

CHAPTER 8.08

TREES AND SHRUBS—PLANTING AND MAINTENANCE

8.08.010 - Purpose.

The purpose of this Chapter is to promote health, safety and general welfare by providing for the regulation of planting, maintenance and removal of street trees within the City, and for the planting of street trees throughout the City, to allow the property owner maximum flexibility in the choice and placement of street trees in relation to private landscaping.

(Ord. 1301 C.S. § 1 (part), 2003: Ord. 887 C.S. § I (part), 1978.)

8.08.020 - Master Street Tree Planting Plan.

The Public Works Department (Parks Division) shall maintain a master street tree planting plan for all City streets. The plan shall provide a list of acceptable tree species.

(Ord. 1301 C.S. § 1 (part), 2003: Ord. 1069 C.S. § I (part), 1986: Ord. 887 C.S. § I (part), 1978.)

8.08.030 - Definitions.

- A. "Street Tree" means any tree located in a City street right of way between the edge of pavement and the adjacent property line.
- B. "Maintenance" means the regular pruning, fertilization, irrigation and normal garden management practices necessary for plant growth.
- C. "Director" means City Engineer and/or Director of Public Works.
- D. "Street Tree Permit" means a written or printed authorization issued by the City Parks Division.
- E. "Certified Arborist" means someone who has successfully completed the requirements set by the Arborist Certification Board of the International Society of Arboriculture.
- F. "Pruning Standards" means standards of pruning for certified arborists. The standards include: I. Pruning Techniques, A through J and II. Types of Pruning—Mature Trees, A. Crown Cleaning B. Crown Thinning C. Crown Reduction D. Crown Restoration, and III. Size of Pruning Cuts.

(Ord. 1301 C.S. § 1 (part), 2003: Ord. 887 C.S. § I (part), 1978.)

8.08.040 - Planting Permit.

No person shall set out or plant any street tree without first obtaining a planting permit from the Public Works Department (Parks Division). The Parks Division shall review the type, size and location of street trees.

(Ord. 1301 C.S. § 1 (part), 2003: Ord. 1069 C.S. § I (part), 1986: Ord. 887 C.S. § I (part), 1978.)

8.08.050 - Street Tree Planting Standards.

- A. The street tree shall be planted normally at 40 foot intervals.
- B. The street tree trunk at maturity shall not be within 1 ½ feet of public sidewalk, except in existing parkway areas as approved by the Parks Division.
- C. The street tree roots shall not be within 10 feet of any sewer or water line, or gas line.
- D. The street tree trunk at maturity shall not be within 5 feet of a driveway, street corner, fire hydrant, or utility pole.
- E. A newly planted street tree shall be of the following minimum size: a diameter of 1 inch measured 4 feet, 6 inches above the ground and which has a maximum height of 8 feet or 15 gallon size.

(Ord. 1301 C.S. § 1 (part), 2003: Ord. 887 C.S. § I (part), 1978.)

8.08.070 - Street Tree Removal.

A street tree not otherwise regulated may be removed with a permit, provided the tree is replaced in compliance with all provisions of this Section. All street trees removed shall be at the expense of the adjacent property owner.

(Ord. 1301 C.S. § 1 (part), 2003: Ord. 1052 C.S. § II (part), 1985: Ord. 887 C.S. § I (part), 1978.)

8.08.080 - Street Tree Installation Obligation.

All street trees installed pursuant to the provisions of this Chapter shall be at the expense of the property owner.

(Ord. 1301 C.S. § 1 (part), 2003: Ord. 887 C.S. § I (part), 1978.)

8.08.090 - Street Tree Maintenance Obligation.

- A. **Maintenance Duties.** Property owners or persons in possession of street trees shall be responsible for all street tree maintenance. All maintenance shall conform to International Society of Arboriculture or National Arborist Association Standards.
- B. **Scope of Duty.** It shall be a public nuisance for property owners or persons in possession of street trees to permit branches of street trees to restrict access or impede the public use of adjacent sidewalks or streets, or prevent access of City street sweepers to clean the street.

In the event of such public nuisance, the responsible person shall receive a written notice of such nuisance directing that the tree shall be pruned appropriately within 10 days from receipt of notice. The City at its option may prune the tree, in the event the responsible person has not complied with the notice of public nuisance, at the cost of the responsible person.

