

## CHAPTER FIVE: PLANNING, ZONING, USE, AND DEVELOPMENT OF LAND AND IMPROVEMENTS

### Subchapter 5.20: Public Trees

#### 5.20.010 Purpose.

The General Plan of the Town of Colma recognizes the contribution of trees to the character and beauty of the Town. It is in the best interest of the Town and its residents that trees on public property are properly maintained. This chapter is adopted for the purposes of establishing rules and regulations relating to the planting, care, maintenance, removal, and replacement of such trees.

[History: Adopted by Ord.783, 10/24/18]

#### 5.20.020 Definitions.

*Director:* Public Works Director and his or her designee.

*Maintenance:* Acts to promote the life, growth, health, or beauty of trees, shrubs, or plants, including, but not limited to, pruning, trimming, topping, root pruning, spraying, mulching, fertilizing, cultivating, supporting, and treating for disease or injury.

*Owner:* The fee owner of real property and the person or persons in possession of the real property.

*Person:* Any person, firm, partnership, association, corporation, company, or organization of any kind.

*Public Street:* Road or street under the jurisdiction of and maintained by a public authority, such as the Town of Colma, and open to public vehicle, bicycle, pedestrian or other travel.

*Public Property:* Any property under the jurisdiction of and maintained by a public authority, such as the Town of Colma, and open to public use.

*Town Tree:* Any tree growing on any Town-owned property, including any tree located on an easement dedicated to the Town where the Town has affirmatively accepted responsibility to maintain such tree(s).

[History: Adopted by Ord.783, 10/24/18]

#### 5.20.030 Administration.

The Director shall have authority to administer the provisions of this chapter regarding trees planted or growing in public areas within the Town.

[History: Adopted by Ord.783, 10/24/18]

**5.20.040 Interference with city employees, contractors or representatives.**

No person shall interfere with or cause or permit any person to interfere with Town employees, contractors or representatives who are engaged in the planting, preserving, maintaining, treating or removing of any tree or plant or related work in the Town.

[History: Adopted by Ord.783, 10/24/18]

**5.20.050 Public Tree Care.**

- (a) It shall be unlawful for any person to plant, remove or alter any tree on public property in the Town without authorization from the Director, except as provided in Section 5.20.070.
- (b) Public trees may be removed with approval from the Director in the following circumstances:
  - a. If the tree is damaged or destroyed.
  - b. To protect property or other trees, shrubs or plants from damage or injurious infection.
  - c. In the interest of public safety.
- (c) The Director shall review and authorize the species, location and spacing of all plantings on public streets and public property.

[History: Adopted by Ord.783, 10/24/18]

**5.20.060 Destruction of public trees unlawful.**

No person shall:

- (a) Damage, cut, injure, deface, mutilate, kill or destroy a Town tree.
- (b) Cause or permit a fire to burn where the fire or the heat will injure a Town tree.
- (c) Place, apply or attach to a Town tree or to the guard or stake intended for the protection of a Town tree any wire, rope (other than one used to support a young or broken tree), sign, paint or other substance that may serve to damage or alter the tree.

[History: Adopted by Ord.783, 10/24/18]

**5.20.070 Exceptions.**

- (a) It is the responsibility of the utility companies to maintain trees that interfere with utility wires in accordance with State orders for clearance of trees from electrical utilities. Utility companies performing tree maintenance work done under State orders are exempt from obtaining approval from the Director; provided, however,

any such utility company shall provide evidence of existing State orders and notify the Director of when such maintenance will occur at least two weeks prior to undertaking the work. Each utility company doing work in the Town is required to secure an annual encroachment permit.

- (b) If emergency conditions such as personal injury or substantial property damage is imminently threatened, or access to public property or public rights-of-way by disabled persons prevented, the Chief of Police, City Manager, or City Planner may authorize the removal of a tree without compliance with other provisions of this ordinance.

[History: Adopted by Ord.783, 10/24/18]

**5.20.080 Town tree master plan.**

- (a) The Town shall inventory and develop a plan for all Town trees and planting areas in public areas of the Town. All town trees shall be tagged and logged into the Town's Geographic Information System database.
- (b) In accordance with the plan, the Director shall proceed each year to plant trees or replace trees to the extent of such funds as may be allocated by the City Council for that purpose.
- (c) Where the condition of a tree, or the condition of public improvements adjacent to a tree make replacement of the tree necessary or desirable, the Director is authorized to remove such tree and replace it with one in accordance with the Town tree master plan.
- (d) In accordance with the plan, the Director shall establish and implement a five-year schedule for regular pruning of Town trees maintained by the Town; the allocation of staff resources, and for establishing a budget for these activities.

[History: Adopted by Ord.783, 10/24/18]

**5.20.090 Master tree list.**

- (a) The Director may determine the types and species of trees suitable and desirable for planting and the areas in which and conditions under which such trees shall be planted in public property in the Town. The suitable and desirable plantings that are approved to be planted in Town shall be included in a "master tree list" and it shall be filed in the office of the Town Clerk. The Town may revise or change the master tree list subject to the approval of the Director.
- (b) Each tree planted in a public area must be on the master tree list, unless approval is obtained from the Director to plant a tree not on the list.
- (c) The following list is the approved master tree list of the types and species of trees suitable and desirable for planting within Public Property.

<b>BOTANICAL NAME</b>	<b>COMMON NAME</b>
Arbutus Marina	Strawberry Tree
Metodideros excelsus	New Zealand Christmas Tree
Pyrus kawakamii	Evergreen Pear
Pyrus calleryana	Ornamental Pear
Tristania Conferta (Lophostemon)	Brisbane Box
Tristaniopsis Laurina "Elegant"	Water Gum

[History: Adopted by Ord.783, 10/24/18]

### **5.20.100 Prohibited Trees.**

The Town has determined that certain species of trees are not desirable due to their susceptibility to disease, short life span, mature size, maintenance schedule, and/or likelihood of damaging existing improvements. The following list is the list of trees that should not be authorized in Town without additional consideration.

<b>BOTANICAL NAME</b>	<b>COMMON NAME</b>
Ulmus americana	American Elm
Acer saccharinum	Silver Maple
Salix babylonica	Weeping Willow
Pinus radiata	Monterey Pine
Pseudotsuga menziesii	Douglas Fir
Acacia mearnsii	Black Acacia Tree

[History: Adopted by Ord.783, 10/24/18]