

## Title 12

### STREETS, SIDEWALKS AND PUBLIC PLACES

#### Chapters:

- 12.04 Construction and Maintenance Standards
- 12.08 Excavations
- 12.12 Driveways
- 12.16 Trees
- 12.20 Colfax Memorial Park

#### Chapter 12.04

### CONSTRUCTION AND MAINTENANCE STANDARDS

#### Sections:

- 12.04.010 Authority.
- 12.04.020 Adoption.
- 12.04.030 Amendments.
- 12.04.040 Fees.

#### 12.04.010 Authority.

The provisions of this chapter are enacted pursuant to the provisions of Sections 38660 and 50022.1 through 50022.8 of the Government Code of the state. (Prior code  $\beta$  7-7.01)

#### 12.04.020 Adoption.

For the purpose of regulating the repair, improvement and construction or modification of streets, sewers, sidewalks, curbs, gutters and other public works of the city, that certain document entitled "Standard Specifications of the City of Colfax," published by the city, which standard specifications adopt by reference therein those secondary codes entitled "Standard Specifications of the State of California, Department of Public Works, Division of Highways," dated August, 1954 and as currently amended and the "Land Development Manual, Departments of Public Works, Planning and Public Health, County of Placer," dated July, 1979, are adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to any amendments, additions and deletions set forth in this chapter. (Prior code  $\beta$  7-7.02)

#### 12.04.030 Amendments.

Amendments to the Standard Specifications shall be made by resolution which shall thereafter be maintained in the office of the director of public works. (Prior code  $\beta$  7-7.03)

#### 12.04.040 Fees.

Fees for the issuance of such permits as may be required and for the inspection of improvements shall be as set by the most current resolution of the council. (Prior code  $\beta$  7-7.04)

### Chapter 12.08

#### EXCAVATIONS

##### Sections:

12.08.010 Unlawful acts.

12.08.020 Permits--Required--Applications--Form--Deposits--Denial--Appeals.

12.08.030 Award of contracts.

12.08.040 Permits--Fees.

12.08.010 Unlawful acts.

It is unlawful for any person, whether an individual, partnership, association or corporation, to make an excavation or tear up, loosen or remove any part of the macadam or other surface or any base or subbase of any public street or public thoroughfare in the city or do any public or private works upon any public street or public thoroughfare in the city, except as provided in this chapter. (Prior code  $\beta$  7-4.01)

12.08.020 Permits--Required--Applications--Form--Deposits--Denial--Appeals.

Any person desiring to make any excavation, tear up, loosen or remove any part of the macadam or other surface or any base or subbase of any public street or public thoroughfare in the city or do any public or private works upon any public street or public thoroughfare in the city shall file with the director of public works a written request therefor upon a form to be supplied by the city, shall furnish with such written request a plan showing the exact location of the proposed work and shall deposit with the director of public works a sum, in either cash or surety bond, in an amount equal to the estimated cost of such work, such amount to be determined by the director of public works as sufficient to pay the then prevailing costs of such work. Such applicant shall have the right to appeal to the council if his or her application shall be denied by the director of public works or if the applicant disagrees with the terms upon which the permit is proposed to be granted. (Prior code  $\beta$  7-4.02)

12.08.030 Award of contracts.

The council, from time to time, by resolution, may award contracts to persons, firms or corporations for such periods and under such terms as the council shall deem to be in the best interests of the city for the making of all excavations in the city streets or thoroughfares for which applications are received and approved by the director of public works and the costs thereof shall be borne by the applicant. (Prior code  $\beta$  7-4.03)

#### 12.08.040 Permits--Fees.

Fees for the processing of permits for excavations in public rights-of-way shall be as set by council resolution. (Prior code  $\beta$  7-4.04)

