

ORDINANCE 1305

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS,
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AMENDING SAN DIMAS
MUNICIPAL CODE SECTIONS 13.36.020 AND 13.36.070 TO PERMIT AN INCREASED
ADMINISTRATIVE FINE FOR EGREGIOUS VIOLATIONS OF SDMC CHAPTER 13.36
REGARDING COMMUNITY TREES**

WHEREAS, San Dimas Municipal Code (“SDMC”) Chapter 13.36 governs community tree management; and

WHEREAS, SDMC Section 13.36.020 defines “Community tree” as “any city-owned tree which is located within any public park, city right-of-way, median, parkway, planting easement, or on any other city-owned property”; and

WHEREAS, SDMC Section 13.36.060 delineates prohibited and unlawful activities and conditions pertaining to Community trees; and

WHEREAS, SDMC Section 13.36.070 outlines the penalties and violations for violating the City’s Community trees policies; and

WHEREAS, Community trees contribute to the beautification of the City, creating a welcoming environment for residents and visitors; and

WHEREAS, Community trees have the ability to reduce stress, improve overall health and development in children, and encourage physical activity, bolstering the health and welfare of the community; and

WHEREAS, at the July 25, 2023 City Council meeting, council members considered the need to increase administrative fines for egregious violations of Chapter 13.36; and

WHEREAS, California Government Code Section 53069.4(a)(1) explicitly authorizes the City Council to enact an ordinance to make “any violation of any ordinance enacted by the local agency subject to an administrative fine or penalty”; and

WHEREAS, the City Council now wishes to amend SDMC Chapter 13.36 to define egregious violations and to increase the administrative fine for egregious violations of Chapter 13.36.

NOW, THEREFORE, the CITY COUNCIL of the CITY OF SAN DIMAS, County of Los Angeles, State of California does hereby ordain as follows:

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Section 13.36.020 (Definitions) of Chapter 13.36 of Title 13 of the San Dimas Municipal Code is hereby amended to add the following definition between “Easement” and “Heritage Tree”: (additions in ***bold and italics***):

“13.36.020 Definitions.

...

“Easement” or “right-of-way” means land owned by another over which the city has an easement or right-of-way for street and related purposes.

“Egregious violation” means any willful or intentional violation of this Chapter involving a community tree located in a city park, in a city recreational facility, or in a city street median, that severely disfigures or severely injures the tree, is likely to cause the death of the tree, or actually causes the death of the tree.

“Heritage tree” is a community tree which by virtue of its species, size, age, appearance or historical interest has been found by the city council to be of importance to the community. The parks and recreation department shall retain a detailed inventory of all heritage trees.

...”

SECTION 3. Section 13.36.070 (Penalties and liabilities for violations of this chapter.) of Chapter 13.36 of Title 13 of the San Dimas Municipal Code is hereby amended to read as follows (deletions marked in strikethrough, additions in ***bold and italics***):

“13.36.070 Penalties and liabilities for violations of this chapter.

A. Any person who violates any provision of this chapter is guilty of a misdemeanor, unless the prosecuting attorney charges the offense as an infraction.

B. Any egregious violation of this Chapter shall be subject to an administrative civil penalty under Chapter 1.06 in an amount set by resolution of the City Council per tree and per day of the violation, which may exceed the administrative civil penalty amount established by Section 1.06.020.

C. Responsible persons shall be jointly and severally liable to the city for the appraised value of each community tree that is removed in violation of this chapter, as well as for each damaged or injured community tree that the director determines will not regain its complete health, appearance or life expectancy as a result of an action or inaction that constitutes a violation of this chapter.

D. Responsible persons who unlawfully remove an entire community tree, or who partially remove, damage or injure a community tree in violation of this chapter, which the director determines must then be entirely removed, shall also mitigate the loss of such tree to the community forest as follows:

1. Heritage trees shall be replaced at a ratio of four to one, either on the site of their removal or in other public areas in the city as determined by the director.

2. Other community trees shall be replaced at a ratio of two to one, either on the site of their removal or in other publicly owned or dedicated areas in the city as determined by the director.

3. Responsible persons shall be jointly and severally liable to the city for the removal costs and disposal charges or fees in connection with any damaged community tree. These include, but are not limited to, the costs and expenses that the city incurs when city personnel are used, or those fees and expenses that a contractor charges the city for its services. When a contractor removes and disposes of a tree, the responsible persons, shall also be jointly and severally liable to the city for staff time of city personnel in overseeing this project.

4. Tree replacement size shall be determined based upon tree valuation per Section 13.36.040 of this chapter. Responsible persons shall be jointly and severally liable for the city's purchase and delivery of such trees to the selected locations, as well as for the cost of their installation.

5. If the director elects to not designate a replacement location, the responsible person shall nevertheless be jointly and severally liable for the city's present cost of replacement trees, which funds, when received, shall be placed in a community tree fund and utilized for community tree planting projects in the city.

6. The responsible persons shall tender full payment for the liabilities described in subsections B and C of this section to the city within ten calendar days of the date the parks and recreation department issues a written request for payment by first class mail to the person. The city's receipt of full payment of such liabilities from one responsible person shall inure to the benefit of any other responsible persons. The city may collect unpaid sums in any manner allowed by law.

E. The liabilities set forth in this section shall be in addition to any other fines, damages or other sanctions that may be imposed on a responsible person pursuant to California Civil Code Section 3346 or other applicable state law.

F. The penalties and consequences provided for in this section are cumulative and not exclusive.

SECTION 4. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

SECTION 5. CEQA DETERMINATION. The City Council hereby finds and determines that it can be seen with certainty that there is no possibility that this Ordinance may have a significant adverse effect on the environment. Thus, the adoption of this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 6. EFFECTIVE DATE AND PUBLICATION. This Ordinance shall take effect 30 days after its final passage.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of San Dimas this 27th day of February, 2024, by the following vote:

AYES: Badar, Ebiner, Nakano, Vienna, Weber
NOES: None
ABSENT: None
ABSTAIN: None



Emmett Badar, Mayor

ATTEST:



Debra Black, City Clerk

APPROVED AS TO FORM:



Jeff Malawy, City Attorney

I, DEBRA BLACK, CITY CLERK of the City of San Dimas, do hereby certify that Ordinance 1305 was introduced at a regular meeting of the City Council of the City of San Dimas on the 13th day of February, 2024, and thereafter passed, approved and adopted at a regular meeting of said City Council held on the 27th day of February, 2024.



Debra Black, City Clerk