

Chapter 12.16

TREE CARE AND MAINTENANCE

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12.16.040 Permit to trim City-owned trees.

A. No tree on City-owned property may be removed, trimmed or treated by anyone other than City employees or agents unless a permit has been issued by the City approving the removal, treatment or trimming.

B. Permits may be issued only to a public utility, the owner of abutting property, or to a qualified tree trimmer on behalf of the owner of abutting property. No fee for the permit shall be charged.

C. No permit shall be issued to anyone unless all persons who will do the trimming, treatment or removal have reviewed the City's tree care specifications, agreed to comply with them, and agreed to defend, indemnify and hold the City harmless for any damages occurring to their own person or property, or to other persons or property.

D. The City reserves the right to refuse to issue a permit for any reason as appropriate in its sole discretion. Any person who has violated any provision of this Chapter or has not complied with the City tree care specifications may not receive a permit to trim, treat or removed City-owned trees for at least two years.

E. Applications for permits shall be submitted on forms supplied by the City.

F. Permits may be revoked if any violations of this Chapter, or regulations issued pursuant to it, occur. (Ord. 5, §4, 1984; Ord. 7, 1991)

12.16.070 City tree Care. The City shall have the right to plant, prune, maintain, remove, treat or trim all trees, bushes or shrubs and other plantings located upon all City-owned property, including street rights-of-way, as it deems prudent or necessary in its sole discretion. (Ord. 5, §8(B), 1984; Ord. 7, 1991)

12.16.080 Street tree plantings.

A. No person may plant any tree upon City-owned property, including street rights-of-way, without obtaining a permit for such planting from the City.

B. The permit shall be issued without charge after review and approval by the City of the type of tree, its spacing, and proposed location. The planting shall be made as approved.

C. Council may provide for a cost sharing program in the City's budget. (Ord. 5, §8(C), 1984; Ord. 7, 1991)

12.16.090 City tree care and specifications.

A. The City Manager is hereby directed to adopt tree care specifications and any other regulations necessary to implement the provisions of this Chapter.

B. It shall be unlawful for any person to top any City-owned tree by severe cutting back of the limbs or stubs larger than 3" in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree, unless the City specifically authorizes such topping due to special circumstances such as storm damage or obstruction of utility lines which make normal trimming impractical.

C. It shall be unlawful for any person to remove, trim or treat any City-owned tree without compliance with City tree care specifications. (Ord. 5, §8(D), 1984; Ord. 7, 1991)

12.16.100 Tree Board.

A. There is created and established a City Tree Board which shall consist of seven members who shall be appointed by the City Council.

B. The Tree Board shall be responsible for providing technical assistance, advice and planning support. The Tree Board shall choose its own officers. A majority of the members shall be a quorum for the transaction of business. (Ord. 5, §5, 1984; Ord. 7, 1991)

12.16.110 Nuisances.

A. The following are declared to be a nuisance:

1. Any tree, tree root, shrub or bush which obstructs the property view from vehicles or by pedestrians of traffic control devices or signs, or unreasonably obstructs the view from vehicles or by pedestrians of traffic at intersections, or which obstructs vehicular or pedestrian traffic;

2. Any tree, shrub or bush upon public or private property with dead, diseased or decaying limbs, which creates a safety hazard to persons or property;

3. Trees which harbor any destructive or communicable disease or other pestilence which endangers the

well-being of other trees in the City or which are capable of contributing to the spread of disease or insect infestation.

B. The City Manager or his designee is authorized to enter on private property to inspect trees, shrubs and plantings, and if necessary, may obtain an inspection warrant from Municipal Court.

C. It shall be the responsibility of the owner or party in lawful possession of any tree, shrub, or bush, or the owner or party in lawful possession of property abutting trees, shrubs or bushes in the street rights-of-way which are a nuisance, to remove, trim or treat such tree, shrub or bush to eliminate the nuisance. If such person fails to appropriately care for such tree, bush or shrub, the City may abate the nuisance caused by the tree, bush or shrub in accordance with the provisions of Section 8.24.020 of the Delta City Code. (Ord. 5, §7, 1984; Ord. 7, 1991)