

Chapter 17.48

TREES AND SHRUBS¹

Sections:

- 17.48.010 Purpose.**
- 17.48.020 Statement of Intent.**
- 17.48.030 Exemptions.**
- 17.48.040 Emergencies.**
- 17.48.050 Required Permits.**
- 17.48.060 Permit Applications.**
- 17.48.070 Findings Required for Significant Trees.**
- 17.48.080 Tree Removal and Replacement.**
- 17.48.090 Prohibitions.**
- 17.48.100 Planting Trees.**
- 17.48.110 Protection of Trees During Construction.**
- 17.48.120 Tree Maintenance and Trimming.**
- 17.48.130 Diseased Trees and Nuisances.**
- 17.48.140 Administration.**
- 17.48.150 Enforcement.**

17.48.010 Purpose.

The City Council finds that in order to preserve windbreaks, reduce soil erosion, and preserve the natural beauty of the City's urbanized forest, it is necessary to maintain the extent and health of the dominant Monterey Pine forest, along with other native tree species and adopts this chapter in the interest of public health and safety. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.48.020 Statement of Intent.

In establishing a forest management program and adopting these regulations, the City intends to foster a vibrant and healthy mixed-species, urbanized forest. Where tree removal is approved at the request of a property owner or occupant, another tree should be planted in a suitable location, whenever good forestry practice so dictates. It is further intended that City approval of requests for tree trimming or tree removal should be based on protecting public safety and preserving the health of the tree. The City does not trim or remove trees in order to improve the view of any person, including the applicant, except to preserve a significant public view identified in the General Plan/Land Use Plan. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.48.030 Exemptions.

The City is exempt from the provisions of Chapter 12 (commencing with Public Resources Code Section [25980](#)), Division 15 of the Public Resources Code which chapter is known as the “Solar Shade Control Act.” The provisions of the Solar Shade Control Act also shall not apply to the cutting or trimming of trees or shrubs in the following circumstances:

- A. When necessary for the construction of streets or buildings on public property;
- B. When determined by the Chief of Police to be necessary for traffic safety; or
- C. When ordered by the City Council. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.48.040 Emergencies.

The requirements of the chapter may be suspended, waived, or altered by the City Forester, in the case of a natural emergency such as a windstorm, earthquake, or flood. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.48.050 Required Permits.

A. Trees on Private Property.

1. Trees on Vacant Lots or Lots Planned for New Construction, Alterations, or Rebuilding. If remodeling, rebuilding or new construction is undertaken within six months from the cutting down of a tree, it shall be presumed that the tree was removed for remodeling or rebuilding. On a vacant lot or any lot on which any existing building is to be altered, rebuilt or demolished and replaced, a tree removal permit shall be required for the following trees.

- a. Removal, replacement, cutting down, or destruction of any tree identified on the Carmel-by-the-Sea Recommended Tree List (see LUP Appendix [G²](#): Forest Management Plan) having:

i. An average diameter of greater than two inches; or

ii. A circumference greater than six and one-fourth inches, measured at a point four and one-half feet above the ground level.

b. Any alteration of a tree that would remove:

i. Roots greater than two inches in diameter; or

ii. Live limbs greater than four inches in diameter.

2. Removal of Pine, Redwood, Oak, and Cypress Trees When Not Related to Construction. A tree removal permit shall be required for the removal, replacement, cutting down, or destruction of any pine, redwood, oak, or cypress tree having:

a. A diameter equal to or greater than four inches measured at a height 4.5 feet above the ground; or

b. A circumference greater than 19 inches.

3. Removal of Other Tree Species When Not Related to Construction. A tree removal permit shall be required for the removal, replacement, cutting down, or destruction of any species of tree capable of growing to a minimum of 25 feet in height growing on private property and having:

a. A diameter equal to or greater than 10 inches; or

b. A circumference greater than 32 inches.

