowers including perennials and bulbs, planted for the purpose of providing scenic beauty, buffer areas or other similar purposes. (Ord. 274 (part), 1993: Ord. 249 §2, 1990).

13.24.030 Enforcement. The planning commission will have responsibility for enforcement of this chapter. If a planning commission is not in existence, the city council shall be responsible for enforcement of this chapter. (Ord. 274 (part), 1993: Ord. 249 §3, 1990).

13.24.040 Drought-tolerant tree and landscape species. Tree and landscape species to be planted shall be selected from the most current lists of drought-tolerant landscape trees and plants for Amador County as maintained by the Amador County master gardeners. Emphasis shall be placed on drought-tolerant native trees and plants. (Ord. 274 (part), 1993: Ord. 249 §4, 1990).

13.24.050 Distance from curb and sidewalk. No street tree shall be planted within two feet of any curb, curblin or sidewalk unless deep watered or deep root control barrier is used. All new street tree plantings shall not obstruct sight distance at intersections. (Ord. 274 (part), 1993: Ord. 249 §5, 1990).

13.24.060 Public tree care. A. The city may plant, prune, maintain and remove trees within the public rights-

of-way on either side of streets, alleys, avenues, lanes, public walkways, public parks, public squares and public grounds within the city as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

B. The city may cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, power lines, gas lines, water lines or other public improvements, or is infected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of such trees is in accordance with this chapter. (Ord. 274 (part), 1993: Ord. 249 §6, 1990).

13.24.070 Tree topping. It is unlawful for any person, firm or city department to top any street tree, park tree or other tree on public property. "Topping" is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storm or other causes or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section at the determination of the city. (Ord. 274 (part), 1993: Ord. 249 §7, 1990).

13.24.080 Pruning. Every owner of any tree or landscaping overhanging any street within the city shall prune the branches so that such branches shall not obstruct the light from any street light or obstruct the view of any street intersection, public walkway or public park. The owner shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public. The city may prune any tree or landscaping on private property when it interferes with the proper sight distance or with the proper spread of light along the street from a street light or interferes with visibility of any traffic-control device or sign. In the event of failure of owners to comply with such provisions, the city may remove such trees or landscaping and charge the cost of removal to the owners. (Ord. 274 (part), 1993: Ord. 249 §8, 1990).

13.24.090 Dead or diseased tree removal on private property. The city may remove any dead or diseased trees or landscaping on private property within the city when such trees constitute a hazard to life and property or harbor insects or disease which constitute a threat to other trees within the city. The planning commission will notify in writing, by registered letter, the owners of such trees. Removal shall be done by the owners at their own

expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city may remove such trees or landscaping and charge the cost of removal to the owners. (Ord. 274 (part), 1993: Ord. 249 §9, 1990).

13.24.100 Tree removal in anticipation of development--Prohibited. Removal of any trees having a minimum trunk diameter of six inches measured at forty-eight inches above adjacent ground level on any undeveloped parcel within the city in anticipation of developing that parcel is strictly prohibited without first obtaining a tree removal permit. (Ord. 274 (part), 1993: Ord. 249 §10, 1990).

13.24.110 Tree and landscaping plans required for subdivisions and planned developments. A. All subdivision and planned development plans filed for tentative approval shall include a tree and landscaping plan to be prepared by a qualified landscape person. The plan shall indicate all existing trees to remain, plus all proposed street trees and landscaping to be installed within common areas after the construction of improvements to the property. Plans shall provide a method of protection during construction of all trees to remain subject to approval of the planning commission and shall include a plan of the undeveloped or predeveloped parcels which clearly indicates all trees to be removed.

B. Subdivision and planned development plans shall show a minimum of one street tree per lot. Owner is required to install street trees of type and size per plans prior to issuance of notice of completion.

C. Once a tree and landscaping plan has been approved, no changes shall be permitted in the approved plan without prior review of the planning commission. Developer will be required to install a water-efficient irrigation system to all landscaped common areas within the subdivision or planned development. (Ord. 274 (part), 1993: Ord. 249 §11, 1990).

13.24.120 Tree and landscaping plans required for commercial, industrial, parking lot and multifamily residential construction. A. All commercial, industrial, parking lot and multifamily residential construction plans shall include tree and landscaping and irrigation plans to be prepared by a qualified landscape person. In addition to indicating all proposed trees and landscaping to be planted after the improvements are constructed, a plan of the undeveloped or predeveloped parcels will be submitted. This plan shall clearly indicate all existing trees on the property and provide a method of protection for all trees to be retained. The planning commission shall review the plan. Once the entire plan has been approved by the com-

mission, the approved plan shall constitute a permit to remove any trees so designated.

