

# ORDINANCE NO. 93-052

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF SEP 14 1993

## AN ORDINANCE RELATING TO HERITAGE TREES AND DECLARING THE ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY

**BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

### **SECTION 1. Findings.**

1. It is the intent and purpose of this ordinance to promote the health, safety, and welfare of present and future residents of the City of Sacramento by providing for the protection of significant trees existing in the City of Sacramento; and
2. The protection of these trees will promote scenic beauty, enhance property values, reduce soil erosion, improve air quality, abate noise and provide shade to reduce energy consumption; and
3. Chapter 45.04 of the Sacramento City Code provides for the trees to be designated on the Official Heritage Tree Register in order to be covered by its provisions; and
4. The City Council has not adopted the Official Heritage Tree Register; and
5. The Director of the Neighborhood Services Department will transmit his recommendations for amendments to the heritage tree provisions as part of the Urban Forest Management Plan to the City Council in the fall of 1993; and
6. These amendments to the heritage tree provisions would delete the requirement for the City to adopt an official tree registry and would expand the scope of the ordinance to protect a greater range of trees; and
7. It has come to the attention of the City Council that due to the failure of the City to adopt the register, a number of heritage trees are in danger of being removed before the City Council will be able to take action on the Director's recommendations; and

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8. **THEREFORE**, the City Council finds that it is necessary to enact this ordinance to protect the public health, safety and welfare of the residents of the City of Sacramento.

**SECTION 2. Definitions.**

The following words and phrases, whenever used in this ordinance, shall be construed as defined in this section:

**"Circumference"** shall mean circumference measured four and one-half (4½) feet above ground level.

**"Drip line area"** shall mean the area measured from the trunk of the tree outward to a point at the perimeter of the outermost branch structure of the tree.

**"Heritage tree"** shall mean either:

- (1) Any tree with a trunk circumference of one hundred (100) inches or more, which is of good quality in terms of health and vigor of growth.
- (2) Any native Quercus species (Oak), Aesculus California (Buckeye) and Platanus Racemosa (Sycamore) having a circumference of 36 inches or greater when a single trunk, or a cumulative circumference of 36 inches or greater when a multi-trunk tree.

**SECTION 3. Prohibition.**

Notwithstanding any provision of the Sacramento City Code to the contrary, and except as provided herein, for a period of ninety (90) days from the effective date of this ordinance, or until the amendments to the heritage tree ordinance are adopted and become effective, whichever first occurs, no person shall do any of the following activities:

- (a) Remove any heritage tree;
- (b) Prune any segment of a heritage tree greater than six (6) inches in circumference or place any chemical or other deleterious substance by spray or otherwise on any heritage tree; or
- (c) Disturb the soil or place any chemical or other deleterious substance or material on the soil within the drip line area of any heritage tree.

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The Director of the Neighborhood Services Department may authorize the removal or pruning of a heritage tree during the ninety (90) day period if he deems it necessary to protect public safety.

**SECTION 4. Penalty for Violation.**

Any person who violates this ordinance is guilty of a misdemeanor which shall be punished by a fine of not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00) or imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment.

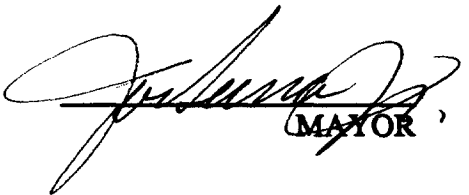
**SECTION 5. Emergency Clause.**

This ordinance is hereby declared to be an emergency measure to take effect immediately. The facts constituting the emergency are as follows:

The City Council adopted an ordinance to protect heritage trees a number of years ago. The Neighborhood Services Department was to inventory all the trees in the City and report back to the City Council with its recommendations for adoption as part of the Official Heritage Tree Register. Due to other more pressing concerns facing the City, it has taken longer than anticipated to accomplish said inventory. The Department is now ready to bring forth to the City Council its recommendations for deletion of the registry and an expanded definition of heritage trees. However, it appears that before the City Council will be able to act on these recommendations, a number of heritage trees are in danger of being removed or harmed. It would be a great loss for the residents of the City if these magnificent trees were lost forever because it had taken longer than anticipated to complete the inventory of heritage trees.

For these reasons, this ordinance shall become effective immediately upon adoption pursuant to Section 32(g)(2) of the Sacramento City Charter.

DATE PASSED FOR PUBLICATION: 9/17/93  
DATE ENACTED: 9/14/93  
DATE EFFECTIVE: 9/14/93

  
MAYOR

ATTEST:

  
CITY CLERK

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