

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
COMMERCE AMENDING CHAPTER 12.06, "CITY TREES" TO TITLE
12, "STREETS AND SIDEWALKS" OF THE COMMERCE MUNICIPAL
CODE RELATING TO ADMINSTRATIVE AND ENFORCEMENT
REGULATIONS CONCERNING CITY TREES**

WHEREAS, the City of Commerce ("City") is a general law city, incorporated under the laws of the State of California;

WHEREAS, pursuant to its "police powers" under Article XI, Section 7 of the California Constitution, the City may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws;

WHEREAS, the purpose of Chapter 12.06 and the City's Tree Policy is to provide guidelines to preserve and protect the community's urban forest, and to promote the health and safety of City trees;

WHEREAS, the purpose and intent of this Ordinance is to make amendments to Chapter 12.06 to address violations of laws and policies relating to the city's trees, and provide for more comprehensive administrative and enforcement tools to promote compliance with the city's laws and policies;

WHEREAS, the City wishes to deter unlawful activity as it relates to protecting the City's urban forest; to preserve and protect the health and safety of its City's trees; and to provide the City with stronger enforcement tools to successfully administer City laws and policies as they relate to City trees.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE DOES
ORDAIN AS FOLLOWS:**

SECTION 1. The City Council for the City of Commerce finds and declares that the foregoing recitals are true and correct, and incorporates said recitals fully into this Ordinance as substantive findings.

SECTION 2. Chapter 12.06, "City Trees," of Title 12, "Streets and Sidewalks," of the Commerce Municipal Code is hereby amended to read as follows:

CHAPTER 12.06 - CITY TREES

12.06.010 - Definition.

For the purpose of this chapter, the word "tree" means any plant or vegetation which exceeds eighteen inches in height. The word "groundcover" means any plant or vegetation which does not exceed eighteen inches in height.

12.06.020 - Adoption of policy.

The city council shall by resolution, adopt a city tree policy. The intent of the policy shall be to recognize and underscore the importance of trees and the urban forest of the city and to preserve the trees of the city for future generations and safeguard the public from dangerous conditions from the city's urban forest.

12.06.030 - Administration and enforcement.

The ~~director of community development,~~ Director of Public Works, or his or her designee, shall administer and enforce the provisions of this chapter or any provision set forth in the city tree policy adopted pursuant to Section 12.06.020 herein.

12.06.040 – Violations and Penalties.

(a) It shall be unlawful for any individual, person, company, corporation or entity to plant, remove, prune, or maintain any trees, or allow, cause, or permit the same to be done, in the City, in violation of any provision of this chapter or any provision set forth in the city tree policy adopted pursuant to Section 12.06.020. ~~herein shall be liable for the penalties set forth in said city tree policy.~~

(b) The City Council of the City of Commerce hereby declares and finds that a violation of this chapter or the city tree policy is a public nuisance subject to enforcement, abatement, remedies, and penalties as provided in this chapter, section, code, city tree policy, and any applicable local, state and federal laws, ordinances, rules and regulations.

(c) Any individual, person, company, corporation or entity causing, allowing, permitting, or maintaining any condition, use or activity in violation of any provision of this chapter or the city tree policy shall be guilty of a misdemeanor, pursuant to Section 1.12.010 of Chapter 1.12 of this code.

(d) A responsible party may also be subject to administrative citations and fines pursuant to Chapter 1.13 of this code, as well as Resolution No. 20-90, as may be subsequently amended.

(e) The individual, person, company, corporation or entity causing or allowing a violation of this code or the city's tree policy shall reimburse the city any costs incurred by the city for undertaking any underlying corrective work, including costs of planting, removal or pruning of trees, and for the administrative time and expense to enforce the provisions of this chapter or the city tree policy, including late charges, and the handling of any assessment or lien. Failure to pay said corrective work or enforcement costs to the city shall authorize the city to collect said costs by any and all available legal remedies available to the city. In this regard, in addition to other penalties provided by law, any condition caused or permitted to exist in violation of this chapter or city's tree policy is deemed a public nuisance and the city may proceed with summary abatement and recover the expenses of abatement for that nuisance, pursuant to Chapter 9.32 ("Public Nuisances and Abatement") of this code, or applicable local or

state laws.

SECTION 3. If any section, subsection, 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 sections, subsections, subdivisions, sentences, clauses, phrases or portions might subsequently be declared invalid or unconstitutional.

SECTION 4. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published or posted as required by law, which shall take full force and effect thirty (30) days from its adoption.

Introduced and read at a regular meeting of the City Council of the City of Commerce the 6th day of October, 2020, and adopted at a regular meeting thereof held on the _____ day of _____, 2020.

AYES:

NOES:

ABSENT:

ABSTAIN:

Ivan Altamirano
Mayor

ATTEST:

Lena Shumway
City Clerk