

ORDINANCE NO. 2235

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

WHEREAS, the City Council, based on a recommendation from the Parks Commission, has determined that the City of Redlands recognizes the valuable resource of its urban forest; and

WHEREAS, the City of Redlands is responsible for the planting, maintenance and removal of City owned trees; and

WHEREAS, the residents of the City of Redlands have enjoyed the views and vistas provided by the urban forest for the past 100 years; and

WHEREAS, the residents of the City of Redlands have a deep interest in protecting and making safe the resource of our public urban forest; and

WHEREAS, the City Council of the City of Redlands endorses a program for its citizens and property owners to participate in the care and maintenance of the urban forest,

NOW, THEREFORE, 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 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, corporation, 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 more than forty-five (45) feet.
- 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 less than 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.
- K. "Director" means the Public Works Director of the City of Redlands or his/her authorized designee.

12.52.020 Duties of the Park Maintenance Superintendent.

The Park Maintenance Superintendent, with the consent of the City Council, shall have the authority to administer rules and regulations of the Arboricultural Specifications and Standards of Practice, as adopted by the City Council upon recommendation of the Parks Commission, to govern the planting, maintenance, removal, fertilization, pruning, and bracing of trees on the streets or other public places in the City. The Park Maintenance Superintendent, or his designee, 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 Director.

12.52.030 Authority of the Park Maintenance Superintendent.

A. Master Street Tree Plan. The Park Maintenance Superintendent shall have the authority to formulate a Master Street Tree Plan with the advice and recommendation 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 Park Maintenance Superintendent 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 Park Maintenance Superintendent, with the advice and recommendation 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.

B. Planting, Maintenance and Removal. The Park Maintenance Superintendent shall have the authority to regulate, supervise and inspect all 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.

C. Supervision. The Park Maintenance Superintendent shall have the authority to supervise and inspect all work done under any approval for tree work issued pursuant to this Chapter.

D. Conditions of Approval. The Director or the Park Maintenance Superintendent shall have the authority to affix reasonable conditions to any approval issued pursuant to this Chapter.

12.52.040 Tree Planting, Maintenance and Removal.

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 procuring approval from the Director or the Park Maintenance Superintendent. All persons obtaining such approval shall abide by the Arboricultural Specifications and Standards of Practice and any other rules promulgated by the Park Maintenance Superintendent.

B. Contract Tree Trimming. For those persons willing to bear the cost of trimming street trees, an available list of approved licensed tree trimming companies, with the advice and recommendation of the Parks Commission, shall be maintained by the Director. A license is further defined as a State of California Contractor's License and a City of Redlands Business License. Persons may contract with said tree trimming companies, to trim public trees fronting their property provided said person or tree trimming company obtains the required approvals from the City.

C. Standards of Issuance. The Director or the Park Maintenance Superintendent shall issue the approval provided for herein if, in his judgment, the proposed work is desirable and the proposed method of workmanship is of a satisfactory nature. Any approval granted may contain a definite date of expiration and the work shall be completed in the time and manner provided in the approval. Any approval 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 Park Maintenance Superintendent for his inspection of the work.

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

F. 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 require that such trees be replanted or replaced. 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, if requested by the property owner.

G. 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 a request for permission from the Director or the Park Maintenance Superintendent, and without replacing the removed tree or trees in accordance with this Chapter. Such replacement shall meet the standards of species, and placement as provided for in a approval issued by the Director. 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 on Private Property.

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 clearance 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 Park Maintenance Superintendent 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 authorized by the Park Maintenance Superintendent, no person shall intentionally damage, cut, carve, 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 Park Maintenance Superintendent.

No person shall hinder, prevent, delay, or interfere with the Park Maintenance Superintendent 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 driveway within a radius of ten (10) feet from any public tree without first obtaining approval from the Director or the Park Maintenance Superintendent.

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 impeded the free passage of water, air, and fertilizer to the roots of any tree growing therein, except by written approval of the Director or Park Maintenance Superintendent."

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.



Mayor of the City of Redlands

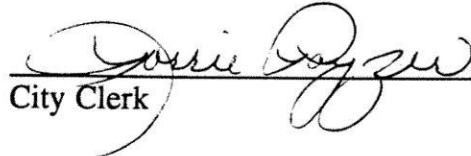
Attest:



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 18th day of January, 1994, by the following vote:

AYES: Councilmembers Foster, Cunningham, Gilbreath, Gil;
Mayor Larson
NOES: None
ABSENT: None



City Clerk