B. Trees on Public Property. Any person desiring to remove or prune any portion of a tree or shrub, except Genista, growing in or upon any public street, way, park, or place within the City, or any person desiring to cut any wood, foliage, or roots from any tree on private property when more than one-half of the basal cross-sectional area of such tree is on City property, shall file an application for a permit consistent with CMC [17.48.060](#), Permit Applications. If, in the opinion of the City Forester, the tree or trees should be removed because of disease, infestation, or clear and present danger to persons or property, the trees shall be removed at City's expense. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.48.060 Permit Applications.

Applications for tree removal permits shall be submitted to the City on forms provided by the City Forester. There shall be a fee for this permit as established by resolution of the City Council.

A. Review Procedures. Following submittal of a permit application, the City Forester shall:

1. Review all trees on the site and in the adjacent right-of-way. All trees shall be classified as significant, moderately significant or nonsignificant. All significant trees shall be documented by preparing a Significant Tree Evaluation Worksheet (see Appendix B³ to this title). The City Forester shall make a determination whether a significant tree is involved based on the evaluation in the worksheet.

2. The classification of all trees shall be provided to the applicant. The City Forester shall place any appealed application on an agenda of the Forest and Beach Commission, which shall act as provided for in Chapter [2.32](#) CMC.

3. The applicant may appeal a determination by filing a written notice of appeal within 10 days of the transmittal of the tree determinations. The City Forester shall give notice to the applicant of the time and date of the meeting at which the application on appeal shall be considered and of the final action by the Forest and Beach Commission.

4. Significant Trees. Applications to remove significant trees are subject to the findings in CMC [17.48.070](#).

5. Nonsignificant Trees.

a. Not Related to Construction. Approval of a permit to remove nonsignificant trees, not related to construction shall be determined by the City Forester. The City Forester's determination may be appealed subject to the Forest and Beach Commission consistent with the procedures in subsection (A)(3) of this section.

b. Related to Construction. Approval of a permit to remove nonsignificant trees that are related to construction shall be determined by the Forest and Beach Commission, based on the Commission's "Tree Removal Criteria" checklist.

B. Removal Without Posting. In exceptional circumstances in which it would cause substantial physical property damage loss or danger to delay removal until the Forest and Beach Commission's next meeting, the City Forester may approve removal without the required posting, providing such approval unquestionably conforms to the policy and the practice of the Forest and Beach Commission. The Forester will report permit actions at the next meeting of the Forest and Beach Commission.

C. Required Reports. The City Forester will report her/his action at the next meeting of the Forest and Beach Commission.

D. Conditions of Approval. The City Forester or Forest and Beach Commission may condition a permit on replacement trees being planted at a place, of a species and of a size designated by the City Forester or Forest and Beach Commission. The person requesting the permit will be required to pay the cost of obtaining and planting the replacement trees.

E. Permit Limitations. Any permit granted under this chapter is nontransferable and shall expire one year from date of issuance. In the event a permit for tree removal is granted, in order to enable the applicant to carry out some project of development or improvement of her/his property, such permit shall be effective only in connection with the issuance of a valid building permit. (Ord. 2013-05 (Exh. A § D), 2013; Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.48.070 Findings Required for Significant Trees.

A. Not Related to Construction. When not related to construction or development, removal of significant trees is prohibited unless authorized by the Forest and Beach Commission consistent with the following finding:

1. That the tree is causing substantial damage to a building that cannot readily be repaired or alleviated on a long-term basis, through minor reasonable building modifications.

B. Related to Construction. Removal of significant trees to facilitate construction or development is prohibited unless one of the two following findings is met:

1. That removal of the tree is required to protect public health or safety; or
2. That the following four conditions exist:
 - a. The existing site is vacant or is developed to an extent less than one-third of the base floor area allowed by the zoning applicable to the site; and
 - b. The available land area of the site not occupied by significant trees (including land within six feet of the trunk of significant trees) does not adequately and practically provide space for development of at least one-third of the base floor area allowed by the zoning for the site; and
 - c. The issuance of a variance for development in one or more setbacks has been considered and would not provide a remedy or would be inappropriate due to a significant overriding inconsistency with another policy or ordinance of the LCP; and

d. Failure to authorize removal of the tree(s) would deprive the owner of all reasonable economic use of the property. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.48.080 Tree Removal and Replacement.

