

Ordinance No. 2025-06

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF VISALIA AMENDING CHAPTER 12.24 OF
THE VISALIA MUNICIPAL CODE RELATING TO
OAK TREE PRESERVATION**

BE IN ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA:

SECTION 1. Consistent with its control over municipal affairs as a charter city and the powers vested in the City of Visalia through the California Constitution, the City of Visalia is authorized to secure and promote the public health, comfort, safety, and welfare of its citizenry. The City of Council of the City of Visalia hereby makes the followings findings:

- A. In 1971, the Visalia City Council adopted the first Oak Tree Preservation ordinance in an effort to preserve diminishing oaks from urbanization. This Ordinance was amended in 1974 to set guidelines for maintenance and preservation. This pioneering approach to preserving Visalia's heritage has used as a model for other California cities.
- B. Over the last several months, the Visalia City Council has received and addressed a few citizen appeals related to denials of Oak Tree Removal Permits. During the public hearings for those appeals, a majority of the Council directed staff to revisit the current Oak Tree Preservation ordinance provisions related to the process and conditions for applying for and obtaining authorization for the removal of certain oak trees under certain circumstances.
- C. Accordingly, staff provided Council with a history of the Oak Tree Preservation ordinance, an explanation of how the application for removal process works, and several initial recommendations for changes to the current provisions of Chapter.12.24 of the Visalia Municipal Code.
- D. Based upon the direction provided to staff by the City Council, the City of Visalia has identified the need to amend the existing provisions of Chapter.12.24 of the Visalia Municipal Code to more effectively serve its current purpose and intent.

SECTION 2. Title 12 of the Visalia Municipal Code is hereby amended by revising Sections 12.24.030, 12.24.050, 12.24.060, and 12.24.100 of Chapter 12.24 to include the modifications described below with additional language listed in italics and deleted language listed in ~~strikeout~~. Chapter 12.24 shall henceforth read as follows:

Section 12.24.030 Oak Tree Removal Permit Required.

A. Any person desiring to destroy or remove an oak tree with a trunk diameter of eighteen (18) inches or greater at a point 4.5 feet above the root crown (Also referred to as "18 inches Diameter Breast Height (D.B.H.)") on ~~private~~ or public property must first apply for and obtain a removal permit. Such application shall be in writing to the city clerk, who shall forward such application to the city manager of the city or their designee. The application shall contain the number, size and location of the oak trees and a brief statement of the reason of the requested action. Submission of an application shall not require a fee.

B. Within five calendar days of receipt of such application, the city manager or their designee shall post a notice on the subject tree, in a manner reasonably intended to inform the general public, stating that an application for removal of the tree has been filed and is pending with the city manager or their designee. Within fourteen calendar days of receipt of such application, the city manager or their designee shall inspect the premises whereon such oak trees are located, and shall issue an intended decision in writing as to whether or not the application will be approved, and if so, what mitigation shall be required as a condition to approval, consistent with Section 12.24.035 below; provided, however, that failure to render an intended decision within such period shall not be deemed approval.

C. The city manager or their designee shall not grant a removal permit unless one of three findings enumerated in Section 12.24.035 can be made based on substantial evidence and, where necessary, expert advice of a certified arborist. The applicant may submit his or her own supporting material, including a report of an independent certified arborist, for consideration by the city manager. However, the city manager or their designee shall retain the discretion for determining the weight and value to be given to such independent reports.

D. Upon determination that one of the three findings enumerated in Section 12.24.035 can be met and a removal permit may be granted, the city manager or their designee shall establish mitigation requirements in a manner consistent with the policy to be developed and implemented pursuant to Section 12.24.037. No mitigation shall be required for oak trees removed pursuant to subsections A. or C. of section 12.24.035, unless the city manager or their designee determines that the applicant's negligence or willful conduct contributed to the decline of the health of the oak tree. The mitigation requirements established by the city manager or their designee shall attach to the permit as conditions, and shall be enforceable as a lien against the applicant's real property. In no event shall the availability of mitigation measures, or the willingness of the applicant to agree to such measures, be a factor in determining whether removal of the tree is warranted.

