

TITLE 15
Recreation, Beaches and Parks

This title was most recently updated by the following ordinances:

Ordinance No.	Subject	Effective Date	Code Site
5505	Tree Preservation, Maintenance of Approved Landscape Plans	January 14, 2010	Chapters 15.20 and 15.24

TITLE 15

RECREATION, BEACHES AND PARKS

**Chapter: 15.05 Management of Recreation,
Beaches and Parks**

**Chapter: 15.08 Santa Barbara Arts and Crafts
Show**

Chapter: 15.16 Public Beaches and Parks

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Chapter 15.05

MANAGEMENT OF RECREATION, BEACHES AND PARKS

Sections:

**15.05.010 Regulation of Public Parks or
Beach Properties.**

**15.05.020 Policy Pertaining to the Use of
Parks, Beaches and Recreation
Facilities.**

15.05.030 Fees and Charges.

15.05.010 Regulation of Public Parks or Beach Properties.

For purposes of this Chapter, all park or beach facilities owned by the City of Santa Barbara shall be considered to be regulated by Title 15, whether they are operated/maintained by the City or by other legal entities. (Ord. 4189, 1982.)

15.05.020 Policy Pertaining to the Use of Parks, Beaches and Recreation Facilities.

The Parks and Recreation Directors shall manage parks, beaches and recreation facilities according to the General Policy Pertaining to Use of Parks, Recreation Facilities and Equipment, which states the permit procedure and the use policy, as approved by the City Council and as specified in Chapters 15.08 and 15.16 of this Code. (Ord. 4189, 1982.)

15.05.030 Fees and Charges.

Fees and charges for recreation programs, services, park reservations and facility rentals shall be submitted annually by the Recreation Director and recommended by the City Administrator during the budget process for review by the Park and Recreation Commission and adoption by the City Council. (Ord. 4189, 1982.)

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Chapter 15.08

SANTA BARBARA ARTS AND CRAFTS SHOW

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15.08.010 Arts and Crafts Show Ordinance.

This chapter shall be known as the Arts and Crafts Show Ordinance. (Ord. 3626 §1, 1974.)

15.08.020 Declaration of Policy.

The Council of the City of Santa Barbara finds and declares that the public welfare and interest will be served by the establishment of a public arts and crafts show at an area in a beachfront park in the City to provide, among other things, recreational and cultural encouragement to artists and craftsmen, recreational and cultural advantages to the public at large, and the encouragement of tourist interest and trade to the economic benefit of the community at large. (Ord. 3626 §1, 1974.)

15.08.030 Show Established.

A public arts and crafts show is hereby established and entitled the "Santa Barbara Arts and Crafts Show". (Ord. 4401, 1986; 3626 §1, 1974.)

15.08.040 Time, Dates and Location.

The Arts and Crafts Show shall only take place from 10:00 A.M. to dusk on the following days:

- A. Sunday of each week;
- B. Saturday during Fiesta week;
- C. The third Saturday in May, to commemorate the anniversary of the show;
- D. Saturday following Thanksgiving Day (but not Friday following Thanksgiving Day);
- E. Saturday before each of the dates identified for City recognized observation of the following legal holidays: Martin Luther King Jr. Day, Presidents Day, Memorial Day, Labor Day and Christmas Day;
- F. Saturday before any July 4 falling on a Sunday, Monday, Tuesday or Wednesday; and the Saturday after any July 4 falling on a Thursday or Friday; and July 4 if July 4 falls on a Saturday, to commemorate Independence Day; and
- G. The specific days identified for City recognized observation of New Year's Day.

The Arts and Crafts Show shall only take place at the specific location designated by the City Council. (Ord. 4933, 1995; Ord. 4189, 1982; Ord. 4108, 1981; Ord. 4023, 1979; Ord. 3776 §1, 1975; Ord. 3626 §1, 1974.)

15.08.050 Administration.

The Recreation Director shall administer the Arts and Crafts Show, subject to the provisions of this chapter. (Ord. 4189, 1982; Ord. 3626 §1, 1974.)

15.08.060 Advisory Committee.

An Arts and Crafts Show Advisory Committee shall be established to advise the Recreation Director concerning the administration of the Arts and Crafts Show. To provide for overlapping terms of office, the Recreation Commission may establish terms varying in length from six (6) months to eighteen (18) months. The Advisory Committee shall consist of six (6) members and six (6) alternate members, as follows:

One (1) member at large; two (2) permitted artists; two (2) permitted craftsmen; three permitted artists and three permitted craftsmen as alternates who shall serve in the absence of any member; and the Cultural Recreation Supervisor of the Recreation Department who shall be an ex-officio, non-voting member. The permitted artists and craftsmen who are appointed to the Committee shall be elected by the permitted artists and craftsmen respectively. All members shall be residents of the City or County of Santa Barbara.

The Advisory Committee members shall serve a term of one (1) year unless appointed for a shorter or longer term as provided above. Members shall not serve more than two (2) consecutive terms. Four (4) of the six (6) members of the Committee shall constitute a quorum for the purposes of transacting all business. The Advisory Committee shall meet, subject to quorum requirements, to transact business at least once a month. Officers shall be elected annually. (Ord. 4239, 1984; Ord. 3918 §1, 1977; Ord. 3776, 1975; Ord. 3762, 1975.)

15.08.070 Rules and Regulations.

The Recreation Superintendent shall promulgate rules and regulations for the administration of the Arts and Crafts Show in addition to the provisions of this chapter, not inconsistent therewith, as are reasonably necessary to implement its objectives. In promulgating these rules and regulations, the Recreation Superintendent shall consider any advice or suggestions made by the Advisory Committee, but shall not be bound by them. (Ord. 3626 §1, 1974.)

15.08.080 Permitted Exhibits.

All works exhibited at the Arts and Crafts Show shall be individually hand produced by the exhibitors and shall meet the requirements set forth in the "Standards and Guidelines for Permit Applications" promulgated by the Recreation Superintendent. (Ord. 3626 §1, 1974.)

15.08.090 Free Admission of Public.

Admission of non-exhibiting members of the public to the Arts and Crafts Show shall be free. (Ord. 3626 §1, 1974.)

15.08.100 Residence of Exhibitors.

All exhibitors shall be residents of the County of Santa Barbara. (Ord. 3626 §1, 1974.)

15.08.110 Maximum Number of Exhibitors.

The City Council shall set the maximum number of exhibitors based on recommendations from the Recreation Superintendent consistent with adequate display of works exhibited and the safety and convenience of pedestrian traffic within the area designated for the Arts and Crafts Show. (Ord. 3626 §1, 1974.)

15.08.120 Application to Exhibit.

Any person desiring to exhibit any arts and crafts at the Arts and Crafts Show shall first submit an application to the Recreation Superintendent. The Recreation Superintendent shall approve all applications if the applicant shows to his satisfaction that the applicant's arts or crafts meet the requirements set forth in Section 15.08.080. In the event that the Recreation Superintendent denies an application, applicant can appeal said denial to the Recreation Commission. The decision of the Recreation Commission shall be final. (Ord. 3626 §1, 1974.)

15.08.130 Requirement and Payment of Fees.

Upon approval of the application as provided in Section 15.08.120, the applicant shall apply to the City Tax and Permit Inspector, in the manner prescribed by the Recreation Director, for a permit to exhibit, and shall furnish a photograph of applicant, of passport size, to affix to said permit. In the event that permits for the maximum number of exhibitors as provided in Section 15.08.110 have already been issued and remain in effect, no permit shall be issued and the applicant shall be placed on a waiting list. If a permit is issued, it shall be displayed by exhibitor in a manner prescribed by the Recreation Director.

The applicant shall pay the fees required by this Chapter as established by resolution of the City Council.