A. Tree Replacement. When tree replacement is required by this chapter, the following requirements apply.

1. Location. Replacement trees shall be planted on site unless the City Forester recommends that replacement trees be located in the public right-of-way or in an adjacent park/open space area. All trees shall be planted within 30 days of tree removal or before final inspection if a construction permit. All trees will be identified with a tag provided by the City, which will remain attached to the tree until the required five-year inspection period has expired.

2. Tree Quantity. The number of replacement trees required when approving tree removals shall be based on the size of the lot, as listed in Table 17.48-A, the characteristics of the surrounding neighborhood and protection of significant public views, scenic routes and corridors. In some areas fewer trees or only lower canopy trees may be most appropriate.

Lot Size (Square Feet)	Upper Canopy Trees	Lower Canopy Trees
0 – 4,000	3	1
4,001 – 6,000	4	3
6,001 – 8,000	5	4
Over 8,000	As determined by the Forest and Beach Commission	As determined by the Forest and Beach Commission

3. Tree Species. Replacement trees shall be the same species as the removed tree or another species listed on the Tree Species List and as approved by the City Forester except that particular emphasis shall be placed on maintaining a significant population of native Monterey pine, coast live oaks and Monterey cypress on a City-wide basis. Replacement Monterey pine trees shall be of local genetic stock.

4. Tree Quality. Replacement trees shall be of substantial size, caliper, and height to produce an immediate visual impact and reduce the incidence of unauthorized removal. Replacement trees shall be a minimum 24-inch box size except for Monterey pines, which shall be a minimum 15-gallon size. Larger sizes may be required by the Forest and Beach Commission, or the Planning Commission based in specific design considerations applicable to the project. The City Forester may authorize the use of smaller sizes when trees meeting these standards, or meeting specific conditions of approval, are unavailable.

5. Monitoring and Maintenance. Replacement trees shall be recorded and monitored for at least five years to ensure their establishment and growth to maturity. The City will inspect the replacement trees annually on or around each October, with proper notification, to ensure adequate maintenance. Replacement trees that do not survive or are removed shall be replaced at the owner's expense. If, at any time during a five-year inspection period, the replacement tree(s) does not survive or is removed, the original replacement tree(s) shall be replaced with a new tree(s) that is equivalent in size to the measured or projected growth of the original replacement tree(s). The new replacement tree(s) shall be located in the same location(s) as the original replacement tree(s) unless granted permission by the City Forester or Forest and Beach Commission to change the location(s). The new replacement tree(s) shall be required to be replanted within 30 days of inspection, be identified by a tag and will restart a new five-year inspection period. (Ord. 2013-05 (Exh. A § E), 2013; Ord. 2009-07 Att. A, 2009; Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.48.090 Prohibitions.

A. When not related to construction or development, removal of significant trees is prohibited unless authorized by the Forest and Beach Commission consistent with findings in CMC [17.48.070](#), Findings Required for Significant Trees.

B. Removal of any significant tree as determined by the City Forester using the adopted Significant Tree Evaluation Worksheet (see Appendix B⁴) to facilitate residential development is prohibited unless necessary to provide a viable economic use or protect public health and safety. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.48.100 Planting Trees.

All trees shall be installed according to acceptable nursery practices in a manner designed to encourage vigorous growth. Soil improvement measures may be required to ensure healthy growth. Before planting, a tree's growth characteristics shall be considered to minimize conflicts with views, lighting, infrastructure, utilities, or signage.

A. Planting Specifications. Required trees may be securely guyed, braced, and/or staked at the time of planting until establishment. All plants shall be installed so that the top of the rootball remains even with or slightly above the soil grade. The top one-third of burlap shall be removed from the root ball at planting. If used, nylon strapping and wire cages shall be completely removed at installation. All guys and staking material shall be removed when the tree is stable and established. Construction debris shall be kept clear from the planting area. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.48.110 Protection of Trees During Construction.

