

**Cerritos Municipal Code  
(Excerpts)**

**Title 9: PUBLIC PEACE, SAFETY AND MORALS  
Chapter 9.75: TREES AND LANDSCAPE**

**9.75.100 Purpose.**

The intent of this chapter is to establish goals, policies and regulations which will ensure compliance with the city's objective to create and maintain a community forest as an essential element of the city's character; to provide a unifying influence throughout city parks and streetscapes through the selective planting of trees according to the streetscape and median development guidelines; to register and conserve heritage trees; to sustain the standards and expectations of being a member of Tree City USA; and to establish the property preservation commission as the advising body to the city council for tree-related issues. (Ord. 940 § 2, 2008: Ord. 785 § 1 (part), 1998)

**9.75.110 Definitions.**

For the purpose of this chapter, the following terms shall have the meanings set forth herein:

- (1) "**City tree**" means a tree which is located within any city park, city easement, parkway or on any other city-owned property.
- (2) "**Commercial**" means private property zoned for commercial uses.
- (3) "**Director**" means the director of public works or his or her designee.
- (4) "**City easement**" means land owned by another over which the city has an easement for street, parks, landscaping and related purposes.
- (5) "**Heritage trees**" means trees on city-owned property or city easement which have been found to be of significance to the community or of notable historic interest and are so designated by action of the property preservation commission.
- (6) "**Industrial**" means private property zoned for industrial uses.
- (7) "**Maintain**" or "**maintenance**" means root pruning, trimming, spraying, watering, fertilizing, mulching, treating for disease or injury, or any other similar act which promotes growth, health, beauty and life of any tree.
- (8) "**Parkway**" means that area between the sidewalk and the curb of any street and, where there is not a sidewalk, that area between the edge of the roadway and the property line adjacent thereto. "Parkway" also includes any area within a street which is not a sidewalk and is not open to vehicular traffic.
- (9) "**Pruning**," "**trimming**" or "**thinning**" means to reduce the size or to alter the mass or natural branching habit of a tree by using only professionally accepted standards, as established by the International Society of Arboriculture (ISA), National Arborists Association (NAA) or American National Standards Institute (ANSI) Section A300. Pruning, trimming or thinning is performed to

control the height and spread of a tree, lessen the wind resistance, preserve its health and natural appearance, produce fuller branching and shaping, aid in disease prevention by allowing more light and air passage within the branches, or make adjustments which will increase its longevity in an urban environment. Proper pruning methods indicate that no more than twenty-five percent of a tree's leaf-bearing crown be removed at any given time.

(10) “**Residential**” means private property zoned for residential uses, including single-family dwellings and multiple-family dwellings.

(11) “**Roadway**” means that portion of the street generally used for public use for public vehicular traffic.

(12) “**Sidewalk**” means that portion of the street provided for the exclusive use of pedestrians.

(13) “**Street**” means all that area dedicated to public use for public travel purposes and shall include, but not be limited to, roadways, parkways, alleys and sidewalks.

(14) “**Topping**,” “**heading back**,” “**stubbing**” or “**pollarding**” are types of pruning actions that result in negative impacts to the health, structure and function of the tree, as well as diminish the natural aesthetic and environmental benefits of the tree. Topping constitutes the removal of more than twenty-five percent of the leaf-bearing crown of a tree.

(15) “**Tree Policy Manual**” means the document prepared by the department of public works which states policies, procedures, and other relevant information regarding the selection, planting, maintenance, and removal of trees on commercial, industrial and residential properties and city trees. (Ord. 940 §§ 3, 4, 2008; Ord. 785 § 1 (part), 1998)

#### **9.75.120 Obligations of residential property owners.**

The owner of private property zoned single-family residential shall:

(1) Properly maintain and provide adequate water to any tree planted on his or her property and provide water for any city tree planted in the parkway adjacent to said property.

(2) Notify the department of public works of any suspected tree hazards or maintenance needs of any city tree.