### Chapter 12.12

#### DRIVEWAYS

##### Sections:

12.12.010 Construction--Improvements--Approval.

12.12.020 Public nuisances.

12.12.030 Fees.

12.12.010 Construction--Improvements--Approval.

It is unlawful for any person owning real property abutting any city street or owning an interest in or a right-of-use over any roadway leading to a public street, to construct or improve the junction of a driveway with a public street unless, before any such work or improvement is commenced, such person shall present to the director of public works accurate information concerning the nature and scope of the work proposed to be performed. The director of public works, if he or she finds such proposed improvement does not interfere with the rights of the public for the use of such street, shall approve the proposed improvement. The director of public works shall have the power to modify the proposed plan of improvement so as to create no interference with the drainage of such street or the flow of water through the gutters of such street. (Prior code  $\beta$  7-6.01)

12.12.020 Public nuisances.

In the event any improvement referred to in Section 12.12.010 of this chapter is performed without full compliance with the provisions of this chapter, such work or improvement is declared to be a public nuisance. If the person responsible for such public nuisance shall fail to comply with the provisions of this chapter within thirty (30) days after receiving written notice to remedy such defect, the director of public works shall abate such nuisance and remedy such defect so as to secure substantial compliance with the provisions of this chapter. The costs to the city of such compliance shall be assessed against the real property benefited by such improvement. (Prior code  $\beta$  7-6.02)

12.12.030 Fees.

Fees for the processing and inspection of driveway construction shall be as set by council resolution. (Prior code  $\beta$  7-6.03)

### Chapter 12.16

## TREES

### Article I

#### General Provisions--

#### Permitted Species

##### Sections:

- 12.16.010 Planting and removing--Permission required.
- 12.16.020 Permitted species.
- 12.16.030 Prohibited species.
- 12.16.040 Care.
- 12.16.050 Abuse and mutilation.
- 12.16.060 Fire or health hazard--Abatement.
- 12.16.070 Appeals.

### Article II

#### Tree Preservation

#### Guidelines

##### Sections:

- 12.16.080 Purpose and intent.
- 12.16.090 Authority.
- 12.16.100 Tree identification.
- 12.16.110 Tree preservation requirements.
- 12.16.120 Tree replacement requirements.

### Article I

#### General Provisions--

#### Permitted Species

- 12.16.010 Planting and removing--Permission required.

No tree or shrub shall be planted in or removed from any public parking strip or other public place in the city without permission from the director of public works. (Prior code  $\beta$  7-2.01)

- 12.16.020 Permitted species.

The following trees are approved for planting in public parking strips and other public places subject to permission from the director of public works:

- A. *Crataegus Lavalleyi* (Lavalley Hawthorn);
- B. *Betula Pendula (Alba)* (European White-bark Birch);
- C. *Acer Platanoides Schwedleri* (Schwedler Maple);
- D. *Morus "Stribling" or "Kingans"* (Fruitless Mulberry);
- E. *Fraxinus Velutina Glabra* (Modesto Ash);
- F. *Liriodendron Tulipifera* (Tulip Tree);
- G. *Crataegus Oxyacantha Paulii* (Paul's Double Flowering English Hawthorn);
- H. *Ginkgo Biloba* (Maidenhair Tree) (male only);
- I. *Koelreuteria Paniculata* (Goldenrain Tree);
- J. *Pistacia Chinensi* (Chinese Pistachio);

- K. Zelkova Serrata (Sawleaf Zelkova);
- L. Acer Palmatum (Japanese Maple);
- M. Crataegus "Autumn Glory" (Autumn Glory Hawthorn);
- N. Lagerstroemia Indica (Crape-Myrtle); and
- O. Prunus Pissardii (Purple-leaf Plum).

(Prior code  $\beta$  7-2.02)

#### 12.16.030 Prohibited species.

A. It is unlawful to plant the following trees in any public parking strip or other public place:

- 1. Acacia;
- 2. Black Walnut;
- 3. Eucalyptus;
- 4. Elm (American and other large species);
- 5. Palm;
- 6. Poplar;
- 7. Tree of Heaven (Ailanthus);
- 8. Conifers, except such as shall be approved by the director of public works;
- 9. Oriental Plane; and
- 10. Willow.

