

Chapter 12.26

CITY TREES

Sections:

- 12.26.010 Definitions.**
- 12.26.020 Duties of Community Services Commission.**
- 12.26.030 Duties of Director of Community Services.**
- 12.26.040 Duties of private property owners.**
- 12.26.050 Street trees.**
- 12.26.060 Tree planting in subdivisions.**
- 12.26.070 Permits.**
- 12.26.080 Fees.**
- 12.26.090 Protection of City trees.**
- 12.26.100 Interference with Director of Community Services.**
- 12.26.110 Violation-Penalty.**

12.26.010 Definitions .

The following definitions shall apply to this chapter.

- A. "Compaction" is the compression of the soil structure or texture by any means that creates an upper layer that is impermeable.
- B. "Designated Street Tree List" means a list of specific tree species which have been designated by the Community Services Commission for each City street, or part of it, as the species of tree to be planted and maintained within the City easement of that street.
- C. "Director" means the Director of the Community Services Department or his/her designee.
- D. "Drip Line Area" means the suggested minimum area within X distance from the trunk of a tree in a typical location, measured from the perimeter of the trunk of the tree at 54 inches above natural grade, where X equals a distance ten time the diameter of the trunk at 54 inches above natural grade, or the distance to the outermost edge of the tree canopy, whichever is the lesser distance.
- E. "Easement," "Parkway" or "Right-of-Way" means land owned by another over which the City has an easement or right-of-way for street and related purposes. "Parkway" refers to that portion of a street right-of-way, which is available for landscaping, and not for curb, gutter or pavement.
- F. "Heritage Trees" are any trees within the City's easement or on City-owned property which have been found to be of significance to the community or of notable historic interest and are so designated by action of the Community Services Commission.
- G. "Maintain" or "Maintenance" means and includes root pruning, trimming, spraying, watering, fertilizing, mulching, treating for disease or injury, or any other similar act, which promotes growth, health, beauty and life of any tree.
- H. "Pruning," "Trimming" or "Thinning" means to reduce the size of a tree using professionally accepted standards, as established by the International Society of Arboriculture (ISA), Tree Care Industry Association (TCIA) or American National Standards Institute (ANSI) Section A300, to control the height and spread of a tree, lessen the wind resistance, preserve its health and natural appearance, produce fuller branching and shaping, aid in disease prevention by allowing more light and air passage within the branches, or make adjustments which will increase its longevity in an urban environment.
- I. "Public Tree" or "City Tree" means any tree which is located within any public park, City easement, or on any other City-owned property.
- J. "Topping," "Heading Back," "Stubbing" or "Pollarding" means a severe type of pruning which usually produces less desirable results than more moderate pruning with respect to the

tree's natural form and which is generally hazardous to the overall health and stability of the tree.

K. "Tree Policy Manual" means a document prepared by the Community Services Department which states policies (approved by the City Council), procedures and other relevant information regarding the selection, planting, maintenance and removal of all City trees.

L. "Urban Forest" or "Urban Forestry" means the ecology of native and nonindigenous plantings creating a forest in the human living environment, and emphasizing the practice of wise, professional, planned management of all tree resources within an urban area for multiple use and benefit of the entire community. (07-04)

12.26.020 Duties of Community Services Commission.

The Community Services Commission serves as the City's tree advisory board. The commission shall:

A. Study the problems and determine the needs of the City in connection with its tree planting and maintenance programs; establish and revise the designated street tree list; and hold discussions of tree-related issues at public meetings.

B. Hear and determine appeals from staff decisions regarding street tree removal. The commission may grant an appeal if it finds that the staff decision would result in a burden on the property owner that substantially outweighs the benefit to the public. The commission's decision may be appealed to the City Council if a written appeal, setting forth the grounds, is filed with the City Clerk within ten days of the commission decision. If no timely appeal is filed, the decision shall be final.

(07-04)

12.26.030 Duties of Director of Community Services.

The powers and duties of the Director of Community Services, or his or her designee, under this chapter are as follows:

A. To designate a particular place within the City easement or on any City- owned property where a City tree will be planted.

B. To recommend to the Community Services Commission any changes or additions to the designated street tree list.

C. To draft a tree policy manual that states policies and procedures concerning the selection, planting, maintenance and removal of trees in public places to promote a viable urban forest.

D. To grant or deny the issuance of permits in accordance with the terms of this chapter.

(07-04)

12.26.040 Duties of private property owners.

The duties of any owner of private property whose property has a City easement on its for street purposes are as follows:

A. To accept, protect and provide adequate water to any City tree planted in the public easement over his or her property, and not to interfere with the City's provision of water to such trees, whether by water truck or other means.

