

Chapter 12.16 TREES

Sections:

Article I - General Provisions— Permitted Species

Article II - Tree Preservation Guidelines

Article I General Provisions— Permitted Species

[12.16.010 Planting and removing—Permission required.](#)

[12.16.020 Permitted species.](#)

[12.16.030 Prohibited species.](#)

[12.16.040 Care.](#)

[12.16.050 Abuse and mutilation.](#)

[12.16.060 Fire or health hazard—Abatement.](#)

[12.16.070 Appeals.](#)

12.16.010 Planting and removing—Permission required.

No tree or shrub shall be planted in or removed from any public parking strip or other public place in the city without permission from the director of public works.

(Prior code § 7-2.01)

12.16.020 Permitted species.

The following trees are approved for planting in public parking strips and other public places subject to permission from the director of public works:

- A. Crataegus Lavalley (Lavalley Hawthorn);
- B. Betula Pendula (Alba) (European White-bark Birch);
- C. Acer Platanoides Schwedleri (Schwedler Maple);
- D. Morus "Stribling" or "Kingans" (Fruitless Mulberry);
- E. Fraxinus Velutina Glabra (Modesto Ash);
- F. Liriodendron Tulipifera (Tulip Tree);
- G. Crataegus Oxyacantha Paulii (Paul's Double Flowering English Hawthorn);
- H. Ginkgo Biloba (Maidenhair Tree) (male only);
- I. Koelreuteria Paniculata (Goldenrain Tree);
- J. Pistacia Chinensi (Chinese Pistachio);
- K. Zelkova Serrata (Sawleaf Zelkova);

Title 12 - STREETS, SIDEWALKS AND PUBLIC PLACES

Chapter 12.16 TREES

- L. Acer Palmatum (Japanese Maple);
- M. Crataegus "Autumn Glory" (Autumn Glory Hawthorn);
- N. Lagerstroemia Indica (Crape-Myrtle); and
- O. Prunus Pissardii (Purple-leaf Plum).

(Prior code § 7-2.02)

12.16.030 Prohibited species.

- A. It is unlawful to plant the following trees in any public parking strip or other public place:
 - 1. Acacia;
 - 2. Black Walnut;
 - 3. Eucalyptus;
 - 4. Elm (American and other large species);
 - 5. Palm;
 - 6. Poplar;
 - 7. Tree of Heaven (Ailanthus);
 - 8. Conifers, except such as shall be approved by the director of public works;
 - 9. Oriental Plane; and
 - 10. Willow.
- B. It is unlawful to plant willow, cottonwood or poplar trees anywhere in the city, unless the director of public works approves the site as one where the tree roots will not interfere with a public sewer.

(Prior code § 7-2.03)

12.16.040 Care.

- A. The director of public works or his or her duly authorized representative, may cause to be trimmed, pruned or removed any tree, shrub, plant or vegetation in any parking strip or other public place or may require any property owner to trim, prune or remove any tree, shrub, plant or vegetation in a parking strip abutting upon such owner's property. The failure of the property owner to trim, prune or remove any such tree, shrub, plant or vegetation after thirty (30) days notice by the city clerk shall be deemed a violation of the provisions of this chapter.
- B. The provisions of this chapter shall not be construed as limiting the right of any public utility to remove or trim trees which, in its opinion, endanger the safe operation of its wires, poles and appurtenances.

(Prior code § 7-2.04)

12.16.050 Abuse and mutilation.

It is a violation of the provisions of this chapter to:

- A. Abuse, destroy or mutilate any tree, shrub or plant in a public parking strip or other public place;

Chapter 12.16 TREES

- B. Attach or place a rope or wire (other than one used to support a young or broken tree), sign, poster, handbill or other thing to or on any tree growing in a public place;
- C. Cause or permit any wire charged with electricity to be attached to such tree; or
- D. Allow any gaseous, liquid or solid substance which is harmful to such tree to come in contact with its roots or leaves.

(Prior code § 7-2.05)

12.16.060 Fire or health hazard—Abatement.

Any weeds, rubbish, accumulation of materials, refuse, garbage or dirt, growing, standing or lying, on or around any public or private property, which is declared a fire or health hazard by the fire marshal of the city, must be removed or abated within fifteen (15) days of receipt of notice to the owner of the property. On or after the sixteenth day from receipt of notice, the city may remove or abate the fire or health hazard from the property at the owner's expense. The cost of removal or abatement shall be a lien against the property upon which the fire or health hazard was maintained. Should the fire marshal determine that any of the above fire or health hazards constitute an immediate threat to the public or to any private or public building, then the owner of same shall have forty-eight (48) hours to undertake abatement or the city may proceed with abatement as outlined above.

