

RESOLUTION NO. 09-096

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ESTABLISHING ADMINISTRATIVE PENALTIES FOR TREE REMOVALS, EXCESSIVE PRUNING AND LANDSCAPE PLAN MAINTENANCE VIOLATIONS OF CHAPTERS 15.20, 15.24, AND 22.11 OF THE SANTA BARBARA MUNICIPAL CODE

WHEREAS, Chapter 1.25 of the Santa Barbara Municipal Code (Municipal Code) enables the City, acting as a charter city pursuant to Article XI, Sections 5 and 7 of the state Constitution, to impose and collect civil administrative fines in conjunction with the abatement of violations of the provisions of the Municipal Code;

WHEREAS, Chapter 1.25 of the Municipal Code provides that the City Council shall establish by Resolution the amounts of the civil administrative fines and penalties to be imposed and paid pursuant to Chapter 1.25 of the Municipal Code; and

WHEREAS, the City Council wishes to establish administrative penalties for certain violations of the provisions of Chapters 15.20, 15.24, and 22.11 of the Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA BARBARA RESOLVES AS FOLLOWS:

The following administrative fines and penalties are established for Administrative Citations issued pursuant to Chapter 1.25 of the Municipal Code for violations of the following sections of the Municipal Code:

I. Removal or Significant Alteration of a Protected Tree

Violations of section 15.20.115 or section 15.24.020 of the Municipal Code shall be subject to the following administrative fines and corrective actions:

a. Administrative Fine Schedule

Action without or in violation of permit	Trunk diameter from 4" to 12"	Trunk diameter over 12" and up to 24"	Trunk diameter over 24"
Significant Alteration	Up to \$500	Up to \$1,000	Up to \$1,000
Removal	Up to \$1,000	Up to \$3,000	Up to \$5,000

b. Corrective Actions

In addition to the assessment of an administrative fine in accordance with the schedule above, a person who violates either section 15.20.115 or section 15.24.020 of the Municipal Code may also be required to perform corrective actions as determined appropriate by City Arborist or Community Development Director (depending on which Department is administering the offense). Corrective actions may include the following:

1. Development and implementation of a tree rehabilitation program designed by a certified arborist as necessary to rehabilitate the tree from the effects of the significant alteration.

2. If the tree has been removed or if the tree cannot be rehabilitated, the City Arborist or Community Development Director may require the tree to be replaced. Replacement trees shall be as large as are commercially available within southern California up to the size of the tree that was removed or altered in such a manner that it cannot be rehabilitated. If replacement trees of a similar size are not commercially available or circumstances do not reasonably allow for the replacement of a tree of equal or similar size, the City Arborist or Community Development Director may allow for replacement of multiple trees of a smaller size or the replacement of the removed tree with a tree of another appropriate species.

3. If the required corrective action has not been completed within the time specified by the City Arborist or Community Development Director in the notice of violation (in any case not less than 30 days), an administrative fine of \$100 per day may be assessed for each day the corrective action has not been completed after the time specified in the notice of violation.

II. Maintenance of Approved Landscape Plans

Violations of section 22.11.030 or section 22.11.040 of the Municipal Code shall be subject to the following administrative fines and corrective actions:

a. Administrative Fine Schedule

1. For a violation of either section 22.11.030 or section 22.11.040 generally, the administrative fine shall be up to one hundred dollars (\$100) for each violation.

2. For a second violation of section 22.11.030 or section 22.11.040 occurring within twelve (12) months of the first violation, the administrative fine shall be up to two hundred dollars (\$200) for each violation.

3. For a third or subsequent violation of section 22.11.030 or section 22.11.040 occurring within twelve (12) months of the first violation, the administrative fine shall be up to two hundred fifty dollars (\$250) for each violation.

b. Corrective Actions

In addition to the assessment of an administrative fine in accordance with the schedule above, a person who violates either Section 22.11.030 or Section 22.11.040 of the Municipal Code may also be required to perform corrective actions as determined appropriate by City Arborist or Community Development Director (depending on which Department is administering the offense). Corrective actions may include the following:

1. Development and implementation of a tree rehabilitation program designed by a certified arborist as necessary to rehabilitate the tree from the effects of the significant alteration.

2. If the tree or landscaping has been removed or if the tree or landscaping cannot be rehabilitated, the City Arborist or Community Development Director may require the tree or landscaping to be replaced in accordance with the approved landscape plan. Replacement trees shall be as large as are commercially available within southern California up to the size of the tree that was removed or altered in such a manner that it cannot be rehabilitated. If replacement trees of a similar size are not commercially available or circumstances do not reasonably allow for the replacement of a tree of equal or similar size, the City Arborist or Community Development Director may allow for replacement of multiple trees of a smaller size or the replacement of the removed tree with a tree of another appropriate species.

3. Presentation of a new landscape plan to the appropriate review body for review and approval. Following approval of such revised landscape plan, the person shall install the trees, landscaping, and other improvements in accordance with the newly approved landscape plan.

4. If the required corrective action has not been completed within the time specified by the City Arborist or Community Development Director in the notice of violation (in any case not less than 30 days), an administrative fine of \$100 per day may be assessed for each day the corrective action has not been completed after the time specified in the notice of violation.

RESOLUTION NO. 09-096

STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA) ss.
)
CITY OF SANTA BARBARA)

I HEREBY CERTIFY that the foregoing resolution was adopted by the Council of the City of Santa Barbara at a meeting held on December 8, 2009, by the following roll call vote:

- AYES: Councilmembers Roger L. Horton, Grant House, Helene Schneider; Mayor Marty Blum

- NOES: None

- ABSENT: Councilmembers Iya G. Falcone, Dale Francisco, Das Williams

- ABSTENTIONS: None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on December 9, 2009.



Cynthia M. Rodriguez

Cynthia M. Rodriguez
City Clerk Services Manager

I HEREBY APPROVE the foregoing resolution on December 9, 2009.

Marty Blum

Marty Blum
Mayor