For the purpose of safeguarding trees during construction, demolition or tree removal, the following conditions shall apply to all trees other than trees for which a removal permit has been issued:

A. Protection of Existing Trees.

1. Prior to the commencement of construction, demolition or tree removal, all trees on the building site shall be inventoried by the owner or contractor as to size, species and location on the lot, and the inventory shall be submitted on a topographical map to the Building Official. This condition may be waived by the Building Official for tree removal and minor demolition.
2. Damage to any tree during construction, demolition or tree removal shall be immediately reported by the person causing the damage, the responsible contractor or the owner to the City Forester, and the contractor and/or owner shall treat the tree for damage in the manner specified by the City Forester.
3. Oil, gasoline, chemicals and other construction materials shall not be stored within the dripline of any tree. All compaction of soils, construction of building walls, or placement of impermeable surfaces must be setback a minimum of six feet from all significant trees. Grading ruts and fills around significant trees shall be limited to areas outside the root projection zone identified by the City Forester in any preliminary site assessment (see Chapter [17.58](#) CMC, Design Review.) Drains shall be installed according to City specifications so as to avoid harm to trees due to excess watering or ponding. No wires, signs or other similar items shall be attached to trees. Cutting and filling around the base of trees shall be done only after consultation with the City Forester, and then only to the extent authorized by the City Forester. No paint thinner, paint, plaster or other liquid or solid excess or waste construction materials or wastewater shall be dumped on the ground or into any grate between the dripline and the base of the tree, or uphill from any tree where such substance might reach the roots through a leaching process.
4. The property owner/contractor shall erect protective barricades around all trees on a private building site. These barricades shall be in place prior to the start of any construction or demolition

activities. Barricades shall be upright, two-inch by four-inch planks standing a minimum of eight feet vertically, conforming to the tree, tied with wire or rope forming a maximum of one-inch space between the planks. If the tree's configuration or site conditions do not lend themselves to the installation of this type barricade, the City Forester will designate alternate tree protection methods. Under certain conditions where soil compaction is probable, fences may also be required around a tree or grouping of trees. The use of recycled lumber, synthetic lumber or similar materials approved by the City Forester for tree protection is encouraged.

5. Wherever cuts are made in the ground near the roots of trees, appropriate measures shall be taken to prevent exposed soil from drying out and causing damage to tree roots.

6. Trimming cuts shall conform to arboricultural standards and shall be made along the branch bark ridge.

7. Prior to the start of any construction or demolition activities, the property owner/contractor is required to spray or have a certified applicator spray the lower six feet of all pine tree trunks with a pesticide approved by the California Department of Food and Agriculture for the treatment of bark beetles.

8. The property owner is responsible for care of all trees that are to remain on the site. This includes the treatment of bark beetles as designated by the City Forester.

9. Failure to protect or maintain trees on construction/demolition sites is a violation of the municipal code and grounds for suspension of the building permit.

B. Protection of Trees to Be Planted. Trees required to be kept on a building site and trees required to be planted as a condition of tree removal permit approval shall be maintained according to accepted arboricultural practices for a minimum of five years from the completion of construction or the date that the tree is planted.

1. At no time shall these trees be moved without the issuance of a valid permit.

2. Nothing contained in this section shall be deemed to replace or revoke any requirements for the safeguarding of trees found elsewhere in this municipal code or in the ordinances and procedures of the City. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.48.120 Tree Maintenance and Trimming.

A. Trees on Private Property. The property owner is responsible for the maintenance and trimming in accord with this chapter.

B. Trees Partially on Private Property. When more than one-half of the basal cross-sectional area of a tree is on private property and the remainder on City property, the City shall not prune wood, foliage, or roots except when:

1. In the opinion of the City Forester such cutting would not threaten the survival of the tree nor endanger public health and safety, nor endanger the health and safety of the property owner; and

2. Permission has been granted by the property owner concerned. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.48.130 Diseased Trees and Nuisances.

