

ORDINANCE NO. 835 N.S.
AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING SECTION 10.01 ET SEQ. AND RELATED PROVISIONS OF THE
MUNICIPAL CODE (MUNICIPAL CODE AMENDMENT 2001-001 - OAK TREES)

WHEREAS, in 1988 the City Council of the City of El Paso de Robles adopted an Amendment to the City's Municipal Code to provide for an Oak Tree Preservation Ordinance; and

WHEREAS, based on changes in City organizational structure and experience in implementing the 1988 Ordinance, there is a need to up-date and refine the current ordinance; and

WHEREAS, Municipal Code Amendment 2001-001 also proposes to provide the desired up-date and refinement to the Oak Tree Preservation Ordinance, including but not limited to provisions for the City to recover the costs of implementing the Oak Tree Preservation Ordinance; and

WHEREAS, at its meetings of January 29, 2002, and March 12 and 26, 2002, the Planning Commission took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Recommended that the City Council approve the proposed ordinance; and

WHEREAS, at its meeting of April 16, 2002, the City Council took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Considered the Commission's recommendation from the Planning Commission's March 26, 2002, public meeting;
- e. Introduced said ordinance for first reading; and

WHEREAS, on July 16, 2002, the City Council determined the need to make further refinements to the subject ordinance and directed that the ordinance be re-introduced for first reading at the August 6, 2002 City Council meeting.

NOW, THEREFORE, BE IT KNOWN that the Paso Robles City Council, based upon the substantial evidence presented at the above referenced public hearing, including oral and written staff reports, finds as follows:

1. The above stated facts of this ordinance are true and correct.
2. This code amendment is consistent with the City's General Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES ORDAIN AS FOLLOWS:

Section 10.01 et seq. is hereby amended to replace the current text with the text of the code amendment attached and labeled Exhibit "A" (Oak Tree Preservation Ordinance); and

By Separate Resolution the City Council shall establish processing fees for recovering the cost of the City implementing the provisions of the Oak Tree Preservation Ordinance.

SECTION 1. Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

SECTION 2. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 3. Inconsistency. To the extent that the terms or provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

SECTION 4. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

Introduced at a regular meeting of the City Council held on August 6, 2002, and passed and adopted by the City Council of the City of El Paso de Robles on the 20th day of August 2002 by the following roll call vote:

AYES:	Finigan, Heggarty, Nemeth, Picanco and Mecham
NOES:	None
ABSTAIN:	None
ABSENT:	None

Frank R. Mecham, Mayor

ATTEST:

Sharilyn Ryan, Deputy City Clerk