Permits issued pursuant to this chapter may be renewed, at expiration, for additional one year periods, upon repayment of the fee provided in this section. (Ord. 4401, 1986; Ord. 4239, 1984; Ord. 4146, 1982; Ord. 3982, 1979; Ord. 3914 §1, 1977; Ord. 3851, 1976; Ord. 3776, 1975; Ord. 3626 §1, 1974.)

15.08.140 State Board of Equalization Permits.

Prior to exhibiting any art or craft at the Arts and Crafts Show, all exhibitors shall first obtain a "Sellers Permit" from the California State Board of Equalization. Said permit shall be displayed by exhibitor in a manner prescribed by the Recreation Superintendent. (Ord. 3626 §1, 1974.)

15.08.150 Revocation of Permit.

Any violation of the provisions of this chapter or of the rules and regulations promulgated pursuant to this chapter shall be grounds for the suspension or revocation by the Recreation Director of the permit issued to the exhibitor without refund of the permit fee. Such action may be appealed to by filing written notice with the Recreation Commission within 10 days of the decision. The Commission shall either affirm, modify or rescind the decision of the Recreation Director and may elect to hold an informal hearing on the appeal. The decision of the Recreation Commission may be appealed to the City Council pursuant to the provisions of Section 1.30.050 of this Code. (Ord. 5136, 1999; Ord. 4239, 1984; Ord. 3626 §1, 1974.)

15.08.160 Exemption from Business Tax.

Exhibitors having valid and current permits pursuant to this chapter shall be exempt from the provisions of Chapter 5.04 of this Code, Business Tax, with respect to activities conducted at the Santa Barbara Arts and Crafts Show. (Ord. 3626 §1, 1974.)

15.08.170 Administration by the Advisory Committee.

The Recreation Superintendent, with the approval of the City Administrator, may delegate to the Advisory Committee, any of the administrative functions given him in this chapter. Any such delegation may be terminated by the Recreation Superintendent at any time. Upon such termination, the Recreation Superintendent shall again perform these administrative functions. (Ord. 3626 §1, 1974.)

15.08.180 Penalty for Violations.

A violation of any provision of Chapter 15.08 shall constitute an infraction. (Ord. 4067, 1980; Ord. 3776, 1975; Ord. 3626 §2, 1974.)

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Chapter 15.16

PUBLIC BEACHES AND PARKS

Sections:

15.16.010	Selling or Soliciting.	15.16.150	Damaging Park Property - Prohibited.
15.16.020	Signs and Advertising.	15.16.160	Guns and Dangerous Instruments Prohibited.
15.16.060	Recreational Vehicles and Camping in Public Areas - Definitions.	15.16.170	Powered Models Prohibited.
15.16.070	Unlawful Areas to Camp.	15.16.175	Skateboard Facilities: Regulations.
15.16.080	Recreational Vehicles - Unlawful Areas to Use.	15.16.180	Skateboard Facilities: Helmets, Elbow and Knee Pads Required.
15.16.085	Unlawful Areas to Sleep.	15.16.200	Water Pollution Prohibited.
15.16.090	Posted Areas - Lawful to Camp.	15.16.220	Prohibition of Certain Things.
15.16.110	Construction of Structures and Parking Areas on City-Owned Beach Property.	15.16.240	Disturbing the Peace - Removal From the Park.
15.16.120	Findings.	15.16.250	Closing.
15.16.130	Public Nudity, Offense When.	15.16.260	Closing Times.

15.16.010 Selling or Soliciting.

It shall be unlawful for any person to practice, carry on, conduct, or solicit for any occupation, business or profession in any City park, or on any City beach, or sell or offer for sale therein any service, merchandise, article, or anything whatsoever. This section shall not apply to any person acting pursuant to a contract with the City of Santa Barbara or except as otherwise provided in this Code. (Ord. 4189, 1982; prior Code §32.39.)

15.16.020 Signs and Advertising.

A. PROHIBITION. It is unlawful for any person upon any public beach or in any park within the City to construct, maintain, display or alter or cause to be constructed, maintained, displayed or altered a sign (as defined in Section 22.70.010 of the code) except in conformance with this Section.

B. RECREATION DIRECTOR AUTHORIZATION. The Recreation Director is authorized to issue a permit for a sign which pertains to an event which will take place on a public beach or a public park which will not exceed five days in duration and which conforms to sign standards approved by resolution of the City Council.

C. EXCEPTIONS. A permit for a sign pertaining to an event which does not conform to the sign standards adopted by resolution of the City Council may only be issued if an exception from the standards is approved by the Sign Committee upon finding that all of the grounds set forth in Section 22.70.070 exist. The decision of the Sign Committee regarding an exception request shall be final.

D. DEFINITIONS. "Sign" shall have the meaning set forth in Chapter 22.70 of the Santa Barbara Municipal Code. "Event" shall have the meaning set forth in Chapter 9.12 of the Santa Barbara Municipal Code. (Ord. 4382, 1986.)

15.16.060 Recreational Vehicles and Camping in Public Areas - Definitions.

For the purpose of Section 15.16.060 through 15.16.100 inclusive, the following words and terms are defined as follows:

A. "Boat trailer" is a vehicle used to convey a boat;

B. "Camp" means the use of camping facilities such as tents, tarpaulins or temporary shelters, the use of non-City designated cooking facilities and similar equipment or the use of cots, beds or hammocks. "Camping" shall not include merely sleeping outside or the use of a sleeping bag, bedroll, or mat, and no more personal possessions than can reasonably be carried by an individual.

C. "Public street" means and includes streets, roads, highways, alleys, sidewalks, parkways, bridges, culverts, drains and all other facilities and areas necessary for the construction, improvement and maintenance of streets and roads;

D. "Recreational vehicle" shall have the definition set forth in Section 28.04.555 of this Code;

E. "Temporary recreational vehicle" means any motor vehicle altered and equipped for sleeping or human habitation. (Ord. 5459, Section 3, 2008; Ord. 4651, 1990; Ord. 4416, 1986; Ord. 4269, 1984; Ord. 4007 §2, 1979; Ord. 3389 §1, 1969; Ord. 3165 §1 (part), 1966; Ord. 3003 §1 (part), 1964; Ord. 2730 §1 (part), 1959.)

15.16.070 Unlawful Areas to Camp.

It shall be unlawful for any person to camp in the following areas except as otherwise provided for:

- (1) Any public park;
- (2) Any public street;
- (3) Any public parking lot or public area, improved or unimproved;
- (4) Any public beach between a point representing the prolongation of the easterly City limits as they existed prior to May 31, 1957, and a point representing the prolongation of La Marina Drive. (Ord. 4189, 1982; Ord. 3165 §1 (part), 1966; Ord. 3003 §1 (part), 1964; Ord. 2730 §1 (part), 1959.)

15.16.080 Recreational Vehicles - Unlawful Areas to Use.

It is unlawful for any person to use any recreational vehicle or temporary recreational vehicle for sleeping, human habitation or camping purposes in any of the following areas except as otherwise provided for:

- A. Any public park;
- B. Any public street;
- C. Any public parking lot or public area, improved or unimproved;
- D. Any public beach. (Ord. 4269, 1984; Ord. 4189, 1982; Ord. 3389 §2, 1969; Ord. 3165 §1 (part), 1966; Ord. 3003 §1 (part), 1964.)

15.16.085 Unlawful Areas to Sleep.

It shall be unlawful for any person to sleep:

1. In any public beach during the period of time from one-half hour after sunset to 6:00 A.M.
2. In or on any public street or sidewalk or in or on City walkways, paseos, boardwalks, or other public ways intended for pedestrian or vehicular use and owned or maintained by the City:
3. On the grounds of City owned or maintained buildings, facilities or other improved City property. (Ord. 4652, 1990; Ord. 4421, 1986; Ord. 4416, 1986; Ord. 4189, 1982; Ord. 4007, §3, 1979.)