B. It is unlawful to plant willow, cottonwood or poplar trees anywhere in the city, unless the director of public works approves the site as one where the tree roots will not interfere with a public sewer. (Prior code  $\beta$  7-2.03)

#### 12.16.040 Care.

A. The director of public works or his or her duly authorized representative, may cause to be trimmed, pruned or removed any tree, shrub, plant or vegetation in any parking strip or other public place or may require any property owner to trim, prune or remove any tree, shrub, plant or vegetation in a parking strip abutting upon such owner's property. The failure of the property owner to trim, prune or remove any such tree, shrub, plant or vegetation after thirty (30) days notice by the city clerk shall be deemed a violation of the provisions of this chapter.

B. The provisions of this chapter shall not be construed as limiting the right of any public utility to remove or trim trees which, in its opinion, endanger the safe operation of its wires, poles and appurtenances. (Prior code  $\beta$  7-2.04)

#### 12.16.050 Abuse and mutilation.

It is a violation of the provisions of this chapter to:

- A. Abuse, destroy or mutilate any tree, shrub or plant in a public parking strip or other public place;
- B. Attach or place a rope or wire (other than one used to support a young or broken tree), sign, poster, handbill or other thing to or on any tree growing in a public place;
- C. Cause or permit any wire charged with electricity to be attached to such tree; or

D. Allow any gaseous, liquid or solid substance which is harmful to such tree to come in contact with its roots or leaves. (Prior code § 7-2.05)

#### 12.16.060 Fire or health hazard--Abatement.

Any weeds, rubbish, accumulation of materials, refuse, garbage or dirt, growing, standing or lying, on or around any public or private property, which is declared a fire or health hazard by the fire marshal of the city, must be removed or abated within fifteen (15) days of receipt of notice to the owner of the property. On or after the sixteenth day from receipt of notice, the city may remove or abate the fire or health hazard from the property at the owner's expense. The cost of removal or abatement shall be a lien against the property upon which the fire or health hazard was maintained. Should the fire marshal determine that any of the above fire or health hazards constitute an immediate threat to the public or to any private or public building, then the owner of same shall have forty-eight (48) hours to undertake abatement or the city may proceed with abatement as outlined above. (Ord. 426 § 1, 1994: prior code § 7-2.06)

#### 12.16.070 Appeals.

Appeals from orders made pursuant to the provisions of this chapter may be made by filing a written notice with the city clerk within ten (10) days after such order is received, stating in substance that an appeal is being made for such order to the council. The city clerk shall thereupon set such appeal for a hearing at a regular meeting of the council and shall notify the appellant of such hearing at least five days before the date for which such hearing is set. (Prior code § 7-2.07)

## Article II

### Tree Preservation Guidelines

#### 12.16.080 Purpose and intent.

The purpose of establishing tree preservation guidelines is to maintain natural scenic beauty, improve air quality, water quality, reduce soil erosion, preserve significant natural heritage values, preserve wildlife habitat and help to reduce energy consumption for air cooling by providing shade. As development of vacant land occurs, loss of some tree cover may be unavoidable. The city's intent is to reduce the loss of trees to reasonably acceptable levels while encouraging cooperation between the development community, citizens and the city in attempting to retain tree cover within the city to the maximum extent possible. In the spirit of reasonableness these guidelines shall not categorically prohibit tree removal. It is recognized that development of foothill topography and project-specific terrain may dictate tree removal. It shall be the policy of the city to preserve trees whenever feasible through the review of all proposed development activities where trees are present, while recognizing individual rights to develop property in a reasonable manner. (Ord. 472 § 1, 2000)

#### 12.16.090 Authority.

The city has an established planning application review process. The planning commission shall oversee enforcement of the tree preservation guidelines through project conditions of approval in conjunction with granting planning application approval. In the event planning commission approval is not required of the application the city manager or his or her designee shall oversee enforcement of the tree preservation guidelines. (Ord. 472 § 2, 2000)

#### 12.16.100 Tree identification.

Planning applications submitted to the city shall identify all trees on the property in excess of six inches in diameter, measured four and one-half feet from ground level. Trees to be saved and removed shall be clearly designated on the plan. Clearing of trees over six inches in diameter measured four and one-half feet from the ground is prohibited prior to issuance of a grading permit. (Ord. 472 § 3, 2000)

