

ORDINANCE NO. 2040

AN ORDINANCE OF THE CITY OF REDLANDS
AMENDING CHAPTER 12.52 OF THE REDLANDS
MUNICIPAL CODE RELATING TO TREES IN
PUBLIC PLACES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
REDLANDS AS FOLLOWS:

Section 1: The text of Chapter 12.52 of the
Redlands Municipal Code is hereby deleted in its entirety
and that chapter is hereby amended to read as follows:

"Chapter 12.52

TREES ALONG STREETS AND PUBLIC PLACES

12.52.010 Definitions. For the
purposes of this Chapter, the following
words shall have the meanings given
herein:

a. "Person" means any person,
firm, partnership, association, corpora-
tion, company or organization of any
kind.

b. "Street or Highway" means
the entire width of every public way or
right-of-way when any part thereof is
open to the use of the public for
purposes of vehicular and pedestrian
traffic.

c. "Park" means all public parks within the City.

d. "Public Place" shall include all parks and other grounds owned by the City.

e. "Parkway or Treelawn" means that part of a street or highway, not covered by sidewalk or other paving, lying between the property line and that portion of the street or highway used for vehicular traffic.

f. "Public Trees" means all shade and ornamental trees now or hereafter growing on any street or within any public areas.

g. "Large Trees" means those trees attaining a height of forty-five (45) feet or more.

h. "Medium Trees" means those trees attaining a height of thirty (30) to forty-five (45) feet.

i. "Small Trees" means as those trees attaining a height of twenty (20) to thirty (30) feet.

j. "Property Owner" shall mean the person owning any property shown by

record in the Official Records of the County of San Bernardino.

12.52.020 Duties of the City Forester. The City Forester, with the consent of the City Council, shall have the authority to promulgate and adopt rules and regulations of the Arboricultural Specifications and Standards of Practice to govern the planting, maintenance, removal, fertilization, pruning, and bracing of trees on the streets or other public places in the City. The City Forester shall further have the authority to enforce the provisions of this Chapter and in his absence, these duties may be delegated to a qualified alternate designated by the City Manager.

12.52.030 Authority of the City Forester.

a. **Planting, Maintenance and Removal.** The City Forester shall have the authority to regulate the planting, maintenance and removal of trees on streets and other public places within the City to insure public safety and preserve the aesthetic character of public places.

b. Supervision. The City Forester shall have the authority to supervise and inspect all work done under any permit for tree work issued pursuant to this Chapter.

c. Conditions Of Permit. The City Forester shall have the authority to affix reasonable conditions to any permit issued pursuant to this Chapter.

d. Master Street Tree Plan. The City Forester shall have the authority to formulate a Master Street Tree Plan with the advice and approval of the Parks Commission and the City's Street Tree Committee. The Master Street Tree Plan shall specify the species of trees to be planted on each of the streets and other public places within the City. From and after the effective date of the Master Street Tree Plan, or any amendment thereof, all planting shall conform thereto. The City Forester shall consider all existing and future utility and environmental factors when recommending a specific tree species for streets and other public places within the City. The

City Forester, with the advice, and approval of the Parks Commission and the City's Street Tree Committee, shall have the authority to amend the Master Street Tree Plan at any time.

12.52.040 Permit Required.

a. **Planting, Maintenance and Removal of Trees.** No person shall plant, spray, fertilize, preserve, prune, remove, cut or otherwise disturb any tree on any street or public place without first filing an application for and procuring a permit from the City Forester. The permit holder shall abide by the Arboricultural Specifications and Standards of Practice and any other rules promulgated by the City Forester.

b. **Application.** An application for a permit must be made at the office of the City Forester not less than forty-eight (48) hours in advance of the time the tree work is proposed to be done.

c. **Standards of Issuance.** The City Forester shall issue the permit provided for herein if, in his judgment, the proposed work is desirable and the proposed

method of workmanship is of a satisfactory nature. Any permit granted shall contain a definite date of expiration and the work shall be completed in the time and manner provided in the permit. Any permit shall be void if its terms are violated.

d. Notice. Notice of completion of the tree work shall be given within five (5) days to the City Forester for his inspection of the work.

e. Planting Application Data. The application required herein shall state the number of trees to be set out; the location, grade, species, cultivar or variety of each tree; the method of planting; and such other information as the City Forester shall find reasonably necessary to a fair determination of whether a permit should be issued.

f. Improper Planting. Whenever any tree is planted or set out in conflict with the provisions of this Chapter, it shall be lawful for the City Forester to remove or cause removal of the same, and the cost thereof shall be assessed to the owner as provided by law.

g. Maintenance Application Data.