B. For every tree removed with trunk diameter greater or equal to six inches measured at forty-eight inches above ground, three trees shall be replaced (minimum fifteen gallon, trunk caliper not less than one inch) in public easements and rights-of-way. An approved water-efficient irrigation system will be required to ensure their survival for the first four years. The city requires the use of a water-conserving system design and materials and the use of a drip irrigation system where appropriate pursuant to Article 10.8 of Chapter 3 of Division 1 of Title 7 of the California Government Code. Changes in the trees or landscaping to be removed as designated on any plan as filed and approved shall only be permitted upon approval of the planning commission. Any tree or landscaping that does not survive or is determined to be diseased within the first four years shall be replaced at the expense of the developer/owner. Every parking lot shall have one tree (minimum trunk caliper not less than one inch) planted for every three parking spaces and shall include adequate landscaped curb planting areas and a water-efficient irrigation system to ensure survival of the trees and landscaping for the first four years. A tree with six-inch minimum trunk diameter measured at forty-eight inches above ground not removed equals three trees credit (parking lots only). (Ord. 274 (part), 1993; Ord. 249 §12, 1990).

13.24.130 Tree landscaping plans for building permits, site plans, use permits and grading permits. No building permits, site plans, use permits or grading permits for any type of improvements will be issued unless a tree and landscaping plan has been approved by the planning commission. Single-family residential and two-family residential lots are exempt from the provisions of this chapter. (Ord. 274 (part), 1993; Ord. 249 §13, 1990).

13.24.140 Review and appeals. A. The city council shall have the right to review the conduct, acts and decisions of the planning commission pertaining to this chapter.

B. Any person may appeal the decision of the planning commission to the city council, which shall hear the matter and render a final decision. The appeal must be made in writing and be received by the city clerk within ten days of written notification by registered letter of the decision of the planning commission. (Ord. 274 (part), 1993; Ord. 249 §14, 1990).

13.24.150 Hardships--Remedies. A. When it is determined by the planning commission that compliance with these regulations would create an unreasonable hardship, relief

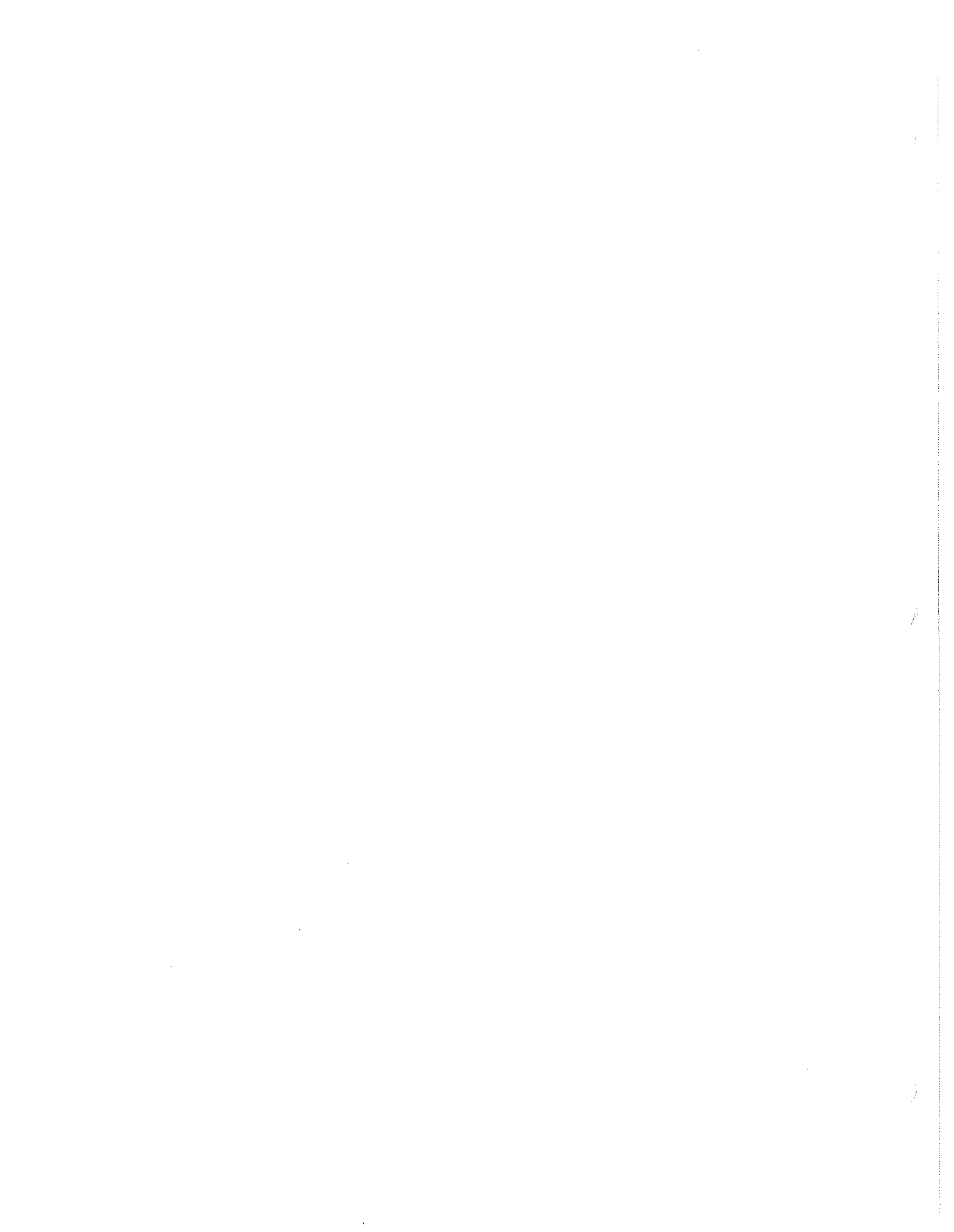
may be granted from these provisions that cause the hardship. Determination of unreasonable hardship shall be based upon an overall evaluation of the following factors:

