

TOWN OF LOOMIS

ORDINANCE NO.: _____

AN ORDINANCE OF THE TOWN OF LOOMIS REPEALING AND REENACTING CHAPTER 13.54 OF THE MUNICIPAL CODE RELATING TO TREE CONSERVATION

Section 1. Chapter 13.54 of the Town’s Municipal Code is hereby repealed and reenacted as follows:

TREE CONSERVATION

Sections:

- 13.54.010 Purpose and Intent.
- 13.54.020 Goal
- 13.54.030 Definitions.
- 13.54.040 Responsibility.
- 13.54.050 Town Manager duties.
- 13.54.060 Landmark and other Protected significant, heritage trees—No Construction—Permit required.
- 13.54.070 Landmark and other Protected significant, heritage trees—Construction—Permit required.
- 13.54.080 Permit—Application—Decision.
- 13.54.090 Removal of trees—Mitigation and Replacement.
- 13.54.100 In-lieu Fees.
- 13.54.110 Conditions for Tree Removal to Accommodate Agriculture.
- 13.54.120 Developments—Tree plan.
- 13.54.130 Mitigation of Other Trees.
- 13.54.140 Implementing Regulations.
- 13.54.150 Liability—Responsibility.
- 13.54.160 Emergency Response and Abatement.
- 13.54.170 Stop-work Order.
- 13.54.180 Appeals.
- 13.54.190 Violation—Penalty.

13.54.010 Purpose and Intent.

The Town of Loomis is unique in the region in preserving the rural character of its town core and outlying areas. The tree canopy of both native and introduced species contributes significantly to this character and offers residents environmental, social, financial (property values), and aesthetic benefits. Trees are, in effect, green infrastructure. Public safety is a primary benefit, as healthy trees are safe trees. The goal of a tree ordinance is to promote a healthy tree canopy needed for community enjoyment and vibrant, functioning ecosystems. This ordinance covers tree management in both new development and established residential areas.

The ordinance acknowledges the delicate balance between the rights of private citizens to develop their properties, and the public interest in preserving its tree canopy. Trees are a community asset needing protection, maintenance, and continued rejuvenation. A clearly defined, fair, and effective ordinance helps provide for the long-term benefits of the citizens as well as the Town’s tree canopy.

13.54.020 Goal

The Town’s goal is to achieve an overall tree canopy in accordance with the Sacramento Tree Foundation’s Greenprint Program.

13.54.030 Definitions.

As used in this chapter the following words and terms shall have the following meanings:

“Construction activity” means the incorporation of labor and materials to build any structure requiring permanent or temporary location.

“Critical Root Zone (CRZ)” is the area to be protected around a tree where the radius of the circle around the protected is the longest horizontal branch plus one (1) foot. **(Definition has been re-worded)**

“Development project” shall be as defined at Government Code Section 65928. **(A more user-friendly definition is requested here.)**

“Diameter at Breast Height (DBH)” is the diameter of a tree trunk as measured at 54” (4’6”) above the ground at the base of the tree.

~~“Heritage tree” means any native tree with a trunk of 6 inches or more at diameter at breast height (DBH) which is of good quality in terms of health, vigor of growth and conformity to generally accepted horticultural standards of shape for its species.~~

“Landmark tree” means any tree, grove, or stand of trees which is especially prominent, stately, or which is of historical significance, as designated by resolution of the Town Council.

~~“Maintain” or “maintenance” means and includes major trimming or pruning, and any other similar act which promotes the life, growth, health or beauty of trees, excepting only watering, unless specifically so stated. Major trimming and pruning means the removal of branches of 3 inches in diameter or greater.~~

“Multi-Trunk DBH” means... **staff to insert language and diagram as provided by the Town Arborist.**

“Native tree” (for the purpose of this ordinance) means a living tree, or hybrids thereof, of the interior live oak (*Quercus wislizenii*), valley oak, California white oak (*Quercus lobata*), blue oak (*Quercus douglasii*), Oracle oak (*Quercus x morehus*), and California sycamore (*Platanus racemosa*).

