

**Glendale Municipal Code
(Excerpts)**

**Title 12: STREETS, SIDEWALKS AND PUBLIC PLACES
Chapter 12.44: INDIGENOUS TREES**

12.44.010 Purpose and intent.

The indigenous oak, bay, and sycamore trees within the city are natural aesthetic resources which help define the character of the city. These trees are worthy of protection in order to preserve the natural environment and to protect the city's native plant life heritage for the benefit of all citizens. Oak, bay, and sycamore trees are unique because of their size and beauty and their relative abundance adds distinction and character to certain neighborhoods within the community. It is pertinent to the public peace, harmony and welfare that these trees be protected from mutilation, indiscriminate cutting, damage, destruction or removal in order to provide for conservation purposes, as well as for the preservation of the natural beauty which the oak, bay, and sycamore trees lend to the city. (Ord. 5551 § 1, 2007: prior code § 7-280)

12.44.020 Definitions.

For the purposes of this chapter, the following words have the meaning ascribed to them, unless otherwise noted:

“Cut” or “cutting” means:

1. Detaching or separating from a protected indigenous tree the trunk, foliage, or a limb, branch or root; or
2. Making an incision into the trunk, bark, foliage, limb, branch or root of a protected indigenous tree that causes or results in damage to the tree, or any part of it.

“Damage” means injury, deterioration or disfigurement to a protected indigenous tree, or any part of it, including the trunk; bark; foliage; or a limb, branch or root.

“D.B.H.” or “diameter breast height” means the diameter of a single-trunk tree measured at a point fifty-four (54) inches above the lowest point where the trunk meets the soil. For multi-trunk trees, each individual trunk with a diameter measuring three (3) inches or more at a point fifty-four (54) inches above the lowest point where the trunk meets the soil will be added together to determine the total diameter of the tree.

“Director” means the director of public works or the director's authorized designee or agent.

“Drip line” means a line which may be drawn on the ground around a tree directly under its outermost branch tips and which identifies that location where rainwater tends to drip from the tree.

“Encroach” or “encroachment” means to install, store, place, maintain or use a material, equipment, machinery, or vehicle inside the protected zone of a protected indigenous tree; or to work inside the protected zone of a protected indigenous tree.

“Hat racking” means a severe act of pruning a tree by reducing the length of branches, lowering the tree height, stubbing or removing foliage so that the tree resembles a hat or coat rack.

“Lion’s tailing” means a severe act of pruning a tree by removing all the interior branches and foliage, leaving a limited amount of foliage at the end of each branch or limb so as to resemble the tail of a lion.

“Protected indigenous tree” or **“tree”** means any of the following Southern California native tree species which measures six (6) inches or more in cumulative D.B.H.: **California Live Oak** (*Quercus agrifolia*), **Scrub Oak** (*Quercus berberidifolia*), **Valley Oak** (*Quercus lobata*), **Mesa Oak** (*Quercus engelmannii*), **California Bay** (*Umbellularia californica*), and the **California Sycamore** (*Platanus racemosa*). This definition does not include oak, bay, or sycamore trees planted, grown and held for sale by licensed nurseries.

“Protected zone” means that area fifteen (15) feet from the trunk(s) of a tree, or that area within the drip line of a protected indigenous tree and extending to a point five (5) feet outside the drip line, whichever is greater.

“Prune” or **“pruning”** means any act that reduces the amount of foliage, branches or roots on a tree including, but not limited to, trimming, thinning or cutting, and where branches or trunks proposed to be removed are ten (10) percent of the D.B.H. or greater at the point of the proposed cut, or where the total foliage or canopy to be removed exceeds ten (10) percent of the tree. Pruning of branches of less than one (1) inch will not require a permit, although pruning is still limited to ten (10) percent of total foliage. All pruning must preserve the natural form and structure of protected indigenous trees.

“Qualified tree expert” means an individual who performs professional services and has met the qualifications of one (1) of the following: International Society of Arboriculture (ISA) Certified Arborist, American Society of Consulting Arborists (ASCA) Registered Consulting Arborist, California State Board of Forestry Registered State Forester, or California Urban Forest Council (CaUFC) Certified Urban Forester.