15.16.090 Posted Areas - Lawful to Camp.

Notwithstanding Sections 15.16.060 - 15.16.100, whenever any or all of any public park or place has been so designated by the Park Commission or the Harbor Commission, within their respective jurisdictions, as a place to do that which is otherwise made unlawful by this Chapter, and signs are posted giving notice of such fact, it shall be lawful to camp or sleep in the place so designated and posted, or, as the case may be, to use any recreational vehicle or temporary recreational vehicle for human habitation or camping purposes in the place so designated and posted. (Ord. 4269, 1984; Ord. 4045, §1, 1980; Ord. 3165 §1(part), 1966; Ord. 3003 §1(part), 1964.)

15.16.110 Construction of Structures and Parking Areas on City-Owned Beach Property.

(a) Except as hereinafter provided, no structure or parking area shall be constructed hereafter on the following described property owned by the City of Santa Barbara:

That property being bound by the southerly right-of-way line of Shoreline Drive and Cabrillo Boulevard on the north, the City limits line now existing at the west line of Santa Barbara Cemetery on the east, the present or future shoreline of the Pacific Ocean on the south and the southerly prolongation of La Marina Drive on the west.

(b) This section shall not prohibit the alteration or repair of any existing structure or parking area nor shall it prohibit the construction of public restroom facilities.

(c) This section shall not prohibit the construction of structures or parking areas on Stearns Wharf or in the area commonly known as the Breakwater which has as its westerly boundary the most westerly portion of an existing boat yard described as Parcel 1 in a lease between the City of Santa Barbara and Kenneth Elmes and Samuel Dabney, Jr., dated January 24, 1961, and as its easterly boundary the most easterly portion of a groin situated immediately to the east of the southerly prolongation of Bath Street. (Ord. 3228 §§1-3, 1967.)

15.16.120 Findings.

The City Council for the City of Santa Barbara hereby declares and finds that, due to the geographical boundaries of the City and its urban characteristics, no beach within the boundaries of the City is an isolated beach, and every beach is used and frequented extensively by its inhabitants. Further, the exposure of the areolas of a female's breasts and male or female genitalia is offensive, and causes discomfort and affront to a substantial number of persons using and frequenting said City beaches regardless of the sexual motives of the offenders. (Ord. 3558 §1, 1972.)

15.16.130 Public Nudity, Offense When.

It is hereby declared a public nuisance and an infraction, as to any person, other than an infant as defined in Webster's Unabridged Dictionary, for any female to expose the areolas of her breasts or for any male or female to expose their genitalia on public beaches or other public streets, parks or other municipal property within the City, to the offense, discomfort or affront of another person, whether or not complaint thereof shall be made by such other person.

The violation of any provision of this section shall constitute an infraction punishable by 1) a fine not exceeding fifty dollars (\$50.00) for a first violation; 2) a fine not exceeding one hundred dollars (\$100.00) for a second violation of the same ordinance within one (1) year; 3) a fine not exceeding two hundred fifty dollars (\$250.00) for each additional violation of the same ordinance within one (1) year. (Ord. 3997, 1979; Ord. 3558 §1, 1972.)

15.16.150 Damaging Park Property - Prohibited.

It shall be unlawful for any person to intentionally, willfully or maliciously injure, destroy, damage or deface any real or personal property owned and/or maintained by the City of Santa Barbara. (Ord. 5159, 2000; Ord. 4189, 1982.)

15.16.160 Guns and Dangerous Instruments Prohibited.

Unless authorized by the Parks Director, no person except an authorized City employee or peace officer shall bring into a City park or possess therein any of the following articles or instruments:

Any firearm or ammunition, any explosive, or incendiary device, any fireworks, air gun, pellet gun, spring gun, slingshot, crossbow, bow and arrow (except as otherwise provided in this section), any weapon or instrument by means of which any missile can be propelled, any instrument which can be loaded with blank cartridges, or any kind of trapping device.

No person shall shoot any of the above-described weapons or instruments into the park limits from outside the limits of a park.

Nothing herein shall prohibit the use of bows and arrows for archery conducted in areas and at times designated for such use by the Director of Parks or Recreation. (Ord. 4189, 1982.)

15.16.170 Powered Models Prohibited.

No person shall operate in any park, any model airplane, boat, car or other similar device that is powered by an internal combustion engine or other similar or electric power source, except in an area and at such times as designated for such use by the Director of Parks or Recreation. (Ord. 4189, 1982.)

15.16.175 Skateboard Facilities: Regulations.

It shall be unlawful for any person to:

- (1) Use any publicly owned or publicly operated skateboard facility for any activity other than skateboarding, in-line skating or roller skating unless otherwise authorized by a permit issued by the Parks and Recreation Director;
- (2) Use or be upon any publicly owned or publicly operated skateboard facility while under the influence of any alcoholic beverage or drug or under the combined influence of any alcoholic beverage or drug;
- (3) Skate, run, or stand on, jump from, or otherwise employ any exterior wall or fence surface while using any publicly owned or publicly operated skateboard facility;
- (4) Use or be upon any publicly owned or publicly operated skateboard facility while wearing any audio headset;
- (5) Introduce, employ or use any unauthorized equipment, obstacle or apparatus within any publicly owned or publicly operated skateboard facility;
- (6) Enter or remain in any publicly owned or publicly operated skateboard facility with any food or beverage; or
- (7) Play amplified music in any publicly owned or publicly operated skateboard facility. (Ord. 5159, 2000.)

15.16.180 Skateboard Facilities: Helmets, Elbow and Knee Pads Required.

It shall be unlawful for any person to enter, remain in or use any skateboard facility owned or operated by the City of Santa Barbara unless that person is wearing a helmet, elbow pads, and knee pads. Violation of this provision is an infraction punishable by (1) a fine not exceeding fifty dollars (\$50.00) for the first violation, (2) a fine not exceeding one hundred dollars (\$100.00) for a second violation of the same ordinance within one (1) year; (3) a fine not exceeding one hundred seventy-five dollars (\$175.00) for each additional violation of the same ordinance within one (1) year. (Ord. 5159, 2000; Ord. 5028, 1997).

15.16.200 Water Pollution Prohibited.

No person shall throw, discharge or otherwise deposit or cause or permit to be placed into the waters of any body of water in or adjacent to any City park or any tributary stream, storm sewer, sanitary sewer or drain flowing into such water, any substance, matter or thing, liquid, solid, or gas, which materially impairs the esthetics or usefulness of such water for persons or habitability and/or potability of such water for any animal. (Ord. 4189, 1982.)

15.16.220 Prohibition of Certain Things.

1. The Director of Parks and Recreation may prohibit, remove or require to be removed from any City park or beach any animal, vehicle, equipment, activity, thing or material, the use or presence of which therein is likely to:
 - a. Cause an unreasonable risk of harm or danger to any person or damage to any real or personal property.
 - b. Cause any unreasonable burden of maintenance or cleanup.
 - c. Cause any unreasonable annoyance to any person.
2. No person shall violate any rules or regulations made or lawful directions given by the Director of Parks and Recreation in the exercise of the above authority.
3. No person shall, nor shall any person permit a minor under his or her supervision to:
 - a. Play any percussion instrument in any City park without a permit issued by the Director of Parks and Recreation, which shall not be unreasonably withheld.
 - b. Swim, wade, dive, wash, play, jump or remain in any Parks and Recreation pond, fountain, percolation pond, reservoir or lake unless such location and area are designated for such uses.
 - c. Play baseball, softball, soccer, football rugby, golf, or any other activity in any area other than a baseball, softball, soccer, or football field, or golf course or driving range when such activity unreasonably interrupts the normal use of that facility or creates any unreasonable risk of harm or danger to any person, or will likely cause damage to any personal or public property on or in any City park or beach.
 - d. Pitch metal horseshoes in any areas of any park except in a horseshoe pit designated by the Parks Department.
 - e. Throw, toss or pitch lawn darts in any City parks.
 - f. Throw any rock, can, bottle, or other missile in any City park when said activity causes an unreasonable burden of maintenance, or causes any unreasonable risk of harm or danger to any person, or damage to any personal or public property.
 - g. Interfere with any scheduled athletic event by running or walking onto, or remaining on any field when not a member of any participating team.
 - h. Launch or land any aircraft, hang glider or parachute, as those terms are defined in Title 18 of this Code, in any developed City park or upon any City beach, except a person may launch and/or land a hang glider on the Douglas Family Preserve within the area posted by the Parks and Recreation Director, and a person may land a hang glider on East Beach in the area between a straight line drawn southerly from and parallel to the western end of the Cabrillo Pavilion parking lot and a straight line drawn southerly from and parallel to the eastern wall of the restroom in Chase Palm Park.
 - i. Have in his or her possession on any City beach a glass beverage bottle. (Ord. 5323, 2004; Ord. 5309, 2004; Ord. 5265, 2003; Ord. 4943, 1996; Ord. 4189, 1982.)

