

ORDINANCE NO. 1003

ORDINANCE OF THE CITY OF PALM DESERT,
CALIFORNIA ADDING CHAPTER 12.32 OF
THE CODE OF THE CITY OF PALM DESERT,
CALIFORNIA RELATING TO MAINTENANCE AND
CARE OF TREES

WHEREAS, the City Council of the City of Palm Desert, California has become more aware of the need for standards applicable to the care and maintenance of trees located on public property within the City and the use of public rights-of-way for the care and maintenance of trees located on private and public property. Council now desires to establish such standards and to regulate compliance therewith.

NOW, THEREFORE, the City Council does hereby ordain as follows:

Section 1. Chapter 12.32 is hereby added to the Code of the City of Palm Desert to read as follows:

Chapter 12.32

TREE PRUNING REGULATIONS

Sections:

| | |
|------------------|-----------------------------|
| 12.32.010 | Purpose of Chapter. |
| 12.32.020 | Definitions. |
| 12.32.030 | Scope. |
| 12.32.040 | Standards. |
| 12.32.050 | Enforcement. |
| 12.32.060 | Violation - Penalty. |
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12.32.010 Purpose of Chapter.

The purposes of this chapter are: (1) to establish standards for care and maintenance of trees located on public property; (2) to regulate compliance with those standards in order to protect those public assets and enhance their appearance (3) to establish standards for the use of public rights-of-way for the care and maintenance of trees located on public property or located on private property and affecting public rights-of-way; and (4) to provide for the public safety during such care and maintenance.

12.32.020 Definitions.

- A. Unless otherwise defined, all terms and expressions used herein shall have the meanings utilized by the nursery and landscaping trades, aboricultural trades, or the meanings in common usage.
- B. "Complete Root System" as used herein, means the root crown and all roots that are larger than three (3) inches in diameter.
- C. "Contractor", as used herein, means any person, agency or entity performing or subcontracting for the performance of any Tree Work (as hereinafter defined), whether or not such person or entity has been hired by the City or another person or entity to perform such operations.
- D. "Tree Work", as used herein, means any of the Tree Pruning or landscaping operations referred to herein.
- E. "Emergency Work", work required when a tree or shrub is causing an immediate hazard to power lines with the potential to disrupt electrical service and/or cause damage to the public and property.

12.32.030 Scope.

The regulations of this chapter shall apply to any Contractor, property owner or occupant performing any of the Tree Pruning or landscaping operations referred to herein when such performance is rendered on or affects or interferes with public property or the public right-of-way within the City. Nothing in this ordinance is intended to stop, delay, or prevent any utility from complying with state and federal government regulations.

12.32.040 Standards.

A. Scheduling.

- 1. Contractor shall notify the City of Palm Desert no sooner than sixty (60) days and no later than ten (10) days before any Tree Work is commenced unless the tree work is required by an emergency.
- 2. Prior to commencing any Tree Work, the City representative and Contractor shall agree upon a work schedule. Any changes in this schedule must be approved by the City; the Contractor will give the City twenty-four (24) hours notice of said changes. Maintenance and operation of equipment shall be performed only during the time periods as follows:

| | | |
|----------------------|--|-----------------------|
| October 1 - April 30 | Monday - Friday | 7:00 am - 5:30 pm |
| | Saturday - <i>(With City Approval Only)</i> | 8:00 am - 5:00 pm |
| | Sunday | Work is not Permitted |
| May 1 - September 1 | Monday - Friday | 6:00 am - 7:00 pm |
| | Saturday <i>(With City Approval Only)</i> | 8:00 am - 5:00 pm |
| | Sunday | Work is not Permitted |

Exceptions to the above schedule may be granted by the City upon demonstration of the necessity for such deviation. Emergency work directed by the City shall not be impacted by the above scheduling restrictions.

B. Encroachment.

Before commencing work, Contractor shall apply for and receive an encroachment permit to work within the public right-of-way. An inspector will be assigned to inspect the tree work, monitor traffic controls and insure public safety.

C. Safety Standards.

1. Contractor shall comply with the State of California and Cal-OSHA Safety Rules and Regulations and American National Standards Institute (ANSI) Z133.1 standards. Contractor shall supply all delineation, signing and clothing as required by the State of California Department of Transportation.
2. Contractor shall set up traffic controls to assure a safe and proper lane closure is provided for the work area when work is done on public streets. If work along a public right-of-way will require the closure of a traffic lane, the Contractor shall notify the City at least 24 hours in advance and comply with the procedures outlined in the Cal-Trans Manual (page 5-48, figure 5-9, "Typical Lane Closures"). Contractor shall also obtain a copy and observe the City's Traffic Controls which outlines the normal requirements to close down a traffic lane for work. Contractor shall also accept additional direction or requirements from City staff when unusual conditions may exist or a hazard is identified.

D. Utility Hazards.

1. The Contractor shall exercise precautions as necessary when working adjacent to aerial utilities and comply with clearances as defined by current and applicable ANSI standards. In the event that aerial utility wires present a hazard to the Contractor's personnel or others near the work site, work is to immediately cease and the appropriate utility company notified. Work shall then commence in accordance with instructions from the utility company.
2. Any new planting of trees, shrubs and bushes shall be performed in a manner that does not interfere with overhead utility installations.

