

City of Visalia Street Tree Ordinance

12.20.010 Purpose.

The purpose of this chapter is to promote and regulate the planting, long term care, maintenance, and protection of street trees within the city. (Ord. 2004-21 (part), 2004)

12.20.020 Definitions.

For the purposes of this chapter, the words and terms used herein are defined as follows:

“Crown Dripline” means the outer perimeter of a tree’s canopy.

“Director” means director of public works or his/her designee.

“Parkway” means that area of the public right of way that is between the back of curb, or edge of pavement if no curb, and the right of way line that is not covered by sidewalk. A parkway can also mean a tree well that is within a sidewalk.

“Person” means individuals, associations, corporations, public agencies, joint ventures, partnerships, contractors, and other agents or employees.

“Property Owner” means the owner of property directly adjacent to the public right-of-way.

“Street Tree” means any tree that is located between the curb and sidewalk or within a tree well in the sidewalk within the public right of way, or any tree within a street tree easement in or adjacent to the public right-of-way.

“Top” means the severe cutting back of limbs to stubs larger than three (3) inches in diameter within a tree’s crown dripline to such a degree so as to remove the normal canopy and disfigure the tree. (Ord. 2004-21 (part), 2004)

12.20.030 Street tree guidelines.

The director is authorized to develop and administer guidelines for the care, preservation, pruning, planting, replanting, removal or disposition of street trees. The guidelines shall include an authorized species list, spacing guidelines for each authorized species, specifications for street tree planting, and specifications for nursery stock quality of street trees. The guidelines shall be periodically reviewed as updated as needed. (Ord. 2004-21 (part), 2004)

12.20.040 Protection and maintenance of street trees.

No street tree shall be altered, pruned, or removed except in accordance with the provisions of this chapter and the authorized street tree guidelines. No person shall cause any substance or material to be on or near a street tree which shall restrict its natural growth or shall cause it damage.

(Ord. 2004-21 (part), 2004)

12.20.050 Topping.

Except as necessary to insure public safety or as authorized by the director, no person shall top any street tree or other tree located on public property. Trees severely damaged by storms or other causes, or trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section at the discretion of the director. (Ord. 2004-21 (part), 2004)

12.20.060 Protection during construction.

Street trees shall be protected to the extent possible from damage during construction, sidewalk repair, repair of utility structures and facilities above and below ground, and other similar activities by the person conducting the construction or activity. The zone of protection shall include the ground beneath the crown dripline of the tree. Protection measures shall be included in building permit applications when building permits are required for construction. (Ord. 2004-21 (part), 2004)

12.20.070 Responsibility for care and maintenance.

All watering and trimming of street trees for maintenance and beauty shall be the responsibility of the adjoining property owner, unless these responsibilities are fulfilled by a funding program authorized by the city, such as, but not limited to, a Homeowner's Association or through a Landscape and Lighting Act District. (Ord. 2004-21 (part), 2004)

12.20.080 Trimming heights.

Notwithstanding other provisions of this chapter, property owners shall keep street trees adjoining their property and all private trees trimmed up to a height of not less than fourteen (14) feet over a street or alley, and up to a height of not less than eight (8) feet over the parkway and sidewalk. (Ord. 2004-21 (part), 2004)

12.20.090 Trimming specifications.

All street trees shall be pruned in accordance with American National Standards Institute (ANSI) A300 standards, as amended from time to time. A copy of the standards

shall be maintained by the director and made available for review upon request. (Ord. 2004-21 (part), 2004)

12.20.100 Protection of rights-of-way.

Property owners shall keep public rights-of-way adjacent to owner's property clear of debris. (Ord. 2004-21 (part), 2004)

12.20.110 Quality of street trees.

New plantings of street trees shall be in accordance with the street tree guidelines for nursery stock quality. (Ord. 2004-21 (part), 2004)

12.20.120 Replacement of street trees.

Street trees removed by the director or by natural causes shall be replaced on a one-for-one basis. The location and species of any replacement tree shall be determined by the director. (Ord. 2004-21 (part), 2004)

12.20.130 Removal of stumps.

All stumps of removed street trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground. (Ord. 2004-21 (part), 2004)