15.16.240 Disturbing the Peace - Removal From the Park.

Any person who willfully delays or obstructs any City employee in the performance of his duties in a City park, or who by his conduct, or by threatening or profane language, unreasonably annoys, willfully molests or unreasonably interferes with the use of a City park by any other person, or who has committed a public offense in a City park, shall leave the park upon request made by the Director of Parks or Recreation, any recreation leader, ranger, park attendant, guard or special officer authorized by City or the Director of Parks or Recreation, peace officer or reserve police officer, after a warning has not resulted in cessation of the conduct hereinabove prohibited. (Ord. 4189, 1982.)

15.16.250 Closing.

1. Entering or remaining after closing time. No person shall enter or remain in any City park or portion thereof at any time when the same is closed to the public unless such person is authorized to do so by the City Council, the Director of Parks or Recreation, or the authorized deputy of any of the above.

The Director of Parks shall, by appropriate signs or other means, give notice of closing times, and he may designate certain areas which will be closed to the public at a regular closing time, regardless of whether or not any outdoor or indoor activity is being or is scheduled to be conducted elsewhere in the park.

2. Activities after closing time. Any portion of a City park or any enclosed building in a City park in which an activity is being conducted or is scheduled to be conducted, with the written permission of the Director of Parks or Recreation, shall not be considered closed after the regular closing time to members of the public who are authorized participants, observers and attendees in said activity, and who are within the permitted portion of the park, the enclosed building, any paths leading thereto from any street, or any other facility, outdoor area, or off-street parking area intended for use in connection therewith, until thirty (30) minutes after the conclusion of the permitted activity. As to other members of the public who are not participants, observers or attendees in an activity being conducted or scheduled to be conducted in any portion of a City park or in any enclosed building therein, the park and all buildings therein shall be considered closed at the regular closing time.

3. Emergency closing. The City Council, Director of Parks, Fire Chief, Chief of Police or an authorized representative may direct any park or designated portion thereof to be closed to protect public property or natural resources within said City park, or any private or public property or natural resources in the vicinity of the park, from imminent damage or destruction or where there is a clear and present danger of a breach of the public peace or safety in said park or portion of a park or in the vicinity thereof. When a City park or portion thereof is closed to the public by the City Council, Director of Parks, Fire Chief or Chief of Police or an authorized representative, pursuant to the above authority or any other proper authority, no person shall enter said park or closed portion thereof after notice of such closing, or fail or refuse to promptly leave same when requested to do so by any guard, watchman, custodian, special officer, police officer or other person authorized by the City Council, Director of Parks, Fire Chief, Chief of Police. (Ord. 4189, 1982.)

15.16.260 Closing Times.

A. Except as otherwise specified in this Chapter, all City park properties shall be closed to public use at 10:00 p.m. and shall remain closed until sunrise the following day.

B. The following facilities shall be closed to the public at designated times:

1. Softball fields, soccer fields, golf courses, and tennis courts - closed one half hour after sunset to sunrise the following day except when such facilities are operating under permit issued by the Recreation Department.

2. Skateboard facilities - closed one half hour after sunset until 8:00 a.m. the following day except when such facilities are operating under permit issued by the Parks and Recreation Director.

3. Skofield Park - closed one half hour after sunset to sunrise the following day.

4. Franceschi Park - closed one half hour after sunset to sunrise the following day.

5. Hilda Ray Park - closed one half hour after sunset to sunrise the following day.

6. Moreton Bay Fig Tree Park - closed one half hour after sunset to sunrise the following day.

7. Hidden Valley Park - closed one half hour after sunset to sunrise the following day.

8. Honda Valley Park - closed one half hour after sunset to sunrise the following day.

9. Mission Historical Park, excluding that portion known as the Rose Garden - closed one half hour after sunset to sunrise the following day. Mission Historical Park includes park on both sides of Alameda Padre Serra, including the Indian ruins and former reservoir, and surrounding areas.

10. Parque de Los Niños - closed one half hour after sunset to sunrise the following day.

11. Douglas Family Preserve – closed one half hour after sunset to sunrise the following day. (Ord. 5323, 2004; Ord. 5159, 2000; Ord. 4930, 1995; Ord. 4669, 1991; Ord. 4421, 1986; Ord. 4416, 1986; Ord. 4365, 1985; Ord. 4323, 1985; Ord. 4189, 1982.)

Chapter 15.20

TREE PLANTING AND MAINTENANCE

Sections:

15.20.010	Title.	15.20.110	Permit Required for Planting, Maintaining, or Removing any Tree Growing Within a Street Right-of-Way or Public Area.
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15.20.010 Title.

Recognizing that the urban forest is a valuable asset to the City of Santa Barbara, this chapter shall be known as and may be cited and referred to as the "Street Tree Ordinance of the City of Santa Barbara." (Ord. 5505, 2009; Ord. 5312, 2004; Ord. 4245, 1983; Ord. 3000 §1, 1964.)

15.20.020 Definitions.

For the purpose of this chapter, certain terms and words are hereby defined as follows:

A. **DIRECTOR.** The person having control and management of the Parks and Recreation Department of the City or the Director's designated representative.

B. **GROUND COVER.** Includes grass, turf or perennial plants that normally grow in a prostrate manner so as to conceal, or with the purpose of concealing, the ground surface, and that do not exceed eight inches in height, and that will tolerate light pedestrian traffic.

C. **HISTORIC TREE.** A tree which has been found by the Parks and Recreation Commission, the Historic Landmarks Commission, or the City Council to be a tree of notable historic interest and has been designated by resolution of the City Council as an "historic tree". For purposes of this definition, trees designated by the City Council as an "historic tree" or an "historic landmark tree" shall be treated as "historic trees".

D. **MAINTENANCE or MAINTAIN.** For purposes of this Chapter 15.20, maintenance or maintain shall mean the following: pruning, spraying, bracing, root pruning, staking, fertilizing, watering, treating for disease or injury, and other work performed to promote the health, beauty, or adaptability of trees and shrubs, but shall not include the watering of such trees in residential zones.

E. **OFFICIAL TREE.** A tree so designated by the Director because of its desirable characteristics of growth and beauty with reference to its crown, root structure, and adaptability to local climatic, soil and street conditions. The Director shall keep a list of official trees.

F. **PARKWAY STRIP.** Either (i) the area between the curb and sidewalk within a fully improved street right-of-way, or (ii) that area extending six feet from the curb towards the nearest right-of-way line in an area with no sidewalk, or (iii) any area within a street right-of-way in which an official or parkway tree is located.

