

AN ORDINANCE OF THE GRASS VALLEY CITY  
COUNCIL ENACTING A NEW CHAPTER 12.36 OF THE  
GRASS VALLEY MUNICIPAL CODE PERTAINING TO  
TREES AND TREE PRESERVATION

THE CITY COUNCIL OF THE CITY OF GRASS VALLEY, STATE OF  
CALIFORNIA, HEREBY ORDAINS AS FOLLOWS:

**SECTION 1** Chapter 12.36 of the Grass Valley Municipal Code is hereby  
repealed in its entirety.

**SECTION 2.** There is hereby added a new Chapter 12.36 to the Grass Valley  
Municipal Code to read as follows:

**“CHAPTER 12.36  
TREE PRESERVATION AND PROTECTION**

Sections:

- 12.36.010 Purpose.
- 12.36.020 Definitions.
- 12.36.025 Heritage Trees.
- 12.36.030 Regulated Activities.
- 12.36.035 Exempt Tree Removal Activities.
- 12.36.040 Approval and Permit Required.
- 12.36.050 Plans Required.
- 12.36.080 Criteria for Issuance of Tree Removal Permit.
- 12.36.085 Mitigation Required.
- 12.36.090 Expiration of Tree Removal Permits.
- 12.36.095 Conditions of Approval for Tree Removal Permits.
- 12.36.100 Tree Removal Permit Appeals.
- 12.36.125 Evidence of Violation.
- 12.36.130 Penalties.
- 12.36.200 Tree Protection.
- 12.36.250 Performance Security.
- 12.36.300 Liability Disclaimer.

**12.36.010 Purpose.**

The City of Grass Valley recognizes the importance of trees to the  
character and beauty of Grass Valley as well as the role that trees have in  
advancing the public health, safety and welfare of its residents. The City has  
therefore determined that reasonable regulation of the removal of certain trees is  
necessary and that this regulation of trees is based upon the following general  
guidelines:

A. The City recognizes that trees can provide soil stability, noise  
buffering, and wind protection benefits. The City of Grass Valley greatly values  
trees for their ecological importance, temperature mitigation, enhanced wildlife  
habitat and aesthetics.

B. The City recognizes the special significance of heritage and distinctive trees, and values the contribution which such trees make to the beauty and quality of life in Grass Valley.

C. The City recognizes that because of the known benefits of trees, development property should be protected from unregulated removal of trees prior to the approval of development plans. Trees on such properties should be preserved so that they may be considered for incorporation into development plans.

D. The City recognizes that private and public properties often have special landscaping circumstances, and that these special circumstances have the potential to affect significantly larger numbers of persons if unregulated. Because of this, such properties require reasonable regulation.

**12.36.020 Definitions.**

A. **Arborist** means a person who has met the criteria for certification from the International Society of Arboriculture or American Society of Consulting Arborists, and maintains his or her accreditation.

B. **Caliper Inch** refers to a manner of expressing the diameter inches of a tree as calculated by measuring the tree's circumference and dividing by Pi (approximately 3.14159). Specially calibrated "diameter tapes" or "calipers" are used to determine caliper inches.

C. **Dead Tree** means a tree is lifeless. Such evidence of lifelessness may include unseasonable lack of foliage, brittle dry branches, or lack of any growth during the growing season.

D. **Diameter at Breast Height** or **DBH** means the diameter of the trunk at its maximum cross section, measured 54 inches (4 1/2 feet) above mean ground level at the base of the trunk.

E. **Drip Line** means an imaginary vertical line extending downward from the outermost tips of a tree's branches to the ground.

F. **Heritage Tree** means any tree listed on the official City of Grass Valley Heritage Tree list adopted by the City Council.

G. **Immediate Danger of Collapse** means that the tree may already be leaning, with the surrounding soil heaving, and/or there is a significant likelihood that the tree will topple or otherwise fail and cause damage before a tree removal permit could be obtained through the non-emergency process. "Immediate danger of collapse" does not include hazardous conditions that can be alleviated by pruning or treatment.

