

**ORDINANCE NO. 13-03**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WALNUT, CALIFORNIA, ADOPTING A PUBLIC TREE PRESERVATION ORDINANCE.**

**THE CITY COUNCIL OF THE CITY OF WALNUT HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** Title V, Chapter 22, Article I of THE Walnut Municipal Code regarding Public Tree Preservation and Policy, is hereby added to read as follows:

**Public Tree Preservation**

**22-76 Tree Policy Manual**

This Section refers to the Tree Policy Manual for the City of Walnut (Appendix).

**22-77 Duties of Deputy Director of Community Services or Designee**

The powers and duties of the Deputy Director of Community Services, or his or her designee, under this Section are as follows:

- A. To designate a particular place within the LOSMD, City easement or on any City-owned property where a City tree will be planted.
- B. To recommend to the Parks and Recreation Commission any change or additions to the designated street tree list.
- C. To draft a tree policy manual that states policies and procedures concerning the selection, planting, maintenance and removal of trees in public places to promote a viable community forest.

**22-78 Duties of Private Property Owners**

The duties of any owner of private property whose property has a City easement on it for street purposes are as follows:

- A. To accept and provide adequate water to any City tree planted in the public easement over his or her property, and not to interfere with the City's provision of water to such trees, whether by water truck or other means.
- B. To notify the Community Services Department of any suspected tree hazards or maintenance needs of any City tree on his or her property.

- C. To remove any vines from City trees planted in the easement over his or her property.
- D. To remove all fallen leaves and other deadfall from any City tree planted in the public easement over his or her property, and to properly dispose of the deadfall in an appropriate waste receptacle.
- E. To remove any grass, weeds or debris from the trunk area of the tree.

### **22-79 Street Trees**

No street trees shall be planted unless by the Community Services Department. No street tree shall be removed, except by the City, unless a *request form* has been approved by the Deputy Director of Community Services.

### **22-80 LOSMD, Medians, Easements and Park Trees**

No tree shall be planted within the LOSMD, Medians, Easement and Parks other than from the approved tree list.

### **22-81 Request Forms**

- A. No person shall remove or otherwise disturb any City tree without first obtaining a *request form* from the Deputy Director of Community Services.
- B. *Request Forms* are available at the Community Services Building located at 21701 E. Valley Blvd Walnut, Ca 91789 and also online. Request shall be submitted to Community Services.
- C. Work undertaken by the *request form* recipient or his or her agents may be stopped immediately and the *request form* may be revoked by oral or written order of the Deputy Director when the Deputy Director determines that the program of work or conditions outlined in the permit are not being complied with.
- C. The Deputy Director's decision may be appealed to the Parks Commission in a written appeal and filed with the Community Services Department within ten days of the Deputy Director's decision. If no timely appeal is filed, the decision shall be final.

## **22-82 Protection of City Trees**

- A. It is unlawful for any person to injure, cut, damage, carve, transplant, prune, root prune or remove any public tree.
- B. It is unlawful for any person to attach, cause to be attached or keep attached to any public tree, or to the guard or stake of a public tree, any rope, wire nails, tacks, staples, advertising posters, decorations, ornaments, flags, toys, swings, lights or any other contrivance whatsoever without explicit approval from the City.
- C. 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 drip line of any public tree; or set fire or permit any fire to burn when such fire or heat thereof will injure any portion of any public tree; or to operate any equipment, such as mechanical weeding devices, in such a manner as to cause damage to a public tree in any way.
- D. No person shall injure any public tree located within an easement or public right- of-way on his or her private property or LOSMD area by neglecting to provide the necessary amount of water, as determined by the Tree Policy Manual and the terms of this section, required for said tree's continued good health and viability.
- E. No person shall impact the drip line area of a City tree in a way that may reasonably be expected to damage the root system, compact the soil over the roots, or impede free passage of water, air or fertilizer to the roots of any LOSMD or public tree.

## **22-83 Interference with Deputy Director of Community Services**

No person shall hinder, prevent, delay or interfere with the deputy 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.

**22-84 Violation-Penalty.**

- A. Any violation of this chapter shall be a misdemeanor or infraction at the discretion of the City Attorney.
- B. Irrespective of and cumulative to any criminal conviction for a violation of this chapter, the City may, pursuant to Government Code Section 36901, impose a civil penalty in an amount not exceeding \$1,000.00 per tree on any person who commits a violation of this chapter. The City may recover the penalty either through an administrative hearing or a civil action brought either by the city attorney or a designated employee of the City.
- C. Irrespective of whether the City pursues criminal and/or civil action under this chapter, nothing in this chapter shall prevent the City from seeking restitution for damage to City property as an alternative to criminal action and/or civil action to recover a civil penalty in accordance with subsection (B) of this section.

**22-85 Duties of Parks and Recreation Commission**

The Parks and Recreation Commission serves as the City's tree advisory board. The Commission shall: (refer to Walnut Municipal Code, Title I, Chapter 2, Article V, Section 2-36 (j))

**SECTION 2.** The City Council hereby declares it would have passed this ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that the provisions of this ordinance are severable and, if for any reason any sentence, paragraph, or section of this ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this ordinance.

**SECTION 3.** The City Clerk shall certify to the adoption of this Ordinance and shall cause same to be posted or published as required by law.

**PASSED AND APPROVED** by the City Council of the City of Walnut on this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Teresa De Dios, City Clerk

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    ) ss.  
CITY OF WALNUT                 )

I, Teresa De Dios, City Clerk of the City of Walnut, do hereby certify that the foregoing Ordinance No. 13-03 being:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WALNUT,  
CALIFORNIA, ADOPTING A PUBLIC TREE PRESERVATION  
ORDINANCE**

Said Ordinance was duly introduced at a regular meeting held on \_\_\_\_\_, and was adopted at a regular meeting of the City Council held on \_\_\_\_\_, by the following vote, to wit:

AYES:           COUNCILMEMBER(S):  
NOES:           COUNCILMEMBER(S):  
ABSTAIN:       COUNCILMEMBER(S):  
ABSENT:        COUNCILMEMBER(S):

\_\_\_\_\_  
Teresa De Dios, City Clerk