“Owner” means the legal owner of real property fronting upon any street as shown on the last equalized assessment roll.

“Protected tree” means any oak tree with a trunk that is a minimum of 6” in diameter as measured at breast height (DBH), or, any oak tree with multiple trunks that have an aggregate DBH of at least 10”. Also includes trees of any species that are 18” DBH or greater or with an aggregate DBH of 24” or greater that is rated a 3, 4, or 5 by a certified arborist, except for exempt trees.

~~“Significant tree” means any tree with a trunk of 18 inches or more at diameter at breast height (DBH) other than a heritage tree, willow, fruit tree, eucalyptus, alder, cottonwood, or pine, which is of good quality in terms of health, vigor of growth and conformity to generally accepted horticultural standards of shape for its species.~~

“T4, T6, T8 tree pot” means a tree container with a square top. A T4 tree pot is 4”x4”x14”, a T6 tree pot is 6”x6”x16”, and a T8 tree pot is 8”x8”x18”.

“Town Manager” means the Town Manager or his or her designated representative.

“Tree permit” means written authorization by the Town Manager, on an official Tree Permit application, to

perform an activity on a landmark, significant or heritage tree.

13.54.040 Property Owner Responsibility.

A. It is the responsibility of the property owner to maintain all trees on his or her property. The property owner must ensure that the trees on his or her property do not pose a danger to his or her own property or the property of others. Property owners have the burden of demonstrating compliance with this Chapter.

B. Property owners that do not maintain trees on their property and, as a result, create an emergency, will be subject to the provisions of Section 13.54.160.

13.54.050 Town Manager duties.

The Town Manager shall perform the following duties:

A. Determine and take inventory of suitable and desirable species of specified trees and the areas in which and the conditions under which such trees shall be planted. The Town Manager ~~may~~ will consult with ~~those familiar with the subject of such plantings~~ a certified arborist. The Town Manager shall report ~~his~~ the findings in writing to the Town Council. When approved by the Town Council, the report shall be known as the “master tree list,” and shall be placed on file with the Town Clerk and shall thereafter be the official determination of the Town Manager. Revisions or changes in the master tree list may be made from time to time by the Town Manager, ~~in consultation with a certified arborist~~, with the approval of the Town Council.

B. Supervise and control the preservation and protection of landmark, significant or heritage trees.

C. Perform other duties as set forth in this chapter:

13.54.060 Landmark and other Protected ~~significant, heritage~~ Trees—No Construction—Tree Permit required.

It shall be unlawful to perform any of the following acts with respect to a landmark or other protected ~~significant or heritage~~ tree within the Town limits without a tree removal permit issued by the Town Manager:

A. Move, remove, cut down, poison, set fire to or permit fire to burn in proximity to, or perform or fail to perform any act which results in the unnatural death or destruction of a landmark or other protected ~~significant or heritage~~ tree.

B. Perform any activity that will interfere with ~~or retard~~ the health or natural growth of any landmark or other protected ~~significant or heritage~~ tree.

C. Perform any work or permit any work to be performed within ~~one foot outside~~ the critical root zone (CRZ) of a landmark or other protected ~~significant or heritage~~ tree which would endanger the tree.

D. ~~Trim or prune any living branch of a landmark, significant or heritage tree that is three (3) inches in diameter or greater.~~

E. Parcels with a RS-10, RS-7 or RS-5 zoning designation (approx. ¼ acre lots and smaller) that can no longer be subdivided are exempt from tree permit requirements.

F. All hired work shall conform to the most current American National Standards Institute (ANSI) tree care standards.

13.54.070 Landmark and other Protected ~~significant, heritage~~ Trees—Construction—Tree Permit required.

During construction activity on any property upon which a landmark or other protected ~~significant or heritage~~ tree is located, it is unlawful for any person to perform any of the following acts without a tree permit issued by the Town Manager, which permit shall not be denied if the activities are deemed necessary for the project and proper care is taken to protect any landmark or other protected ~~significant or heritage~~ tree:

A. Change the appropriate amount of irrigation or drainage water provided to any landmark or other protected ~~significant or heritage~~ tree.