H. **Person** means any individual or legal entity.

I. **Removal** means to cut down a tree, or remove 50% or more of the crown, trunk, or root system of a tree; or to damage a tree so as to cause the tree to decline and/or die. Removal includes but is not limited to damage inflicted upon a root system by application of toxic substances, operation of equipment and vehicles, storage of materials, change of natural grade due to unapproved excavation or filling, or unapproved alteration of natural physical conditions. Removal does not include normal trimming or pruning of trees when conducted in accordance with the standards established by the International Society of Arboriculture.

J. **Significant Tree** means a tree having a trunk 18 caliper inches or larger in diameter at breast height (DBH).

K. **Street Tree** means any tree within the public right of way. It is the responsibility of the Lighting and Landscape District (LLD), or if there is not a LLD, the adjoining property owner to maintain such street trees.

L. **Tree** means any woody plant having a trunk eight caliper inches or larger in diameter at breast height (DBH). If a tree splits into multiple trunks above ground, but below 4.5 feet, the trunk is measured at its most narrow point beneath the split, and is considered one tree if greater than eight inches DBH. Plants commonly planted as shrubs, including but not limited to English laurel, photinia, arborvitae, poison oak, English holly, and English ivy shall not be considered a tree. Trees specifically planted and maintained as a hedge shall also not be considered a tree.

M. **Tree Account** means an account established by resolution of the Council for the receipt of funds to be utilized for future tree purposes, as outlined in the resolution.

N. **Tree Permit Administrator** means the Director of Public Works or his / her designated representative. The Tree Permit Administrator may delegate the assignment of certain development related tree responsibilities in writing to specific Community Development Department staff with the written approval of the Community Development Director.

O. **Tree Removal Permit** means written authorization from the City for a tree removal to proceed as described in an application, such authorization having been given in accordance with this chapter.

P. **Tree Protection Zone** means the area reserved around a tree or group of trees in which no grading, access, stockpiling or other construction activity shall occur as determined by the Tree Permit Administrator based on review of the tree and site conditions.

#### **12.36.025 Heritage Trees.**

A. The City of Grass Valley recognizes that specific trees in Grass Valley are deserving of special status due to distinctive form, size, age, location, species, unique qualities, or historical significance.

B. Any person may nominate, with the written consent of the property owner, a mature tree for consideration as a Heritage Tree. This nomination shall include all information necessary for evaluation based on the items described in section A above. The Planning Commission shall review all nominations and shall make a written final recommendation to the City Council. The City Council shall review the recommendation and make the final determination for Heritage Tree status.

C. Should the Council approve the nomination, the tree shall be included on the Heritage Tree list adopted by resolution of the City Council. The property owner shall be notified of the Council's action.

D. Once designated, a Heritage Tree shall be subject to the applicable provisions of this ordinance. The maintenance of any and all Heritage Trees on private property continues to be the responsibility of the property owner.

E. A Heritage Tree may be removed from the list by the City Council upon its own motion or upon written request by the property owner. A request by the owner must state the reasons for removal from the list. The Council shall have the right to determine removal or addition to the list. The Council may utilize criteria in their decision on the removal of the Heritage Tree including, but not limited to, the tree is dead or dying or represents an immediate danger of collapse.

F. No Tree Removal Permit for any tree designated as a Heritage Tree shall be issued by the City until such tree is removed from the Heritage Tree list by formal action of the City Council.

**12.36.030 Regulated Activities.**

A. All tree removal activities, unless exempted below, shall be carried out in accordance with the requirements of this chapter.

B. No person who is required to install or maintain tree protection measures pursuant to this chapter shall do any development activities including, but not limited to clearing, grading, excavation or demolition work on a property or site which requires a planning action without approved tree protection measures properly installed and maintained pursuant to this Chapter.

**12.36.035 Exempt Tree Removal Activities.**

The following activities are exempt from the requirement for tree removal permits:

A. Those activities associated with the establishment or alteration of any public park. However, the Grass Valley Parks Maintenance Division shall file an annual plan in April with the Tree Plan Administrator outlining proposed tree removal activities, and reporting on tree removal activities that were carried out in the previous year.

B. Removal of trees less than 8" DBH, excluding those street trees within the public right of way planted at the direction of the City or required as conditions of approval with landscape improvements for planning actions.

C. Removal of trees less than 18" DBH on any public lands; but excluding Significant Trees and street trees within the public right of way.

D. Removal of trees within any Wildfire Lands area of the City, as defined on adopted maps, for the purposes of wildfire fuel management.

