

Buena Park Public Tree Policy
BPMC Chapter 12.20 (Plants and Trees on Public Property)
BPMC Chapter 15.28 (Abatement of Public Nuisances)

Objective

The objectives of this Tree Maintenance Policy ("Policy") include to: (1) fully realize the benefits of trees in public spaces, which include shade from the sun, minimization of the urban heat effect, abatement of air and noise pollution, reduction of soil erosion and runoff, enhancement of the visual environment, traffic calming, and promotion of community pride; (2) reduce the public hazard, nuisance, and expense incurred by poorly maintained or improperly selected tree; (3) promote efficient and cost-effective management of the City's urban forest; (4) protect the City's investment in a mature and healthy urban forest; and (5) address circumstances where trees located on private property cause damage to public property or constitute a public nuisance.

Introduction

This Policy provides guidelines for administering Chapters 12.20 and 15.28 of the Buena Park Municipal Code. It includes standards for planting, maintaining and removing trees located on public property or in the public rights-of-way, and standards to aid private property in responsibly planting, maintaining and removing trees located on private property. This policy is intended to be used as a reference by City Staff, residents, businesses, and private contractors in making tree-related in the City..

Application

This policy applies to all trees located on public property or public rights of way, which includes but is not limited to parkways, median islands, and areas located between the curb and sidewalk adjacent to public rights of way ("Public Property"). Additionally, portions of this Policy apply to trees located on private property to the extent those trees damage City property or constitute a public nuisance.

Tree Maintenance on Public Property

There are dozens of varieties of street trees in the City of Buena Park and each species requires different care and brings its own unique characteristics to a neighborhood. Immediate trimming may be required on some trees to protect public safety, while other trees are identified for trimming as time and resources allow. There are a number of trees within the City requiring special handling for various reasons such as species, age, or location near buildings or power lines. Utility companies under their franchise agreements have the right to trim City trees when they pose a hazard to their facilities.

The Public Works Department is responsible for trimming trees located on Public Property and each year City funds are budgeted for tree trimming services. Trims related to safety (tree limbs that interfere with safe passage of vehicles or pedestrians) are scheduled

immediately. Other trims are scheduled on a set interval based on species, most commonly in an interval of every four years. Tree limbs are selectively removed to “air out” the tree to encourage good development and preserve their health, structure and natural appearance. The City will not allow its crews or contractors to perform topping, heading back, stubbing, lion tailing, or pollarding.

If a property owner wishes to have a parkway tree trimmed sooner than scheduled by the City, a property owner must first obtain a no-fee permit from the City. The property owner shall be responsible for the tree trimming and for all costs related to it, including cleanup and disposal. A City-approved, licensed, bonded, and insured contractor must do the actual trimming. Work must be done according to City specifications.

Tree Planting on Public Property

The Public Works Department is responsible for all tree plantings on Public Property. In an effort to restock and enhance the City’s urban forest, the Public Works Department will plant trees in areas where trees have been lost due to disease, age, weather, or infrastructure damage. The cooperation of adjacent property owners in caring for newly planted trees will be encouraged as they are especially dependent on irrigation to survive.

To supplement City funded tree replacement activity, the City will endeavor to work with neighborhood and non-profit organizations to obtain additional resources and coordinate neighborhood-planting efforts.

Trees that are planted shall be on the Approved Street Tree List and must be appropriate for the specific planting site. No tree shall be planted closer than 25 feet to another tree unless a staff have determined that a lesser distance will not impact the growth or health of the tree, or closer than 15 feet to any utility pole or light standard, or nearer than 5 feet to any fire hydrant, water meter or gas meter, or closer than 25 feet from the curb radius centers of any street intersection.

No tree shall be planted in a planting strip that is less than 30 inches in width between the sidewalk and curb, except upon the approval of the Director of Public Works. Because a 15-gallon tree will be larger and healthier than a 24 or 36 inch boxed tree five years after planting, the preferred tree size shall be 15 gallon. Generally speaking, a variety of species of trees should be planted on each street, and effort will be made to avoid having one type of tree dominate a street or block.

