

**Gardena Municipal Code  
(Excerpts)**

**Title 13: PUBLIC WORKS**

**Chapter 13.60: TREES, SHRUBS AND PLANTS**

**13.60.010 Purpose**

The purpose of the requirements set forth in this Chapter is to regulate the placement and provide for the proper selection of new Trees to minimize problems in public facilities, and to establish requirements for the preservation and proper maintenance of existing Trees located on public property, as well as certain Trees located on private property, that are deemed important to the general welfare and the benefit of the community. The Gardena City Council has found and determined that the community has an interest in preserving Trees as important natural resources which provide scale, color, aroma, visual buffers between land uses, and increased property values, and which contribute to the environment by improving general aesthetics, modifying temperatures by providing shade and reducing heat and glare, reducing wind velocity, purifying and replenishing oxygen, controlling soil erosion, and providing wildlife habitat. The City Council has further found and determined that the regulations set forth in the Chapter are necessary to attain such purpose and interest. (Ord. 1675, 2006; Prior code § 11-3.01)

*(1675, Amended, 02/23/2006)*

**13.60.020 Definitions**

For the purposes of this Chapter, the following words, terms, phrases, and their derivations shall have the meaning given herein.

**"Director"** shall mean the City's Public Works Director.

**"Nuisance Tree"** shall mean any Tree with a root system that is capable of causing damage to surrounding landscapes or in its present condition poses a danger to public health or safety or interferes with the free use of a Street. A Nuisance Tree shall include, but is not limited to:

- A. Any dead, diseased, infested, leaning, or dying Tree on private property or in a parkway so situated as to constitute a danger to Street Trees or Streets, or any portion thereof, or the life, health, or safety of the public or adjoining public property;
- B. Any Tree on any private property or in a parkway which is likely to destroy, impair, or otherwise interfere with any Street Tree, Street, or any portion thereof, sewer or other public improvements or services including, but not limited to, water utilities;
- C. Any Tree growing upon private property but overhanging or interfering with the use of any Street or Public Place that endangers the life, health, safety, or property of the public;
- D. Any Tree or foliage on private or public property that interferes with visibility on, free use of, or access to, any portion of any Street; or,

E. Any Tree that is suffering from irreversible damage due to extreme pruning or neglected beyond correction.

**"Parkway"** shall mean the portion of the Street between the sidewalk and the roadway for vehicular travel, or any private property adjoining the roadway over which the City or public holds a property right.

**"Public Place:** shall mean any property that is owned or controlled by the City and is open to public use.

**"Street"** means all or any portion of property owned or controlled by the City and designated for the use of the public as a thoroughfare for vehicular or pedestrian travel, including, but not limited to, sidewalks, gutters, drains, roadways, alleys, medians, and parkways.

**"Street Tree"** shall mean any Tree growing on property owned or controlled by the City, including, but not limited to, all Streets, Public Places, and all easements granted to the City and/or public.

**"Tree"** shall mean a woody perennial plant, which usually has, but is not limited to, a single dominant trunk and has an expected mature height of fifteen feet (15') or more, or has an existing trunk diameter of four inches (4") or more measured at two feet (2') above finished grade. (Ord. 1675, 2006; Prior Code § 11-3.02)

*(1675, Amended, 02/23/2006)*

### **13.60.030 Jurisdiction.**

The City shall have jurisdiction and control of the selection, planting, setting out, location, pruning, maintenance, and removal of all Trees on any Public Place. The City also shall have jurisdiction over Trees located on private property to the extent such Trees adversely impact adjoining Public Places. Representatives of the City may enter upon private or public property to examine any Tree adversely affecting a Public Place or any Street and to administer or enforce any provision of this Chapter. The entrance of a representative upon private property shall require the owner's consent or the representative shall obtain an appropriate warrant. (Ord. 1675, 2006; Prior code § 11-3.03)

*(1675, Amended, 02/23/2006)*

### **13.60.040 Applicability**

Except as otherwise provided herein, no Street Tree shall be planted, maintained, or removed except in conformity with the provisions set forth in this Chapter. To preserve public safety and reliability in the construction, operation, and maintenance of overhead and underground electric lines and facilities, public utilities are exempt from the provisions, requirements, and restrictions of this Chapter. (Ord. 1675, 2006; Prior code § 11-3.04)

