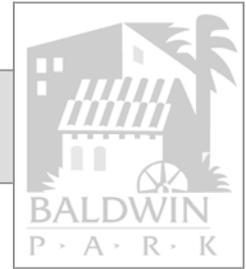


SUBCHAPTER 153.165 TREE PRESERVATION AND PROTECTION



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§ 153.165.010 – Purpose and Intent

This subchapter establishes regulations and standards to promote the benefits of a healthy urban forest in the city. Trees are valuable long-term community assets by, among other things, providing increased shade which lowers energy needs for cooling, soil stabilization, absorption of stormwater, carbon sequestration, absorption of particulate matter, habitats for birds and other animals and general aesthetic benefits.

The intent of this subchapter is as follows:

- A. **Public trees.** Establish standards and measures for preserving and protecting trees located on public and private property.
- B. **Mature trees.** Establish standards and measures for preserving and protecting Mature Trees on private property.
- C. **Tree canopy.** Maintain, to the greatest extent possible, a maximum amount of tree canopy coverage throughout the city.
- D. **Healthy trees.** Maintain trees in a healthy condition through good arboricultural practices.
- E. **Protect trees.** Prohibit indiscriminate damage and destruction of trees in the city.

§ 153.165.020 – Applicability

Unless otherwise provided by another provision of this subsection, the provisions of this subsection shall apply to every Public Tree, every Required Tree and every Mature Tree located on private property.

§ 153.165.030 – Tree Advisory Board - Establishment and Responsibilities

- A. **Tree Advisory Board established.** The Planning Commission is designated as the city's Tree Advisory Board.
- B. **Responsibilities.** The Tree Advisory Board shall study the problems related to tree protection and preservation and determine the needs of the city related to tree planting and maintenance in public and private areas, establish and revise as needed the Tree Master Plan as provided in Section 153.165.060, and hold discussions of tree-related issues at public meetings.
- C. **Appeals.** Any decisions made by the Tree Officer with regard to tree maintenance and preservation on private property may be appealed to the Tree Advisory Board.

§ 153.165.040 – Tree Department - Establishment and Responsibilities

- A. **Tree Department designated.** The Community Development Department is designated as the city's Tree Department. The Tree Officer, who is designated by Chief Executive Officer, shall implement the functions of the Tree Department.
- B. **Responsibilities.** The Tree Officer shall:
 - 1. Make determinations on removing a tree from public or private property based upon a tree report prepared by a certified arborist, an analysis of the established tree removal criteria and any other relevant facts.
 - 2. Issue permits and make any determinations specified under this subchapter.
 - 3. Prepare the Tree Master Plan for consideration by the Tree Advisory Board and the City Council.
- C. **Consultation.** All departments, agencies and personnel of the city shall consult with the Tree Officer prior to engaging in any action which would require the removal of, or which would otherwise substantially affect or seriously jeopardize the health of, any Public Trees.

§ 153.165.050 – Responsibilities of Private Property Owners and City

- A. **Private property owner responsibilities.** It shall be the duty of the owner or person in possession of each lot in the city to:
1. Accept, protect and provide adequate water to any Public Tree planted in parkways or other public right-of-way abutting such lots, and not to interfere with the city's maintenance and pruning of such trees.
 2. Notify the Tree Officer of any suspected tree hazards or maintenance needs of any Public Tree on his or her property. An application for trimming or removal is not required for such notification.
- B. **City responsibilities.** The city shall be responsible for planting, trimming, pruning, removing and other forms of maintenance of Public Trees.

§ 153.165.060 – Tree Master Plan

- A. **Prepare Tree Master Plan.** The Tree Officer or other employee designated by the Chief Executive Officer, in consultation with the Public Works Director, shall authorize preparation of a Tree Master Plan. The Tree Master Plan shall apply to Public Trees and shall include, in general, maps of streets and public areas in the city upon which there shall be designated a general plan for the uniform planting of trees, and specifications for the size and type of such trees permissible within parkways and other public places within the city. No species other than those included in this list may be planted in public areas without written permission of the Tree Officer.
- B. **Administration and implementation.** The Tree Department shall be responsible for administering and implementing the approved Tree Master Plan, and recommending to the Tree Advisory Board any changes or additions to the Tree Master Plan.

§ 153.165.070 – Public Tree Planting

- A. **Planting.** Only city personnel or contractors to the city shall plant trees on public property, including parkways.
- B. **Approval.** All Public Tree plantings must first be approved by the Tree Officer as to type of tree species, location of planting and method of planting.

§ 153.165.080 – Public Tree Removal, Trimming, Maintenance and Protection

- A. **Pruning and Removal.** All pruning and removal of trees on public property shall be undertaken only by employees or contractors of the city.

