

## Chapter 13.05 STREET TREES

### Sections:

- [13.05.010](#) Short title.
- [13.05.020](#) Definitions.
- [13.05.030](#) Recommended street trees for new development.
- [13.05.040](#) Reserved.
- [13.05.050](#) Certain trees prohibited.
- [13.05.060](#) Maintenance obligations.
- [13.05.065](#) Maintenance standards.
- [13.05.070](#) Encroachment permit requirements.
- [13.05.080](#) Reserved.
- [13.05.090](#) Reserved.
- [13.05.100](#) Enforcement of chapter.
- [13.05.110](#) Appeals.
- [13.05.120](#) Liability for damages.

### **13.05.010 Short title.**

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This chapter may be referred to and cited as the “street tree ordinance of the City of Dixon.” [Ord. 13-002 § 1.]

### **13.05.020 Definitions.**

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For the purpose of this chapter, the words and phrases defined in this section shall be given the meanings ascribed to them herein unless it is plainly evident from the context that a different meaning is intended:

“Central business district” shall mean all streets and portions of streets within the area defined as A Street from Jackson Street to Second Street; B Street from North Jackson Street to North Second Street; Jackson Street from A Street to West B Street; and First Street from one hundred eighty (180) feet north of Mayes Street to East C Street.

This definition may vary from similar districts defined in the City’s General Plan, zoning ordinance, or elsewhere.

“Landscape strip” shall mean the area between any curb and the public sidewalk at locations where the public sidewalk is separated from the curb for the purpose of landscaping.

“Landscaping” shall mean any trees, bushes, grasses, irrigation, hardscape or other decorative feature.

“Street tree area” shall mean that area between public street right-of-way lines plus five (5) feet beyond the right-of-way on each side thereof.

“Street trees” shall mean any tree within the street tree area. [Ord. 15-001 § 1; Ord. 13-002 § 1.]

**13.05.030 Recommended street trees for new development.**

The Planning Commission shall adopt by resolution a list of recommended tree species to be planted in the street tree area. The list shall be provided to developers of new development projects as a recommendation in those instances where the Planning Commission conducts a landscaping design review consistent with DMC 18.23.150. [Ord. 13-002 § 1.]

**13.05.040 Reserved.**

[Ord. 13-002 § 1.]

**13.05.050 Certain trees prohibited.**

A. It shall be unlawful to plant in the street tree area the following trees: blackwood acacia, black walnut, eucalyptus, elm, European hackberry, palm, poplar, sweet gum, tree of heaven, sycamore, locust, fruiting mulberry.

B. It shall be unlawful to plant willow, cottonwood or poplar trees anywhere in the City unless the City Engineer or Public Works Director approves the site as one where the roots will not interfere with a public sewer. [Ord. 13-002 § 1.]

**13.05.060 Maintenance obligations.**

A. Street trees and landscaping within the public street right-of-way located between the curbs, or edges of the public street where no curb exists (i.e., medians), shall be owned and maintained by the City.

B. Street trees and landscaping within the central business district shall be owned and maintained by the City.

C. Street trees and landscaping located behind the curbs, or edges of the public street where no curbs exist, whether within the public street right-of-way or private property, shall be owned and maintained by the adjacent property owner. Where the adjacent property is owned by the City, such as public parcels and parks, street trees and landscaping adjacent to such parcel will be maintained by the City. Street trees and landscaping within the public street right-of-way and adjacent to a sound wall within a lighting and landscaping maintenance district will be maintained by the City of Dixon. [Ord. 15-001 § 2; Ord. 13-002 § 1.]

**13.05.065 Maintenance standards.**

Placement and maintenance of street trees by adjacent property owners, as described in DMC

[13.05.060](#), shall involve the following:

A. Street trees placed prior to adoption of the ordinance codified in this section shall be maintained in such a manner as to minimize interference with distribution of lighting from any street light or visibility of any sign, and to provide adequate clearance for unobstructed pedestrian and vehicular view of all authorized traffic signals, street lights, regulatory signs, street name signs, and other similar type of equipment or signs as determined by the City Engineer or Public Works Director.

B. Street trees placed after adoption of the ordinance codified in this section shall be placed a minimum of twenty (20) feet from any street light or sign and shall be maintained in such a manner as to prevent any limbs from encroaching within ten (10) feet of any street light pole, sign pole, street name sign and other similar type of equipment or signs, as determined by the City Engineer or Public Works Director.

C. Street trees shall be maintained in such a manner as to provide ten (10) foot clearance above any public street or sidewalk.

D. Street trees shall be maintained so as not to become a hazardous condition, as determined by physical inspection by the City Engineer, Public Works Director or their designee. [Ord. 15-001 § 3.]

#### **13.05.070 Encroachment permit requirements.**

Any person engaged in the placement and/or maintenance of street trees or other landscaping within the public right-of-way shall first secure an encroachment permit as required by Chapter 13.01 DMC and comply with all the requirements of said permit, which may also include a requirement to obtain liability insurance coverage, at the discretion of the City Engineer or Public Works Director. [Ord. 15-001 § 4; Ord. 13-002 § 1.]

#### **13.05.080 Reserved.**

[Ord. 13-002 § 1.]

#### **13.05.090 Reserved.**

[Ord. 13-002 § 1.]

#### **13.05.100 Enforcement of chapter.**

Violation of this chapter is unlawful and punishable as provided in Chapter 1.06 DMC. The City Manager is empowered and directed to enforce the provisions of this chapter. [Ord. 13-002 § 1.]

#### **13.05.110 Appeals.**

Appeals to the City Council from any direction or order given or made by City staff under the provisions of this chapter may be made by filing written notice thereof with the City Clerk within ten (10) days after the receipt of such direction or order, stating in substance that the appeal is being

made from such direction or order to the City Council. The City Clerk shall thereupon calendar the appeal before the City Council and provide notice of the time and place of the appeal hearing to the appellant. Action by the City Council after such appeal hearing shall be conclusive and final. [Ord. 13-002 § 1.]

**13.05.120 Liability for damages.**

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Nothing contained in this chapter shall be deemed to impose any duty or liability upon the City, its officers or employees, nor to relieve the owner of any private property from the duty to keep any tree, shrub or plant upon his property or under his or her control in such condition as to prevent it from constituting a hazard or an impediment to travel or vision from any street, park, alley or public place within the City. [Ord. 13-002 § 1.]