(Ord. 426 § 1, 1994: prior code § 7-2.06)

12.16.070 Appeals.

Appeals from orders made pursuant to the provisions of this chapter may be made by filing a written notice with the city clerk within ten (10) days after such order is received, stating in substance that an appeal is being made for such order to the council. The city clerk shall thereupon set such appeal for a hearing at a regular meeting of the council and shall notify the appellant of such hearing at least five days before the date for which such hearing is set.

(Prior code § 7-2.07)

Article II Tree Preservation Guidelines

[12.16.080 Purpose and intent.](#)

[12.16.090 Authority.](#)

[12.16.100 Tree identification.](#)

[12.16.110 Tree preservation requirements.](#)

[12.16.120 Tree replacement requirements.](#)

12.16.080 Purpose and intent.

The purpose of establishing tree preservation guidelines is to maintain natural scenic beauty, improve air quality, water quality, reduce soil erosion, preserve significant natural heritage values, preserve wildlife habitat and help to reduce energy consumption for air cooling by providing shade. As development of vacant land occurs, loss of some tree cover may be unavoidable. The city's intent is to reduce the loss of trees to reasonably acceptable levels while encouraging cooperation between the development community, citizens and the city in attempting to retain tree cover within the city to the

Chapter 12.16 TREES

maximum extent possible. In the spirit of reasonableness these guidelines shall not categorically prohibit tree removal. It is recognized that development of foothill topography and project-specific terrain may dictate tree removal. It shall be the policy of the city to preserve trees whenever feasible through the review of all proposed development activities where trees are present, while recognizing individual rights to develop property in a reasonable manner.

(Ord. 472 § 1, 2000)

12.16.090 Authority.

The city has an established planning application review process. The planning commission shall oversee enforcement of the tree preservation guidelines through project conditions of approval in conjunction with granting planning application approval. In the event planning commission approval is not required of the application the city manager or his or her designee shall oversee enforcement of the tree preservation guidelines.

(Ord. 472 § 2, 2000)

12.16.100 Tree identification.

Planning applications submitted to the city shall identify all trees on the property in excess of six inches in diameter, measured four and one-half feet from ground level. Trees to be saved and removed shall be clearly designated on the plan. Clearing of trees over six inches in diameter measured four and one-half feet from the ground is prohibited prior to issuance of a grading permit.

(Ord. 472 § 3, 2000)

12.16.110 Tree preservation requirements.

Innovative techniques or alternative project design shall be considered to preserve trees to the maximum extent feasible to retain conifers, oaks, maples and cedars. Preserving trees shall require installing bright colored mesh fencing, flagged stakes or some visible means of physical demarcation around the drip line of the tree(s) in the field prior to issuance of a grading permit. The drip line of a tree is the outermost edge of a tree's canopy. No movement of soil or earth material shall take place within the drip line of trees designated for preservation.

(Ord. 472 § 4, 2000)

12.16.120 Tree replacement requirements.

Trees enhance the aesthetic appearance of any project. When tree removal is unavoidable:

- A. The applicant/developer shall replace and replant removed trees with an equal number of trees.
- B. Minimum/maximum replacement trees shall range from one gallon to forty-eight (48) inch box container sizes mixed to create a natural horizon line.
- C. A mix of tree species is preferred (rather than planting the same species throughout the project) to achieve a more natural, native appearance.
- D. Hillside development shall preserve trees when feasible or be replanted immediately to prevent erosion. "Immediate" means prior to the issuance of a certificate of occupancy or final inspection.

Title 12 - STREETS, SIDEWALKS AND PUBLIC PLACES

Chapter 12.16 TREES

- E. Trees shall be irrigated and maintained by any and all subsequent owners for a minimum period of five years after installation in accordance with the Colfax design guidelines maintenance requirements:
1. Deposit with the city a maintenance bond, cash, letter of credit or its equivalent, in an amount equal to one-half the market value of landscaping and irrigation guaranteeing the proper care, treatment and maintenance of landscaping for a period of three years; or
 2. Execute an agreement and equitable lien in an amount equal to the full market value of the landscaping and irrigation with the city, guaranteeing the lien shall cause a written letter of notification by the city to the owner of the real property within ten (10) days that the city will perform or have performed by a reputable landscaper any and all maintenance work it deems necessary and bring legal action against the owner for the full cost of such maintenance work or foreclose such equitable lien as provided by law.

(Ord. 472 § 5, 2000)