E. Removal of dead trees.

F. Those activities associated with tree pruning or trimming for safety reasons, as mandated by the California Public Utilities Commission Rule 35, the Public Resource code 4293 or the City Engineer. However, the Utility shall file; 1) an annual plan with the Tree Plan Administrator identifying a list of trees within city limits which are targeted for pruning or removal within the year, 2) a notice with the Tree Plan Administrator of when such pruning and removal work would occur in accordance with the annual plan. The notice shall be provided at least two weeks prior to undertaking the work, unless emergency conditions exist. Tree pruning or trimming shall be done, at a minimum, by a Journeyman Tree Trimmer, as defined by the Utility, and will be done in conformance and to

comply with the standards established by the International Society of Arboriculture.

G. Removal of a tree constituting a nuisance recommended by the Tree Plan Administrator with advance notice of consideration to the property owner and a subsequent determination by the Planning Commission. The property owner shall be given notice and provided at least 10 days to respond to the Tree Plan Administrator. The Planning Commission would only consider the request and make a determination if the owner is either non-responsive or unwilling to remove the tree. Such trees shall be removed by the property owner within 30 days of receipt of a notice of such a determination from the City.

**12.36.040 Approval and Permit Required.**

It shall be unlawful for any person to remove a tree, not otherwise exempted herein, without first obtaining and having in his or her possession a valid tree removal permit. A person who desires to remove a tree, not otherwise exempted in 12.36.035, shall first apply for and receive one of the following tree removal permits before tree removal occurs:

A. EMERGENCY TREE REMOVAL PERMIT:

1. If the condition of a tree presents an immediate danger of collapse and requires immediate action for the safety of life or property, it may be removed without prior issuance of an Emergency Tree Removal Permit upon the order of the Tree Permit Administrator or a member of the police or fire department. The payment of a fee shall be waived.

2. Emergency Tree Removal Permits shall be reviewed and considered for approval by the Tree Permit Administrator. The Tree Permit Administrator may require the applicant to hire an arborist to review the evidence to ascertain whether the tree presented an immediate danger of collapse.

B. CONSTRUCTION RELATED TREE REMOVAL PERMIT:

1. If a site has received development approval through a planning action consistent with the standards of this chapter, then a Construction Related Tree Removal Permit shall be required for those trees approved for removal through that process. To obtain a Construction Related Tree Removal Permit, an applicant must; a) file an application and filing fee with the Tree Permit Administrator, b) submit a site plan indicating the location of the requested trees for removal, c) clearly identify on the property the trees to be removed by tying pink tagging tape around each tree, and d) if trees are to be protected, submit a Tree Protection Plan pursuant to Section 12.36.200 (A). Vegetation 4" to 8" DBH that is to be removed shall also be marked with pink tagging tape. The Tree Permit Administrator may require the building footprint of the development to be staked to allow for accurate verification of the permit application. The Tree Permit Administrator will then verify that the trees requested for removal match the approved site plan and that the project has addressed all conditions relative to the protection and planting of trees. The City shall require the applicant to mitigate for the removal of each tree pursuant to GVMC 12.36.085. Such

mitigation requirements shall be a condition of approval of the original development permit granted by the City.

2. Construction Related Tree Removal Permits shall be required prior to the issuance of a grading and/or building permit for the subject property, whichever occurs first.

C. TREE REMOVAL PERMIT:

1. Tree Removal Permits are required for the following activities:  
a. Removal of trees greater than 8" DBH on any private lands.  
b. Removal of Significant Trees or street trees greater than 18" DBH on any public lands or within the public right of way.

2. Applications for Tree Removal Permits shall be reviewed and approved by the Tree Permit Administrator pursuant to GVMC 12.36.080 (Approval Criteria). After determining the application is complete, the Tree Permit Administrator shall act upon the application and provide a decision to the applicant within a minimum of ten (10) days to a maximum of thirty (30) days. If the Tree Plan Administrator does not act upon a complete application within thirty (30) days after deeming it complete or have requested and received a continuance of the application timeframe from the applicant, the application shall be considered approved.

3. The Tree Plan Administrator shall ensure that a tree or a grove of trees proposed for removal shall be conspicuously posted with a weatherproofed copy of the tree removal application a minimum of ten (10) days before the Tree Permit Administrator intends to make a decision on the permit.