If a property owner wishes to plant a tree on Public Property, he/she shall obtain a permit from the Public Works Department. The permit provides the means for the City to work with the property owner to ensure appropriate tree selection, appropriate planting location, and adding the locating to the City’s tree inventory for future maintenance. The permit will be issued on a no-fee permit basis. The property owner shall bear all costs and liabilities associated with the planting(s) and ensure that any contractor used is licensed by the City. Property owners shall also be responsible for watering the tree to ensure its healthy growth. **(Municipal Code Section 12.20.030.A).**

Trees planted without a permit that are considered undesirable (not on the Approved Street Tree List) will result in the property owner being required to remove and replace the tree with a tree on the Approved Street Tree List. Failure to comply will result in the removal of the tree by the City, at the property owner's expense. **(Municipal Code Section 12.20.010.A).**

Removal of Street Trees on Public Property

The City recognizes the value and appeal of a viable urban forest and promotes not only the conservation but also the addition to the urban forest canopy in the constantly evolving and complex biological setting that the City landscape provides. The City recognizes that there is no perfect tree for all situations and that site conditions and community preferences, along with biological constraints, are all involved in tree selection and maintenance.

The conservation of City trees, especially those in parkways, is a collaboration between the City and its individual residents. Property owners and/or their tenants are required to care for and properly maintain their parkway trees and report any damaged or suspected diseased trees to the Public Works Department.

The City attempts to correct, by all means available, situations that may call for removal of City trees. However, as trees and neighborhoods mature, removal and replacement may become necessary. In general, the City will only remove or allow removal of a tree on Public Property if it is dead, dying, diseased, uprooted, damaged and in danger of falling, or where tree root-damaged sidewalks and curbing cannot otherwise be safely corrected. The City will not allow removal of a tree solely because of leaf, flower, berry debris, or personal preference. The Director of Public Works or his/her designee is authorized to approve or deny all tree removal requests.

Conditions for Removing Trees on Public Property

The determination of a tree's condition and removal will be made by Public Works Department staff. Removal of a tree at no cost to the adjacent property owner may be considered for the following reasons:

- The tree is dead, dying, critically diseased or damaged beyond reasonable repair.
- The tree is in danger of falling or uprooting.
- There is a recognized danger of falling or dropping limbs, which, combined with other factors such as high winds, make corrective measures non-cost effective.
- The tree is competing for light or space with adjacent trees that are more valuable because of their potential longer life, attractiveness and/or sturdier growth.

- The tree is host to aggressive, life-threatening disease or pests that threaten to spread to other trees.
- The tree is in decline and is estimated to have less than two years of life remaining.
- The tree is damaging vital infrastructure such as a sewer line, water line, gas or electrical conduit or is causing other major structural damage.
- The tree is preventing the immediate repair of a sidewalk, curb, gutter, or an essential utility service.
- The Director of Public Works or his/her designee has made the determination that the removal is required to accommodate a City approved infrastructure improvement.

In the cases where the majority of the trees on a block are designated for removal due to declining tree health, the City will work with property owners on a staged removal plan.

For removals being requested by a property owner due to re-occurring utility damage being caused by the tree, the property owner shall provide proof of such damage, verified with invoiced repair costs by a licensed contractor.

Tree/Hardscape Conflicts on Public Property

The following guidelines have been established for correcting potentially hazardous situations that result from tree roots disturbing nearby hardscape (sidewalks, curbs, etc.): Hardscape damage on Public Property may require a temporary asphalt ramp to be followed by permanent repair of the area as funds become available. All reported offsets/deviations will be patched.

Hardscape damage on Public Property that creates a public safety hazard will be scheduled for repair, as funds are available. The following procedures for the removal of street trees as part of any street or sidewalk reconstruction project shall apply:

1. The tree shall be inspected by Public Works Department staff and a written determination made that the proposed street or sidewalk work cannot be accomplished as planned without permanent damage to the tree resulting in making the tree unstable or causing its demise, or the tree has significantly re-damaged a street or sidewalk repaired within the previous 36 months.
2. City staff shall make a determination that the proposed improvement plans cannot be altered to avoid tree removal (i.e.: sidewalk routed around the tree with an easement granted by the adjoining property owner).