- B. Certified arborist.** Persons or firms engaged in the business of pruning, treating or removing any Public Tree shall be recognized by the International Society of Arboriculture as a certified arborist. All such persons or firms shall carry evidence of liability insurance and workmen’s compensation. No certification shall be required by any public employee doing such work in the pursuit of his/her public service endeavors.
- C. Public Tree injury.** It shall be unlawful to injure or destroy any Public Tree by any means, including, but not limited, to the following:
1. Placement of fences, rocks, gravel, signs, stakes or any other objects immediately adjacent to a tree, excepting for watering basins for young trees and objects for the temporary protection of new plantings of ground cover.
 2. Construction of a concrete, asphalt, brick or gravel sidewalk or otherwise filling up the ground area around any such tree with a closing of less than 42 inches by 42 inches so as to shut off air, light or water from its roots.
 3. The piling of building material and equipment or other substance and materials around any such tree so as to cause injury thereto.
 4. Spraying or pouring any chemical or other deleterious matter on or around any such tree and the surrounding ground, lawn or sidewalk.
 5. Posting any sign, poster or notice on any such tree, or by fastening guide wires, cables, ropes, nails, screws or other devices to any such tree.
 6. Causing or encouraging any fire near or around any such tree.
- D. Public Tree construction protection.** During the construction, repair, alteration, moving or removal of any building, structure or any other type of construction in the city, no person in control of such work shall leave any Public Tree in the vicinity of such activity without sufficient guards or protectors to prevent injury to the tree. Protectors shall include, but not be limited to, chain-link or wood fencing and staking, as determined by the Tree Officer.
- E. Application for tree pruning or removal.** A decision on an application for tree pruning or removal shall be made according to the standards of this subchapter and shall be subject to the procedures for appeal and review set forth in § 153.210.150. All applications shall be reviewed by a certified arborist at the expense of the applicant.

- F. Written notice.** No noticed public hearing shall be required for an application under this subchapter unless otherwise required by another section of this code or state or federal law. The Tree Officer shall give at least 10 days written notice to abutting property owners prior to removal of any Public Tree. No notice shall be required if the Public Tree has been determined to be exempted from this subchapter pursuant to § 153.165.100. In the event of a decision under this subchapter for the removal of five or more Public Trees in a given area, the Tree Officer shall also notify the Tree Advisory Board.
- G. Replacement.** The city may replace at no cost to the abutting property owner those Public Trees which necessitate removal and replacement, as determined by the Tree Officer. This may occur only in cases where the property owner was not responsible for the conditions and events necessitating replacement.

§ 153.165.090 – Private Property Tree Removal and Trimming

- A. Tree removal permit.** No person shall remove a Mature Tree or Required Tree on private property without first obtaining a permit from the Tree Officer. The Tree Officer shall grant a permit to remove a Mature Tree or Required Tree only if one of the following findings can be made:
1. The Mature Tree or Required Tree constitutes a nuisance or hazard by virtue of its condition, location, species, proximity to existing structures, walkways or utilities.
 2. The removal of the Mature Tree or Required Tree is deemed necessary by a certified arborist to protect the health of other trees in the vicinity due to disease or infestation affecting the subject tree.
 3. The substantial trimming or removal of the Mature Tree or Required Tree is deemed necessary to accommodate solar access pursuant to the California Solar Shade Control Act of 1979.
 4. The substantial trimming or removal of the Mature Tree or Required Tree is necessary to prevent a substantial inconvenience or financial hardship to the property owner.
 5. A suitable replacement tree in terms of species and ultimate size will be planted within six months of the permitted removal of the subject tree.

The size, location and species of the replacement tree(s) shall be determined by the Tree Officer 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 number of trees in

the surrounding neighborhood. The Tree Officer may consider the option of relocating the subject tree in another location on the subject property.

- B. Tree removal decision and appeal.** A decision on an application for removal of a private tree shall be made according to the standards of this subchapter and shall be subject to the procedures for appeal and review set forth in § 153.210.150. No noticed public hearing shall be required for an application under this subchapter unless otherwise required by another subchapter of this chapter or state or federal law.

§ 153.165.090 – Exemptions from this Ordinance

The provisions of this subchapter do not apply to the following:

- A. Threat to public property or welfare.** The removal or pruning of any tree which poses an imminent threat to public property or welfare, as determined by a member of a responding law enforcement agency, the Los Angeles County Fire Department or the Public Works Director.
- B. Normal pruning.** Normal and routine trimming or pruning of trees on private property that does not result in damage or death to a tree and/or does not result in loss of more 50 percent of the live foliage and limbs or root base, and removal of deadwood.
- C. Required removal.** The removal of any tree on public property as directed by any county, state or federal agency or insurance provider.
- D. Diseased or dead tree.** The removal of a diseased or dead tree on public property as determined by the Tree Officer.
- E. Utility tree pruning.** Tree pruning necessary to provide clearance from existing overhead electric lines as mandated by the California Public Utilities Commission.