B. Trench, grade, pave or otherwise damage or disturb any exposed roots within ~~one foot outside~~ the critical root zone (CRZ) of a landmark or other protected ~~significant or heritage~~ tree.

C. Park or operate any motor vehicle within ~~one foot outside~~ the critical root zone (CRZ) of any landmark or other protected ~~significant or heritage~~ tree.

D. Place or store any equipment or construction materials within ~~one foot outside~~ the critical root zone (CRZ) of any landmark or other protected ~~significant or heritage~~ tree.

E. Place, apply or attach any signs, ropes, cables or any other items to any landmark or other protected ~~significant or heritage~~ tree.

F. ~~Cut or trim any living branch of a landmark, significant or heritage tree that is three (3) inches in diameter or greater.~~

G. Place or allow to flow any oil, fuel, concrete mix or other deleterious substance into or over within ~~one foot outside~~ the critical root zone (CRZ) of any landmark or other protected ~~significant or heritage~~ tree.

H. Parcels with a RS-10, RS-7 or RS-5 zoning designation (approx. ¼ acre lots and smaller) that can no longer be subdivided are exempt from tree permit requirements.

I. All hired work shall conform to the most current American National Standards Institute (ANSI) tree care standards.

J. The owner/developer will be required to submit a utility and/or irrigation trenching-pathway plan on the site plan:

1. The trenching pathway plan shall depict all of the following: easements, storm drains, sewers, water mains, area drains, and irrigation and underground utilities. Except in lot sale subdivisions, the trenching-pathway plan must show all lateral lines serving buildings. The plan must also include an accurate plotting of the critical root zone (CRZ) of each protected tree within 50' of the soil disturbance activity.

2. The trenching-pathway plan must be developed to avoid going into the CRZ of any protected tree on its path from the street to the building.

3. If the encroachment into the CRZ is unavoidable, a certified arborist must assess the impact to determine the type of preservation device required. Boring under the root system of a protected tree may be required. Encroachments and mitigation measures must be addressed in a supplemental arborist report. If no preservation device is implemented, mitigation shall be required for that protected tree.

4. In order to minimize or avoid injury to the root system, trenching within the CRZ of a protected tree, when permitted, may only be conducted with hand tools, air spades, or other acceptable measures. Acceptable measures and said work shall be determined by and conducted under the supervision of a certified arborist. Boring machinery, boring pits, and spoils shall be set outside of the CRZ fencing.

5. Utility corridors shall be under or adjacent to driveways where feasible, if needed for tree protection.

13.54.080 Permit—Application—Decision.

A. Any person seeking to perform any activity for which a tree permit is required by this chapter shall fill out an application containing the following information:

B. ~~The application shall contain the following information:~~

1. Location, size and species of the tree(s) affected;

2. The type of activity for which the permit is sought;

3. A statement of the reasons for the activity;

4. A written evaluation of the health and status of the tree(s) affected, prepared by a registered forester or an International Society of Arborists (I.S.A.) certified arborist;

a. Overall rating of tree condition, by tree number, according to the following categories:

Rating #0: This indicates a tree that has no significant sign of life.

Rating #1: The problems are extreme. This rating is assigned to a tree that has a structural and/or health problems that no amount of work or effort can change. The issues may or may not be considered a dangerous situation.

Rating #2: The tree has major problems. If the option is taken to preserve the tree, its condition could be improved with corrective work including, but not limited to: Pruning, cabling, bracing, bolting, guying, spraying, mistletoe removal, vertical mulching, fertilization, etc. If the recommended actions are completed correctly, hazard can be reduced and the rating can be elevated to a 3. If no action is taken the tree is considered a liability and should be removed.

Rating #3: The tree is in fair condition. There are some minor structural or health problems that pose no immediate danger. When the recommended actions in an Arborist report are completed correctly the defect{s} can be minimized or eliminated.

Rating #4: The tree is in good condition and there are no apparent problems that an Arborist can see from a visual ground inspection. If potential structural or health problems are tended to at this stage future hazard can be reduced and more serious health problems can be averted.