G. **PARKWAY TREE.** A tree planted or caused to be planted by the City within a street right-of-way.

H. **PUBLIC AREA.** Parks, playgrounds, areas around public buildings and all other areas under the supervision and maintenance of the City not including any street right-of-way.

I. **SHRUB.** Woody vegetation or a woody plant having multiple stems and bearing foliage from the ground level up.

J. **SPECIMEN TREE.** A tree which has been found by the Parks and Recreation Commission to be of high value because of its type and/or age and which has been designated by resolution of the City Council as a "specimen tree".

K. **STREET.** Shall have the meaning set forth in section 28.04.665 of this Code.

L. **TREE.** A usually tall, woody plant, distinguished from a shrub by having comparatively greater height and, characteristically, a single trunk rather than several stems.

M. TREE WELL. A planting area found in an otherwise paved street right-of-way. (Ord. 5505, 2009; Ord. 5459, Section 3, 2008; Ord. 5312, 2004; Ord. 4327, 1985; Ord. 4245, 1983.)

15.20.030 Master Street Tree Plan.

All trees within a parkway strip shall be planted and maintained according to the Master Street Tree Plan adopted by the City Council. The Director shall administer the Master Street Tree Plan and, with the approval of the Parks and Recreation Commission, shall have the authority to amend or add to the Master Street Tree Plan at any time that circumstances make such amendment or addition advisable. (Ord. 5505, 2009; Ord. 5312, 2004; Ord. 4327, 1985; Ord. 4245, 1983.)

15.20.040 Other Plantings or Improvements in Parkway Strips.

It is unlawful to install or plant in a Parkway Strip any of the following without a written permit from the Director: (i) any tree not designated an official tree in the Master Street Tree Plan; (ii) any other plant whose ultimate growing height is over eight inches; or (iii) any other non-living ground cover. The Parks and Recreation Department shall maintain a list of plant materials which comply with the height requirements of this Title. (Ord. 5505, 2009; Ord. 5312, 2004; Ord. 4245, 1983.)

15.20.050 Director Authority and Responsibility.

The Director is hereby made responsible for inspection, maintenance, removal and replacement of all trees planted in public areas, parkway strips, and tree wells.

The Director shall have authority to remove or replace any tree or other planted improvements within a parkway strip which does not conform to the "Master Street Tree Plan" or this Title.

The Director shall comply with the pruning standards published by the American National Standards Institute [ANSI A300] and the companion best management practices published by the International Society of Arboriculture in the inspection, maintenance, removal, and replacement of all trees planted in public areas, parkway strips, and tree wells with the following exceptions: (1) the Director has the discretion to determine whether or not to prepare written objectives or specifications for pruning activities; and (2) the Director has the discretion to determine the appropriate amount of pruning based on a tree's species, age, health, site, or other factors. (Ord. 5505, 2009; Ord. 5312, 2004; Ord. 4327, 1985; Ord. 4245, 1983.)

15.20.060 Development Activity - Tree Plans.

The applicant for any activity for which approval by the Architectural Board of Review, the Historic Landmarks Commission, the Single Family Design Board, or the Planning Commission is required by City law shall, concurrently with processing of such application, submit to the Director and the appropriate review body plans for the planting of official trees within any parkway strip on or adjacent to the lot, parcel or building site. The Director may designate the species, kind, number, spacing, and method of planting of such trees and may require the inclusion of root inhibiting barriers. (Ord. 5505, 2009; Ord. 5312, 2004; Ord. 4245, 1983.)

15.20.070 New Subdivisions - Conformity with Master Street Tree Plan.

No subdivision shall be approved unless it is found to include planting of official trees within the parkway strips in conformity with the "Master Street Tree Plan" and under the Director's supervision. Any such approval shall assure that the costs of planting and first two years maintenance, including irrigation, for all official trees are borne by the subdivider. The Director may require the posting of a performance bond to secure faithful performance of the planting, maintenance, and irrigation obligations in a manner consistent with the security provisions of the Subdivision Map Act (Government Code section 66499 et seq.). (Ord. 5505, 2009; Ord. 4245, 1983.)

15.20.080 Street Improvements - Integration of Plans.

Any proposed change in the direction or width of a public street right-of-way or any proposed street improvement shall, where feasible, incorporate plans for installation of parkway strips. Plans and specifications for planting such areas shall be integrated into the general plan of improvements and it shall be the duty of the City Engineer to coordinate the design of such improvements with the Parks and Recreation Department prior to completion of final overall plans.

In order to provide for coordinating the multiple use of all street improvements, plans and specifications for street planting proposed by the Parks and Recreation Department shall be submitted to the City Engineer, Traffic Engineer and City Planner for their recommendations. (Ord. 5312, 2004; Ord. 4245, 1983.)

15.20.090 Maintenance Responsibility of Property Owner.

An owner of property adjoining a street right-of-way is responsible for maintaining all trees and other vegetation planted between the edge of the pavement nearest said property and the right-of-way line separating the property from the street, except those trees to be maintained by the Director pursuant to section 15.20.050. This maintenance obligation shall include keeping such area free from weeds or any obstructions inimical to public safety and or contrary to the Master Street Tree Plan. The placing of tar paper, plastic or other material over the ground, or the use of materials or chemicals intended to permanently sterilize the soil in these areas, is prohibited.

Nothing in this chapter shall be deemed to relieve the owner of any property from the duty to keep the property, including any adjacent sidewalks and parkway strip in front thereof, in a safe condition and so as not to be hazardous to public travel. For purposes hereof, "owner" shall include any occupant of property. (Ord. 5312, 2004; Ord. 4245, 1983.)

15.20.100 Abatement of Dangerous Conditions - Authority of Director.

The Director may remove a limb from any tree, regardless of the location of such tree, if in the Director's opinion such removal is necessary to maintain the safety of the public right-of-way. In the event such tree is on private property, the Director shall notify the property owner of the intent to remove a limb by written notice at least ten (10) days prior to such removal and, where possible, obtain the owner's consent for entry upon the property, except in the case of manifest public danger and immediate necessity. (Ord. 5312, 2004; Ord. 4245, 1983.)

15.20.110 Permit Required for Planting, Maintaining, or Removing any Tree Growing Within a Street Right-of-Way or Public Area.

A. PERMIT REQUIRED. Except for persons acting at the direction of the Director, a written permit shall be required for any person to plant, prune, trim, perform maintenance on, or remove any tree planted in a parkway strip, tree well, public area or street right-of-way.

B. APPLICATION. Whenever a person desires to plant, prune, trim, perform maintenance on, or remove any tree planted in a parkway strip, tree well, public area or street right-of-way, an application shall be filed with the Parks and Recreation Department on forms provided for such purpose. The application shall show clearly, by diagram or plot plan and photograph(s), the location and identity of the tree or trees sought to be planted, maintained or removed; the name and address of the applicant; and such other information as indicated on the form provided.

C. PLANTING. When an application proposes the planting of a tree in a parkway strip, tree well, public area or street right-of-way, the Director shall consider whether the proposed planting conforms to the Master Street Tree Plan. The Director may designate the species, kind, number, spacing, and method of planting of such trees and may require the inclusion of root inhibiting barriers as necessary to conform to the Master Street Tree Plan. The Director may approve, conditionally approve, or deny the application. If the application does not conform to the Master Street Tree Plan, or the applicant does not agree to the Director's conditions of approval, the Director shall deny the application.

D. MAINTENANCE. When an application is submitted for maintenance of a tree planted in a parkway strip, tree well, public area or street right-of-way, the Director shall consider whether the proposed maintenance will benefit the state of the urban forest and may approve, conditionally approve, or deny the application on the basis of that consideration in the sole discretion of the Director. The Director may require written specifications for the work proposed as part of the permit application.