A. Trees on Private Property. Any trees, shrubs and other plants growing on private property, when infested by any insect or infected by any disease threatening the life of same, or which by reason of such infestation or infection endanger the life or growth or healthful existence of other trees, shrubs or other plants within the City not so infested or infected, or any trees determined by the City Forester to be a clear and present danger to persons or property, may be declared, by resolution of the City Council, to be a public nuisance and thereafter abated as provided for in this chapter.

B. Trees on Public Property. Any tree, shrub or other plant growing on City property, when infested by any insect or infected by any disease threatening the life of same, or which by reason of such infestation or infection endangers the life or growth or healthful existence of other trees, shrubs or other plants within the City not so infested or infected, or any trees determined by the City Forester to be a clear and present danger to persons or property, shall be removed as directed by the City Forester.

C. Nuisance Abatement. Following the City Forester declaration that a tree is diseased or a nuisance and shall be removed, the following is required.

1. Notice to Owner. Immediately upon determination by the City Forester that any tree, shrub or other plant is a nuisance, s/he shall cause a copy of this chapter to be sent by certified mail to the last address of record of the property owner concerned, together with a notice setting forth the details of the nuisance and the requirement of its abatement, advising the owner of the property that the nuisance shall be abated by the owner within 30 days if the City is not to proceed with the further steps set forth in this chapter.

2. Notice to City Council. In the event the nuisance is not abated by the property owner or her/his agent within the specified time, the City Forester shall forward to the City Clerk a request for

resolution by the City Council, indicating that adequate notice has been given the property owner concerned and that the nuisance still exists.

3. Nuisance Hearing. The City Clerk shall place on the agenda of the next regular meeting of the City Council a resolution declaring diseased trees, shrubs or other plants to be a nuisance and setting a hearing thereon. The Clerk shall cause a copy of the resolution to be mailed to the property owner at least 10 days prior to such hearing.

a. Notice of Public Nuisance – Posting. After the passage of such resolution, the City Forester shall cause to be conspicuously posted on the property upon which such public nuisance is alleged to exist not less than three notices headed “Notice to Abate Public Nuisance,” such heading to be in letters not less than one inch in height and substantially in the following form. The notices shall be posted at least five days prior to the time for hearing objections to the abatement of such public nuisance.

4. Council Decision. At the time stated in such notices, the City Council shall hear and consider all objections, if any, to the proposed removal, and may continue the hearing from time to time. Upon the conclusion of such hearing, the City Council shall have acquired jurisdiction to proceed and perform the work or removal, and the decision of the City Council on the matter shall be final and conclusive.

NOTICE TO ABATE PUBLIC NUISANCE

Notice is hereby given that on the ____ day of _____, 20__, the City Council of the City of Carmel-by-the-Sea passed a resolution declaring that certain (trees, shrubs, or other plants) located upon (description of the property) are (infested with insects, infected with disease, or are a clear and present danger to persons or property), and that the same constitute a public nuisance which must be abated by the removal of the same, otherwise they will be removed and the nuisance abated by the City, in which case the cost of such removal shall be assessed upon the property from which such (trees, shrubs, or other plants) are removed, and such cost will constitute a lien upon such property until paid. Reference is hereby made to said resolution for further particulars.

Any person objecting to the proposed removal, as aforesaid, is hereby notified to attend the meeting of said City Council to be held in the Council Chambers at City Hall at (time) on the ____ day of _____, 20__, when such objection will be heard and given due consideration.

Dated this ____ day of _____, 20__.

City Forester
City of Carmel-by-the-Sea

5. Abatement of Nuisance. After final action has been taken by the City Council, or in case no protests or objections have been received, the City Council shall by resolution order the City Forester to abate the nuisance by having any and all trees, shrubs, or other plants infected as

aforesaid removed from the premises in question, and the City Forester, her/his deputies and assistants are expressly authorized to enter upon private property for such purpose. Any property owner shall have the right to have any such trees, shrubs, or other plants removed at the property owner's expense, providing the same is done prior to the arrival of the City Forester or her/his assistants to remove the same.