Rating #5: No problems found from a visual ground inspection. Structurally, these trees have properly spaced branches and near perfect characteristics for the species. Highly rated trees are not common in natural or developed landscapes. No tree is ever perfect, especially with the unpredictability of nature, but with this highest rating, the condition should be considered excellent.

Ratings are subjective and are dependent upon both the health and structure of the tree. There is a very important line drawn between a tree rated a 3 and a 2. A tree rated 3, 4, 5 is a tree to be preserved, and a tree rated 0, 1, or 2 is recommended for removal. Trees rated a 2 may be retained and rated a 3, but only if the recommendations are followed; otherwise the tree should be removed.

5. The certified arborist preparing the report cannot be from the tree company potentially employed to remove the trees;

6. For a project requiring a construction permit, the tree plan as provided by Section 13.54.120; and

7. Such other information as the Town Manager may require.

C. In reaching a decision to grant or deny a tree permit, the Town Manager shall take into account the following:

1. The condition of the tree with respect to disease, general health, damage, public nuisance, danger of falling, proximity to existing or proposed structures, and interference with utility services, and whether or not the tree acts as a host for a plant which is parasitic;

2. The species of tree (~~native oaks, heritage and~~ landmark and protected trees shall have a higher preservation priority than others);

3. The number of existing trees in the area and the effect of any proposed removal upon the public health and safety, or the prosperity, beauty and general welfare of the area;

4. Mitigation measures as proposed or replacement measures; and

5. Steps to avoid or minimize removal and destruction of trees.

D. The Town Manager shall render a decision granting or denying an application for a tree permit within thirty days from the date the completed application is received. As a condition of granting a tree permit, the Town Manager may require that the work be performed by a person who is qualified by education or experience to perform the work and who holds a valid business license issued by the Town for such purpose.

E. Each application and each appeal shall be accompanied by fees as prescribed by resolution of the Town Council. Such fees shall in no event exceed the actual cost to the Town to conduct the services required to satisfy the requirements of this chapter.

F. The Town Manager shall periodically present a summation of his actions to the Town Council for its review.

G. The property owner removing a landmark or other protected significant or heritage tree will make every effort to replace the tree on the property, in accordance with Section 13.54.090.

H. All hired work shall conform to the most current American National Standards Institute (ANSI) tree care standards.

13.54.090 Removal of trees—Mitigation and replacement.

When the Town Manager has granted a tree permit to remove a landmark or other protected significant or heritage tree, said permit shall require the applicant to replace the tree with a living tree (or trees) of the same species on the property or within the Town of Loomis, in a location approved by the Town Manager. Said location will be specified in the tree permit. The replacement requirement shall be calculated as provided by Table 5-3. The property owner will replace the tree(s) and continue to replace the replacement tree(s) if the tree(s) die(s) any time within five (5) years of the initial planting. ~~Replacement shall not be required if a tree is in need of removal solely because it poses a risk to persons or property or if the tree acts as a host for a plant that is parasitic.~~ The removal of dead, dying, or hazardous trees, as determined by the Town Manager, the Town Arborist, or an arborist approved by the Town Manager (rated a 0 “dead”, or 1 “dying or hazardous”, or 2 “major corrective care needed”) shall not require mitigation. Photographic evidence may be considered.

Table 5-3: Tree Removal Mitigation Table

Species of Trees to be Removed	Size of Trees DBH in inches	T4, T6 or T8 Tree Pots	OR	#15 (15 Gal.) Mitigation Trees to be Planted *	OR	24" Box Mitigation Trees to be Planted	OR	In-Lieu Fee Amount \$ per inch
Blue Oak (<i>Q. douglasii</i>)	6 – 14.9	x 10		x 8		x 6		x \$100
	15 - 24.9	x 16		x 12		x 8		x \$110
	25 – 29.9	x 18		x 14		x 10		x \$120
	30 – 34.9	x 20		X 16		x 12		x \$130
	>35	x 26		x 20		x 14		x \$140
Valley Oak (<i>Q. lobata</i>)	6 – 14.9	x 8		x 6		x 4		x \$90
	15 - 24.9	x 14		x 10		x 6		x \$100
	25 – 29.9	x 16		x 12		x 8		x \$110
	30 – 34.9	x 18		x 14		x 10		x \$120
	>35	x 24		x 18		x 12		x \$130
Interior Live Oak (<i>Q. wislizenii</i>)	6 – 14.9	x 6		x 4		x 2		x \$80
	15 - 24.9	x 10		x 6		x 4		x \$90
	25 – 29.9	x 12		x 8		x 6		x \$100
	30 – 34.9	x 14		x 10		x 8		x \$110
	>35	x 18		x 12		x 10		x \$120
All other protected species	18 - 24.9	x 6		x 4		x 2		x \$70
	25 – 32.9	x 8		x 6		x 4		x \$80
	>33	x 10		x 8		x 6		x \$90