(3) Landscape and properly maintain the landscaping within the parkway adjacent to his/her property. The requirement of the single-family residential property owner to maintain landscaping within the adjacent parkway as set forth in this subsection shall exclude the obligation to maintain city trees in said parkway other than providing water. (Ord. 940 § 5, 2008; Ord. 913 § 2, 2006; Ord. 785 § 1 (part), 1998)

#### **9.75.130 Commercial and industrial regulations.**

(1) For the purpose of this section, “city representative” shall mean the director of public works, the director of community development, the director of community safety services, and/or their designees, including the parks superintendent, the city arborist, and/or code enforcement officers.

(2) Obligations. Any entity responsible for governing the maintenance of trees on the property, including, but not limited to, property owners, lessees, tenants, occupants, property management companies, and landscape maintenance associations, shall:

- (a) Properly maintain and provide adequate water to any tree planted on his or her property and provide water for any city tree planted on said property or adjacent thereto in the parkway;
- (b) Notify the department of public works of any suspected tree hazards or maintenance needs of any city tree;
- (c) Comply with professionally accepted pruning, trimming or thinning standards for all trees on the property in accordance with the Tree Policy Manual, and obtain a tree pruning permit from the department of public works prior to performing said activities;
- (d) Not permit topping, heading back, stubbing, or pollarding of any tree on the property.

(3) Tree Pruning Permit.

- (a) A tree pruning permit shall be required for the pruning, trimming, or thinning of trees for all trees located on the property;
- (b) Prior to the issuance of a permit, a contractor or landscape maintenance company shall be required to obtain a business license as described in Title 5 of this code;
- (c) The issuance of a tree pruning permit shall be contingent upon the applicant meeting with the city representative, at his/her discretion, prior to the pruning, trimming, or thinning activities to establish the scope of such activities;
- (d) The applicant shall be required to pay a nonrefundable permit fee in an amount to be determined by resolution of the city council.

(4) Violation. Unless otherwise provided, the following shall constitute a violation and shall be subject to penalties as described in subsection (5) of this section:

- (a) Failure to obtain a permit prior to the pruning, trimming, or thinning of any tree located on the property;
- (b) The improper maintenance of trees including, but not limited to, topping, heading back, stubbing or pollarding, regardless if said activities were observed by city staff in action or as a result of maintenance prior to observation.

(5) Penalty for Violation. Any violation of the provisions of this chapter related to unsafe or unsightly tree conditions which have been created by the improper maintenance of trees or the failure to obtain a permit prior to the pruning, trimming, or thinning of any tree located on the property shall be subject to the following:

- (a) Work being undertaken to trees on commercial or industrial property may be stopped immediately by oral or written order of the city representative if it is in violation of the regulations established in this chapter;

(b) Failure to obtain a tree pruning permit will result in the payment of double the permit fee amount described in subsection (3)(d) of this section, and the offender shall be required to obtain a tree pruning permit notwithstanding penalties for improper maintenance, if applicable;

(c) The improper maintenance of trees shall result in a misdemeanor offense punishable as provided for in Chapter 1.08 of this code and fees associated with the value of the trees as follows:

(i) The offender shall be required to replace any damaged or improperly maintained tree with a tree of comparable size and type in accordance with the classification standards determined by the city representative;

(ii) If a tree of comparable size and type is not available, the offender shall be required to replace the damaged or improperly maintained tree with a like quality tree subject to the approval of the city representative, and shall pay a monetary fine equal to the difference between the valuation of the damaged tree and the valuation of the replacement tree, the amounts of which shall be determined administratively in accordance with the method established by the International Society of Arboriculture for tree appraisal. Alternatively, said amounts may be determined, at the request of the offender, by an independent third-party certified arborist approved by the city, and paid for by the offending person or entity.

#### (6) Appeals.

(a) Any offender dissatisfied with the decision of the city representative may appeal to the property preservation commission in regard to violations and penalties for trees located on the property. Such appeal shall be in writing, and shall be filed with the department of public works within ten calendar days of the city representative's decision.