E. REMOVAL. When an application is submitted for the removal of a tree planted in a parkway strip, tree well, public area or street right-of-way, the application shall be processed in accordance with the following procedures:

1. Notice. Any tree for which a removal permit has been requested must be posted with notice of the permit request by the Parks and Recreation Department for at least ten (10) days prior to issuing a permit for removal.

2. Administrative Review. The application shall first be reviewed by the Director to consider whether the removal would benefit the state of the urban forest considering the factors specified in paragraphs 3 and 4 below. If the Director finds that the removal is either: (i) beneficial to the state of the urban forest, or (ii) necessary for public safety, the Director may issue the permit. If the Director finds that the removal will not benefit the state of the urban forest and is not necessary for safety, the Director may deny the application. The Director may also refer the application to the Street Tree Advisory Committee for further review consistent with this Section. Except in cases where the Director finds removal is necessary for public safety, the applicant or any interested person may request review of the application by the Street Tree Advisory Committee and the Parks and Recreation Commission as provided in this Section.

3. Street Tree Advisory Committee. If the application is referred to the Street Tree Advisory Committee by the Director or at the request of the applicant or any interested person, the application shall be presented to the Street Tree Advisory Committee at the next available meeting of the Committee. The Street Tree Advisory Committee shall consider the application and make a recommendation to the Parks and Recreation Commission to approve, conditionally approve, or deny the application. When making its recommendation, the Street Tree Advisory Committee shall consider the following factors:

- a. Whether such tree is designated as an historic or specimen tree;
- b. Whether the tree species and placement conform to the "Master Street Tree Plan;"

- c. The condition and structure of the tree and the potential for proper tree growth and development of the tree canopy;
 - d. The number and location of adjacent trees on City property and the possibility of maintaining desirable tree density in the area through additional planting on City property; and
 - e. Any beneficial effects upon adjacent trees to be expected from the proposed removal.
4. Parks and Recreation Commission. Once the Street Tree Advisory Committee has made its recommendation, the application and the Street Tree Advisory Committee's recommendation shall be presented to the Parks and Recreation Commission at the next available meeting of the Commission. After receiving the recommendation of the Street Tree Advisory Committee and a recommendation from the Director, the Parks and Recreation Commission shall approve, conditionally approve, or deny the application. When making its decision, the Parks and Recreation Commission shall consider the following factors:
- a. Whether such tree is designated as an historic or specimen tree;
 - b. Whether the tree species and placement conform to the "Master Street Tree Plan;"
 - c. The condition and structure of the tree and the potential for proper tree growth and development of the tree canopy;
 - d. The number and location of adjacent trees on City property and the possibility of maintaining desirable tree density in the area through additional planting on City property; and
 - e. Any beneficial effects upon adjacent trees to be expected from the proposed removal. (Ord. 5505, 2009; Ord. 5312, 2004; Ord. 4327, 1985; Ord. 4245, 1983.)

15.20.115 Work Without a Permit – Unlawful Acts.

It is unlawful for any person, except a person acting at the direction of the Director, to plant, prune, trim, perform maintenance on, or remove any tree planted in a parkway strip, tree well, public area or street right-of-way without the permit required pursuant to Section 15.20.110 of this Code. (Ord. 5505, 2009.)

15.20.120 Permit for Maintenance or Removal - Time Limit.

Any work authorized by a permit shall be done under the general supervision of the Director and in accordance with rules established by the Director. All costs incurred in maintaining or removing a tree as permitted pursuant to this Chapter 15.20 shall be borne by the permittee. When a tree is removed under permit, the Director or Parks and Recreation Commission may require a replacement tree to be planted, and all costs related to the replacement tree shall be borne by the permittee. (Ord. 5505, 2009; Ord. 5312, 2004; Ord. 4245, 1983.)

15.20.130 Conditions of Approval for Maintenance or Removal.

Any person, business, or corporation who receives a permit to maintain or remove an official or parkway tree shall comply with all of the following conditions:

- A. Carry public liability and property damage insurance in an amount to be determined by the City Council, and maintain a current certificate of such insurance on file with the City Clerk.
- B. Conduct all maintenance activities in compliance with the current pruning standards published by the American National Standards Institute [ANSI A300] and the companion best management practices published by the International Society of Arboriculture. The Director or the Parks and Recreation Commission may require written specifications for the work proposed as a condition of the permit.
- C. Post a performance bond in the amount equal to the cost of a proposed job, if required by the Director. (Ord. 5505, 2009; Ord. 5312, 2004; Ord. 4327, 1985; Ord. 4245, 1983.)

15.20.140 Interference with Work Prohibited.

No person shall interfere, or cause any person to interfere with, any work being done under provisions of this chapter by any employee of the City or any person or firm doing work for the City on bid, hire or assignment. (Ord. 4245, 1983.)

15.20.150 Injuring Trees - Unlawful Acts.

It is unlawful for any person to injure or destroy any tree growing within a City street right-of-way or in public areas by any means, including, but not limited to the following:

- A. Constructing a concrete, asphalt, brick or gravel sidewalk or otherwise filling up the ground area around any tree so as to substantially shut off air, light or water from its roots;
- B. Piling building equipment, material or any other substance around any tree so as to cause injury;
- C. Pouring any deleterious matter on or around any tree or on the surrounding ground, lawn or sidewalk;
- D. Posting any sign, poster, notice or otherwise on any tree, tree stake or guard, or fastening any guy wire, cable, rope, nails, screws or other device to any tree, tree stake or guard without having first obtained a permit from the Director;

E. Causing any wire charged with electricity to come in contact with any tree without having first obtained a permit from the Director;

F. Causing any fire or burning near or around any tree. (Ord. 5312, 2004; Ord. 4245, 1983.)

15.20.160 Appeals to Parks and Recreation Commission.

Any applicant or interested person may appeal a decision of the Director regarding a permit required for planting or maintaining a tree in a street right-of-way or public area by filing a written notice thereof with the Parks and Recreation Department within ten days after such decision is made. Implementation of the decision shall be stayed during the pendency of the appeal. The notice shall clearly specify the reasons for the appeal. The appeal shall be placed on the agenda of the Parks and Recreation Commission at its next available meeting. The Parks and Recreation Commission shall make a ruling based on the evidence presented, and may sustain, modify or reverse the decision of the Director. (Ord. 5505, 2009; Ord. 5312, 2004; Ord. 4245, 1983.)

15.20.170 Appeals to City Council.

Any action of the Parks and Recreation Commission made pursuant to this Chapter 15.20 may be appealed to the City Council pursuant to the provisions of Section 1.30.050 of this Code. (Ord. 5505, 2009; Ord. 5312, 2004; Ord. 5136, 1999; Ord. 4245, 1983.)

15.20.180 Designation of "Specimen" and "Historic" Trees.

Any recommendation by the Parks and Recreation Commission or the Historic Landmarks Commission to City Council for the designation of a "Specimen" or "Historic" tree shall be preceded by two public hearings, which shall be at least 30 days apart. (Ord. 5505, 2009; Ord. 5312, 2004; Ord. 4245, 1983.)

Chapter 15.24

PRESERVATION OF TREES

Sections:

15.24.001	Title.	15.24.055	Application to Remove a Tree Located in El Pueblo Viejo Landmark District or the Brinkerhoff Avenue Landmark District.
15.24.002	Use of American National Standards Institute Pruning Standards.	15.24.060	Application to Remove an Historic or Specimen Tree.
15.24.010	Definitions.	15.24.070	Action on Permit Application.
15.24.020	Prohibition.	15.24.080	Considerations for Removal.
15.24.030	Lawful Removal of Trees Without a Permit.	15.24.090	Findings for Removal.
15.24.035	Lawful Significant Alteration of Trees Without a Permit.	15.24.100	Appeals to City Council.
15.24.040	Application to Remove a Setback Tree.	15.24.110	Other City Regulations Related to Trees and Landscaping.
15.24.050	Application to Remove a Parking Lot Tree or a Tree on an Approved Plan.		

