

## ORDINANCE NO. 1024

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO AMENDING CHAPTER 12.12 "STREET TREES" OF THE NORCO MUNICIPAL CODE. CODE AMENDMENT 2017-08

WHEREAS, the City of Norco, the City owns and maintains an urban forest for the citizens and businesses of Norco; and

WHEREAS, The City recognizes the economic, environmental and aesthetic importance of the trees and plantings within the community; and

WHEREAS, both the City Council and staff strive to maintain the highest level of service possible within the capability of the personnel that manage and maintain the urban forest; and

WHEREAS, the City Council now seeks to augment Chapter 12.12 "Street Trees" to include a clear overview of how street trees are to be maintained, trimmed, removed, and replaced; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORCO does hereby ordain, determine, and order as follows:

SECTION 1: Norco Municipal Code Chapter 12.12 "Street Trees" is hereby amended as follows:

#### Chapter 12.12 STREET TREES

Sections:

- 12.12.010 Intent and purpose.
- 12.12.015 Definitions.
- 12.12.020 General provisions--Installation and maintenance.
- 12.12.025 Planting of trees, removal, and replacement.
- 12.12.030 Tree installation standards.
- 12.12.040 Installation.
- 12.12.050 Staking and tying of trees.
- 12.12.060 Trimming and pruning of trees.
- 12.12.070 Watering of trees after installation.
- 12.12.080 Maintenance and guarantee of trees.

**12.12.010 Intent and purpose.**

The City recognizes the economic, environmental and aesthetic importance of the trees and plantings within the community. It shall be the City's policy to utilize applicable techniques, methods and procedures required to preserve, when feasible, all trees and plantings on City property. This chapter is part of a comprehensive plan developed in the best interest of the Norco community to regulate the planting and maintenance of trees in or adjacent to streets and within easements, in rights-of-way and other public places within the City, to provide for orderly development and protection of public facilities, and to regulate the removal of trees that contribute significantly to the value of land, preservation of resources, and quality of life in the City of Norco.

The purpose of this section is to assure that a single tree species on any given street will be planted, maintained, trimmed, and replaced if damaged, in a uniform manner to develop a consistent and formal streetscape, providing a canopy effect appropriate to the nature of development adjacent to the street. The installation, maintenance and replacement standards established in this section are intended to implement an effective Urban Forestry Program to protect the health, safety, and welfare of the community.

**12.12.015 Definitions.**

a. "Approved Street Tree" shall mean any tree hereafter planted within any street right-of-way or easement adjacent thereto which conforms to the Approved Street Tree List and which is planted in accordance with this Chapter. "Approved Street Tree" shall also mean any existing tree within the right-of-way or easement adjacent thereto which conforms to the established species and location in any given area, and which was planted as a required street tree under the provisions of any improvement agreement, or as otherwise approved by the Director of Public Works, or any tree of the approved species and in an acceptable location which was or may be planted as a replacement.

b. "Approved Street Tree List" is a list that shall be maintained by the Public Works Department containing the botanical and common names of all trees authorized to be planted in the public right-of-way or tree planting easements. The list may be revised to include other suitable trees, trees to be planted for evaluation purposes, or to exclude trees deemed to be unsuitable.

c. "Maintenance" shall mean planting, pruning, staking, cabling, treating for pests and disease, removing, or any other act that nurtures the street tree population, sustains tree life and health, and promotes public safety.

d. "Other Plantings" shall mean any trees, shrubs, grass or ground cover other than public landscaping, planted within street right-of-way or easements or in proximity thereto, or on adjoining property.

e. "Owner/Occupant" shall mean any person owning property, as shown on the last equalized assessment roll for City taxes, or the lessee tenant, or other person having control or possession of the property.

f. "Tree Pruning" shall refer to the removal of diseased, dead, dying, decayed, interfering or obstructing branches, or the training of young trees to control growth and enhance performance or function in the landscape, and by developing and preserving tree structure, health and stability. No more than 25% of the tree canopy should be removed within a growing season.

g. "Street Tree Planting" shall mean the planting of City street trees within the public right-of-way, in parks and in easements dedicated to tree planting. Street trees shall be planted in residential neighborhoods within tree planting easements in suitable vacant planting sites, which avoid conflicts with underground utilities and hardscapes.

h. "Tree Removal" means either 1) complete removal, such as cutting a tree to the ground and grinding the stump; or 2) taking any action that would lead to the death of a tree or cause permanent damage that may compromise tree health and stability. Tree removal may include, but shall not be limited to, severe pruning or topping, poisoning, over watering, under watering, trenching, excavating, or altering the soil grade around the tree trunk.

i. "Tree Topping" is the removal of large branches to a stub, or smaller lateral not large enough to assume a terminal role. Tree topping is not an approved tree pruning practice for City street trees or protected trees, and is considered tree removal under this Chapter.

j. "Unapproved Street Tree" shall mean any tree planted within street right-of-way or easements or in proximity thereto, or on adjoining property, which does not qualify as an Approved Street Tree.

