

REC'D DEC 28 2009



City of Thousand Oaks

COMMUNITY DEVELOPMENT DEPARTMENT
JOHN C. PRESCOTT, DIRECTOR

BUILDING DIVISION (805) 449-2500
PLANNING DIVISION (805) 449-2323
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December 23, 2009

On November 17, 2009, the City Council adopted the attached Ordinance, adding Sections 5-28.01 through 5-28.06 of the Municipal Code, in order to provide regulations and standards for the pruning of trees in developments that are subject to a City-approved landscape plan. Developments that have City-approved landscape plans generally include all commercial, industrial, and institutional projects, and residential projects that have common area landscaping, such as apartment and condominium projects. This ordinance does not apply to individual single family homes, unless the trees were installed pursuant to a City-approved landscape plan, which is rarely the case.

This Ordinance becomes effective on December 18, 2009.

The Ordinance regulates the pruning of trees in the following ways:

1. Prohibits the pruning of greater than twenty-five (25%) percent of a tree's foliage or crown during a single calendar year, unless a permit is obtained from the Community Development Department.
2. Prohibits the "topping" or "lion's tailing" (defined in the attached ordinance) of a tree.
3. Generally prohibits the use of climbing spurs while working on trees.

As a property owner/manager or landscape professional, it is important that you are familiar with these new regulations. The regulations serve to formalize and codify good tree maintenance practices. The people of Thousand Oaks value the community forest, which includes street trees and landscaping of development projects. We commonly receive complaints regarding improper pruning and investigates these allegations. We hope this ordinance will clarify what is and is not allowed.

In the near future, the City will conduct a workshop on our tree pruning regulations and landscape maintenance policies. If you have received this letter, you are on our mailing list and will receive notice of this workshop.

If you have any questions regarding this Ordinance, please contact the City's Code Compliance Division at (805) 449-2300. Thank you for your time in reviewing these regulations and your assistance in their implementation.

Very truly yours,

Geoff M. Ware
Code Compliance Manager

CDD: 465-30/gmw/TREEORDLTR

cdd:420-74/NOA 150' Radius-Admin/pz (FILE ID:PPD 2009-70448)

CHAPTER 28. TREE PRUNING

Sec. 5-28.01. Purpose.

This chapter provides standards for pruning of trees planted pursuant to a City approved landscape plan, in order to protect the health and aesthetic value of such trees. Trees that are well maintained have better structure minimizing the potential for failure, and also enhance the aesthetic character of the property and the City.

Sec. 5-28.02. Definitions ¹.

The following words and phrases, as used in this Chapter shall have the following meanings:

- (a) "Cambium" means the dividing layer of cells that forms sapwood (xylem) to the inside and inner bark (phloem) to the outside.
- (b) "Climbing spurs" shall mean sharp, pointed devices affixed to a climber's boot used to assist in climbing trees (also known as gaffs, hooks, spurs, spikes, or climbers).
- (c) "Crown" shall mean the leaves and branches of a tree measured from the lowest branch on the trunk to the top of the tree.
- (d) "Lion's tailing" shall mean the removal of an excessive number of inner, lateral branches from parent branches.
- (e) "Throwline" shall mean a small, lightweight line with a weighted end used to position a climber's rope in a tree.
- (f) "Topping" shall mean the reduction of a tree's size using heading cuts that shorten limbs or branches back to a predetermined crown limit.

Sec. 5-28.03. Applicability

This chapter shall apply only to trees planted pursuant to a City-approved landscape plan. The provisions of this chapter do not exempt any person or entity from the requirements to obtain a permit for the removal, pruning, or encroachment of any protected oak or landmark tree subject to Title 5, Chapter 14 or 24.

Sec. 5-28.04. Pruning Regulations.

- (a) It shall be unlawful to prune greater than twenty-five (25%) percent of the foliage or crown of a tree subject to this chapter as determined by the City's Arborist, during a calendar year.
- (b) It shall be unlawful to prune a tree that results in topping or lion's tailing.
- (c) It shall be unlawful to use climbing spurs except when limbs are more than a throwline distance apart and there is no other means of climbing the tree, or when the

¹ Excerpted from ANSI A300 (Part 1) – 2008 Pruning, Copyright Tree Care Industry Association, Inc. Visit www.tcia.org for more information.

bark is thick enough to prevent damage to the cambium. The use of climbing spurs on palm trees is permitted.

(d) Exceptions to these regulations may be granted by the Community Development Department for good cause and where the requested pruning does not adversely affect the aesthetics or health of the tree(s).

Sec. 5-28.05. Penalties

(a) Any person or entity that violates any provision of this chapter shall be guilty of a misdemeanor, punishable as provided in Section 1-2.03 of this Municipal Code.

(b) It has been determined that trees subject to this chapter are a valuable asset to the citizens of the Thousand Oaks and as a result of the loss or damage to any of these trees, the public should be recompensed. In addition to any penalties provided by subsection (a), any person or entity who damages a tree planted subject to this chapter by pruning methods prohibited by this chapter is responsible for monetary restitution to the City equal to the estimated value of damage to the tree(s), and may also be required to replace a tree damaged if it is no longer viable or could potentially become a hazard, as determined by the City's Arborist. Damage valuation shall be determined by the City's Arborist. Tree damage appraisals shall be conducted by the City's Arborist utilizing the Guide for Plant Appraisal, 9th Edition (Council of Tree and Landscape Appraisers) or latest edition.

Sec. 5-28.06. Pruning Permits.

(a) A pruning permit to prune greater than twenty-five (25%) percent of a trees foliage or canopy within an annual growing season may be issued after review by the Community Development Director or designee. All applications must include justification by a certified arborist or other professional as approved by the City, for the reason more than twenty-five (25%) of the trees foliage or canopy must be pruned. The justification for the pruning shall be evaluated by the City's Arborist.

(b) The Community Development Department is hereby authorized to collect an application processing fee, where applicable, and appeal fee, as set by Council resolution, to offset the cost of processing.