For each species and size class, 1 or a combination of columns may be used to determine total mitigation. Up to 50% of the required replacement trees may have T4, T6, T8 tree pots (oaks) or a #5/5 gallon (other species) container size, where the Town Manager determines that long-term tree health and survival will be improved by starting with a smaller container size, and that each tree with a container size less than #15 will not be in a location where it will be more subject to damage while it is becoming established than a larger tree. If the property owner is unable to replace the tree on his or her property or within an area approved by the Town Manager, the Town Manager shall require the property owner to pay an in-lieu fee to the Town.

An in-lieu fee payment shall not be required if the tree is in need of removal solely because it poses a risk to persons or property, if it is diseased (as diagnosed by a certified arborist) and is not treatable, if the tree acts as a host for a plant that is parasitic, or, if the tree is causing or has a high degree of probability to cause significant property damage (i.e. damage to a building).

A. **Small Tree and Native Tree Preservation Credits (STNTPC).** The Town may consider the preservation of seedling and sapling native trees that are smaller than 6" DBH as a credit toward the total removed inches, in addition to Gooddings willows, red willows, fremont cottonwoods, California Sycamores, California black walnuts, foothill pines, white alders, and California buckeyes that are smaller than 18" DBH. For example, a 1" sapling would equal 1" of mitigation. These smaller trees are valuable because they are already established. Retention of small blue oaks is especially encouraged. Any tree that is to be considered for preservation credit shall be evaluated, included in the arborist report, rated a 3, 4, or 5, and located in a suitable site with adequate spacing. They must be marked as protected mitigation trees (e.g. tagged or staked), and fenced during construction just as 6" or larger trees. STNTPC shall not count if they are in a poor growing space due to position within the CRZ of another protected tree to be preserved, or are likely to be adversely impacted by the proposed development. They will be included as protected trees in all required monitoring.

B. **Large Parcel 10% Allowance.** On residentially zoned parcels zoned larger than RS-10 and having at least ten protected trees, ten percent of protected trees may be removed over a ten-year period without mitigation being required. Trees within conservation easements may be counted but not removed under this provision. A dated site map, subject to staff verification, to be kept on file at Town Hall, showing size, number, and species of all protected trees is required to verify the ten percent.

C. **Woodland Enhancement.** Removal of protected trees to thin canopy density, improve overall health and spacing of remaining trees, improve species diversity, and improve habitat value shall not require mitigation. Requires a qualified biologist or certified arborist to provide a written recommendation and justification and is subject to Town approval.

13.54.100 In-lieu Fees.

In-lieu fees shall not be used for any other purposes other than for tree planting, purchasing, maintenance, preservation programs (including, but not limited to, conservation easements), public education programs regarding trees which support the purposes of this chapter (i.e. workshops on proper pruning), and activities in support of the administration of this Chapter (i.e. Town Arborist review of tree plans). Fees collected pursuant to this Chapter may be directed by the Town Council to non-profit organizations for the implementation of programs consistent with the purposes of this Section.