“Topping” (also known as **“heading back,” “stubbing”** or **“pollarding”**) means a severe type of trimming which results in the cutting back of large diameter branches to stubs. These severe practices produce undesirable results than more moderate pruning with respect to a tree’s natural form and which is generally hazardous to the overall health and stability of a tree. (Ord. 5551 § 2, 2007: prior code § 7-281)

12.44.030 Permit required.

No protected indigenous tree within the city limits may be cut, removed, pruned, encroached upon or moved unless and until a permit has first been obtained from the director. (Ord. 5551 § 3, 2007: prior code § 7-282)

12.44.035 Prohibitions.

It is unlawful for a person to do or cause to do any one (1) or more of the following acts:

A. Damage or destroy a protected indigenous tree, or that tree’s trunk, bark, foliage, limbs, branches or roots, by any one (1) or more of the following means:

1. Subjecting the tree to fire or heat,
2. Applying toxic substances,

3. Operating equipment or machinery,
4. Changing the natural grade of land by excavation or filling within the protected zone,
5. Neglecting to provide the necessary amount of water, or flooding and drowning the tree with too much water,
6. Hat racking, lion's tailing or topping; or

B. Attach a wire, nail, tack, staple, advertisement, poster, sign or any other object or device, or using a spike, gaff, spur or other related injurious equipment used for climbing on a protected indigenous tree;

C. Maintain an attached tree stake, tree tie, guy wire, tree guard or rope to the point where a protected indigenous tree is girdled or injured;

D. Allow or permit a substance that is harmful to a tree to lie, leak, pour, flow or drip upon or into the soil within the protected zone of a protected indigenous tree;

E. Install, place, operate or maintain an irrigation system for watering within three (3) feet from the base of a protected indigenous tree;

F. Without the director's written authorization, install, place, store or maintain paving or any material in such a manner as to damage or interfere with the root system of a protected indigenous tree;

G. Place, store, pile or maintain building or other material within the protected zone of a protected indigenous tree in a manner that can damage the tree. The use of ornamental rock is restricted to a point no closer than three (3) feet to the tree's trunk;

H. Intentionally misrepresent, mislabel or fail to identify the location, size, species, D.B.H., or drip line of a protected indigenous tree on an application or plan submitted to the city for a building permit, grading permit, a land use permit under Title 30 of this code, subdivision map application under Title 16 of this code, or any other similar land development application or plan; or

I. Without a permit from the director, cut or prune a branch that measures six (6) inches or greater in diameter. (Ord. 5551 § 4, 2007)

12.44.040 Permit-Application.

A. An application for permit required by this chapter to cut, remove, prune, encroach upon or move any protected indigenous tree or trees within the city must be filed with the director.

B. When the application pertains to cutting, removing, moving or encroaching upon the protected zone of a protected indigenous tree, a qualified tree expert shall prepare a report at the property owner's or developer's expense. The permit applicant shall submit the report with the permit application. In the report, the qualified tree expert shall explain the reason for the cutting, removal, relocation or encroachment. On the front page of the report, the qualified tree expert shall state the expert's name, company name, address and telephone number. The qualified tree expert shall attach to the report a copy of the expert's certification or registration from the arborist or forestry organization listed within this chapter's definition of "qualified tree expert," and a state license, if required by law to

have one. If the property owner or developer is hiring an individual or a company to perform work on a protected indigenous tree, the permit applicant shall state on the permit application the individual's or company's name, address, day-time telephone number, and state contractor's license number, if required by law to have a license.

C. The report must include:

1. A plan or map upon which each tree must be identified by species, D.B.H., height, drip line and health. Each tree proposed to be cut, removed, moved, or encroached upon must be so designated on the plan or map;
2. Photographs of the trees to be cut, moved or encroached upon, reflecting the tree(s) position in regard to existing and future proposed structures. The full canopy and a close up of the leaves must be provided;
3. If a tree will be moved or relocated to another location on the property, the relocation site must be identified, and site preparation and relocation methods must be described; and
4. The species, number, and size of any proposed replacement tree or trees must be designated; and
5. The qualified tree expert shall state that the expert has inspected and verified the health of any tree declared diseased or dying.

D. When the application pertains to pruning a protected indigenous tree, the permit applicant shall attach to the permit application multiple photographs of each tree to be pruned, reflecting its position in regard to existing and future proposed structures. The permit applicant shall describe the reason, method and extent of the proposed pruning. If the property owner is hiring an individual or a company to perform the pruning, the permit applicant shall state on the application the individual's or company's name, address, daytime telephone number, and state contractor's license number, if required by law to have a license. (Ord. 5551 § 5, 2007: prior code § 7-283)

12.44.050 Permit-Procedures.

A. The director shall approve, conditionally approve, or deny the application to cut, remove, prune, encroach upon or move any protected indigenous tree or trees. The director may impose one (1) or more conditions that the director deems necessary to implement the provisions of this chapter.