6. Cost of Abatement. The City Forester shall keep an account of the cost of abating such nuisance upon each lot, piece, or parcel of land, and shall submit an itemized statement thereof to the City Council at its next subsequent meeting thereafter, and shall forthwith mail a full and correct copy of such statement to the owner or owners of such premises, if known, to the owner(s)' last known place of residence. In the event that any such owner is unknown, the statement shall be posted on the bulletin board of City Hall for one week, giving notice when such statement will be submitted to the City Council for approval.

7. Assessment Against Owner. At the time for receiving and considering such statement, the City Council shall proceed to consider the same and the objections thereto, if any, and may raise, lower, or modify the amount alleged to be due therein. The determination of the City Council thereon, as aforesaid, shall be final and conclusive, and the amounts of the cost of abating such nuisance upon the various lots or parcels of land mentioned in the statement shall constitute special assessments against the same, respectively, upon confirmation of such statement, a full and correct copy thereof shall be delivered to the Assessor for the City, and it shall be the duty of the Assessor to add the amounts set forth in such statement and charged against any lot, piece, or parcel of land, to the amount assessed against the same for municipal taxes and assessments, and thereafter said amounts shall be collected at the same time and in the same manner as ordinary City taxes are collected, and such special assessments shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency, as provided for ordinary municipal taxes. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.48.140 Administration.

A. Responsibilities of the City Forester.

1. Tree Inventory. The City Forester shall supervise the creation and maintenance of a tree inventory for the City of Carmel-by-the-Sea. The inventory shall be updated with the results of ground inspections every year. The results of this survey shall be presented to the Forest and Beach Commission and Planning Commission annually.

2. Enforcement of Code. The City Forester shall:

- a. Supervise all tree cutting or pruning for which a permit has been granted.
- b. Cause to be removed all dead trees or shrubs from public property (excluding Monterey Pine ESHA in Pescadero Canyon and Mission Trails Park) except in circumstances where all of the following conditions apply:
 - i. The dead tree is a Monterey Cypress located at beach level, on or adjacent to the beach (not at street level);
 - ii. The dead tree does not present a clear and present danger to persons or property or can be supported by reasonable means, thus mitigating its clear and present danger; and
 - iii. The Forest and Beach Commission has determined that the dead tree is of substantial aesthetic value to warrant its preservation.
- c. Cause to be removed or pruned any trees or shrubs for which such removal or pruning is ordered by the Forest and Beach Commission or the City Council or is required in connection with any public works project ordered by the City Council.
- d. Review and act on applications for tree pruning and removal on all trees growing on public and private property using the adopted review criteria, except:
 - i. Applications for tree removal or tree pruning for construction purposes (CMC [17.48.080](#), Tree Removal and Replacement).
 - ii. Applications for tree removal or pruning of any tree identified by the City Forester as significant (based on its species, health, size, character, age and location) shall be reviewed by the Forest and Beach Commission.
 - iii. Applications that, in the opinion of the City Forester, do not conform to the review criteria may be referred to the Forest and Beach Commission for review and action.
- e. Report to the Commission sites that are nonconforming with standards for permeable surface site coverage or that have unlawfully installed site coverage when owners are applying for tree removal or pruning permits.
- f. Ensure that all tree removals and pruning of trees on public property located in the beach overlay district are conducted exclusively by City personnel or under the direction of the City

Forester.

B. Responsibility of Building Official. It shall be the responsibility of the Building Official to inform every applicant for a building permit of the restrictions of this chapter.

C. Notice of Forest and Beach Commission Public Hearing. Notice of public hearing shall be posted in a conspicuous place on, or immediately adjacent to, the subject property.

D. Field Inspections. Unless otherwise provided in this section, all development subject to this section may be inspected by the City Forester for conformance with the requirements of this Chapter and the tree removal permit.

