

## TREES AND SHRUBS

### § 95.01 TITLE.

This subchapter shall be known as the Tree Regulations of the city and may be cited as such.

('65 Code, § 7-7.01) (Ord. 593, passed - - )

### § 95.02 COMMUNITY DEVELOPMENT DIRECTOR; JURISDICTION AND CONTROL POWERS.

The Community Development Director shall have full jurisdiction and control of the designation of the kind and type, planting, setting out, location and placement of all trees and shrubs in the streets, parks, pleasure grounds, boulevards, alleys and public places of the city and shall have the supervision, direction and control of the removal, relocation and replacement thereof; provided, however, in making such determinations and exercising such control, he shall be governed by the provisions of the then current Parkway Tree Resolution.

('65 Code, § 7-7.02) (Ord. 593, passed - - ; Am. Ord. 862, passed - - )

### § 95.03 PERMIT REQUIRED TO PLANT OR REMOVE.

(A) It shall be unlawful, and it is hereby prohibited, for any person to plant, move, remove or replace any tree or shrub in the streets, avenues, highways, parks, parkways and public places of the city, or to cause the same to be done, unless and until a permit in writing so to do shall have been first obtained from the Community Development Director. ('65 Code, § 7-7.03)

(B) It shall be unlawful, and it is hereby prohibited, for any person maintaining any overhead wires or any pipes or underground conduits along or across any street, avenue, highway, park, parkway or public place in the city, or owning any property abutting upon any street, avenue, highway, park, parkway or public place in the city, to have any tree, shrub or plant located therein cut, trimmed, pruned or removed unless and until a permit in writing so to do shall have been first obtained from the Community Development Director. ('65 Code, § 7-7.04)

(Ord. 593, passed - - ) [Penalty. see § 95.99](#)

### § 95.04 DUTY OF PROPERTY OWNERS TO MAINTAIN TREES AND SHRUBS.

It shall be the duty of all owners and persons having the possession and control of real property within the city to properly cultivate, care for and maintain all trees and shrubs planted or set out on any of the street, avenue, highway and parkway planting areas immediately adjacent to their respective real properties, subject, however, to the general supervision, direction and control of the Community Development Director.

('65 Code, § 7-7.05) (Ord. 593, passed - - ) [Penalty. see § 95.99](#)

### § 95.05 INTERFERENCE WITH MAINTENANCE OF TREES AND SHRUBS.

No person shall interfere with the Community Development Director, or persons acting under his authority, while engaged in planting, mulching, pruning, trimming, spraying, treating or removing any tree, shrub or plant in any street, avenue, highway, park, parkway or public place within the city, or in the removing of any stone, cement or other substance from about the trunk of any tree, shrub or plant in any such street, avenue, highway, park, parkway, ground or public place.

('65 Code, § 7-7.06) (Ord. 593, passed - - ) [Penalty. see § 95.99](#)

### § 95.06 INJURING TREES AND SHRUBS.

(A) *Use of injurious substances.* No person shall cause, authorize or procure any brine water, oil, liquid, dye or other substance deleterious to tree life to lie, leak, pour, flow or drip upon or into the soil about the base of any tree, shrub or plant in any street, avenue, highway, park, parkway or public place of the city, or onto any sidewalk, road or pavement within the city, at a point from which such substance may, by lying upon or by flowing, dripping or seeping into such soil, injure such tree, shrub or plant, or otherwise harm or kill any such tree, shrub or plant.

(B) *Use of cement or stone.* No person, without the approval of the Community Development Director, shall place or maintain any stone, cement or other substance so that it shall impede the free access of water or air to the roots of any tree, shrub or plant in any street, avenue, highway, park, parkway or public place of the city.