(i) Penalties may be reduced at the discretion of the property preservation commission to a monetary fine equal to no less than the difference between seventy-five percent of the valuation of the damaged tree and the valuation of the replacement tree, the amounts of which shall be determined administratively in accordance with the method established by the International Society of Arboriculture for tree appraisal. Alternatively, said amounts may be determined, at the request of the offender, by an independent third-party certified arborist approved by the city, and paid for by the offending person or entity.

(b) Any offender dissatisfied with the decision of the property preservation commission's decision may appeal to the city council. Such appeal shall be in writing, and shall be filed with the city clerk within ten calendar days of the property preservation commission's decision. The decision of the city council shall be final. In no instance shall penalties levied be less than the amount described in subsection (6)(a)(i) of this section. (Ord. 940 § 6, 2008: Ord. 785 § 1 (part), 1998)

#### **9.75.135 Multifamily residential and homeowners' association regulations.**

Provisions established under Section [9.75.130](#) of this code shall apply to trees located on multifamily residential property and common areas governed by residential homeowners' associations and shall be enforceable against the owners of such property. (Ord. 940 § 7, 2008)

#### **9.75.140 Prohibition in parkways.**

(1) It is unlawful for any person, other than city authorized personnel, to plant or cause to be planted any tree, plant, or growing thing other than grass, ground cover and shrubs which do not exceed a maximum height of twenty-four inches above the street curb in any parkway.

(2) It is unlawful for any person to pave and/or surface any portion of the roadway or parkways at any location in the city.

(3) It is unlawful for any person to allow the growth of any shrubs or ground cover in any parkway to a height of more than twenty-four inches above the street curb level. No shrubs or ground cover shall obstruct any portion of any adjoining sidewalk or roadway. (Ord. 785 § 1 (part), 1998)

#### **9.75.150 Duties of the property preservation commission.**

The property preservation commission shall serve as the city's tree advisory board. The commission shall:

(1) Study tree-related issues and determine the needs of the city in connection with its tree planting and maintenance programs; approve the Tree Policy Manual and any proposed modifications;

(2) Hear and determine appeals of administrative decisions denying city street tree removal. The commission may grant an appeal if it finds that the burden on the property owner substantially outweighs the benefit to the public. The commission's decision may be appealed to the city council in a written appeal, setting forth the grounds for appeal, and filed with the city clerk within ten days of the commission's decision. If no timely appeal is filed, the decision shall be final. (Ord. 785 § 1 (part), 1998)

#### **9.75.160 Duties of the director of public works.**

The powers and duties of the director of public works, or his or her designee, under this chapter are as follows:

(1) Designate the places within city easements or city-owned property where a city tree will be planted;

(2) Recommend a Tree Policy Manual and any modifications thereof for property preservation commission approval that states policies and procedures concerning the selection, planting, maintenance, and removal of trees in public and private property to promote a viable urban forest;

(3) Recommend to the property preservation commission any changes or additions to the recommended street tree list as defined in the Cerritos Tree Policy Manual;

(4) Administer this chapter. (Ord. 785 § 1 (part), 1998)

#### **9.75.170 Parkway trees.**

No tree shall be planted within a parkway other than the species designated as the street tree for that particular street, or portion of a street, by the director of public works. (Ord. 785 § 1 (part), 1998)

#### **9.75.180 Public nuisance.**

(1) The city council, pursuant to the power and authority vested in it to do so under the provision of Sections 38771 and 38773 of the California Government Code, does hereby find and declare that any of the following constitutes, per se, a public nuisance:

(a) Any dead, diseased, infested, leaning or dying trees on private property so near to any street as to constitute a danger to street trees, or streets, sidewalks, or portions thereof, or the life, health or safety of the public;

(b) Any dead, diseased, infested trees on private property so as to create a threat to life, safety or health of the public or to the property of the public;

(c) Any tree or shrub or parts thereof growing upon private property, but overhanging or interfering with the use of any street, parkway, sidewalk or public place of the city such that in the opinion of the public works director endangers the life, health, safety or property of the public;

(d) The existence of any branches or foliage on private property which interferes with visibility on, or free use of, or access to any portion of any street improved for vehicular or pedestrian travel.