B. The director may require the tree's relocation to another site on the property, or off-site location within city limits that the director deems appropriate, if:

1. The environmental conditions of the new location are favorable to the survival of the tree;
2. The cost is reasonable;
3. A reasonable probability exists that the tree will survive; and
4. The relocation is accomplished by qualified personnel under the supervision of the director.

C. The director may impose additional measures or requirements to preserve and protect the health of trees that remain, relocated trees, and new trees planted to replace those removed. The measures may include, but are not limited to, any one (1) or more of the following:

1. Erecting temporary or permanent protective devices around the trees, so that no substantial disruption or removal occurs to the structure or feeder roots of a protected indigenous tree;
2. Prohibiting mechanical activity within the protected zone of a protected indigenous tree;
3. Prohibiting placement of fill material within the protected zone of a protected indigenous tree, unless an adequate drainage and aerification system is provided for the tree(s) to the director's satisfaction; or
4. Prohibiting placement of fill material within six (6) feet from the outer trunk circumference of a protected indigenous tree.

D. Pruning, as defined in Section 12.44.020, a protected indigenous tree requires a permit issued and approved by the director. All pruning of a protected indigenous tree must conform to the most recent publication of the American National Standards Institute (ANSI) A-300 Pruning Standards published by the American National Standards Institute. The director has the authority to issue a stop work notice for any pruning work which damages, or threatens to damage, one (1) or more protected indigenous trees; or when tree preservation measures have been violated; or in both situations.

E. As a condition of any permit for construction, repair, alteration, relocation, or removal of any building, structure or any other type of construction, a permit holder shall provide sufficient safeguards and protections, as determined by the director, to prevent injury to a protected indigenous tree. The director has the authority to issue a stop work notice for any work, construction, activity or operation which damages, or threatens to damage, one (1) or more protected indigenous trees; or when tree preservation measures have been violated; or in both situations.

F. The director shall establish and administer an urban forestry fund, which will be used for planting and maintaining protected indigenous trees in public property throughout the city of Glendale. As a condition of a permit authorizing a protected indigenous tree's cutting down or removal, the property owner, developer or permit applicant shall pay into the urban forestry fund the difference in value, determined by the director, between the replacement tree(s) and the tree(s) cut down or removed, when the value of the replacement tree is less than the value of the tree cut down or removed.

G. When the director specifies in a permit issued under this chapter that a particular species of protected indigenous tree must be planted as a condition of the permit or as a mitigation measure for damaging or destroying a protected indigenous tree, the property owner, developer or permit holder shall not plant a species other than the one designated by the director for the particular site or location.

H. Approval of a permit issued under this chapter is contingent upon full compliance with all terms and conditions imposed as part of the approval. If the director determines that the property owner, developer or permit holder has violated, or has failed to comply with, one (1) or more of the permit's terms or conditions, the director—upon written notice to the property owner, developer or permit holder—may suspend, revoke, restrict, or impose new or additional conditions on the permit. (Ord. 5551 § 6, 2007: prior code § 7-284)

12.44.060 Permit-Issuance or denial.

A. The director shall consider the following criteria, where applicable, in evaluating applications for issuance of permits required by this chapter:

1. Necessity to remove the tree because its continued existence at the location prevents the reasonable development of the subject property, as determined by the director;
2. The tree shows a substantial decline from a condition of normal health and vigor, and restoration, through appropriate and economically reasonable preservation procedures and practices, is not advisable;
3. Due to an existing and irreversible adverse condition of the tree, the tree is in danger of falling;
4. The presence of the tree interferes with, or is damaging to, utility services and roadways, walkways, foundations, drainage or other existing structures, within or without the subject property. The damage is beyond mitigation and the only reasonable alternative is the tree's removal;
5. The topography of the land and the effect of tree removal on erosion, soil retention, and the diversion or increased flow of surface waters;
6. The number or location of trees existing on the site or in the neighborhood on surrounding property; and the effect of tree removal upon enjoyment of the residents, the general public, and on property values in the area; and
7. Good forestry practices (such as the necessity to remove diseased or dying trees due to overcrowded conditions), the effect of tree removal in altering the natural habitat, and the selective preservation of healthier trees.

