

## Chapter 12.20

### TREES

#### Sections:

- 12.20.010 Definitions.
- 12.20.020 Purpose of chapter.
- 12.20.030 Enforcement of chapter.
- 12.20.040 Master tree list.
- 12.20.050 Park superintendent to control and supervise.
- 12.20.060 Prohibited trees.
- 12.20.070 Permit to trim, remove or maintain.
- 12.20.080 Annual permit for public utilities.
- 12.20.090 Annual permit for tree surgeons, trimmers and maintenance.
- 12.20.100 Tampering with trees.
- 12.20.110 Overhanging trees becoming nuisances.
- 12.20.120 Appeals from park superintendent.

#### 12.20.010 Definitions.

As used in this chapter:

A. "Owner" includes the legal owner of real property fronting on any street of the city and any lessee of the owner.

B. "Public streets" or "streets" includes all roads, streets, avenues, boulevards, alleys, parkways and the public rights of way, or any portion thereof, of the city. (Prior code § 24-1)

#### 12.20.020 Purpose of chapter.

It is for the best interest of the city and of the citizens and public thereof that a comprehensive plan for the planting and maintenance of trees in or which may

overhang public streets within the city should be developed and established and this chapter is adopted, therefore, for the purpose of developing and providing for such a plan and program, and for the purpose of establishing rules and regulations relating to the planting, care and maintenance of such trees. (Prior code § 24-2)

#### 12.20.030 Enforcement of chapter.

The park superintendent, or his duly authorized representative, is charged with the enforcement of this chapter. (Prior code § 24-3)

#### 12.20.040 Master tree list.

A. The park superintendent is charged with the duty of promptly determining the types and species of trees suitable and desirable for planting and the areas in which and conditions under which such trees are planted in or which may overhang the public streets within the city. Such determination shall be made by the park superintendent who shall first consult with the park and beautification commission of the city. When such determination has been made the park superintendent shall report his findings in writing to the city council. When approved by the city council the report shall be known as the master tree list, shall be placed on file in the office of the city clerk, and shall thereafter be the official determination of the superintendent. Revisions or changes in the master tree list may be made from time to time by the park superintendent, in the manner described in this section for the development, approval and filing of the original master tree list.

B. All trees planted in or which may overhang the public streets of the city after the effective date of the ordinance codified in this chapter must be on the master tree list, unless a written permit from the park superintendent has first been obtained to plant a tree not on the list. Such permit may be granted by the superintendent only upon his obtaining approval therefor from the city council. (Prior code § 24-4)

**12.20.050 Park superintendent to control and supervise.**

The park superintendent has jurisdiction and control of the planting, setting out, location and placement of all trees in the public streets of the city and likewise has supervision, direction and control of the care, trimming, removal, relocation and replacement of the trees. (Prior code § 24-5)

**12.20.060 Prohibited trees.**

Some types of trees, upon maturing, instead of becoming assets to the community, become liabilities due to structural weaknesses, disease or insect susceptibility, short life, destructive root systems and rank growing branches requiring excessive maintenance. Due to one or more of these characteristics, it is unlawful to plant the following trees in or where they may overhang any public street:

All species of:

- A. Acacias;
- B. Black walnuts;
- C. Eucalyptus;
- D. Elm;
- E. Palm;
- F. Tree of heaven;

- G. Conifers;
- H. Locusts;
- I. Pepper;
- J. Willow;
- K. Cottonwood;
- L. Poplar. (Prior code § 24-6)

**12.20.070 Permit to trim, remove or maintain.**

It is unlawful and it is prohibited for any person other than the park superintendent or his duly authorized agency or deputy to cut, trim, prune, spray, brace, plant, move, remove or replace any tree in any public street within the city, or to cause those acts to be done, unless and until a written permit so to do has first been obtained from the park superintendent. Any such permit may be declared void by the superintendent if its terms are violated. (Prior code § 24-7)

**12.20.080 Annual permit for public utilities.**

Any person doing business as a public utility subject to the jurisdiction of the Public Utilities Commission of the state and any constituted public agency authorized to provide and providing utility service, shall be given a permit from the superintendent, valid for one year from the date of issuance, permitting such person to trim, brace, remove or perform such other acts with respect to trees growing adjacent to the public streets of the city or which grow upon private property to the extent that they encroach upon the public streets as may be necessary to comply with the safety regulations of the Public Utilities Commission and as may be necessary to maintain the safe operation of its business. (Prior code § 24-8)

**12.20.090 Annual permit for tree surgeons, trimmers and maintenance.**

No person other than an owner or public utility may do any act for which a permit is required under Section 12.20.070 except a person whose principal business is tree surgery, trimming or maintenance and who, in the opinion of the park superintendent, is qualified for such business, and who has obtained a permit to carry on the business in the city from the park superintendent. Permits issued pursuant to this section may be granted for a period of one year from the date of issuance. (Prior code § 24-9)

**12.20.100 Tampering with trees.**

It is unlawful for any person to break, injure, deface, mutilate, kill or destroy any tree or set fire or permit any fire to burn where such fire or the heat thereof will injure any portion of any tree in any public street in the city, nor shall any person place, apply, attach or keep attached to any such tree or to the guard and stake intended for the protection thereof any wire or rope, other than one used to support a young or broken tree, sign, paint or any other substance, structure, thing or device of any kind or nature whatsoever, without having first obtained a written permit from the park superintendent to do so. (Prior code § 24-10)

**12.20.110 Overhanging trees becoming nuisances.**

A. The park superintendent may inspect any tree adjacent to or overhanging any public street in the city to determine whether the tree or any portion of

the tree is in such a condition as to constitute a hazard or impediment to the progress of vision of any person traveling on such public street. Any tree or part of a tree growing upon private property but overhanging or interfering with the use of any street that in the opinion of the park superintendent endangers the life, health, safety or property of the public is a public nuisance. If the owner of the private property does not correct or remove the nuisance within ten days after receipt of written notice thereof from the park superintendent, the superintendent shall cause the nuisance to be corrected or removed and the cost shall be assessed to the owner.

B. Nothing contained in this section imposes any liability upon the city, its officers or employees nor relieves the owner of any private property from the duty to keep any tree upon his property or under his control in such a condition as to prevent it from constituting a public nuisance. (Prior code § 24-11)

**12.20.120 Appeals from park superintendent.**

Any person aggrieved by any act or determination of the park superintendent in the exercise of the authority granted in this chapter has the right of appeal to the city council of the city, whose decision, after public hearing of the matter, is final and conclusive. (Prior code § 24-12)