1. The cost of landscaping;
2. The cost of the construction of the project;
3. The nature of the landscaping that would be gained or lost;
4. Physical site constraints;
5. Legal restrictions.

B. The planning commission will devise a remedy when a hardship has been determined. (Ord. 274 (part), 1993: Ord. 249 §16, 1990).

13.24.160 Federal, state, county and public utility exemptions. Federal, state, county governments and public utilities will be asked to cooperate with the city in assuring that the intent of this chapter is met as they go about their business within the city limits. (Ord. 274 (part), 1993: Ord. 249 §17, 1990).

13.24.170 Violation--Penalty. Any person or persons, firm, association or corporation or other entity violating any term or terms of this chapter is guilty of a misdemeanor and, upon conviction thereof, is punishable by a fine of not more than five hundred dollars or by imprisonment for a period of not more than six months, or by both fine and imprisonment. (Ord. 274 (part), 1993: Ord. 249 §15, 1990).



persons employed by the committee, to dig any grave in the cemetery, without first having obtained permission from the cemetery committee to do so;

D. To in any way damage the trees, floral beds, monuments, headstones or improvements of any kind in any part of the cemetery, or to act in any way in a disorderly manner, pilfering or vandalism of any sort being strictly prohibited;

E. To bury in the cemetery the remains of any person whose death has occurred from any disease held by the State Board of Health to be infectious, contagious, communicable and dangerous to the public health, unless same is buried in a sealed metallic casket or a cemented grave, in accordance with state laws;

F. To leave or deposit rubbish, dirt, brush or refuse of any kind on graves, walks or passageways in the cemetery or at any place therein other than dumping ground selected by the cemetery committee, or to build fires for any purpose in the cemetery without permission of the cemetery committee, or at any place therein that is not selected by the committee. (Ord. 40 §6, 1921).

2.36.070 Violation--Penalty. The penalty for violations of this chapter shall be as prescribed in Section 1.16.010. (Ord. 170 §2(part): Ord. 40 §7, 1921).

Chapter 2.40

HISTORIC SITES*

Sections:

- 2.40.010 Purpose.
- 2.40.020 Historical area designated.
- 2.40.030 Existing historic buildings preserved.
- 2.40.040 Building removal--Permit required.
- 2.40.050 Construction and repairs--Conformity required.
- 2.40.060 "Mother Lode architecture" defined.
- 2.40.070 Removal--Permit--Issuance.
- 2.40.080 Construction and repairs--Permit--Issuance.
- 2.40.090 Construction and repairs--Plan approval.