E. Certification of Compliance. In addition to initial field inspection and certification by the City Forester, the land owner shall submit a certificate of compliance, in a form approved by the Director, as a condition of issuance of a certificate of occupancy or certificate of completion. This certificate shall be prepared and signed by a certified arborist and demonstrate that all of the provisions of this section have been met. The certification statement shall appear on the certification report.

1. Field Verification of Certification. The City Forester may elect to conduct a field inspection to verify the certificate of compliance.

2. Acceptance of Certification. If no field verification is conducted by City Forester within 30 days, the certificate of compliance shall be deemed to have been accepted provided it is complete with all the required information. Upon acceptance, the certificate of compliance shall be filed and maintained with the official records of the development.

F. Appeals. Any appeal from a decision of the Forest and Beach Commission shall be taken by filing a notice of appeal in writing in the office of the City Clerk prior to the close of the fifth day of business following the day of action by the Commission. A fee, in an amount as established from time to time by resolution of the City Council, shall be charged for filing the appeal. Any notice of appeal shall set forth the specific ground or grounds upon which the appeal is taken. The signature of at least one signer of the appeal shall be verified before a person authorized under the laws of the State of California to administer oaths.

1. Duties of City Clerk. Upon the filing of such appeal, the City Clerk shall place the appeal upon the agenda of the next regular meeting of the City Council, unless the Mayor authorizes placing the matter on the agenda of an earlier meeting.

2. Determination by City Council. At the time set for hearing the appeal, the City Council shall proceed to hear and determine the same. The hearing may be continued, at the discretion of the Council, in order to obtain further facts or hear further witnesses. After initial hearing, the City Council may set a public hearing prior to making a determination. Any determination of the City Council shall be final and conclusive and not subject to further appeal. (Amended during 8/09 update; Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.48.150 Enforcement.

A. Violations. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. A violation of any of the provisions or failure to comply with any of the mandatory requirements of this chapter shall constitute an infraction.

B. Penalties. Any person convicted of an infraction under the provisions of such sections shall be punishable by fine only as follows: Upon a first conviction, by a fine not exceeding \$250.00, and for a second conviction or any subsequent conviction within a period of one year, by a fine not exceeding \$500.00.

1. Cutting, removing, or pruning of trees on public property without a permit shall be a misdemeanor.

2. In addition to the penalties provided for herein, any violation of such sections may be addressed by civil action.

C. Suspension of Permit. Removal of trees, pruning or root removal without a permit shall be grounds for suspension of any permits granted for construction or demolition for a period of up to 90 days, said period of time to be determined by the City Forester. During the suspension period, the property owner or her/his designee shall make application to the Forest and Beach Commission to obtain the necessary permit. Upon the review of the application, the Forest and Beach Commission:

1. May require replacement trees to be planted upon completion of construction;

2. May require an amount of money equal to the value of the lost tree(s) to be deposited in a deposit account to be used for reforestation;

3. May, in the event a tree is damaged and the City Forester determines that it may die within one year, require a sum of money equal to the tree's value to be deposited with the City in a deposit account for a period of time not exceeding one year. If the tree dies during that period the City shall use the money for restoration. The City Forester shall determine the tree's value using

criteria established by the International Society of Arboriculture. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

1 Code reviser's note: This chapter is a duplicate of Chapter [12.28](#) CMC.

For statutory provisions on the planting of trees along public streets, see Streets and Highways Code Section [22000](#) et seq.; for provisions authorizing cities to declare and abate nuisances, see Government Code Section [38771](#) et seq.

2 Code reviser's note: The appendices to this title are published under separate cover and available for public review and examination in the office of the City Clerk.

3 Code reviser's note: The appendices to this title are published under separate cover and available for public review and examination in the office of the City Clerk.

4 Code reviser's note: The appendices to this title are published under separate cover and available for public review and examination in the office of the City Clerk.

The Carmel-by-the-Sea Municipal Code is current through Ordinance 2022-03, passed November 1, 2022.

Disclaimer: The city clerk's office has the official version of the Carmel-by-the-Sea Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://ci.carmel.ca.us/>

City Telephone: (831) 620-2000

[Code Publishing Company](#)