4. It shall be the responsibility of all licensed tree cutters or any other person who is removing the tree to have a copy of the applicable tree permit, a valid City business license and any required state licenses in his or her possession and available for inspection upon request.

**12.36.050 Plans Required.**

A. An application for all Tree Removal Permits shall be made upon forms prescribed by the City. The application for a Tree Removal Permits shall contain:

1. A completed City application and filing fee.
2. The number, size, species and location of the trees proposed to be removed or topped on a site plan of the property.
3. The anticipated date of removal.
4. A statement of the reason for removal.
5. Information concerning proposed landscaping or planting of new trees to replace the trees to be removed, and
6. Evidence that the trees proposed for removal has been clearly identified on the property for visual inspection.
7. Any other information reasonably required by the City.

B. The applicant shall have the burden of proving that the application complies with the criteria for approval of the applicable class of permit. If the application is for a Tree Removal Permit, the applicant shall submit specific written findings and evidence addressing the criteria in section 12.36.080 for issuance of a Tree Removal Permit.

C. Misrepresentation of any fact necessary for the City's determination for granting a tree removal permit shall invalidate the permit. The City may at any time, including after a removal has occurred, independently verify facts related to a tree removal request and, if found to be false or misleading, may invalidate the permit and process the removal as a violation. Such misrepresentation may relate to matters including, without limitation, tree size, location, health or hazard condition, justification for issuance of permit, or owner's authorized signature.

**12.36.080 Criteria for Issuance of Tree Removal Permit.**

An applicant for a Tree Removal Permit shall demonstrate that the following criteria are satisfied. The Tree Permit Administrator may require an arborist's report to substantiate the criteria for a permit.

A. Hazard Tree: The Tree Permit Administrator shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.

1. A hazard tree is a tree that is physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within public rights of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated or the damage alleviated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.

2. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to GVMC 12.36.085. Such mitigation requirements shall be a condition of approval of the permit.

B. Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:

1. The tree is proposed for removal in order for the property to achieve compliance with other applicable City requirements and standards. (i.e. other applicable Site Design and Use Standards). The Tree Permit Administrator may require the building footprint of an improvement that would prompt the removal of a tree to be staked on the property prior to removal of the tree; and

2. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and

3. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted by the City Zoning Ordinances. In making this determination, the City may consider alternative site plans or placement of structures or alternate landscaping designs that would

lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the Grass Valley Zoning Ordinance.

4. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to GVMC 12.36.085. Such mitigation requirements shall be a condition of approval of the permit.

**12.36.085 Mitigation Required.**

An applicant may be required to provide mitigation for any tree approved for removal. The mitigation requirement shall be satisfied by one or more of the following:

A. Replanting on site. The applicant shall plant either a minimum 1 ½-inch caliper healthy and well-branched deciduous tree or a 5-6 foot tall evergreen tree for each tree removed. The replanted tree shall be of a species that will eventually equal or exceed the removed tree in size if appropriate for the new location. The tree shall be planted and maintained in accordance with City policies and standards or recommendations provided by an arborist.

B. Replanting off-site. If in the City's determination there is insufficient available space on the subject property, the replanting required in subsection A shall occur on other property in the applicant's ownership or control within the City, in an open space tract that is part of the same subdivision, or in a City owned or dedicated open space or park. Such mitigation planting is subject to the approval of the authorized property owners. If planting on City owned or dedicated property, the City may specify the species and size of the tree. Nothing in this section shall be construed as an obligation of the City to allow trees to be planted on City owned or dedicated property.

C. Payment in lieu of planting. If in the City's determination no feasible alternative exists to plant the required mitigation, the applicant shall pay into the tree account an amount as established by resolution of the City Council.

**12.36.090 Expiration of Tree Removal Permits.**

Tree removal permits shall remain valid for a period of 180 days from the date of issuance or date of final decision by a hearing body, if applicable. A 30 day extension shall be automatically granted by the Tree Permit Administrator if requested in writing before the expiration of the permit. Permits that have lapsed are void. Trees removed after a tree removal permit has expired shall be considered a violation of this Chapter.

**12.36.095 Conditions of Approval for Tree Removal Permits.**

A. The City may impose conditions of approval on any Tree Removal Permit if the condition is reasonably related to preventing, eliminating or mitigating a negative impact or potential negative impact on natural features or processes or on the built environment of the neighborhood which is as created or contributed to by the approved tree removal.