13.54.110 Conditions for Tree Removal to Accommodate Agriculture

A Tree Removal Permit may be granted to allow tree removal within the RA zoning district to accommodate an active commercial agricultural use without mitigation and subject to the following conditions:

A. The agricultural use, as proposed and ultimately established, shall be limited to crop production, horticulture, orchards or vineyards, but shall not include grazing or other animal uses;

B. Only that area that will be utilized for active commercial agriculture shall be exempt;

C. The Tree Removal Permit shall be exercised within one year;

D. Once tree removal is commenced, the proposed replacement agricultural use shall be in place within twenty-four months of the removal of the first tree, or mitigation shall be required in compliance with Sections 13.54.090 and 13.54.100;

E. Once the replacement agricultural use is established, it shall be maintained for a minimum of ten (10) years. If the agricultural use is terminated before ten (10) years, and /or if a subdivision application for non-agricultural development is filed with the town within that period, mitigation shall be required in compliance with Sections 13.54.090 and 13.54.100;

F. The approved tree removal and subsequent agricultural use shall retain existing trees:

1. Surrounding existing buildings;

2. Within 100' from a perennial stream;

3. Within 10 feet of any property line or neighboring dwelling; and

4. In significant groves, as determined by the Town Manager.

13.54.120 Developments—Tree plan.

An application for a development project shall be accompanied by a tree plan, prepared by a certified arborist, containing the following information:

A. Contour map showing extent of grading within any part of the critical root zone (CRZ), plus existing and proposed grades and the location, size, species and condition of all existing trees which are located upon the property proposed for development.

B. Identification of those trees which the applicant proposes to preserve and those landmark or other protected significant or heritage trees which are proposed to be removed and the reason for such removal.

C. A description of measures to be followed to insure survival of landmark or other protected significant or heritage trees during construction.

D. A program for the preservation of landmark or other protected significant or heritage trees during and after completion of the project, which shall include the following:

1. Each tree or group of trees to be preserved shall be enclosed with a fence prior to any grading, movement of heavy equipment, approval of improvement plans or the issuance of any permits and such fence shall be removed following construction, but prior to installation of landscaping material;

2. Fencing shall be located ~~one foot outside of~~ at the critical root zone (CRZ) of the tree or trees and shall be a minimum of ~~six (6)~~ four (4) feet in height;

3. Signs shall be posted on all sides of fences surrounding each tree stating that each tree is to be preserved;

4. Any and all exposed roots shall be covered with a protective material during construction;

and
E. A program for the replacement of any trees proposed to be removed.

F. All of the tree preservation measures required by the conditions of a discretionary project approval (the arborist's report and the tree permit, as applicable) shall be completed and certified by staff or the developer's arborist prior to issuance of a Certificate of Occupancy.

G. The developer will be required to submit a utility and/or irrigation trenching-pathway plan on the site plan:

1. The trenching pathway plan shall depict all of the following: easements, storm drains, sewers, water mains, area drains, and irrigation and underground utilities. Except in lot sale subdivisions, the trenching-pathway plan must show all lateral lines serving buildings. The plan must also include an accurate plotting of the critical root zone (CRZ) of each protected tree within 50' of the soil disturbance activity.

2. The trenching-pathway plan must be developed to avoid going into the CRZ of any protected tree on its path from the street to the building.

3. If the encroachment into the CRZ is unavoidable, a certified arborist must assess the impact to determine the type of preservation device required. Boring under the root system of a protected tree may be required. Encroachments and mitigation measures must be addressed in a supplemental arborist report. If no preservation device is implemented, mitigation shall be required for that protected tree.

4. In order to minimize or avoid injury to the root system, trenching within the CRZ of a protected tree, when permitted, may only be conducted with hand tools, air spades, or other acceptable measures. Acceptable measures and said work shall be determined by and conducted under the supervision of a certified arborist. Boring machinery, boring pits, and spoils shall be set outside of the CRZ fencing.

5. Utility corridors shall be under or adjacent to driveways where feasible, if needed for tree protection.

13.54.130 Mitigation of Other Trees.

When mitigation is required by the California Environmental Quality Act or any other regulation for the removal of any tree, such mitigation shall be provided consistent with Sections 13.54.090 and 13.54.100.

13.54.140 Implementing Regulations.

The Town Council may adopt implementing regulations to effectuate the intent of this Chapter.