E. Arboriculture Standards.

1. All work shall conform to current and applicable International Society of Arboriculture (ISA) and American National Standards Institute (ANSI) standards. In all cases the City's representative shall have complete and sole discretion in determining conformance and acceptability of trees trimmed and/or removed.
2. All work is to be done by personnel who have been trained according to ISA accepted tree care standards. Work is to be supervised by an experienced ISA Certified Arborist.
3. All tree pruning and/or removal is to be done by an experienced ISA Certified Tree Worker and/or an experienced but non-certified tree worker under the direct supervision of one of the aforementioned ISA certified personnel. Direct supervision requires that the ISA certified arborist or certified tree worker be present on the job site and observing the work of a non-certified employee.

F. Tree Removal.

1. Trees being removed shall be done according to ANSI Safety Standards and provide for the safety of workers, traffic, City residents and property.
2. All trees that have been topped, trimmed or mutilated beyond salvageability shall be removed at Contractor's expense, and such removal shall include removal of the Complete Root System so that future plantings can be accomplished without complications.

3. Any trees which require severe pruning that leaves the survivability of the tree in question shall be removed at Contractor s expense along with the Complete Root System.

G. Stump Requirements.

1. All stumps shall be ground to twenty-four (24) inches below grade and all roots larger than three (3) inches in diameter shall be removed. Holes shall be backfilled with native soil. Compaction shall be achieved with the use of water and the finished grade shall be two (2) inches above natural grade. If imported unclassified fill is used to backfill holes, the City must grant written approval and be notified far enough ahead of time to allow for soil testing. Any landscape and/or landscape material damaged during stump removal will be replaced by Contractor and approved by a City representative.
2. All visible surface roots are to be removed to eight (8) inches below grade and voids filled in accordance with the section immediately above.

H. Debris Removal & Composting of Green Waste.

1. Contractor shall remove all cuttings and debris from the work area on a daily basis. All dump/disposal fees shall be included in the bid proposal price.
2. Contractor shall dispose of all appropriate green waste removed from landscape areas at an approved facility where green waste is converted to a usable soil amendment or energy.
3. Contractor shall submit, at the end of the encroachment permit period, to the City representative, a listing of the landfill and/or energy site(s) used and a gross weight slip from the facility.

I. Damage to Public or Private Property.

1. Should any structure or property, including landscape, be damaged during permitted or contracted Tree Work, the persons conducting the work shall immediately notify the proper owners or City representative. Repairs to property damaged shall be made, at the sole cost and expense of the responsible party, within forty-eight (48) hours. Repairs on private property shall be made in accordance with the appropriate building code under permits issued by the City.
2. Any damage caused by the permitted or contracted persons shall be repaired

or restored by them at their expense to a condition similar or equal to that existing before such damage or injury, or they shall repair such damage in a manner acceptable to the City. Special attention is drawn to sprinkler systems on all City property and private property, and the need to avoid damage or to repair damage to sprinkler systems as soon as possible.

12.32.050 Enforcement.

- A. Any Contractor and the owner, operator or manager of any property, facility, business or agency performing or arranging for the performance of the Tree Pruning and landscaping operations within the purview of this chapter shall comply herewith. Such Contractor, owner, operator or manager shall not violate or permit a violation of this chapter.
- B. The City's zoning and license officers, police and fire personnel are authorized to issue citations for violation of the regulations of this chapter.

12.32.060 Violation - Penalty.

Any person who violates any provision of this chapter is deemed guilty of an infraction in accordance with Chapter 1.12 of this code.

12.32.070 Severability.

The City Council declares that, should any section, paragraph, sentence or word of this chapter of the code, hereby adopted, be declared, for any reason, to be invalid, it is the intent of the Council that it would have passed all other portions of this chapter independent of the eliminations herefrom of any such portion as may be declared invalid.

Section 2. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published once and the same shall be in full force and effect thirty (30) days after its adoption.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

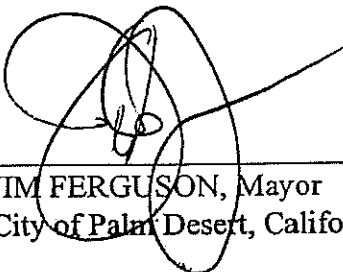
PASSED, APPROVED AND ADOPTED this 8th day of November,
2001, by the City Council of the City of Palm Desert, California, by the following vote, to wit:

AYES: BENSON, KELLY, SPIEGEL, FERGUSON

NOES: NONE

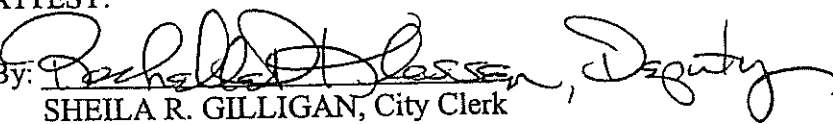
ABSENT: CRITES

ABSTAIN: NONE

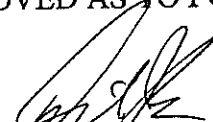


JIM FERGUSON, Mayor
City of Palm Desert, California

ATTEST:

By: 
SHEILA R. GILLIGAN, City Clerk
For City of Palm Desert, California

APPROVED AS TO FORM:

By: 
DAVID J. ERWIN, City Attorney
City of Palm Desert, California

