

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING CHAPTER 25, SECTION 25-7  
OF THE BELMONT CITY CODE

The City Council of the City of Belmont does ordain as follows:

**SECTION 1:** Chapter 25, Section 25-7 of the Belmont City Code is hereby amended to read as follows:

CHAPTER 25

TREES

Sec. 25-7. Decision on application conditions.

Issuance of a permit to remove trees may be conditioned upon:

- (1) Replacement up to a three (3) to one (1) basis with approved twenty-four (24) inch trees on the subject property or an alternative site identified by the permitting authority thus offsetting the impacts associated with the permitted action.
- (2) When five (5) or more trees are removed, posting of a maintenance bond, letter of credit or cash deposit for a period of two (2) years in an amount equal to the value of the trees being planted. The purpose of the bond, letter of credit or cash deposit is to insure the availability of funds to be drawn on by the city to replace the trees if they do not survive. The bond or letter of credit shall not be released until the owner calls for and the city completes an inspection of the trees to insure their continued survival after two (2) years. The city shall charge a fee, pursuant to its adopted fee schedule for administering the above referenced bond, letter of credit, or cash deposit.
- (3) Payment of an “in lieu” fee, as established by the city in its fee schedule, to the City Tree Fund for the establishment and maintenance of City trees.

**SECTION 2: Severability.**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Belmont hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

**SECTION 3:** Pursuant to Section 36937 of the Government Code of the State of California, this Ordinance shall take effect and be in full force and effect thirty (30) days after its final passage.

**SECTION 4:** The City Clerk shall cause this Ordinance to be published and posted in accordance with the requirements of Section 36933 of the Government Code of the State of California.

INTRODUCED this 10<sup>th</sup> day of February, 2004

\* \* \* \* \*

PASSED AND ADOPTED as an Ordinance of the City of Belmont at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 2004.

AYES, COUNCILMEMBERS:

NOES, COUNCILMEMBERS:

ABSENT, COUNCILMEMBERS:

ABSTAIN, COUNCILMEMBERS:

MAYOR, City of Belmont

ATTEST:

CITY CLERK, City of Belmont