('65 Code, § 7-7.07) (Ord. 593, passed - - ) [Penalty, see § 95.99](#)

## **§ 95.07 HAZARDOUS TREES AND SHRUBS.**

(A) *Duty of property owners to notify Community Development Director.* It shall be the duty of all owners and persons having the possession or control of real property within the city to promptly notify the Community Development Director in the event any tree or shrub in the street, avenue, highway and parkway planting areas immediately adjacent to the property owned or controlled by such owners or persons entitled to the possession and control of such property is in such condition as to be a menace to public safety or endanger life or property. ('65 Code, § 7-7.08)

(B) *Inspection.* The Community Development Director may inspect any tree, shrub or plant upon any street, avenue, highway, park, parkway, ground or public place of the city, or any tree, shrub or plant standing on any private property, which tree, shrub or plant overhangs or projects into any street, avenue, highway, park, parkway, alley or public place of the city, to determine whether such tree, shrub or plant, or any part thereof, is in such condition as to constitute a hazard or an impediment to the progress or vision of anyone traveling on such street, avenue, highway, park, parkway, alley or public place. ('65 Code, § 7-7.09)

(C) *Trimming and removal.* If, in the opinion of the Community Development Director, any such tree, shrub or plant is hazardous to the traveling public or impedes the progress or the vision of the public on any such street, avenue, highway, park, parkway, alley or public place, he may cause such tree, shrub or plant, or such parts thereof as are hazardous or an impediment, to be trimmed or removed so as to remedy such condition. ('65 Code, § 7-7.10)

(D) *Removal; notice to owner; service of notice.*

(1) No hazardous tree, shrub or plant standing on any private property shall be cut down or removed unless ten days notice in writing of such intention shall be given by the Community Development Director to the owner, occupant or agent of the owner of such property upon which such hazardous condition exists, unless in the opinion of the Community Development Director, the public health, safety, and welfare requires immediate action. ('65 Code, § 7-7.11)

(2) If, after due diligence, the Community Development Director is unable to serve such written notice upon such owner or his agent personally, the Community Development Director may serve such notice by enclosing the same in an envelope addressed to such owner, or to his agent, at his last known address, or at the address shown by the last assessment roll of the county, and by depositing such notice, with postage thereon fully prepaid, in the United State Post Office in the city. ('65 Code, § 7-7.12)

(E) *Appeals.* If the owner, occupant or agent of the owner of such private property within seven days after such notice files his objection to the removal of such tree, shrub or plant with the Community Development Director, such tree, shrub or plant shall not be cut down or removed unless the Community Development Director shall give such owner, occupant or agent a reasonable opportunity to be heard in support of such objection. If such objection shall not be sustained, the Community Development Director shall thereafter approve in writing the cutting down or removal of such hazardous tree, plant or shrub. ('65 Code, § 7-7.13)

(F) *Liability of city and duty of property owners.* Nothing contained in this subchapter shall be deemed to impose any liability upon the city or its officers or employees, nor to relieve the owner of any private property from the duty to keep any tree, shrub or plant upon his property or under his control in such a condition as to prevent it from constituting a hazard or an impediment to travel or vision upon any street, avenue, highway, park, parkway, alley or public place within the city. ('65 Code, § 7-7.14)

(Ord. 593, passed - - ) [Penalty, see § 95.99](#)

## **§ 95.08 APPEALS.**

Any decision of the Community Development Director made pursuant to this subchapter may be appealed directly to the City Council in accordance with the provisions of [§ 30.10 et seq.](#) of this code.

('65 Code, § 7-7.15) (Ord. 593, passed - - ; Am. Ord. 526-C.S., passed 7-16-02)

## **TREE PROTECTION AND PRESERVATION REGULATIONS FOR SINGLE FAMILY ZONES**

### **§ 95.20 TITLE.**

This subchapter shall be known as the Tree Protection and Preservation Regulations; Single Family Zones and may be cited as such.