2.40.010 Purpose. The purpose of this chapter is to provide conditions and regulations for the protection, enhancement and perpetuation of the old and historical buildings

* For the statutory provisions authorizing municipalities to provide for and regulate places having special historical interest or value, see Gov. Code §37361.

on Main Street of the city and the perpetuation of the Mother Lode type of architecture within the city, which has special historical and esthetic interest and value, and to provide for the appearance of structures on neighboring and adjacent property within the public view. (Ord. 155 §1, 1968).

2.40.020 Historical area designated. This chapter applies to that portion of Main Street situated between the intersection of Church Street and Badger Street on the south and Gopher Flat Road, Hanford Street and Hayden Alley on the north. (Ord. 155 §2, 1968).

2.40.030 Existing historic buildings preserved. No presently existing building of special historic or esthetic value or of the Mother Lode type of architecture situated within that portion of Main Street described in Section 2.40.020 of this chapter, or fronting upon any of the streets bounding the area, shall be torn down, demolished or otherwise destroyed. (Ord. 155 §3, 1968).

2.40.040 Building removal--Permit required. In the event that any Mother Lode type of architecture building or any other building of esthetic or historic value or interest is damaged by fire, act of God, or in any other manner, or becomes unsafe or in such state of disrepair or dilapidation as to be untenable by reason of any cause that it cannot with reasonable diligence be repaired and restored, the same may be removed upon issuance of a permit for removal as hereinafter provided. (Ord. 155 §4, 1968).

2.40.050 Construction and repairs--Conformity required. All buildings which are hereinafter constructed or altered as to their exterior appearance upon that portion of Main Street described in Section 2.40.020 and fronting upon any of the streets or alleys immediately adjacent and contiguous thereto, including streets bounding said area shall, as to their exterior architecture, conform to the style of architecture commonly known as and called the Mother Lode type of architecture. (Ord. 155 §5, 1968).

2.40.060 "Mother Lode architecture" defined. For the purpose of this chapter, Mother Lode type of architecture is defined as having the type of architecture generally used in the Mother Lode area in the state of California in the period of 1849 to 1860, inclusive, and the type of architecture exemplified by the buildings known as the Brignola Building situated at the southwest corner of the intersection of Keys and Main Streets, the American Exchange Hotel as it existed before remodeling, being the premises presently known as Bellotti Inn, situated on the west side of Main Street at the northwest corner of Main Street and Fifield Alley, the

Werner Building situated at the northwest corner of Spanish Street and Main Street, the Sutter Creek Beer Garden situated at the northeast corner of Main and Randolph Streets, the Sutter Creek Inn situated at 75 Main Street, and the Stanley home situated at 77 Main Street. . (Ord. 155 §6, 1968).

2.40.070 Removal--Permit--Issuance. No permit for demolition or removal of any building of Mother Lode type of architecture or special historic or esthetic interest situated within the area set forth in Section 2.40.020 hereof shall be issued without the approval of the planning commission and the city council. (Ord. 155 §7, 1968).

2.40.080 Construction and repairs--Permit--Issuance. No permit for construction or alteration of any building within the area set forth in Section 2.40.020 shall be issued until the plans for construction or alteration have been approved by the planning commission and the city council. Notwithstanding anything contained in this section to the contrary, in cases requiring any repair to prevent substantial loss or damage to property, emergency repairs the total cost of which does not exceed the sum of one thousand dollars may be made prior to the obtaining of a permit as required by this section. (Ord. 196 §1, 1978: Ord. 155 §8, 1968).

2.40.090 Construction and repairs--Plan approval. The planning commission shall not approve plans for the construction or alteration of any building within the area set forth in Section 2.40.020 unless the plans conform to the provisions of this chapter. Notwithstanding anything contained in this section to the contrary, in cases requiring any repair to prevent substantial loss or damage to property, emergency repairs the total cost of which does not exceed the sum of one thousand dollars may be made prior to the obtaining of a permit as required by this section. (Ord. 196 §2, 1978: Ord. 155 §9, 1968).

Chapter 2.44

DEPARTMENT OF PLANS AND INSPECTIONS

Sections:

- 2.44.010 Established.
- 2.44.020 Purpose and intent.
- 2.44.030 Staffing.
- 2.44.040 Duties.
- 2.44.050 Other duties.
- 2.44.060 Fees--Disposition.