#### 12.16.110 Tree preservation requirements.

Innovative techniques or alternative project design shall be considered to preserve trees to the maximum extent feasible to retain conifers, oaks, maples and cedars. Preserving trees shall require installing bright colored mesh fencing, flagged stakes or some visible means of physical demarcation around the drip line of the tree(s) in the field prior to issuance of a grading permit. The drip line of a tree is the outermost edge of a tree's canopy. No movement of soil or earth material shall take place within the drip line of trees designated for preservation. (Ord. 472 § 4, 2000)

#### 12.16.120 Tree replacement requirements.

Trees enhance the aesthetic appearance of any project. When tree removal is unavoidable:

A. The applicant/developer shall replace and replant removed trees with an equal number of trees.

B. Minimum/maximum replacement trees shall range from one gallon to forty-eight (48) inch box container sizes mixed to create a natural horizon line.

C. A mix of tree species is preferred (rather than planting the same species throughout the project) to achieve a more natural, native appearance.

D. Hillside development shall preserve trees when feasible or be replanted immediately to prevent erosion. "Immediate" means prior to the issuance of a certificate of occupancy or final inspection.

E. Trees shall be irrigated and maintained by any and all subsequent owners for a minimum period of five years after installation in accordance with the Colfax design guidelines maintenance requirements:

1. Deposit with the city a maintenance bond, cash, letter of credit or its equivalent, in an amount equal to one-half the market value of landscaping and irrigation guaranteeing the proper care, treatment and maintenance of landscaping for a period of three years; or

2. Execute an agreement and equitable lien in an amount equal to the full market value of the landscaping and irrigation with the city, guaranteeing the lien shall cause a written letter of notification by the city to the owner of

the real property within ten (10) days that the city will perform or have performed by a reputable landscaper any and all maintenance work it deems necessary and bring legal action against the owner for the full cost of such maintenance work or foreclose such equitable lien as provided by law. (Ord. 472 § 5, 2000)

## Chapter 12.20

### COLFAX MEMORIAL PARK

#### Sections:

12.20.010 Traffic.

12.20.020 Animals.

12.20.030 Glass containers in Memorial Park.

12.20.040 Swimming pool--Unlawful entry.

12.20.050 Hours of operation--Glass container restrictions--City Field--Children's Park--Swimming pool.

12.20.010 Traffic.

The operation or parking of any unauthorized motor vehicle in the Colfax Memorial Park, except upon established roadways or at designated parking areas, is prohibited. (Prior code § 10-1.01)

12.20.020 Animals.

It is unlawful for any person to ride, graze or post any horse, cow, goat, swine or large domestic animal within the area and on the premises of the Colfax Memorial Park, including any roadways leading to or from the park. (Prior code § 10-1.02)

12.20.030 Glass containers in Memorial Park.

It is unlawful for any person to use or possess glass containers while on the premises of the Colfax Memorial Park, including any roadways leading to or from the park. (Prior code § 10-1.03)

12.20.040 Swimming pool--Unlawful entry.

It is unlawful for any unauthorized person to enter upon that portion of the swimming pool area enclosed by a fence at any time when the pool is not open to the public. (Prior code § 10-1.04)

12.20.050 Hours of operation--Glass container restrictions--City Field--Children's Park--Swimming pool.

A The City Field/Children's Park/swimming pool shall be open to the public only during the hours of seven a.m. to ten p.m., on each day of operation, unless a city-approved event is in progress. Violation of this subsection will be considered an infraction and punishable by a fine up to one

hundred dollars (\$100.00) or community service works as deemed by a court of law.

B. No person present in any park in the city shall use, possess, dispose of or control any glass container. Violation of this subsection will be considered an infraction and is punishable by a fine up to one hundred dollars (\$100.00) or community service work as deemed by a court of law. (Ord. 474  $\beta$  2, 2001: Ord. 470  $\beta$  2, 2000)