

DIAMOND BAR

CHAPTER 12.08. PLANTS AND TREES ON PUBLIC PROPERTY

DIVISION 1. GENERALLY

Secs. 12.08.010--12.08.100. Reserved.

DIVISION 2. TREE TRIMMING GENERALLY

Sec. 12.08.110. Permit for trimming, removing or injuring trees and other plants.

(a) *Required.* It is unlawful for any person, other than the community services director, to trim, prune, cut, break, deface, destroy, burn or remove any shade or ornamental tree, hedge, plant, shrub or flower growing, or to grow upon any public highway, public ground or public property within the city without the written permit of the community services director; or to deface, bend, break or destroy, or in any manner injure or remove any frame, post, trellis or other structure used to protect or support any such tree, hedge, plant, shrub or flower; or to hitch or to tie horses or other animals thereto, or to plant or place thereon or attach thereto any sign, notice or other advertising device.

(b) *Issuance conditions.* A permit shall not be granted to any person except:

(1) A person who owns or is the tenant of the property adjacent to that portion of the highway on which the shade or ornamental trees, hedges, plants, shrubs or flowers which it is proposed to trim, prune, cut, break, deface, destroy, burn, remove or grow.

(2) A person having a valid, unrevoked easement or franchise, with the exercise of which the shade or ornamental trees, hedges, plants, shrubs or flowers interfere, and the trimming, pruning, cutting, breaking, defacing, destruction, burning or removing of which is necessary to the exercise of such easement or franchise.

(3) A person whose principal business is tree trimming and maintenance and tree surgery, who in the opinion of either the community services director, with regard to public property or public grounds, or the commissioner, with regard to public highways, is qualified for such business, and who deposits with the community services director a sum sufficient, in the opinion of the community services director, to reimburse the city for any expense necessarily incurred to do corrective tree trimming necessitated by any trimming done by the permittee. The city shall deduct from the deposit the actual cost of any necessary corrective trimming or pruning and shall refund the balance to the permittee. Should the cost be greater than the deposit, the permittee upon demand shall pay to the community services director an amount equal to such excess. Further permits shall not be issued until such payment is made.

(Ord. No. 14(1989), § 2(16.76.020), 6-27-89)

Sec. 12.08.120. Replacement of trees.

No permit for the removal of any tree shall be issued under this division unless and until the applicant agrees to replace the tree with another tree, of a type and quality to be determined by the community services director. This condition may be waived by either the director or the commissioner when replacement of such tree is not desirable in the public interest.

(Ord. No. 14(1989), § 2(16.76.030), 6-27-89)

Sec. 12.08.130. Penalty for violation.

Any person who shall violate any of the provisions of this division shall be guilty of a misdemeanor, and punished as provided by section 1.04.010.
(Ord. No. 14(1989), § 2(16.76.040), 6-27-89)
Secs. 12.08.140--12.08.300. Reserved.

DIVISION 3. TREE TRIMMING FOR MOVING BUILDINGS OR STRUCTURES

Sec. 12.08.310. Investigation of proposed route.

Before any permit is issued pursuant to subdivision IX of division 2 of chapter 12.04, the permittee shall investigate the proposed route and determine whether the moving of any building or structure as proposed in, and over the route specified in the application can be done without any excessive or damaging tree trimming.

(Ord. No. 14(1989), § 2(16.77.010), 6-27-89)

Sec. 12.08.320. Permit issuance.

If tree trimming is required to facilitate the moving of the building or structure, the director of community services may issue a permit to the applicant, pursuant to division 2 of this chapter, authorizing such tree trimming and containing conditions prescribed by the director of community services to ensure against damage or injury to persons or property and to provide indemnity for any damage or injury resulting from the work. In the alternative, the director of community services may require the permittee to select a different route which will not require excessive or damaging tree trimming.

(Ord. No. 14(1989), § 2(16.77.020), 6-27-89)

DIVISION 4. COMMUNITY FORESTRY PROGRAM

Sec. 12.08.410. Purpose.