15.24.001 Title.

Recognizing that trees on private property can make valuable contributions to the urban forest of the City of Santa Barbara, this chapter shall be known as and may be cited and referred to as the "Tree Preservation Ordinance of the City of Santa Barbara." (Ord. 5505, 2009.)

15.24.002 Use of American National Standards Institute Pruning Standards.

The City follows the pruning standards published by the American National Standards Institute [ANSI A300] and the companion best management practices published by the International Society of Arboriculture in the care and maintenance of City trees. The City encourages residents to utilize and follow the current standards and best management practices in the care and maintenance of their trees. (Ord. 5505, 2009.)

15.24.010 Definitions.

For the purpose of this Chapter, certain terms and words are hereby defined as follows:

- A. **TREE.** A usually tall, woody plant, distinguished from a shrub by having comparatively greater height and, characteristically, a single trunk rather than several stems;
- B. **PALM TREE.** Any tree from the Palmae plant family;
- C. **SPECIMEN TREE.** Any tree which has been found by the Parks and Recreation Commission to be of high value because of its type and/or age and which has been designated by resolution of the City Council as a "specimen tree";
- D. **HISTORIC TREE.** A tree which has been found by the Parks and Recreation Commission, the Historic Landmarks Commission or the City Council to be a tree of notable historic interest and has been designated by resolution of the City Council as an "historic tree". For purposes of this definition, trees designated by the City Council as an "historic tree" or an "historic landmark tree" shall be treated as "historic trees";
- E. **DIRECTOR.** The Director of the City's Parks and Recreation Department or the Director's designated representative.
- F. **REMOVE A TREE.** To cut a tree down or to otherwise remove a tree from its location by any means.
- G. **SETBACK TREE.** A tree located in the front setback of any lot as the term front setback is defined and specified in Title 28 of this Code, the Zoning Ordinance. A tree is a setback tree if more than 50% of the tree trunk, measured at the highest natural grade adjacent to the trunk, is within the front setback.
- H. **PARKING LOT TREE.** A tree situated in a planter required pursuant to Section 28.90.050 of this Code.
- I. **SIGNIFICANTLY ALTER A TREE.** To prune a tree in such a way that either (i) its natural character is significantly altered, or (ii) the height and/or spread of the tree crown is reduced by more than one-quarter within any twelve-month period.
- J. **TREE CROWN.** The leaves and branches of a tree measured from the lowest branch on the trunk to the top of the tree.
- K. **TREE ON AN APPROVED PLAN.** A tree shown on an approved plan on record with the City for a lot developed with a commercial, multiple-family residential, or industrial use. (Ord. 5505, 2009; Ord. 5312, 2004; Ord. 4619, 1990; Ord. 4154, 1982; Ord. 3863, 1976; Ord 3360, 1969.)

15.24.020 Prohibition.

Except as provided in Sections 15.24.030 and 15.24.035, it is unlawful for any person to remove or significantly alter or to authorize or allow the removal or significant alteration of any of the following trees without a permit:

- A. A setback tree,
- B. A parking lot tree,
- C. A tree on an approved plan, or
- D. A tree designated as an historic or specimen tree by the City Council. (Ord. 5505, 2009; Ord. 5459, 2008; Ord. 5312, 2004; Ord. 4154, 1982; Ord. 3863, 1976; Ord. 3360, 1969.)

15.24.030 Lawful Removal of Trees Without a Permit.

Notwithstanding the prohibition specified in Section 15.24.020, a tree that is subject to the prohibition specified in Section 15.24.020 may be lawfully removed without a permit if the tree satisfies any one of the following definitions:

- A. The main trunk of the tree is less than four inches (4") in diameter at a point four feet six inches (4'6") above the highest natural grade adjacent to the trunk;
- B. The tree is diseased, and the tree's condition is a source of present danger to healthy trees in the immediate vicinity; provided, a certificate attesting such condition has been filed with the Parks and Recreation Director by a member of the American Society of Consulting Arborists, an arborist certified by the International Society of Arboriculture, or by an authorized employee of the City Parks and Recreation Department at least forty-eight (48) hours prior to the removal of the tree;
- C. The tree is so weakened by age, disease, storm, fire, or any injury so as to cause imminent danger to persons or property; provided, prior written notice of such condition has been given to the Parks and Recreation Director at least forty-eight (48) hours prior to the removal of the tree, or shorter period if approved by the Parks and Recreation Director;
- D. The tree is dead; provided, prior written notice of such condition has been given to the Parks and Recreation Director at least forty-eight (48) hours prior to the removal of the tree, or shorter period if approved by the Parks and Recreation Director; or
- E. The Fire Department has ordered the tree removed in order to maintain required defensible space on the lot or to comply with the City's Wildland Fire Plan.

If the tree to be removed pursuant to this Section is located on a lot within El Pueblo Viejo Landmark District or the Brinkerhoff Avenue Landmark District, and the removal of the tree will significantly affect the exterior visual qualities of the lot, the Parks and Recreation Director or the Community Development Director may require the replacement of the tree with a tree approved by the Historic Landmarks Commission. (Ord. 5505, 2009; Ord. 5312, 2004; Ord. 4154, 1982; Ord. 3863, 1976; Ord. 3360, 1969.)

15.24.035 Lawful Significant Alteration of Trees Without a Permit.

Notwithstanding the prohibition specified in Section 15.24.020, a tree that is subject to the prohibition specified in Section 15.24.020 may be significantly altered without a permit if the tree satisfies either of the following definitions:

- A. The tree poses a potential danger to persons or property due to age, disease, storm, fire, or other injury; provided:
 - 1. A written report prepared by a member of the American Society of Consulting Arborists or an arborist certified by the International Society of Arboriculture specifying the reason(s) for the reduction and the extent of the proposed work is filed with the Parks and Recreation Director; and
 - 2. An authorized employee of the City Parks and Recreation Department assesses the condition of the tree and approves the proposed work as comporting with sound arboricultural practices as specified in the American National Standards Institute tree pruning standards [ANSI A300].
- B. The City Fire Department has ordered the pruning of the tree in order to maintain required defensible space or to comply with the City's Wildland Fire Plan; provided, the scope of the pruning allowed pursuant to this section is limited to the extent of the pruning specified in the Fire Department order that is filed with the Parks and Recreation Director. (Ord. 5505, 2009; Ord. 5312, 2004.)

15.24.040 Application to Remove a Setback Tree.

When a permit is required for the removal of a setback tree pursuant to this Chapter 15.24, the application for such permit shall be processed as follows (excluding trees on lots within El Pueblo Viejo Landmark District or the Brinkerhoff Avenue Landmark District, which are processed pursuant to Section 15.24.055):

- A. APPLICATION. An application shall be filed with the Parks and Recreation Department on forms provided for such purpose. The application shall show the location and identity of the tree or trees sought to be removed by diagram or plot plan and photograph(s), the name and address of the owner, and such other information as indicated on the form provided.

B. **STREET TREE ADVISORY COMMITTEE RECOMMENDATION.** The application shall be presented to the Street Tree Advisory Committee at the first available meeting of the Committee following receipt of the application. The Street Tree Advisory Committee may receive a report from the Parks and Recreation Director regarding the application, and the Committee shall make a recommendation to the Parks and Recreation Commission to approve, conditionally approve, or deny the application based on the considerations specified in Section 15.24.080.

C. **DECISION ON APPLICATION.** The application shall be presented to the Parks and Recreation Commission at the first available meeting of the Commission after the Street Tree Advisory Committee has made its recommendation. After receiving the recommendation of the Street Tree Advisory Committee and a report from the Parks and Recreation Director, the Parks and Recreation Commission shall approve, conditionally approve, or deny the application. When making its decision, the Parks and Recreation Commission shall consider the factors listed in Section 15.24.080 and make one or more of the findings specified in Section 15.24.090. (Ord. 5505, 2009; Ord. 5312, 2004; Ord. 3863, 1976; Ord. 3360, 1969.)