B. Conditions of approval may include, but are not limited to:

1. Preparation of a Tree Protection Plan pursuant to Section 12.36.200 (A).

2. Requiring modifications in the location, design or intensity of a development or activities on a site or to require or prohibit certain construction methods. Modifications may result in a decrease in size of residential or commercial structures, but modifications shall not reduce the density of residential development below the permitted density allowed by the zone;

3. Requiring vegetation not requiring a tree removal permit to remain in place or be planted.

4. Requiring all or a portion of remaining trees to be protected from construction activities with fencing or other screening methods.

5. Requiring the removal of injurious or noxious vegetation (such as English Ivy) from other trees on the property.

**12.36.100 Tree Removal Permit Appeals.**

Decisions of the Tree Permit Administrator may be appealed to the Planning Commission with 7 days of issuance of the notice of decision by filing a written appeal with the requisite appeal fee to the City's Planning Department. A public hearing will be noticed, mailed to all property owners within 300 feet of the subject trees and posted conspicuously on the tree or grove of trees in question. Any tree removal permit shall be suspended until the Planning Commission reaches a decision after its public hearing.

**12.36.125 Evidence of Violation.**

A. If a tree is removed without a Tree Removal Permit, a violation shall be determined by measuring the stump. A stump that is 8 caliper inches or more in diameter shall be considered initial evidence of a violation of this chapter.

B. Removal of the stump of a tree removed without a Tree Removal Permit prior to the determination provided in subsection A of this section is a violation of this chapter.

C. Proof of violation of this chapter shall be deemed prima facie evidence that such violation is that of the owner of the property upon which the violation was committed. Prosecution of or failure to prosecute the owner shall not be deemed to relieve any other responsible person.

D. Tree removal caused by natural weather conditions shall not be deemed a violation of this chapter and shall be exempt from all penalties set forth in GVMC 12.36.130.

**12.36.130 Penalties.**

A. Fine. A violation of any provision of this chapter, a permit issued under this chapter or any condition of a permit issued under this chapter shall, upon a conviction, constitute a misdemeanor with a minimum fine of \$500 per tree up to a maximum fine of \$1000 per tree, and up to one year in jail, or both. The removal of a tree in violation of this chapter, in violation of a permit or any condition of a permit issued under this chapter shall be a separate offense for each tree. Failure to comply with the provisions of this chapter or a permit or any condition of a permit issued under this chapter shall be a separate offense each day the failure to comply continues.

B. Enforcement Fee. In addition to any fine, the court may impose an enforcement fee as restitution for the enforcement costs incurred by the City. This fee may be imposed upon any person who violates any provision of this

chapter or who violates any permit or condition of any issued under this chapter. The fee shall be in an amount established by resolution of the city council.

C. Restoration fee. In addition to any fine and enforcement fee, the court may impose a restoration fee as restitution to the city for restoring the tree. This fee may be imposed upon any person who violates any provision of this chapter or who violates any permit or condition of any permit.

1. The fee shall be paid into the City's Tree Account and shall be a standard fee per caliper inch for the total number of caliper inches of the tree damaged or removed in violation of this chapter. The standard fee shall be in an amount as established by resolution of the City Council.

2. The court may require the person to pay into the City's Tree Account an increased fee per caliper inch or pay for the value of the tree, whichever is greater, if any of the following apply:

a. The person has committed a previous violation of a provision of this chapter, or

b. Tree protection measures as required by this chapter were not installed or maintained, or

c. The tree removed or damaged was  
(1) 18 caliper inches in diameter or greater;  
(2) a designated Heritage Tree;  
(3) expressly protected or required to be preserved as a condition of approval of a development permit pursuant to the Grass Valley Zoning or Development Codes or Standards; or

(4) located on public right of way, City owned or dedicated property, a public or private open space area or conservation easement.

3. The value of a tree under this section shall be determined by an Arborist in accordance with the methods set forth in the "Guide for Plant Appraisal" an official publication of the International Society of Arboriculture.

D. Injunction. Upon request of the Tree Permit Administrator, the City Attorney may, or upon order of the City Council, the City Attorney shall institute appropriate action in any court to enjoin any violation of this chapter or any violation of a permit or condition of a permit issued under this chapter.