**12.12.020 General provisions--Installation and maintenance.**

a. The purpose of this chapter is to preserve parkway trees, to regulate the maintenance and removal of such trees, and to establish the varieties, minimum size, methods, and location for the planting thereof, and other related matters.

b. The City Council, by resolution, shall establish an Approved Street Tree List containing the botanical and common names of all trees authorized to be planted in the public right-of-way or tree planting easements adjacent thereto. The list shall be reviewed periodically by the Public Works Department and the Streets, Trails and Utilities Commission, and may be modified by recommendation to the City Council.

c. The Streets, Trails and Utilities Commission shall be tasked with recommending the appropriate species or variety of tree planted within the public street right-of-way or established street or access easements as specified in the Urban Forest Specifications and Standards

d. Street trees shall be planted in conformance with the adopted street tree resolution and in accordance with departmental standard specifications.

e. A working manual entitled "Urban Forest Specifications and Standards" illustrating the standards established herein shall be maintained and updated periodically by the Public Works Department for use by employees and for distribution to developers and builders.

f. The Director of Public Works shall be responsible for administering and enforcing the provisions of this Chapter. He or she shall undertake maintenance and planting programs and controls as may be required to carry out the provisions of this Chapter consistent with facilities and resources available. He or she may designate certain representatives to administer any portion of this Chapter.

**12.12.025 Planting of Trees, Removal, and Replacement**

a. Consistent with the availability of resources, the Public Works Department shall initiate and administer a program to provide for the planting, maintenance, care, removal, and replacement of Approved Street Trees.

b. Except for an emergency, which shall be an imminent threat of injury to persons or property, a tree may not be removed without the review and approval of the Director of Public Works or his/her representative.

c. Trees with attributes most appropriate to their location and surroundings will be selected by the Director of Public Works or his/her representative from the Approved Street Tree List. Trees planted in the public right-of-way and tree planting easements shall conform to the City street tree planting standard detail.

d. The current resident, or if there is no current resident, then the owner shall be responsible for the adequate watering and protection of City street trees in tree planting easements.

e. It shall be unlawful for any person to plant or remove any tree in any public right-of-way without first obtaining a written permit from the Public Works Department. Said permit shall specify the location and variety of trees or plants to be planted or removed.

f. Street trees or Other Plantings that are required to be planted by a subdivider or developer in accordance with plans and specifications approved by the City, may be planted without a permit, provided, however, that such trees and plantings shall conform to City approved plans and specifications and shall be planted under the supervision of the Public Works Department.

**12.12.030 Tree installation standards.**

a. Unless otherwise specified, all trees shall be furnished in 15-gallon containers. The trees shall be of the size normally expected for commercially available nursery stock of 15-gallon size for the required species. Diameters shall be measured six inches above the crown root. The caliper of the tree must be between an inch (1") and one and one-half inches (1-1/2") in diameter and the height of the tree will not exceed eight feet, and the width three feet. All trees shall be in a healthy growing condition at the time of planting and shall be approved by the Director of Public Works or his/her representative at the site prior to planting.

b. All plants shall be healthy, have a normal configuration and be well-rooted. The roots shall show no evidence of having been restricted, free from insect pests, grown in nurseries which have been inspected by the State Department of Agriculture. All plants shall be Number One grade of their normal species or variety unless otherwise specified. They shall have normal well-developed branch systems and vigorous root systems. Plants shall be free from disfiguring knots, injuries, abrasions of the bark, sun scalding or other objectionable disfigurements. Plants not conforming to the requirements herein shall be considered as defective, and such plants, whether in place

or not, will be marked as rejected and shall be removed immediately and replaced with suitable plants.

c. All trees shall be submitted to the Director of Public Works or his/her representative for review and approval prior to installation. Where required, street encroachment permits shall be obtained from the City prior to installation.

d. The installing contractor shall guarantee all trees for a period of one year from the date of acceptance. Irrigation systems will be required. The Director of Public Works or his/her representative must approve the design and make of these systems.

**12.12.040 Installation.**

a. All trees shall be planted in accordance with spacing and location designated on the plans or in the special provisions or as directed by the Director of Public Works or his/her representative.

b. Holes for planting trees shall be excavated four times the rootball diameter. The holes should never be deeper than the rootball. Soft fill dirt should not be added to the bottom of the hole. Trees should be planted slightly shallow, one to two inches of the rootball higher than the original grade. The exposed ball should be covered with two to four inches of mulch.

c. The hole shall be backfilled with same soil that came out of the hole. No soil amendments will be added.

d. The soil around the ball shall be worked so that no air pockets are left. (Large pockets of air can cause the roots to dry out.) The soil around the ball will be firmed so that the tree is vertical and adequately supported, but the soil will not be packed down. The hole will be watered while it is backfilled. In non-turf areas, the remaining soil will be mounded into a dike on the outer edge of the hole to collect water over the root zone. All tags or labels shall be removed so that they will not girdle the trunk or branches as the tree grows.

