

ORDINANCE NO. 2026-03

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, ADDING CHAPTER 20.155, "TREE PROTECTION IN HABITATS FOR PROTECTED WILDLIFE," TO THE SAN BUENAVENTURA MUNICIPAL CODE TO PROHIBIT THE TRIMMING AND REMOVAL OF TREES WITHIN HABITATS OF PROTECTED WILDLIFE WITHIN THE CITY AND DECLARING THE URGENCY THEREOF

WHEREAS, Section 706(c) of the Charter of the City of San Buenaventura authorizes the City Council to adopt emergency ordinances which become effective immediately upon adoption when the City Council determines the same is necessary to preserve the public peace, health, or safety, and the emergency ordinance contains the reasons for its urgency;

WHEREAS, some species of animals listed as endangered or threatened by the U.S. Fish and Wildlife Service have their habitats in or proximate to certain trees of the City of San Buenaventura;

WHEREAS, in order to protect these species, it is imperative to prohibit the removal and trimming of those trees which serve as critical habitats for those species;

WHEREAS, the Monarch Butterfly, *Danaus plexippus*, while not currently listed, is proposed for addition to the Federal endangered or threatened species list;

WHEREAS, several overwintering sites for the Monarch Butterfly exist within the City of San Buenaventura that serve as their habitat, requiring preservation of those sites to assist in their continued viability;

WHEREAS, the City Council has determined that without emergency action, removal and trimming of trees in the sensitive areas poses a direct and immediate threat to the City's wildlife and environment; and

WHEREAS, the City Council finds that this emergency ordinance is necessary to preserve the health of the City and its climate.

The Council of the City of San Buenaventura does ordain as follows:

Section 1. ADDITION TO CODE. Title 20, "Public Parks, Beaches and Street Trees," of the San Buenaventura Municipal Code is hereby amended by the

addition of a new chapter, Chapter 20.155, "Tree Protection in Habitats for Protected Wildlife," to read in full as follows:

"Chapter 20.155 Tree Protection in Habitats for Protected Wildlife

Sections:

Sec. 20.155.010. – Findings.

Sec. 20.155.020. – Definitions.

Sec. 20.155.030. – Prohibited Activity.

Sec. 20.155.040. – Exemptions.

Sec. 20.155.050. – Exceptions.

Sec. 20.155.060. – Violations and Penalties.

Sec. 20.155.010 - Findings.

A. The City Council of the City of San Buenaventura finds that:

1. There are sites located within the City of San Buenaventura that are habitats for protected wildlife.
2. To preserve the habitats for such protected wildlife, a ban on tree removal and trimming in identified habitats is imperative.
3. To discourage the rapid removal or trimming of trees in such habitats while a permanent tree protection ordinance is being developed, an emergency ordinance is necessary.
4. A ban on tree removal and trimming within habitats for protected wildlife is necessary to preserve the public peace, health, or safety by prohibiting destruction of the specified habitats.

Sec. 20.155.020. – Definitions.

A. "City" means the City of San Buenaventura.

B. "Habitat for Protected Wildlife" means a Habitat for animals that are Protected Wildlife as defined in this chapter, and whose Habitats are identified by one or more of the following:

1. U.S. Fish and Wildlife Service designated critical habitat or the U.S. Fish and Wildlife

Service map of Critical Habitat for Threatened & Endangered Species.

2. Monarch Butterfly, *Danaus plexippus*, overwintering habitat as identified in Figure 23, the map of Monarch Butterfly Overwintering Sites in the 2050 General Plan Update, adopted by the City Council on October 21, 2025.
- C. “Habitat” means the physical location or type of environment in which an organism or biological population lives or occurs.
- D. “Protected Wildlife” means any animal identified as any of the following for purposes of this chapter:
1. Animals listed as endangered or threatened by the U.S. Fish and Wildlife Service; and
 2. Monarch Butterflies, *Danaus plexippus*.
- E. “Person” means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.
- F. “Tree trimming” (or “Tree Pruning”) means to alter a tree by removing a branch or limb.
- G. “Tree removal” means removal of any tree.

Sec. 20.155.030. – Prohibited Activity.

It is unlawful and a violation of this chapter for any Person to remove or trim Trees on sites identified as Habitats for Protected Wildlife within the City.

There is a rebuttable presumption that a tree downed or showing unnatural removal of branches or limbs in a Habitat for Protected Wildlife has been removed or trimmed in violation of this chapter, unless the removal or trimming falls within one of the exceptions or exemptions provided in this chapter.

Sec. 20.155.040. – Exemptions.

This chapter shall not apply to the following:

- A. To the City including, but not limited to, trimming or removal of City-owned trees on City property and/or in the public right-of-way.
- B. To the County of Ventura or other public agencies with jurisdiction on land within City limits.

Sec. 20.155.050. – Exceptions.