('65 Code, § 7-7A.01) (Ord. 347-C.S., passed - - )

### **§ 95.21 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CLASS I TREES.** The following trees:

- (1) Alder (*Alnus*);
- (2) Ash (*Fraxinus*);
- (3) Beech (*Fagus*);
- (4) Birch (*Betula*);
- (5) Camphor (*Cinnamomum camphora*);
- (6) Carrot Wood (*Cupaniopsis anacardiopsis*);
- (7) Cedars (*Cedrus atlantica*, and *deodara*);
- (8) Chinese Flame tree (*Koelreuteria bipinnata*);
- (9) Coral tree (*Erythina*);
- (10) Crape Myrtle (*Lagerstroemia indica*);
- (11) Fern Pine (*Podocarpus gracilor*);
- (12) Fig tree (*Fiscus rubiginosa*);
- (13) Floss Silk tree (*Chorisia*);
- (14) Ginkgo (*Ginkgo biloba*);
- (15) Jacaranda (*Jacaranda mimosifolia*);
- (16) Liquidamber (see "Sweetgum");
- (17) Magnolia (*Magnolia grandiflora*);
- (18) Oaks, all (*Quercus*);
- (19) Olive (*Olea europaea*);

- (20) Pepper, "California" (*Schinus molle*);
- (21) Pine, "Canary Island" (*Pinus canariensis*);
- (22) Pine, "Italian Stone" (*Pinus pinea*);
- (23) Redwood, "Coast" (*Sequoia sempervirens*);
- (24) Sequoia (*Sequoia giganteum*);
- (25) Strawberry tree (*Arbutus unedo*);
- (26) Sweetgum (*Liquidambar styraciflua*);
- (27) Sycamore (*Platanus racemosa*); and
- (28) Tulip tree (*Liriodendron tulipifera*)

**DAMAGE.** Any intentional action taken which causes injury, disfigurement or death to a tree. This includes, but is not limited to, cutting, poisoning, drilling and the like.

**DEADWOOD.** Limbs, branches or a portion of a tree void of green leaves during a season of the year when green leaves should be present.

**FRUIT TREES.** All common tree varieties which typically bear edible fruit and are not listed as Class I trees.

**LANDMARK or HISTORICALLY SIGNIFICANT.** Any tree or stand of trees (except palm trees) that meet one of the following criteria:

- (1) A tree or stand of trees which have taken on an aura of historical value by virtue of age or location.
- (2) A tree which has a trunk with a 40-inch circumference (12.75-inch diameter) if located in the front yard or 60 inches in circumference (19-inch diameter) if located in the rear and side yards.

**MATURE.** Any Class I tree (except a palm or fruit tree) located in the front yards which exceeds 19 inches in circumference (6-inch diameter) or, if located in a side yard and rear yard, one which exceeds 30 inches in circumference (9.5-inch diameter) measured four feet above natural grade.

**REMOVAL.** The physical removal of a tree or actions leading to the death of a tree through poisoning, damaging or other action.

('65 Code, § 7-7A.07) (Ord. 347-C.S., passed --)

## § 95.22 PERMIT REQUIRED FOR TRIMMING CERTAIN TREES.

(A) No person shall cut, trim, prune, transplant, destroy or remove more than one-third (33%) of the live foliage of any mature Class I tree located anywhere on private property in the Single-Family Residential Zones of the city without first obtaining a permit from the city.

(B) No person shall cut, trim, prune, transplant or destroy more than one-third (33%) of the live foliage or remove any tree of "historical/landmark" significance located in any of the Single-Family Residential Zones of the city anywhere on private property without first obtaining a permit from the city.

(C) No person shall reduce the height of any protected mature tree by more than one-fourth (25%) over two years without first obtaining a permit from the city.

('65 Code, § 7-7A.02) (Ord. 347-C.S., passed --) [Penalty, see § 95.99](#)

## § 95.23 EXEMPTIONS.

(A) No permit is required for the removal, trimming or pruning of a tree damaged by storm, fire or other natural disaster or otherwise determined to be dangerous by the City Manager, Community Development Director, police officer, firefighter or Code Enforcement Officer. The exemption applies only to the extent necessary to remove the danger and reshape the tree.