e. When planted, the tree shall be staked in the manner prescribed by the City. Parkway trees shall be planted at approximately 40-foot intervals and shall maintain a minimum distance of ten feet from any utility, meter, sewer lateral, streetlight standard or fire hydrant within the parkway. All trees shall maintain a minimum distance of 25 feet from a drive apron, corner, or intersection.



f. Trees shall be planted in line with the existing trees, or midway between the back of the curb and the near edge of the equestrian trail or standard sidewalk. If a curb, trail and/or sidewalk has not been constructed, trees shall be planted on a line equivalent thereto, or as directed by the Director of Public Works or his/her representative.

g. Trees shall be planted with the ball of earth surrounding the roots intact. Containers shall be removed without injury to roots and without breaking the ball of earth surrounding the roots. Root-bound trees will be rejected.

h. No person shall remove or relocate any tree or plant without prior authorization and permit from the Director of Public Works or his/her representative. Any tree removed without permission from the City shall be replaced by the violator with a new tree at the discretion of the Director of Public Works.

**12.12.050 Staking and tying of trees.**

a. All 15-gallon trees shall be held vertically with two eight or ten-foot lodgepole stakes. Stakes will be two-inch lodgepole pine treated with copper naphthanate. A rubber or vinyl cinch tie or approved equal shall be nailed to the stakes with roof nails. Hoses or wires shall not be used for tying. Ties shall be placed six inches above the top flex point on the tree trunk.

b. Trunks of trees shall be secured to hold the trees upright without injury for a period of 12 months from date of installment. The method of staking and tying shall be as approved by the Director of Public Works or his/her representative.

**12.12.060 Trimming and pruning of trees.**

a. Following the planting of trees, pruning should be limited. Broken or damaged limbs should be removed. Some limbs can be removed for structural stability or appearance as necessary. (Ord. 772, 2001; Ord. 567 Sec. 1 (part), 1986)

b. It shall be unlawful for any person, other than City personnel, to trim any Approved Street Tree without first obtaining a permit from the Public Works Department. The permit shall be issued when the Public Works Department finds that pruning is necessary and that the proposed method is satisfactory. A permit is not required for removing sucker growth, watersprouts, low hanging branches lower than 8 feet from the ground.

**12.12.070 Watering of trees after installation.**

Proper watering is the key to survival of newly planted trees. A slow, gentle soaking of the root zone is preferable. Excess water accumulation in the planting hole is a leading cause of transplant death. Watering must be appropriate for soil type and drainage.

**12.12.080 Maintenance and guarantee of trees.**

a. The builder/developer shall maintain all trees until maintenance is assumed by the City and further, the builder/developer shall guarantee all trees for a period of one year after the acceptance of the improvements by the City, and shall replace in kind all trees that have died or which have failed to show visible signs of root establishment and growth during said one-year period. The Director of Public Works or his/her representative shall inspect each tree at the end of the one-year period and report to the builder/developer as to the acceptability of each tree planted. Unacceptable trees shall be replaced. Upon completion of such inspection and any required replacement, the City shall accept the trees for maintenance by the City, excluding watering. The one-year warranty guarantees the public improvements for a one-year period after City acceptance and shall include an amount to be determined by the Director of Public Works to cover the replacement of trees at the end of the one-year period.

b. It shall be the responsibility of the property owner to water all trees located in a parkway abutting his/her property as necessary to promote healthy growth, to protect the improvements within the parkway, and to do such trimming as can be done from the ground to preserve the neat appearance and unobstructed use of the parkway.

c. Sucker growth, water sprouts and young overhanging branches on mature trees may be removed to a height of eight feet by the owner/occupant.

d. The City shall be responsible for all maintenance of median divider parkways and shall be responsible for all major pruning or other tree surgery and the control and treatment of insect pests and disease as funds are available.

SECTION 2: EFFECTIVE DATE: This Ordinance shall become effective 30 days after final passage thereof.

SECTION 3: SEVERABILITY: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause,



subsections, sentences, clauses, or phrases hereof irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases hereof be declared invalid or unconstitutional.

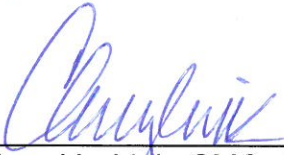
**SECTION 4: POSTING:** The Mayor shall sign this Ordinance and the City Clerk shall attest hereto and shall cause the same within 15 days of its passage to be posted at no less than five public places within the City of Norco.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on August 2, 2017.



Greg Newton, Mayor  
City of Norco, California

ATTEST:



Cheryl L. Link, CMC, City Clerk  
City of Norco, California

I, Cheryl L. Link, CMC, City Clerk of the City of Norco, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Norco, California, duly held on, July 19, 2017 and thereafter at a regular meeting of said City Council duly held on August 2, 2017, it was duly passed and adopted by the following vote of the City Council.

AYES:	NEWTON, HOFFMAN, BASH, GRUNDMEYER, HANNA
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on August 2, 2017.



Cheryl L. Link, CMC, City Clerk  
City of Norco, California