- C. Sidewalk Damage. The property owner or person in possession of street trees responsible for maintenance of street trees shall also be responsible for sidewalk damage caused by street trees and shall be required to repair the sidewalk pursuant to Streets and Highways Code Sections 5601, et seq.

(Ord. 1301 C.S. § 1 (part), 2003; Ord. 887 C.S. § I (part), 1978.)

8.08.091 - Abuse or Mutilation of Trees.

- A. Topping of Trees. This practice will only be permitted when a property owner has a copy of a Certified Arborist report attached to an approval permit issued by the Parks Division.
- B. No person may:
 - 1. Abuse, mutilate or destroy street trees.
 - 2. Attach or place a rope or twine (other than a rope or twine typically used to support a young or broken tree) sign, poster, handbill, paint or other substance, structure or thing to or on a street tree.
 - 3. Allow a gaseous liquid or solid substance which is harmful come in contact with a street tree.

(Ord. 1301 C.S. § 1 (part), 2003.)

8.08.100 - Moving Buildings.

No person, firm or corporation shall move any building, house, or portion thereof without notifying the Director of Public Services at least 3 days in advance of such moving. The notice shall designate the route to be followed and all other details, pertinent to such work. The Director of Public Services shall have the authority to change such route and designate on which, in his opinion, will cause less damage to trees, shrubs or plants owned by the City along and adjacent to the route. If necessary to protect such trees, shrubs or plants, the Director of Public Services may require that the house, building or portions thereof be cut into segments small enough to fit the available width between such trees, shrubs or plants along the designated route. As a condition to approving any route for the moving of any building, house or portion thereof, the Director of Public Services may require the person, firm or corporation doing such work to enter into an agreement to pay all costs incurred for any labor, equipment or materials used to protect or preserve such trees, shrubs or plants either before or after such moving.

(Ord. 1052 C.S. § III (part), 1985: Ord. 887 C.S. § I (part), 1978: prior code § 4409.)

8.08.101 - Administration.

The City Engineer/Public Works Director shall plan, administer, control and regulate the street tree programs at the City in accordance with this Chapter. The Director shall develop policies and procedures to implement this Chapter. The policies and procedures shall include an annual tree maintenance work plan and an inventory that defines community tree needs.

(Ord. 1301 C.S. § 1 (part), 2003.)

8.08.102 - Authority of City Engineer/Public Works Director.

The City Engineer/Public Works Director has the authority to maintain and care for street trees. The Director shall develop a program to encourage planting of approved street trees throughout the City. The Director has the authority to require that street trees be planted on all residential and commercial streets.

(Ord. 1301 C.S. § 1 (part), 2003.)

8.08.103 - Open Ground For Trees.

No person may place or maintain a stone, cement or other substance so that it impedes the full access of water or air to a street tree.

(Ord. 1301 C.S. § 1 (part), 2003.)

8.08.104 - Penalty for Violation.

- A. A person who violates this Chapter is guilty of a misdemeanor.
- B. A person guilty of a misdemeanor shall be punished by a fine of not more than \$1,000 or imprisonment in the County jail for a period of not more than 6 months.
- C. A person is guilty of a second offense for a violation of this Chapter with respect to each separate tree.

(Ord. 1301 C.S. § 1 (part), 2003.)

8.08.105 - Civil Sanction.

In addition to paying the penalties for violation of this Chapter, a person who removes or destroys a tree in violation of this Chapter shall at the option of the City either:

- A. Replace the tree with one of a similar kind and size; or

- B. Compensate the City for the value of the tree(s). The value of the tree shall be based upon the opinion of an arborist.

(Ord. 1301 C.S. § 1 (part), 2003.)

8.08.106 - Public Utilities.

When a tree interferes with and interrupts service of a public utility company providing gas, water, electricity, telephone, telegraph, or cable service within the City, the City may, without first obtaining a permit trim or remove branches of trees to the extent necessary to restore service.

(Ord. 1301 C.S. § 1 (part), 2003.)

8.08.107 - Permit Decision.

The City Engineer/Public Works Director or his/her designee shall grant or deny the permits in accordance with this Chapter. See Section 8.12.030 C.

(Ord. 1301 C.S. § 1 (part), 2003.)