(B) Class I trees located in the front yards which do not exceed 19 inches in circumference (6-inch diameter) and Class I trees located in side yards and rear yards which do not exceed 30 inches in circumference (9.5-inch diameter) measured four feet above natural grade may be removed, cut, trimmed or transplanted without a permit. These trees are considered "immature."

(C) Trees that must be removed or trimmed by order of any public agency or public utility having jurisdiction are exempted from the permit requirement.

(D) Normal and routine trimming or pruning which does not result in damage or death to a tree or does not result in the loss of more than one-third (33%) of the live foliage and limbs of any mature tree is allowed without a permit. Removal of deadwood is allowed without a permit.

(E) Any palm tree or fruit tree may be trimmed or removed without a permit.

(F) All trees in excess of five protected trees on properties of less than 8,000 square feet may be trimmed more than one-third or removed without a permit. The maximum number of protected trees on these properties is five. On lots in excess of 8,000 square feet, the maximum number of protected trees is seven.

('65 Code, § 7-7A.03) (Ord. 347-C.S., passed - - )

## § 95.24 PERMIT PROCESS.

(A) The Community Development Director shall prepare an application for a tree trimming and/or removal permit which shall contain information necessary for the Community Development Director to determine whether the standards for issuance of a permit have been satisfied.

(B) The Community Development Director shall grant a permit only if the Director makes one or more of the following findings:

(1) The tree constitutes a nuisance or hazard by virtue of its condition, location, species, proximity to existing structures, walkways or utilities.

(2) The pruning or trimming of the tree is deemed necessary by a professional arborist to maintain or enhance the health or appearance of the tree.

(3) The tree has not been reduced in height more than one-fourth (25%) over a two-year period.

(4) The pruning, trimming or removal of the tree is necessary to prevent a substantial inconvenience or financial hardship to the property owner.

(C) The Community Development Director may require as a condition of a tree removal permit the replacement of the tree at the applicant's expense. One or more trees may be required as replacement trees. The size, location and species of replacement tree(s) shall be determined by the Community Development Director with consultation of the applicant and taking into consideration such factors as the size, location, type of tree, number of trees on the property and the number and type of trees in the surrounding neighborhood. The Director may consider the option of relocating the subject tree in another location on the subject property.

(D) Any decision of the Community Development Director made pursuant to this subchapter may be appealed directly to the City Council in accordance with the provisions of [§ 30.10](#) *et seq.* of this Code.

('65 Code, § 7-7A.04) (Ord. 347-C.S., passed - - ; Am. Ord. 526-C.S., passed 7-16-02)

## § 95.25 CITY NOT LIABLE.

Nothing in this subchapter shall be deemed to impose any liability for damages or a duty of care and maintenance upon the city or upon any of its officers or employees.

('65 Code, § 7-7A.06) (Ord. 347-C.S., passed - - )

## **TREE PROTECTION AND PRESERVATION REGULATIONS FOR MULTIPLE FAMILY, COMMERCIAL AND INDUSTRIAL ZONES**

### **§ 95.35 TITLE.**

This subchapter shall be known as the Tree Protection and Preservation Regulations; Multiple Family, Commercial and Industrial Zones and may be cited as such.

('65 Code, § 7-7B.01) (Ord. 347-C.S., passed - - )

### **§ 95.36 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DAMAGE.** Any action taken which causes injury, disfigurement or death to a tree. This includes, but is not limited to, cutting, poisoning, drilling and the like.

**DEADWOOD.** Limbs, branches or a portion of a tree void of green leaves during a season of the year when green leaves should be present.

**LANDMARK or HISTORICALLY SIGNIFICANT.** Any tree or stand of trees (except palm trees) that meet one of the following criteria:

(1) A tree or stand of trees which have taken on an aura of historical value by virtue of age or location.

(2) A tree which has a trunk with a 40-inch circumference (12.75-inch diameter) if located in the front yard or 60 inches in circumference (19-inch diameter) if located in the rear and side yards.