Notwithstanding the prohibitions of Section 20.155.030 of this chapter, a tree that is subject to the prohibition may be lawfully removed or trimmed if either one of the two findings below can be made:

- A. The property is located outside the Coastal Zone and a Minor Design Review Permit is obtained, or the property is located within the Coastal Zone and an Administrative Coastal Development Permit is obtained, based on one or more of the following exceptions:
 - 1. The present condition of the tree is dead, diseased, or severely weakened and is a source of present danger to persons, property, or to healthy trees in the immediate vicinity, and a member of the American Society of Consulting Arborists or an arborist certified by the International Society of Arboriculture has provided a report attesting to such condition;
 - 2. The Fire Department has provided a notice that the tree must be removed or trimmed in order to maintain required defensible space on the lot or to comply with the City's Fire Hazard Reduction Program or other fire safety concerns;
 - 3. An insurance company refuses to provide insurance coverage on a residential, commercial, or other building, and a notice of such situation is evidenced by a letter from the insurance company;

4. There would be a substantial hardship to a private property owner in the enjoyment and use of the real property if the trimming or removal is not permitted; or
 5. There is a public purpose, service, or use which affects residents as a community and not merely as particular individuals, or a public health, safety, or welfare benefit, that outweighs the protection of the specific tree.
- B. There is an imminent danger to persons or property and advance written approval is obtained from the Parks and Recreation Director, or designee. No later than seven business days following such approval, an application shall be retroactively made for an appropriate permit – a Minor Design Review Permit for properties outside of the Coastal Zone, or an Administrative Coastal Development Permit for properties within the Coastal Zone. Such application shall be supported by a report by a member of the American Society of Consulting Arborists or an arborist certified by the International Society of Arboriculture that attests to the factual basis for the imminent danger.

Sec. 20.155.060. – Violations and Penalties.

- A. Each and every violation of this chapter by any Person is deemed unlawful and may be punished as such according to the provisions of Chapter 1.50, “Civil Penalties,” of this code.
- B. Each and every violation of this chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by this code.
- C. Each and every violation of this chapter is a public nuisance. Additionally, as a nuisance per se, any violation of this Chapter shall be subject to injunctive relief. Violators shall be liable for payment to the City of any monies unlawfully obtained, costs of abatement, costs of investigation, attorney's fees, and any other relief or remedy available at law

or in equity. The City may also pursue any and all remedies and actions available under applicable laws.

D. The remedies provided herein are not to be construed as exclusive remedies. The City is authorized to pursue any proceedings or remedies provided by law.

E. *Corrective Action.* In addition to the assessment of a civil penalty pursuant to Chapter 1.50 (and subject to the administrative hearing procedures commencing with Section 1.50.410), a Person who violates this chapter may also be required to perform corrective actions as determined appropriate by the Parks and Recreation Director or Community Development Director, or their designees (depending on which department is administering the matter). Corrective actions may include the following:

1. If the tree has been removed or if the tree cannot be rehabilitated, the Parks and Recreation Director or Community Development Director may require the tree to be replaced. Replacement trees shall be as large as are commercially available within southern California up to the size of the tree that was removed or altered in such a manner that it cannot be rehabilitated. If replacement trees of a similar size are not commercially available or circumstances do not reasonably allow for the replacement of a tree of equal or similar size, the Parks and Recreation Director or Community Development Director may allow for replacement of multiple trees of a smaller size equaling the diameter at breast height (DBH) of the tree removed or the replacement of the removed tree with a tree of another appropriate species also equaling the DBH of the tree removed.
2. If the required corrective action has not been completed within the time specified by the Parks and Recreation Director or Community Development Director in the notice of violation (in any case not less than 30 days), an

administrative fine of \$1,000 per day may be assessed for each day the corrective action has not been completed after the time specified in the notice of violation.”

Section 2. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Section 3. EXEMPTION FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT. The City Council finds that the enactment of this Ordinance is determined to be exempt under Section 15061(b)(3) of Title 14 of the California Code of Regulations (the "State CEQA Guidelines") in that its adoption provides for the protection of the environment and does not present a potential for causing an adverse change in any of the physical conditions of the area. It can therefore be foreseen that the enactment of this Ordinance does not have the potential to result in significant effects on the environment.

Section 4. EFFECTIVE DATE. Pursuant to Section 706 of the Charter, this ordinance is declared to be an emergency ordinance for the reasons set forth in the recitals, which are incorporated by reference; is hereby introduced and adopted; and shall take effect immediately.


Section 5. PUBLICATION. The City Clerk is directed to cause a summary of this Emergency Ordinance to be published in the official newspaper at least once within 15 days after its adoption showing the vote thereon.

The foregoing Emergency Ordinance was adopted by the City Council of San Buenaventura on February 10, 2026 and ordered published by posting the following vote:

Ayes: Councilmembers Duran, Mangone, Schumacher, Campos, Deputy Mayor Halter, and Mayor Dr. Sánchez-Palacios

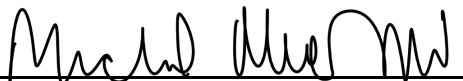
Noes: Councilmember McReynolds

Absent: None



Dr. Jeannette Sánchez-Palacios
Mayor

ATTEST:

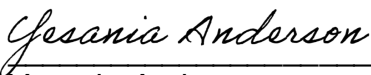


Michael B. MacDonald, CMC
City Clerk



APPROVED AS TO FORM
Javan N. Rad
City Attorney

By:



Yesania Anderson
Assistant City Attorney I