

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING CHAPTER 8.17 OF THE HUNTINGTON BEACH MUNICIPAL
CODE RELATING TO PUBLIC RIGHTS-OF-WAY

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. Section 8.17.015 of the Huntington Beach Municipal Code is hereby amended to read as follows:

8.17.015 Flood Control/Drainage Channels – Obstructions.

(a) No person owning, leasing, occupying, having charge or control of any lot or premises shall allow, keep or maintain any tree, bush or vegetation growing upon any lot or premises abutting any flood control/drainage channel in such a manner that the limbs, twigs, leaves, vines, roots or parts of such tree, bush or vegetation interfere with, impede, redirect or obstruct the flow of water along, in or upon any flood control/drainage channel.

SECTION 2. Section 8.17.020 of the Huntington Beach Municipal Code is hereby amended to read as follows:

8.17.020 Nuisances declared. Any obstruction of a public street, sidewalk, or flood control/drainage channel in violation of Section 8.17.010 or 8.17.015 is declared to be a nuisance.

SECTION 3. Section 8.17.030 of the Huntington Beach Municipal Code is hereby amended to read as follows:

8.17.030 Removal – Notice to owner. It shall be the duty of the Director of Public Works to notify, in the manner hereinafter provided, the occupants and owners of any premises in this City to comply with Section 8.17.010 or 8.17.015 within ten (10) days from the receipt of such notice, and upon failure to do so within ten (10) days, the City may cause the obstruction referred to in Section 8.17.010 or 8.17.015 to be removed at the expense of said owner.

APPROVED FOR INTRODUCTION
8-18-2008

SECTION 3. This ordinance shall become effective 30 days after its adoption.

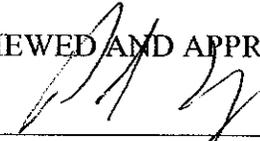
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2008.

Mayor

ATTEST:

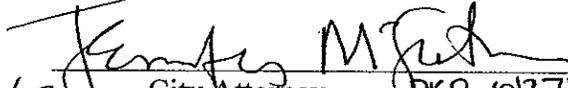
City Clerk

REVIEWED AND APPROVED:

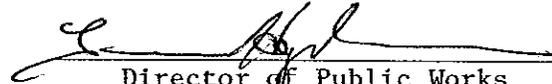


City Administrator

APPROVED AS TO FORM:


6:30/08 City Attorney DKO 6/27/08

INITIATED AND APPROVED:



Director of Public Works

LEGISLATIVE DRAFT

Ordinance No. 3812

Chapter 8.17

PUBLIC RIGHTS-OF-WAY

(2241-1/78, 2677-2/84)

Sections:

- 8.17.010 Sidewalks--Streets--Obstructions
- 8.17.015 Flood Control/Drainage Channel -- Obstructions**
- 8.17.020 Nuisance declared
- 8.17.030 Removal--Notice to owner
- 8.17.040 Notice--Form--Service
- 8.17.050 Delinquency--Estimate given to Council
- 8.17.060 Ordering of work by city
- 8.17.070 Extension of time
- 8.17.080 Abatement--Costs

8.17.010 Sidewalks--Streets--Obstructions.

- (a) No person owning, leasing, occupying, having charge or control of any lot or premises shall allow, keep or maintain any tree, bush or vegetation growing upon any lot or premises abutting any street or sidewalk or upon any street or sidewalk in such manner that the limbs, twigs, leaves or parts of such tree, bush or vegetation interfere with or obstruct the free passage of pedestrians or vehicles along or upon said streets or sidewalk.
- (b) Trees, bushes, vines or any other vegetation growing in, upon, or overhanging any public right-of-way shall be deemed to interfere with and obstruct the vision or free passage of pedestrians or vehicles upon said public right-of-way, within the meaning of this section, unless the lower limbs, twigs or leaves of such trees, bushes, vines or vegetation are kept removed at all times so as to provide an unobstructed clearance, including a minimum vertical clearance of:
 - (1) Thirteen (13) feet six (6) inches over that portion of state highways and arterials improved, designed or ordinarily used for vehicular traffic;
 - (2) Eleven (11) feet over that portion of local streets improved, designed, or ordinarily used for vehicular traffic;
 - (3) Nine (9) feet over the sidewalk and parkway area of all streets. (2241-1/78, 2677-2/84)

8.17.015 Flood Control/Drainage Channels -- Obstructions.

(a) No person owning, leasing, occupying, having charge or control of any lot or premises shall allow, keep or maintain any tree, bush or vegetation growing upon any lot or premises abutting any flood control/drainage channel.

8.17.020 Nuisance declared. Any obstruction of a public street, ~~or~~ sidewalk, or flood control/drainage channel in violation of section 8.17.010 or 8.17.015 is declared to be a nuisance. (2241-1/78)

8.17.030 Removal--Notice to owner. It shall be the duty of the Director of Public Works to notify, in the manner hereinafter provided, the occupants and owners of any premises in this city to comply with section 8.17.010 or 8.17.015 within ten (10) days from the receipt of such notice, and upon failure to do so within ten (10) days, the city may cause the obstruction referred to in section 8.17.010 or 8.17.015 to be removed at the expense of said owner. (2241-1/78)

8.17.040 Notice--Form--Service. The notice to remove the tree or shrub obstruction shall be given in writing, by serving personally upon the owner and upon the occupant (if any) a copy of such notice, directed to the owner, or if the owner is a nonresident of the city, by serving the occupant personally, and by mailing by registered mail, a like copy in writing to the owner at his last known address as shown by the last assessment of the city. If there is no occupant, a copy of the notice shall be posted in a conspicuous place on each lot or legal subdivision of the premises, and a copy served upon the owner as hereinbefore provided. (2241-1/78)

8.17.050 Delinquency--Estimate given to Council. At the expiration of ten (10) days from the sending or serving of the notice if the obstruction is not eliminated, the Director of Public Works may thereupon report the delinquency to the Council with an estimate of the probable cost of doing the work. (2241-1/78)

8.17.060 Ordering of work by city. The Council may then order the Director of Public Works to do the work at the expense of the owner of said property, and provide for temporary payment of the same with city funds. (2241-1/78)

8.17.070 Extension of time. The Council may, in its discretion, extend the time within which the work must be done. (2241-1/78)

8.17.080 Abatement--Costs. All costs incurred by city shall constitute a charge and special assessment upon such parcel of land. If such costs are not paid within a period specifically set by the city, they shall then be declared a special assessment against that parcel as provided in Government Code section 38773.5. Such special assessment shall be collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and the same procedures and sale in case of delinquency as provided for ordinary county taxes. The city shall retain the additional and independent right to recover its costs by way of civil action against the owner or person in possession or control, jointly or severally. (2241-1/78)