13.54.150 Liability—Responsibility.

This chapter shall not be construed to impose any liability upon the Town, its officers or employees for the performance of any act or the failure to perform any act under this chapter, and shall not relieve the owner from the duty to keep any tree upon his or her property in such condition as to prevent it from causing damage or constituting a nuisance. By enactment of this chapter, the Town is not assuming responsibility for the maintenance of landmark or other protected significant or heritage trees, nor relieving the property owner of the duty to maintain such trees at his own expense. Furthermore, it shall be the obligation and duty of each owner to demonstrate compliance with this Chapter.

13.54.160 Emergency response and abatement.

A. An owner is not precluded by this chapter from taking action, in the event of an emergency, which would otherwise violate the terms of this chapter, if such action is necessary to minimize danger. In the event such emergency action is taken, the owner shall notify the Town Manager or his representative by the next working day. The burden is on the owner to demonstrate that any action taken complies with this Section. For purposes of this section, “emergency” means imminent threat to life or property.

B. In the event that an owner has not maintained trees for which the owner is responsible and the trees pose an imminent danger to persons and/or property, constituting an emergency, the Town Manager may commence abatement proceeding pursuant to Section 7.04.020 of the municipal code. At the owner’s expense, the tree shall be removed or have the dangerous condition otherwise rectified.

C. In the event that an owner has not maintained trees for which the owner is responsible and the trees and the condition does not pose an imminent threat to persons and/or property, but has the potential to pose such a threat, the Town Manager shall give the owner thirty days to eliminate the potentially dangerous condition. If the condition has not changed in thirty days the Town Manager may commence abatement proceedings pursuant to Section 7.04.020 of the municipal code.

13.54.170 Stop-work order.

Whenever the Town Manager determines that an action being taken is in conflict with this chapter, he shall cause to be issued a stop work order which shall prohibit such action. Such stop work order shall set forth the alleged violations and may list remedies to be taken to correct the violations. The person receiving the stop work order shall report in writing to the Town Manager within forty-eight hours regarding the steps to be taken to correct the violations or to appeal the posting of the stop work order. The stop work order shall remain in effect until a finding is made that the circumstances giving rise to its order no longer exist. Any party receiving a stop work order may appeal through the process outlined in Section 13.54.180.

13.54.180 Appeals.

Any person dissatisfied with the decision of the Town Manager made under this chapter may appeal such decision to the Town Council. Such appeal shall be in writing, stating the reasons therefore, and, except as otherwise provided herein, shall be filed with the Town Clerk not later than fifteen days after the date of the Town Manager's decision. All appeals shall be conducted in accordance with Chapter 13.74 of the Municipal Code. The decision of the Town Council shall be final.

13.54.190 Violation—Penalty.

Any person, corporation or other legal entity who violates or fails to comply with any chapter of this provision shall be subject to a fine of one hundred (\$100) dollars for the first offense, two hundred dollars (\$200) for the second offense, and five hundred (\$500) dollars for the third offense and each subsequent offense thereafter. Each person, corporation or other legal entity is guilty of a separate offense for each and every tree each and every day, during any portion of which violation of this chapter is committed, continued or permitted by any such person, corporation or legal entity, and such person, corporation or legal entity shall be punished accordingly.

In addition to the general penalty set forth above, any condition caused or permitted to exist in violation of this chapter shall be deemed a public nuisance and may be summarily abated by the Town in accordance with Section 7.04.020, Nuisance Abatement, and other applicable provisions of law.

Section 2. Posting. The Town Clerk shall cause this Ordinance to be published in the Loomis News and to be posted at three (3) locations within fifteen (15) days after its passage; shall certify to the adoption and posting of this Ordinance; and shall cause this Ordinance and its certification to be entered in the Book of Ordinances of the Town of Loomis.

The foregoing Ordinance was introduced at a regular meeting of the Council of the Town of Loomis held on the _____, 2013, and was ADOPTED AND ORDERED published and posted at a meeting of the Council held on the ____ day of _____, 2013, by the following roll call vote:

AYES:
NOES:
ABSENT:

By: _____
Mayor

ATTEST:
By: _____
Crickett Strock, Town Clerk