B. To notify the Community Services Department of any suspected tree hazards or maintenance needs of any City tree on his or her property. (07-04)

12.26.050 Street trees.

No tree shall be planted within a parkway other than the species designated as the street tree for that particular street, or portion of a street, by the Community Services Commission. No street tree shall be planted, except by the City, until a tree permit has been issued for it as provided in Chapter 12.26.070 of this chapter. (07-04)

12.26.060 Tree planting in subdivisions.

Any subdivider of land shall install City trees in accordance with the requirements of the Land Use and Development Code and the provisions of this chapter and any related resolutions. (07-04)

12.26.070 Permits.

A. No person shall plant or otherwise disturb any City tree without first obtaining a permit from the Director of Community Services.

B. Applications for permits must be made to the Community Services Department on forms provided by the department, and shall include such information as the director deems necessary to review the application.

C. Work undertaken by the permittee or his or her agents may be stopped immediately and the permittee's permit may be revoked by oral or written order of the director when the director determines that the program of work or conditions outlined in the permit are not being complied with.

D. The director's decision may be appealed to the Community Services Commission if a written appeal, setting forth the grounds, is filed with the Community Services Department within ten days of the director's decision. If no timely appeal is filed, the decision shall be final. (07-04)

12.26.080 Fees.

Fees for permits and appeals shall be established by resolution of the city council. Any previously adopted resolution establishing fees in relation to prohibited activities shall be repealed. (07-04)

12.26.090 Protection of City trees.

A. It is unlawful for any person to injure, cut, damage, carve, transplant, prune, root prune or remove any public tree.

B. It is unlawful for any person to attach or keep attached to any public tree, or to the guard or stakes intended for the protection thereof, any rope, wire, nails, tacks, staples, advertising posters or any other contrivance whatsoever.

C. It is unlawful for any person to cause or allow any poison or other substance harmful to tree life to lie, leak, pour, flow or drip upon or into the soil within the drip line of any public tree; or set fire or permit any fire to burn when such fire or heat thereof will injure any portion of any public tree; or to operate any equipment, such as mechanical weeding devices, in such a manner as to cause damage to a public tree in any way.

D. No person shall injure any public tree located within an easement or public right-of-way on his or her private property by neglecting to provide the necessary amount of water, as determined by the Tree Policy Manual and the terms of this chapter, required for said tree's continued good health and viability.

E. No person shall impact the drip line area of a City tree in a way that may reasonably be expected to damage the root system, compact the soil over the roots, or impede free passage of water, air or fertilizer to the roots of any public tree.

F. Special consideration shall be afforded public trees determined by the Community Services Commission to be heritage trees. Such trees shall be removed only when public interest served by removal outweighs the interest in preservation and heritage status.

G. All trees of any species or variety of the genus *Ulmus* which are found to be infected with *Ceratocystis ulmi* (Dutch Elm disease) in the city are a threat and a hazard to all trees of the genus *Ulmus* in Claremont. This section requires that all aboveground portions of such infected trees be destroyed or properly disposed of as provided in this chapter.

H. No person shall possess, store or transport into the City all or any part of the trees of the genus *Ulmus* infected with *Ceratocystis ulmi* (Dutch Elm disease); provided, however, that wood, branches and roots of such trees may be transported either to a safe place for burning or burial, under a minimum of two feet of earth, within five days following the discovery of such infection, or to such sites, and under such conditions, as are approved by the Community Services Commission for the processing and subsequent elimination of the disease hazard. Infected trees may be treated in a manner approved by the county agriculture commissioner to affect a cure for the disease if and when an effective cure becomes known.

I. During the construction, repair, alteration, moving or removal of any building, structure of any other type of construction in the City, no person in control of such work shall leave any public tree, shrub or plant in the vicinity of such activity without sufficient guards or protectors as identified in the tree policy manual to prevent injury to the tree, shrub or plant in connection with such construction, repair, alteration, moving or removal. The costs of any such protection shall be borne by the person responsible for the improvement. (07-04)

12.26.100 Interference with director of community services. No person shall hinder, prevent, delay or interfere with the director or any of his or her agents while engaged in carrying out the execution or enforcement of this chapter. Provided, however, that nothing in this section shall be construed as an attempt to inhibit the pursuit of any remedy, legal or equitable, in any court of competent jurisdiction for the protection of property rights by the owner of any property within the City. (07-04)

12.26.110 Violation-Penalty.

A. Any violation of this chapter shall be a misdemeanor or infraction at the discretion of the city attorney or district attorney.

B. Irrespective of and cumulative to any criminal conviction for a violation of this chapter, the City may, pursuant to Government Code Section 36901, impose a civil penalty in an amount not exceeding one thousand dollars on any person who commits a violation of this chapter. The City may recover the penalty either through an administrative hearing or a civil action brought either by the city attorney or a designated employee of the City.

C. Irrespective of whether the City pursues criminal and/or civil action under this chapter, nothing in this chapter shall prevent the City from seeking restitution for damage to City property as an alternative to criminal action and/or civil action to recover a civil penalty in accordance with subsection (B) of this section. (07-04)