12.20.140 Responsibility for repair of curb, gutter and sidewalk.

Repair and/or replacement of curb, gutter, and sidewalk damaged by a tree is the responsibility of the adjoining property owner. (Ord. 2004-21 (part), 2004)

12.20.150 Responsibility for repair of sewer laterals.

Repair and/or replacement of sewer laterals damaged by a tree shall be the responsibility of the damaged property owner. (Ord. 2004-21 (part), 2004)

12.20.160 Plantings in new developments.

In new residential, commercial, and industrial developments, the developer shall plant street trees in the size, number, manner, and type required by the street tree guidelines and the city improvement standards. Funding for long term maintenance and care of the street trees in new developments shall be provided through a Homeowner's Association or a Landscape and Lighting Act District. (Ord. 2004-21 (part), 2004)

12.20.170 Street trees under utility lines.

Street trees planted under utility lines shall be of an approved species specified in the street tree guidelines. (Ord. 2004-21 (part), 2004)

12.20.180 Public health, safety and welfare.

The director shall have the right to plant, prune, maintain, spray and remove trees, plants and shrubs within public rights-of-way, as may be necessary to insure public safety and pedestrian clearance, and the long term health of the trees. (Ord. 2004-21 (part), 2004)

12.20.190 City's right to remove street trees.

The director may remove or cause to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, curbs, gutters, streets, utilities, or other public improvements, or is affected with any injurious fungus, insect, or other pest. The city shall not incur any financial obligation for the removal and/or replacement of street trees. (Ord. 2004-21 (part), 2004)

12.20.200 City's right to perform maintenance.

The director shall have the right to prune a tree overhanging any street or right-of-way within the city so that branches shall not severely obstruct the light from any street lamp or intersection, and so that there shall be a clear space of fourteen (14) feet above street surface or eight (8) feet above the parkway and sidewalk surface. The director may enter upon and may prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight, or interferes with visibility of any traffic control device or sign or sight triangle at intersections.

(Ord. 2004-21 (part), 2004)

12.20.210 Utility company's right to perform maintenance.

Tree limbs growing near overhead lines and utility facilities may be pruned to clear such facilities by the affected utility company in compliance with applicable franchise agreements with the city. (Ord. 2004-21 (part), 2004)

12.20.220 City right to remove obstructions in right-of-way.

If, in the director's opinion, a real and significant vehicular site line or pedestrian obstruction or hazard is created by shrubs, hedges, and similar vegetation, within the parkway, the adjoining property owner shall be required upon notification, to satisfactorily correct the situation within thirty (30) days. Upon failure of the property owner to comply with written notice, the director will cause such obstructions to be removed and will bill the property owner for all costs involved. (Ord. 2004-21 (part), 2004)

12.20.230 Street tree removal permits.

The director shall establish a permit system to be used to authorize street tree removal. The director shall use his or her discretion with respect to tree removal permits as governed by this chapter and by the street tree guidelines. No person will be authorized to remove trees covered by this chapter without first having received a permit to do such work. Permits shall not be valid for a period longer than thirty (30) days from issuance date. Exceptions, in the discretion of the director, shall be those permits issued to public utilities serving the area, which permits may be valid for a period of one year. (Ord. 2004-21 (part), 2004)

12.20.240 Appeal to council.

Any interested person may appeal, in writing, a decision of the director regarding a removal permit, setting forth his/her reason(s) for such appeal to the city council. Such appeal shall be filed with the city clerk within ten (10) business days after the director's decision. The appeal shall be placed on the agenda of the Council's next regular meeting after the appeal is filed. If the appeal is filed within ten (10) business days of the council's next regular meeting, the appeal shall be placed on the agenda of the council's second regular meeting following the filing of the appeal. The council shall consider the appeal and uphold, reverse, or modify the decision of the director. The decision of the council shall be final. (Ord. 2004-21 (part), 2004)

12.20.250 Liability.

Nothing in this chapter shall impose any liability upon the city, or members of the council, or any of its officials or employees, nor relieve the property owner or occupant of any private property from the duty to keep his or her private property, sidewalks, and rights-of-way abutting such private property in a safe condition. (Ord. 2004-21 (part), 2004)