*(1675, Amended, 02/23/2006)*

### **13.60.050 Supervision of Director.**

The Director shall have the authority to inspect, maintain, plant, remove, prune, root prune, or otherwise alter any Street Trees. (Ord. 1675, 2006; Prior code § 11-3.05)

**13.60.060 Duties and Responsibilities—Public Works Director or Designee**

The duties and responsibilities of the Director shall be:

- A. To determine and designate, subject to the approval of the council, the type and kind of Trees and shrubs suitable and desirable for planting in the Streets and Public Places.
- B. To investigate the possibilities of parkway beautification and Street Tree planting and develop plans for the general beautification of Public Places through the planting of flowers, grass, shrubs and Trees.
- C. To recommend to the council for adoption such programs relating to such beautification plans, as the Director may deem practical and necessary.
- D. To administer and enforce the provisions of this chapter.
- E. In all cases, the Director shall have the right to determine the classification of any applicable Tree. Such determination shall be final and not subject to appeal.
- F. To regulate the trimming, pruning, care, planting and removal of all Street Trees, shrubs and plants in and upon Public Places.
- G. To issue permits as required by the provisions of this chapter and to specify the conditions thereof.
- H. To maintain and care for all Street Trees, shrubs, plants and vegetation in and upon any Public Place; and
- I. To inspect, eliminate, prevent and remove any unsafe, hazardous, dead or nonconforming vegetation.
- J. To cause surveys to be made from time to time, to determine which Street Trees are to be retained or removed in order to conform to the Tree planning and maintenance program. (Ord. 1675, 2006; Prior code § 11-3.06)

**13.60.070 Master Street Tree Plan and Official Street Tree Species List.**

The Director shall establish a Master Street Tree Plan that will set the policies, procedures and guidelines for the City's planting, removing, and maintenance of Street Trees. In addition, the Master Street Tree Plan will include an official Street Tree Specie List, which will designate specific species of Trees, which may be planted on any Street. The Master Street Tree Plan and Official Street Tree Specie list shall periodically be reviewed and changes recommended therein as may be necessary or advisable. (Ord. 1675, 2006; Prior code § 11-3.07)

### **13.60.080 Permit.**

A. The Director shall have the authority to grant a Tree Trimming Permit, a Tree Removal Permit, and/or a Tree Planting Permit as required by and subject to the provisions of this Chapter. The Director shall further have the authority to impose any conditions on the approval of said permit as deemed necessary by the Director to fulfill the purposes and intent of this Chapter.

B. No person, firm, or corporation, including utility companies, shall cut, trim, prune, plant, remove, injure or interfere with any Tree, shrub or plant upon any Street or Public Place of the City without a permit issued by the Director; provided, however, any person maintaining any pipe, conduit, pole or overhead wire in any Street by virtue of any law, ordinance or franchise may proceed without a permit when circumstances require the work to be done immediately for the preservation of the public peace, health, safety or welfare if the permit could not reasonably and practicably have been obtained beforehand, but such person shall thereafter apply for a permit on the first regular business day on which the office of the Director open for business and such permit shall be retroactive to the date when the work was performed.

C. Trees that must be removed by order of the City are exempt from the permit process.

*(Ord. 1675, 2006; Prior code § 11-3.08)*

*(1675, Amended, 02/23/2006)*

### **13.60.090 Insurance.**

The Director may require a policy of public liability insurance in a sum to be determined by the City Risk Manager, conditioned that the applicant will save and keep the City and all its officers, departments and employees harmless from any and all costs, damages or expenses which the City or any of its officers, departments or employees may be obliged to pay by reason of, or which may arise out of, the granting and issuance of a permit pursuant to this chapter. Such policy shall be so conditioned as to assure the ability of the applicant to respond to damages in any action for personal injury or property damage sustained by any person caused by or resulting from, or which may be claimed to have been caused by or to have resulted from, the work permitted by this chapter, or from any failure to comply with the provisions of this chapter or the rules, regulations and orders of the Director, or from any dangerous or defective condition or nuisance created thereby or resulting there from. (Ord. 1675, 2006; Prior code § 11-3.09)

*(1675, Amended, 02/23/2006)*

### **13.60.100 Appeal.**

Any person aggrieved by a decision of the Director concerning the denial, suspension or revocation of a permit or who is aggrieved by an administrative decision of the Director may appeal in the manner set forth in Chapter 1.12. (Ord. 1675, 2006; Prior code § 11-3.10)