(2) Trees on private property which constitute a public nuisance, as determined by the director of public works, shall be removed, replaced or trimmed at the expense of the property owner.

(3) It shall be the duty of all owners and persons having possession and control of real property within the city to abate any public nuisances referred to in this section that occur on their real properties. (Ord. 785 § 1 (part), 1998)

#### **9.75.190 City tree removal.**

(1) No city tree shall be removed unless authorized pursuant to the city tree removal policy. If the tree removal is authorized, the applicant is prohibited from removing the city tree. The city shall be responsible for removal.

(2) The city tree removal policy shall be adopted by resolution of the city council.

(3) Tree removal applications must be submitted to the department of public works and shall include such information as the director deems necessary to review the application.

(4) Administrative decisions may be appealed to the property preservation commission if a written appeal, setting forth the grounds, is filed with the city clerk within ten days of the director's decision. If no timely appeal is filed, the decision shall be final.

(5) Fees for the administrative review of tree removal applications and/or appeals to the property preservation commission shall be established by a resolution of the city council.

(6) Special consideration shall be afforded city trees determined by the property preservation commission to be heritage trees. Such trees shall be removed only when public interest served by removal outweighs the interest in preservation and heritage status. (Ord. 785 § 1 (part), 1998)

#### **9.75.200 Protection of city trees.**

(1) In accordance with the California Civil Code Section 3346, no person except authorized city personnel shall cut, damage, carve, transplant, prune, root prune, or remove any city tree.

(2) In accordance with the California Government Code Section 53067, no person shall top, head back, stub or pollard any city tree.

(3) It is unlawful for any person to attach or keep attached to any city tree, or to the guard or stakes intended for the protection thereof, any rope, wire, nails, tacks, staples, advertising posters, or any other material or item.

(4) It is unlawful for any person to cause or allow any poison or other substance harmful to tree life to lie, leak, pour, flow, or drip upon or into the soil within the dripline of any city tree; or set fire or permit any fire to burn when such fire or heat thereof will injure any portion of any city tree; or to operate any equipment, such as mechanical weeding devices, in such a manner as to cause damage to a city tree in any way.

(5) No person shall plant, remove, cut, prune, root prune, apply pesticides or otherwise disturb any city tree.

(6) No person shall injure any city tree located within an easement or parkway by neglecting to provide the necessary amount of water required for said tree's continued good health and viability.

(7) During the construction, repair, alteration, moving or removal of any building, structure or other type of construction in the city, no person in control of such work shall leave any city tree, shrub or plant in the vicinity of such activity without sufficient guards or protectors to prevent injury to the tree, shrub or plant in connection with such construction, repair, alteration, moving or removal. The costs of any such protection shall be borne by the person responsible for the improvement. (Ord. 785 § 1 (part), 1998)

#### **9.75.210 Interference with the director of public works.**

No person shall hinder, prevent, delay, or interfere with the director or any of his or her agents while engaged in carrying out the execution or enforcement of this chapter; provided, however, that nothing in this section shall be construed as an attempt to inhibit the pursuit of any remedy, legal or equitable, in any court of competent jurisdiction for the protection of property rights by the owner of any property within the city. (Ord. 785 § 1 (part), 1998)

**9.75.220 Penalties.**

(1) A violation of this chapter or of any of its provisions is punishable as provided in Chapter 1.08 of the Cerritos Municipal Code.

(2) In addition to other remedies or penalties, or in lieu thereof, the city may seek restitution for damage to city property. (Ord. 785 § 1 (part), 1998)