15.24.050 Application to Remove a Parking Lot Tree or a Tree on an Approved Plan.

When a permit is required for the removal of a parking lot tree or a tree on an approved plan pursuant to this Chapter 15.24, the application for such permit shall be processed as follows (excluding trees on lots within El Pueblo Viejo Landmark District or the Brinkerhoff Avenue Landmark District, which are processed pursuant to Section 15.24.055):

A. **APPLICATION.** An application shall be filed with the Community Development Department on forms provided for such purpose. The application shall show the location and identity of the tree or trees sought to be removed by diagram or plot plan and photograph(s), the name and address of the owner, and such other information as indicated on the form provided.

B. **DECISION ON APPLICATION.** The application shall be presented to the Architectural Board of Review at the first available meeting of the Board. After receiving a report from the Community Development Director, the Architectural Board of Review shall approve, conditionally approve, or deny the application. When making its decision, the Architectural Board of Review shall consider the factors listed in Section 15.24.080 and make one or more of the findings specified in Section 15.24.090. (Ord. 5505, 2009.)

15.24.055 Application to Remove a Tree Located in El Pueblo Viejo Landmark District or the Brinkerhoff Avenue Landmark District.

When a permit is required for the removal of a tree pursuant to this Chapter 15.24, and the tree is located on a lot within El Pueblo Viejo Landmark District or the Brinkerhoff Avenue Landmark District (except historic or specimen trees, which are processed pursuant to Section 15.24.060), the application for such permit shall be processed as follows:

A. **APPLICATION.** An application shall be filed with the Community Development Department on forms provided for such purpose. The application shall show the location and identity of the tree or trees sought to be removed by diagram or plot plan and photograph(s), the name and address of the owner, and such other information as indicated on the form provided.

B. **DECISION ON APPLICATION.** The application shall be presented to the Historic Landmarks Commission at the first available meeting of the Commission. After receiving a report from the Community Development Director, the Historic Landmarks Commission shall approve, conditionally approve, or deny the application. When making its decision, the Historic Landmarks Commission shall consider the factors listed in Section 15.24.080 and make one or more of the findings specified in Section 15.24.090. (Ord. 5505, 2009.)

15.24.060 Application to Remove an Historic or Specimen Tree.

When a permit is required for the removal of an historic or specimen tree pursuant to this Chapter 15.24, the application for such permit shall be processed as follows:

A. **APPLICATION.** An application shall be filed with the Parks and Recreation Department on forms provided for such purpose. The application shall show the location and identity of the tree or trees sought to be removed by diagram or plot plan and photograph(s), the name and address of the owner, and such other information as indicated on the form provided.

B. **STREET TREE ADVISORY COMMITTEE RECOMMENDATION.** The application shall be presented to the Street Tree Advisory Committee at the first available meeting of the Committee following receipt of the application. The Street Tree Advisory Committee may receive a report from the Parks and Recreation Director regarding the application, and the Committee shall make a recommendation to the Parks and Recreation Commission to approve, conditionally approve, or deny the application based on the considerations specified in Section 15.24.080.

C. **DECISION ON APPLICATION.** The application shall be presented to the Parks and Recreation Commission at the first available meeting of the Commission after the Street Tree Advisory Committee has made its recommendation. After receiving the recommendation of the Street Tree Advisory Committee and a report from the Parks and Recreation Director, the Parks and Recreation Commission shall approve, conditionally approve, or deny the application. When making its decision, the Parks and Recreation Commission shall consider the factors listed in Section 15.24.080 and make one or more of the findings specified in Section 15.24.090. (Ord. 5505, 2009.)

15.24.070 Action on Permit Application.

As provided in Sections 15.24.040 through 15.24.060 above, the Parks and Recreation Commission, the Historic Landmarks Commission, or the Architectural Board of Review (as applicable) shall vote upon the application within sixty (60) days after it is filed. A majority vote of the members present shall be required to approve a tree removal. A failure to vote to approve, conditionally approve, or deny the application within sixty (60) days shall be deemed an approval of the application without condition. When a decision is made by the appropriate Board or Commission, the City Department processing the application shall notify the applicant in writing of the decision. (Ord. 5505, 2009.)

15.24.080 Considerations for Removal.

The following considerations shall be taken into account by the Parks and Recreation Commission, the Historic Landmarks Commission, or the Architectural Board of Review, as applicable, in acting upon a tree removal request made pursuant to this chapter:

- A. Whether such tree is designated as an historic or specimen tree;
- B. The potential size of the tree in relation to the size of the lot or building site and the size of the proposed or existing improvements;
- C. The number and size of other trees which would remain upon the building site after the requested removal;
- D. The number and location of adjacent trees on City property and the possibility of maintaining desirable tree density in the area through additional planting on City property;
- E. Any beneficial effects upon adjacent trees to be expected from the proposed removal;
- F. Whether the tree sought to be removed was planted by or with the permission of the applicant or the applicant's co-tenant at the time such tree was planted.
- G. The condition and structure of the tree and the potential for proper tree growth and development of the tree canopy. (Ord. 5505, 2009; Ord. 5312, 2004; Ord. 3863, 1976; Ord. 3360, 1969.)

15.24.090 Findings for Removal.

Before approving or conditionally approving an application for the removal of a tree pursuant to this Chapter 15.24, the Parks and Recreation Commission, the Historic Landmarks Commission, or the Architectural Board of Review, as applicable, shall make one (1) or more of the following findings:

- A. That principles of good forest management will best be served by the proposed removal;
- B. That a reasonable and practical development of the property on which the tree is located requires removal of the tree or trees whose removal is sought;
- C. That the character of the immediate neighborhood with respect to forestation will not be materially affected by the proposed removal;
- D. That topography of the building site renders removal desirable;
- E. That regard for the safety of persons or property dictates the removal. (Ord. 5505, 2009; Ord. 5312, 2004; Ord. 3863, 1976; Ord. 3360, 1969.)

15.24.100 Appeals to City Council.

Any action of the Parks and Recreation Commission, the Historic Landmarks Commission, or the Architectural Board of Review made pursuant to this Chapter 15.24 may be appealed to the City Council pursuant to the provisions of Section 1.30.050 of this Code. (Ord. 5505, 2009; Ord. 5312, 2004; Ord. 5136, 1999; Ord. 3863, 1976.)

15.24.110 Other City Regulations Related to Trees and Landscaping.

For purposes of reference, the following provisions of this Code also concern the maintenance of trees and plants within the City of Santa Barbara:

- A. Section 8.04.020.G.5 & 6: Fire Code Vegetation Management and Defensible Space Requirements
 - B. Chapter 8.20: "Vegetation Obstructing Public Places"
 - C. Chapter 15.20: "Tree Planting and Maintenance"
 - D. Chapter 22.10: "Vegetation Removal"
 - E. Chapter 22.11: "Maintenance of Approved Landscape Plans"
 - F. Section 22.22.130: "Approval for Construction, Demolition, Moving or Exterior Alteration" (El Pueblo Viejo Landmark District and Brinkerhoff Avenue Landmark District)
 - G. Chapter 22.68: "Architectural Board of Review" (Landscape Plans)
 - H. Chapter 22.69: "Single Family Design Board" (Landscape Plans)
 - I. Chapter 22.76: "View Dispute Resolution Process"
 - J. Section 28.87.170: "Fences, Walls, Screens and Hedges"
 - K. Section 28.87.200: "Landscape or Planting Plan Approvals - Standards"
 - L. Section 28.90.050: "Landscaping and Lighting" (Parking Lot Design Standards)
- (Ord. 5505, 2009.)