Removal of Tree on Public Property to Accommodate Private Construction Projects

Removal of a street tree at the property owner's expense may be considered if the property owner agrees to all the applicable conditions outlined below. Property owners wishing remove a tree on Public Property must first obtain a no-fee permit from the City.

- The property owner's application for the permit must demonstrate that the existing tree has a direct impact to the design and function of the proposed project.
- The property owner will pay all removal costs, including site cleanup, make any necessary repair of hardscape damage and replace the tree. The tree must be replaced with an approved 15-gallon tree to be planted in an appropriate area of the parkway. The property owner will also pay for the equivalent of one (1) 15-gallon tree (approximate cost: \$75) to be planted elsewhere in the City. All fees collected for tree replacement will be placed in a designated tree fund, used solely for the enhancement of the urban forest program.
- The tree, stump and debris are to be removed by a City-approved, licensed, bonded and insured contractor. If the sidewalk, curb and/or gutter or any infrastructure is damaged by the contractor while removing the tree (final conditions will be inspected by the City), the property owner agrees to have all damages repaired within forty-five (45) days after tree removal. If the property owner fails to make repairs, the property owner will be assessed the full value of the tree based on International Society of Arboriculture (ISA) standards. The property owner will be required to replant a tree if the parkway space is available. If the request is granted the property owner will be required to complete all permits, provide a bond for completion, and secure a City-approved, licensed, bonded and insured contractor.

Private Trees Obstructing Public Property

Any tree, shrub, or plant located on private property infested with disease or insects which, in the opinion of the Director of Public Works, is infectious and may spread such disease or insects to other trees or shrubs in the City, shall constitute a public nuisance. **(Municipal Code Chapter 15.28).**

Any tree, shrub, or plant growing or standing on private property in such a manner that any portion interferes with utility poles, lines, wire, or electroliers lawfully erected or maintained along any public street or sidewalk or restricts the flow of traffic or visibility of such street, sidewalk, or intersection or any such tree which has become diseased or weakened in such a manner as to be dangerous to persons lawfully using the streets or sidewalks shall constitute a public nuisance.

The Director of Public Works shall cause notice to be served upon the property owner directing that the public nuisance be removed or abated within seven (7) days. If the public nuisance is not abated or removed or abated within seven (7) days after notice is served, the Director is granted authority to pursue nuisance abatement or code enforcement remedies.

Private Trees and Shrubs Damaging Public Property

If a private tree, shrub, or other plant material causes damage to public property including sidewalks, curbs, gutters, streets, and alleys, repair of damaged areas is the responsibility of the abutting property owner. The property owner is required to obtain applicable permits from the City prior to making any repairs. If the property owner fails to make proper repairs, the City may pursue nuisance abatement or code enforcement remedies. See Section 12.20.030 of the Municipal Code regarding the obligation of residential property owners to maintain parkways adjacent to their property.

City Trees and Shrubs Damaging Private Property

If private property damage occurs as a direct result of a tree located on Public Property, the private property owner is may file a claim for damages with the City. Claim forms for such damages are available from the Public Works Department by calling (714) 562-3655. City Staff will review the claim and respond in the manner prescribed by law.

Penalties for Vandalizing or Damaging City Trees

If a property owner vandalizes or damages a City Tree adjacent to their private property, and the damage is such that it cannot be safely corrected and necessitates removal of the tree, the City may seek recovery from the property owner of all removal costs, including site cleanup, repair of hardscape damage, and replacement of the tree.

City of Buena Park Approved Parkway Tree List

- Camphor Tree
- Brisbane Box Tree
- Arabian Lilac Tree
- Gold Medallion Tree
- White Crape Myrtle
- Evergreen Pear Tree
- Marina Strawberry Tree
- Glossy Privet Tree
- Compact Southern Magnolia Tree
- Chinese Pistache Tree
- Japanese Pagoda Tree
- Purple Orchid Tree
- Silver Maple Tree
- Sweet Bay Laurel Tree
- Blue Palo Verde Tree
- Desert Willow Tree

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