E. Arborist Report and Required Treatment.

Upon request by the City, a person who violates any provision of this chapter shall submit a report prepared by an arborist to evaluate the damage to a tree and/or make recommendations to remedy the violation. The City upon evaluating these recommendations, may, at the City's discretion, require that the recommended measures be implemented.

F. Cumulative Remedies. The rights, remedies, and penalties provided in this chapter are cumulative, are not mutually exclusive, and are in addition to any other rights, remedies and penalties available to the City under any other provision of law.

**12.36.200 Tree Protection.**

Tree Protection as required by this section is applicable to any planning action or building permit.

A. Tree Protection Plan Required.

1. A Tree Protection Plan approved by the Tree Permit Administrator shall be required prior to conducting any development activities including, but not limited to clearing, grading, excavation, or demolition work on a property or site, which requires a planning action or building permit.

2. In order to obtain approval of a Tree Protection Plan; an applicant shall submit a plan to the City, which clearly depicts all trees to be preserved and/or removed on the site. The plan must be drawn to scale and include the following:

- a. Location, species, and diameter of each tree on site and within 15 feet of the site;
- b. Location of the drip line of each tree;
- c. Location of existing and proposed roads, water, sanitary and storm sewer, irrigation, and other utility lines/facilities and easements;
- d. Location of dry wells, drain lines and soakage trenches;
- e. Location of proposed and existing structures;
- f. Grade change or cut and fill during or after construction;
- g. Existing and proposed impervious surfaces;
- h. Identification of a contact person and/or arborist who will be responsible for implementing and maintaining the approved tree protection plan; and
- i. Location and type of tree protection measures to be installed per GVMC 12.36.200(B).

3. For development requiring a planning action, the Tree Preservation Plan shall include an inventory of all trees on site, their health or hazard condition, and recommendations for treatment for each tree.

B. Tree Protection Measures Required.

1. Except as otherwise determined by the Tree Permit Administrator, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and shall be removed only after completion of all construction activity, including landscaping and irrigation installation.

2. Fencing, a minimum of six feet tall with posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or drip line, whichever is greater, and at the boundary of any open space tracts, riparian areas, or conservation easements that abut the parcel being developed.

3. The fencing shall be flush with the initial undisturbed grade.

4. Approved signs shall be attached to the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the Tree Permit Administrator for the project.

5. No construction activity shall occur within the tree protection zone, including, but not limited to dumping or storage of materials such as building supplies, soil, waste items, equipment, or parked vehicles.

6. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.

7. No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless approved by the Tree Permit Administrator.

C. Inspection. The applicant shall not proceed with any construction activity, except installation of erosion control measures, until the City has inspected and approved the installation of the required tree protection measures and a building and/or grading permit has been issued by the City.

**12.36.250 Performance Security.**

The City may require the permittee to post with the City a bond, or other suitable collateral as determined by the City Attorney, ensuring the satisfactory completion and maintenance of the tree protection plan. Suitable collateral may be in the form of letters of credit, certificates of deposit, cash bond, or bonds issued by an insurance company legally doing business in the State of California.

**12.36.300 Liability Disclaimer.**

Nothing contained in this ordinance shall be deemed to impose any liability upon the city, its officers or employees, nor to relieve the owner of any private property from the duty to maintain any and all trees on his or her property or maintain any street tree under his or her control in such condition as to prevent it from constituting a hazard, in danger of collapse or an impediment to travel.”

**SECTION 3. SEVERABILITY**

If any section of this Ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other section or application of this Ordinance which can be given effect without the invalid or unconstitutional provision or application and to this end the provisions of this Ordinance are severable.

**SECTION 4. EFFECTIVE DATE.**

This Ordinance shall become effective thirty (30) days after its adoption.

INTRODUCED and first read at a regular meeting of the City Council on the 11th day of January, 2005.

FINAL PASSAGE AND ADOPTION by the City Council of the City of Grass Valley was at a meeting thereof held on the \_\_\_\_ day of \_\_\_\_\_, 2005, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

\_\_\_\_\_  
Gerard Tassone, Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Ruthann G. Ziegler, City Attorney

\_\_\_\_\_  
Bobbi Poznik-Coover, City Clerk