Section 12.24.050 Emergencies.

A. In the case of emergency caused by the dangerous condition of an oak tree requiring immediate action for the protection of life or property, a tree may be cut down in whole or in part on the order of the city manager or any on-duty public works or public safety personnel.

B. *No permit is required for* Public utilities subject to the jurisdiction of the Public Utilities Commission of the state of California may also take such action as may be necessary to maintain a safe operation for their facilities. (Ord. 2007-02 § 2 (part), 2007; Ord. 9907 § 2 (part), 1999)

Section 12.24.060 Pruning notice required

A. Except in cases of emergencies as described in Section 12.24.050, no ~~person~~ *public agency* shall prune or cause to be pruned any oak tree limb of a diameter of two ten inches or greater within the city without first submitting a completed oak tree intent to prune notice with the city manager, as provided herein.

B. The notice shall be delivered to the city manager prior to the start of the work to be performed.

C. The notice shall be in a form as provided by the city manager and shall include the following information:

1. The name, address and telephone number of the property owner.
2. The name, address and telephone number of the person(s) intending to prune the tree.
3. The date(s) of the pruning.
4. A description of the tree(s) to be pruned including the approximate size and location of the tree with sufficient specificity to enable the city manager to precisely locate and identify the subject tree(s).
5. If the work is to be performed in any public right-of-way, proof of insurance coverage for general liability, property damage, and workers' compensation in case of injury or damage to person or property.
6. Proof of the possession of a valid city business license.

D. A copy of the notice must be in the possession of the person pruning the oak tree at all times during the course of the work being performed. (Ord. 2007-02 § 2 (part), 2007; Ord. 9907 § 2 (part), 1999)

Section 12.24.100 Public assistance for property owners.

A. If the city manager determines that a property owner, ~~who has~~

~~submitted a notice of intent to prune an oak tree~~, cannot properly prune his or her oak tree without the assistance of a professional tree trimmer, and that said property owner cannot afford to hire a professional tree trimmer because he or she does not have the financial resources to pay for such services, the city manager may provide financial assistance to said property owner for the purpose of pruning or removal of the tree or trees, if all the following conditions are met and funds are available:

1. The property owner uses the property where the tree(s) is located as his or her principal place of residence;

2. The aggregate gross income of all persons eighteen (18) years of age or older residing on the property does not exceed the minimum amount as may be set from time to time, by resolution of the city council, pursuant to this subdivision; and

3. The city manager determines that it is necessary to prune the tree to remove hazardous conditions, remove disease, rot, pests, other harmful conditions, or promote healthy growth of the tree(s).

B. Such financial assistance may include, but not be limited to, low interest loans, work done by the city with the cost borne in part or in whole by the property owner, work done by the city with the cost borne by the city to be repaid by the property owner upon such terms as the city and property owner shall agree, or any combination thereof. (Ord. 2007-02 § 2 (part), 2007; Ord. 9907 § 2 (part), 1999)

SECTION 3. The City Council intends this Ordinance to supplement, not to duplicate or contradict any applicable state law and this Ordinance shall be construed in light of that intent.

SECTION 4. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivision, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Visalia hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 5. This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 6. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted as required by law.

BRETT TAYLOR, MAYOR

ATTEST:

LESLIE CAVIGLIA, CITY CLERK

APPROVED BY CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF TULARE) ss.
CITY OF VISALIA)

I, Leslie Caviglia, City Clerk of the City of Visalia, certify the foregoing is the full and true Ordinance 2025-06 passed and adopted by the Council of the City of Visalia at a regular meeting held on August 4, 2025, and certify a summary of this ordinance has been published in the Visalia Times Delta.

Dated: LESLIE CAVIGLIA, CITY CLERK

By Reyna Rivera, Chief Deputy City Clerk