B. In case of an emergency caused by the tree's being in a hazardous or dangerous condition, that tree may be removed by the written permission of the police or fire departments.

C. A person (including, but not limited to, an architect, engineer, contractor or developer) who applies for a grading permit, building permit, land use permit under Title 30 of this code, subdivision map application under Title 16 of this code, or any other similar land development permit or entitlement, shall submit an accurate plan showing the exact location of each protected indigenous tree on the subject property and all protected indigenous trees on adjoining properties whose trunks or branches are located twenty (20) feet outside the subject property line. The trees' D.B.H. and the drip line (as measured at a minimum of four (4) points, north, south, east and west of each tree) must be accurately plotted and represented on plans. (Ord. 5551 § 7, 2007: prior code § 7-285)

12.44.070 Appeal.

A. A permit applicant, aggrieved by any action on the permit application filed under this chapter's provisions, may appeal to the council within the time and in the manner provided in Chapter 2.88 of this code.

B. A permit holder, aggrieved by the director's decision to suspend, revoke, restrict, or impose new or additional terms or conditions on the permit issued under this chapter's provisions, may appeal to the

council within the time and in the manner provided in Chapter 2.88 of this code. (Ord. 5551 § 8, 2007: prior code § 7-287)

12.44.080 Permit fees.

A. The director shall establish and require permit fees for permits pertaining to cutting, removing, moving, or encroaching upon a protected indigenous tree. The permit fee must not exceed the cost of administering each permit. Fees will be subject to annual revision and adjustment to reflect current administrative costs. An applicant for a permit shall pay the full fee when the applicant submits the permit application. The director shall not accept an application for a permit under this chapter, unless the applicant pays the fee in full. (Ord. 5551 § 9, 2007: prior code § 7-288)

12.44.090 Removal without permit—Penalty.

A person who destroys, removes or damages a protected indigenous tree without having a valid permit to do so shall pay to the city the following fees:

A. A tree replacement fee, as restitution and for deposit in the city's urban forestry fund, in an amount equal to two (2) times the value, determined by the director, of the destroyed, removed or damaged tree;

B. An administrative enforcement fee, as established by a resolution of the council, in an amount to cover the administrative cost of enforcing this chapter; and

C. A tree installation fee, as established by a resolution of the council, in an amount equal to the estimated cost of installation and equipment necessary for the city to replant a tree within the city, if the person cannot plant a replacement tree on the property where the person destroyed, removed or damaged the protected indigenous tree. (Ord. 5551 § 10, 2007)

12.44.100 Removal when permit denied—Penalty.

A person who destroys, removes or damages a protected indigenous tree after having been previously denied a permit to do so shall pay to the city the following fees:

A. A tree replacement fee, as restitution and for deposit in the city's urban forestry fund, in an amount equal to three (3) times the value, determined by the director, of the destroyed, removed or damaged tree;

B. An administrative enforcement fee, as established by a resolution of the council, in an amount to cover the administrative cost of enforcing this chapter; and

C. A tree installation fee, as established by a resolution of the council, in an amount equal to the estimated cost of installation and equipment necessary for the city to replant a tree within the city, if the person cannot plant a replacement tree on the property where the person destroyed, removed or damaged the protected indigenous tree. (Ord. 5551 § 11, 2007)

12.44.110 Cumulative remedies and penalties.

A. The penalties, assessments, and remedies provided for in this chapter are cumulative to each other and to the penalties, assessments, or remedies available under this code and all other laws of this state. Nothing in this chapter prevents the city from commencing a criminal action, or a civil action, or both, with respect to any violation of this chapter's provisions.

B. When a person fails, neglects, or refuses to pay the fee under Section 12.44.090 or 12.44.100, or when a person otherwise pays the fee but later cancels or stops payment on it, and in either situation the fee's payment is lawfully due or owing, the unpaid amount constitutes a debt owed to the city by that person, from whom the city may recover in a civil action. (Ord. 5551 § 12, 2007)

12.44.120 Determination of tree valuation.

When this chapter requires the director to determine the value of a protected indigenous tree, the director shall use the most recent guide for establishing values of trees published by the International Society of Arboriculture insofar as practical, and if that guide is not published or applicable, the director may use any other recognized or established method which the director deems appropriate to establish the tree's valuation. (Ord. 5551 § 13, 2007)