*(1675, Amended, 02/23/2006)*

### **13.60.110 Tree Removal Criteria**

A. Removal of Street Trees. The Director shall authorize the removal of a Street Tree subject to the provisions of this Chapter, if the removal is justified for one or more of the following reasons, but not limited to:

1. The location of the Tree and/or its drip line interferes with an allowed structure, sewage disposal area, paved area, or other approved improvement or ground disturbing activity;
2. The location of a Tree and/or its drop line interferes with the planned improvement of a Street or development of an approved access to the subject or adjoining private property;
3. The location of the Tree is hazardous to pedestrian or vehicular travel or safety;
4. The Tree interferes with, or is causing extensive damage to, utility services or public facilities such as roadways, sidewalks, curbs, gutters, pavement, sewer line(s), drainage or flood control improvements, building foundations of existing public structures, or any other municipal improvements;
5. The condition or location of the Tree is adjacent to, and in such close proximity to, an existing or proposed structure that the Tree has or will sustain significant damage.
6. The Tree is dead, diseased, or dying.
7. The Tree has become too large for the width of the Parkway, causing major damage to the sidewalks or curbs and gutters, or where root pruning will damage the Tree such that it is susceptible to falling over in heavy winds.
8. Surface roots are causing major disruption of the parkway and interfering with maintenance of the Parkway.
9. The Tree is leaning to the point of being unstable in heavy winds.
10. The Tree is blocking any traffic control device and simple trimming, cannot restore visibility.

*(Ord. 1675, 2006; Prior code § 11-3.11)*

*(1675, Amended, 02/23/2006)*

### **13.60.120 Nuisance Trees.**

Abatement of Nuisance. Any Nuisance Tree shall be subject to abatement in accordance with Chapter 8.64.

*(Ord. 1675, 2006; Prior code § 11-3.12)*

*(1675, Amended, 02/23/2006)*

### **13.60.130 Damaging or Dumping Harmful Substance on Trees.**

The following actions are prohibited:

- A. Posting or affixing to any Street Tree any bill, poster, nails, placard, picture, announcement, notice, advertisement or sign, painting or, printing or affixing to in any Street Tree in any manner any other thing whatsoever, including any guy wire, or rope or chain.
- B. Topping or pruning any Street Tree in a manner that threatens the health of the Tree and is not consistent with pruning standards adopted within the City's Master Street Tree Plan.
- C. Allowing any gaseous, liquid, or solid substance harmful to Trees to come in contact with any part of any Street Tree, including, but not limited to, over-watering.
- D. Depositing, placing, storing, or maintaining upon the ground surrounding any Street Tree any stone, brick, concrete, or other material, which may impede the free passage of air, water, and fertilizer to the roots of the Tree.
- E. Allowing any vegetated growth, including but not limited to clinging vines, climbing vines or similar growth that is harmful to Trees to come in contact with any part of any Street Tree.
- F. Breaking, carving, injuring, defacing, disturbing, any Street Tree, shrub, plant or vegetation in any Street or Public Place, except in connection with, and in the course of, actual duties being performed by an employee or agent of the City or pursuant to a permit to do so.

*(Ord. 1675, 2006; Prior code § 11-3.13)*

*(1675, Amended, 02/23/2006)*

#### **13.60.140 Interference with Public Official**

No person shall obstruct, impede, or interfere with any representative of the City enforcing the provision of this Chapter, whether the actions by the City representative take place on public or private property. (Ord. 1675, 2006)

*(1675, Amended, 02/23/2006; 1675, Added, 02/23/2006)*

#### **13.60.150 Liability Disclaimer**

Nothing in this Chapter shall be deemed to impose any liability upon the City, its officers, employees, or agents for any action or failure to act; which occurs on public or private property. Nor shall any provision in this Chapter relieve the owner of any private property from the duty to keep any Tree growing thereon in such condition as will prevent it from constituting a health or safety hazard or an impediment to travel or vision upon any Street, parkway, or public place. (Ord. 1675, 2006)

*(1675, Added, 02/23/2006)*

#### **13.60.160 Penalties**

Any person, firm, partnership or corporation violating any provisions of this chapter or failing to comply with any of its requirements and thus causing damage or death to any Street Tree shall be assessed all costs for the replacement of such Tree. Costs shall be established using the guidelines set forth by the Council of Tree and Landscape Appraisers using either the replacement or trunk method. (Ord. 1675, 2006)

(1675, Added, 02/23/2006)