**MATURE.** Any variety of a tree (except fruit trees) that is more than 12½ inches in circumference (4-inch diameter) when measured at a point four feet above the natural grade.

**REMOVAL.** The physical removal of a tree or actions leading to the death of a tree through poisoning, damaging or other action.

('65 Code, § 7-7B.07) (Ord. 347-C.S., passed - - )

### **§ 95.37 PERMIT REQUIRED FOR TRIMMING CERTAIN TREES.**

(A) No person shall cut, trim, prune, transplant, destroy or remove more than one-third (33%) of the live foliage of any mature tree located anywhere on private property in any of the multiple-family, commercial or industrial zones of the city without first obtaining a permit from the city.

(B) No person shall reduce the height of any mature tree more than a total of one-fourth (25%) over two years without first obtaining a permit from the city.

('65 Code, § 7-7B.02) (Ord. 347-C.S., passed - - ) [Penalty. see § 95.99](#)

### **§ 95.38 EXEMPTIONS.**

(A) No permit is required for the removal, trimming or pruning of a tree damaged by storm, fire or other natural disaster or otherwise determined to be dangerous by the City Manager, Community Development Director, police officer, firefighter or Code Enforcement Officer. The exemption applies only to the extent to remove the danger.

(B) Trees that do not exceed 12½ inches circumference (4-inch diameter) when measured four feet above the natural grade may be removed, cut, trimmed or transplanted without a permit. These trees are considered "immature."

(C) Trees that must be removed or trimmed by order of any public agency or public utility having jurisdiction are exempted from the permit requirement.

(D) Normal and routine trimming or pruning which does not result in damage or death to a tree or does not result in the loss of more than one-third (33%) of the live foliage and limbs of any mature tree is allowed without a permit. Removal of deadwood is allowed without a permit.

(E) Any fruit tree may be trimmed or removed without a permit.

('65 Code, § 7-7B.03) (Ord. 347-C.S., passed - - )

## **§ 95.39 PERMIT PROCESS.**

(A) The Community Development Director shall prepare an application for a tree trimming and/or removal permit which shall contain information necessary for the Community Development Director to determine whether the standards for issuance of a permit have been satisfied.

(B) The Community Development Director shall grant a permit only if the Director makes one or more of the following findings:

(1) The tree constitutes a nuisance or hazard by virtue of its condition, location, species, proximity to existing structures, walkways or utilities.

(2) The pruning or trimming of the tree is deemed necessary by a professional arborist to maintain or enhance the health or appearance of the tree.

(3) The relocation of the tree will not damage the tree or will not constitute a hazard or interference with other structures or property.

(4) The tree has not been reduced in height more than one-fourth (25%) over a two-year period.

(5) The pruning, trimming or removal of the tree is necessary to prevent a substantial inconvenience or financial hardship to the property owner.

(C) The Community Development Director may require as a condition of a tree removal permit the replacement of the tree at the applicant's expense. One or more trees may be required as replacement trees. The size, location and species of replacement tree(s) shall be determined by the Community Development Director with consultation of the applicant and taking into consideration such factors as the size, location, type of tree, number of trees on the property and the number and type of trees in the surrounding neighborhood. In addition, the applicant may be required to submit a landscape plan to the city's Design Review Committee for review and approval.

(D) Any decision of the Community Development Director made pursuant to this subchapter may be appealed directly to the City Council in accordance with the provisions of [§ 30.10](#) *et seq.* of this code.

('65 Code, § 7-7B.04) (Ord. 347-C.S., passed - - ; Am. Ord. 526-C.S., passed 7-16-02)

## **§ 95.40 CITY NOT LIABLE.**

Nothing in this subchapter shall be deemed to impose any liability for damages or a duty of care and maintenance upon the city or upon any of its officers or employees.

('65 Code, § 7-7B.06) (Ord. 347-C.S., passed - - )