The application required herein shall state the number and kinds of trees to be sprayed, fertilized, pruned, or otherwise preserved; the kind of treatment to be administered; the composition of the spray material to be applied; and such other information as the City Forester shall find reasonably necessary to a fair determination of whether a permit should be issued.

h. Removal, Replanting, and Replacement. Wherever it is necessary to remove a tree or trees from parkway or treelawn in connection with the paving of a sidewalk, or the paving or widening of the portion of a street or highway used for vehicular traffic, the City shall replant such trees or replace them. In the event conditions prevent planting on the parkway or treelawn, this requirement will be satisfied if any equivalent number of trees of the same size and species as provided for the Arboricultural Specifications are planted in an attractive manner on the adjoining property.

i. Prohibition Against Removal.

No person shall remove a tree from a parkway or treelawn for the purpose of construction, or for any other reason, without first filing an application for and procuring a permit from the City Forester, and without replacing the removed tree or trees in accordance with this Chapter. Such replacement shall meet the standards of size, species, and placement as provided for in a permit issued by the City Forester. The person proposing to remove any tree shall bear the cost of removal and replacement of all trees removed.

12.52.050 Obstruction - Trees

Pruned. It shall be the duty of any person owning or occupying real property bordering on any street upon which property there may be trees, to prune such trees in such manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct the view of any street or alley intersection. The minimum clear-

ance of any overhanging portion thereof shall be ten (10) feet over sidewalks, and twelve (12) feet over all streets except truck thoroughfares which shall have a clearance of sixteen (16) feet.

a. Notice To Prune. Should any person owning real property bordering on any street fail to prune trees as hereinabove provided, the City Forester shall order such person, within ten (10) days after receipt of written notice, to so prune such trees.

b. Order Required. The order required herein shall be served by mailing a copy of the order to the last known address of the property owner, by certified mail.

c. Failure To Comply. When a person to whom an order is directed shall fail to comply within the specified time, it shall be lawful for the city to prune such trees, and the exact cost thereof shall be assessed to the owner as may be provided for by law.

12.52.060 Abuse Or Mutilation Of Public Trees. Unless specifically autho-

rized by the City Forester, no person shall intentionally damage, cut, carve, trim, allow any vines to grow more than three (3) feet in height on trunk, transplant, or remove any publicly owned tree, allow any rope, wire, nails, advertising posters, or other contrivance be attached to any publicly owned tree, allow any gaseous liquid, or solid substance which is harmful to such trees to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree.

12.52.070 Interference With City Forester. No person shall hinder, prevent, delay, or interfere with the City Forester or any of his assistants while he is engaged in carrying out the execution or enforcement of this Chapter.

12.52.080 Protection Of Trees. All trees on any street or other public place near any excavation or construction of any building, structure, or street work, shall be guarded with a substantial fence, frame, or box not less than four

(4) feet high and eight (8) feet square, or at a distance in feet from the tree equal to the diameter of the trunk in inches at breast height, whichever is greater, and all building material, dirt, or other debris shall be kept outside that barrier. No person shall excavate any ditches, tunnels, trenches, or lay any drive within a radius of ten (10) feet from any public tree without first obtaining a written permit from the City Forester.

12.52.090 Placement of Materials on Public Property. No person shall deposit, place, store, or maintain upon any public place within the City, any stone, brick, sand, concrete, or other material which may impede the free passage of water, air, and fertilizer to the roots of any tree growing therein, except by written permit of the City Forester."

Section 2: The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and publish it, or a summary of it, once in the Redlands Daily facts, a newspaper

of general circulation within the City and thereafter this Ordinance shall be in effect in accordance with law.

Adopted this 4th day of October, 1988.

Carole Desnick
Mayor, City of Redlands

Attest:

Lorrie Poyzer
City Clerk

I, Lorrie Poyzer, City Clerk of the City of Redlands, hereby certify that the foregoing ordinance was duly adopted by the City Council at a regular meeting thereof held on the 4th day of October, 1988, by the following vote:

AYES: Councilmembers Wormser, DeMirjyn, Johnson, Cunningham;
Mayor Beswick
NOES: None
ABSENT: None

Lorrie Poyzer
City Clerk