The city recognizes that trees abate noise and air pollution, favorably modify micro-climates, reduce soil erosion and runoff, protect against flood hazards and risk of landslides, enhance the visual environment, encourage quality development, and provide a source of community pride. The city desires that trees located along city streets and on public property be planted and maintained in such a manner that the public fully realizes these and other benefits, and that the city's commitment to creating and maintaining the urban forest be recognized by designation as a Tree City USA by the National Arbor Day Foundation. The standards governing the Tree City USA designation process require the adoption of a community tree ordinance that designates a tree department with the responsibility for writing and implementing the annual community forestry work plan and provides for public tree care policies for planting, maintenance and removals. In addition to meeting the standards necessary for Tree City USA designation, requiring the development and implementation of an annual community forestry work plan will ensure the continuation of: public tree planting and maintenance integrated with other urban elements and amenities; efficient, cost-effective and reliable management of and funding for the city's urban forest; and reductions in public hazards, nuisances and expenses occasioned by improper tree selection, planting and maintenance. For these reasons, the city council finds it necessary and desirable to enact regulations for managing the city's public trees. It is the intent of this chapter to assign responsibility for developing and implementing an annual work plan for the city's public trees and to provide for the development of associated policies.

(Ord. No. 03(2001), § 1, 11-20-01)

Sec. 12.08.420. Definitions.

For the purpose of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

City means the City of Diamond Bar.

Community forestry work plan means the written plan, prepared and/or updated annually by the city's tree department, for the day-to-day care, preservation, planting, replanting, removal or disposition of public trees, and tree-related projects expected to be undertaken by the tree department during the coming year. In addition to addressing public tree planting, watering and fertilizing, and dead and hazardous tree removal, the plan should address safety, fine pruning, and insect and disease control.

Park tree means any tree in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

Program of services means the city's budget.

Public tree means a park tree or a street tree located in the city.

Street tree means any tree growing within the public right-of-way, including unimproved public streets and sidewalks.

Tree means a live woody plant having a single perennial stem or a multistemmed perennial plant and which is typically greater than ten feet in height at maturity.

Tree department means the city department charged with the responsibility for the care, maintenance and removal of all public trees, and for developing and/or updating, administering and implementing the annual community forestry work plan and the urban forestry plan.

Urban forestry plan means the general, long-term planning document prepared and adopted by the tree department to guide the department's public tree care activities in the areas of planting, maintenance and removal and the development of the annual community forestry work plan.

(Ord. No. 03(2001), § 1, 11-20-01)

Sec. 12.08.430. Tree department designated.

The community services department of the city is designated as the city tree department.
(Ord. No. 03(2001), § 1, 11-20-01)

Sec. 12.08.440. Tree department responsibilities--Community forestry work plan.

(a) A tree department shall prepare and/or update a written community forestry work plan, in conjunction with the city's budget process, based on a current inventory of all trees under its jurisdiction, public tree care policies in effect for planting, maintenance and removals, and any approved landscape or beautification plans that may be applicable.

The community forestry work plan shall be deemed approved at the time the city's budget is approved by the city council.

(b) The community forestry work plan shall be reviewed by the tree department no less than once per year.

(c) The tree department is responsible for administering and implementing the approved community forestry work plan.

(Ord. No. 03(2001), § 1, 11-20-01)

Sec. 12.08.450. Same--Tree inventory.

Within one year of the adoption of the ordinance from which this division derives, the tree department shall prepare or cause to be prepared an inventory of all public trees in the city. The inventory should include those items deemed necessary by the tree department to carry out and demonstrate adherence to its responsibilities under this chapter for long-range planning and day-to-day planting and maintenance of the city's public trees. Upon completion, the department

shall use its best efforts to maintain the tree inventory. The tree inventory shall be made available to the public upon request.

(Ord. No. 03(2001), § 1, 11-20-01)

Sec. 12.08.460. Same--Urban forestry work plan.

(a) Within three years of the adoption of the ordinance from which this division derives, the tree department shall develop and adopt an urban forestry plan. The tree department thereafter shall use its best efforts to ensure that the tree-related activities of the community services department are guided by the plan.

(b) The plan shall, at a minimum, include the following elements:

(1) A clear, concise and comprehensive statement of policies and objectives for management of public trees within the city;

(2) Public tree renewal procedures based on an evaluation of species characteristics and performance as recorded in the inventory, providing for rotational reforestation of diseased or declining trees and break-up of potentially problematic monocultures;

(3) A set of standards for the tree department and the public for public tree installation, pruning and maintenance, acceptable tree species and any other standards, criteria, or administrative procedures deemed necessary to carry out the purpose of this division and the urban forestry plan; and

(4) A process for continual update and improvement of the urban forestry plan elements.

(Ord. No. 03(2001), § 1, 11-20-01)