

CITY OF PALMDALE
COUNTY OF LOS ANGELES, CALIFORNIA
ORDINANCE NO. 1259

**AN ORDINANCE OF THE CITY OF THE CITY COUNCIL OF THE CITY
OF PALMDALE ADDING CHAPTER 8.40 TO TITLE 8 OF THE
PALMDALE MUNICIPAL CODE RELATED TO THE MAINTENANCE OF
STREET TREES**

WHEREAS, to promote the public health and welfare as well as the benefits of an aesthetically pleasing community, the City of Palmdale lawfully exercises its regulatory authority to require real estate developers to install street trees in parkways or in public easements on private property and property owners to maintain said street trees;

WHEREAS, the City of Palmdale does not acquire an ownership interest in street trees located on either parkways or in a public easement area of a private yard, but instead they continue to be owned by and be the responsibility of property owners to maintain;

WHEREAS, owners of private property, including parkways, on which the street trees are installed, and owners of property otherwise abutting parkways on which street trees are installed are in the best position to provide daily maintenance to street trees on or abutting their property and to observe their condition and their impact on surrounding or abutting property and public rights of way;

**THE CITY COUNCIL OF THE CITY OF PALMDALE DOES ORDAIN AS
FOLLOWS:**

SECTION 1. A new Chapter 8.40 is hereby added to Title 8 ("Health and Safety") of the Palmdale Municipal Code to read as follows:

Chapter 8.40

MAINTENANCE OF STREET TREES

8.40.010 Title. This chapter shall be known and may be cited as "The Palmdale Street Tree Maintenance Ordinance."

8.40.020 Findings and purpose. State law requires each property owner to maintain street trees located in a parkway abutting the owner's property. The

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City Council finds that the adoption of the ordinance codified in this chapter will serve the following purposes:

- A. Supplement the statutory responsibilities imposed on property owners with regard to the maintenance of street trees.
- B. Clarify property owners' minimum obligations with regard to the maintenance of street trees.
- C. Ensure that the City does not incur civil liability as a result of a property owner's failure to maintain street trees or for damage or injury resulting from or caused by a street tree.

8.40.030 Definitions. As used in this chapter, the terms listed below shall have the meaning assigned them.

"Dangerous condition" means that a street tree is damaged, infested, diseased, decaying, at risk of falling, or poses a hazard to persons, private property, or public property.

"Parkway" means the area of a public street that lies between the curb and the adjacent property line, sidewalk, or physical boundary definition such as fences or walls, which area is used for landscaping and/or passive recreation purposes.

"Property owner" and "owner" means the owner or owners of record of real property as shown on the latest assessment roll of Los Angeles County, or as otherwise identified by a title report on the property.

"Street Tree" means a tree in a parkway on publicly owned or privately owned land or within a public easement area of a private front or side yard.

"Tree debris" means leaves, seedpods, fruit, sap, branches, excrement from tree-dwelling organisms, and other deposits from trees.

8.40.040 Owner's duty to maintain street trees. It is unlawful for any property owner to do either of the following:

- A. Allow a street tree on a parkway abutting the owner's property or within a public easement area of a private front or side yard to be in a dangerous condition.

B. Allow the roots of a street tree to lift or otherwise damage a public sidewalk, curb, street, or other pavement of a public right-of-way.

C. Allow the roots or any part of a street tree to damage any septic tank, public sewer, water main, electrical, gas, or telecommunications utility facility.

C. Allow a street tree or tree debris from a street tree on a parkway abutting the owner's property or within a public easement area of a private front or side yard to pose a danger to persons, property, or vehicles in an adjacent public right of way or on adjacent property.

8.40.050 Civil liability. A. A property owner shall be liable for any personal injury or property damage caused by a street tree on a parkway abutting the owner's property or within a public easement area of a private front or side yard or by tree debris from such a street tree, including but not limited to:

1. damage to any septic tank, public sewer, water main, electrical, gas, cable, or telecommunications utility facility;
2. damage to any public sidewalk, curb, street, or other pavement of a public right-of-way;
3. damage to any adjacent private personal or real property;
4. damage to any vehicle on an adjacent street or public right-of-way;
5. injury to any person on the property owner's own property or on adjacent private property;
6. injury to any pedestrian or other person on or traveling on an adjacent parkway, sidewalk, street or other public right-of-way.

B. In the event that a claim, demand, action, or suit is brought against the City for personal injury or property damage related to such a street tree or tree debris, the City shall be entitled to full indemnity from the property owner for the amount of damages paid and the expenses (including without limitation attorney's fees) incurred by the City.

SECTION 2. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid, or ineffective.

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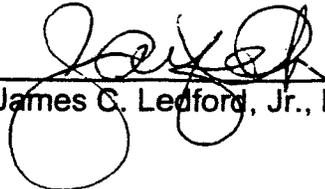
Section 3. The City Clerk is directed to certify to the passage and adoption of this ordinance, and to cause it to be published or posted as required by law.

PASSED, APPROVED and ADOPTED this 28th day of March, 2005 by the following vote:

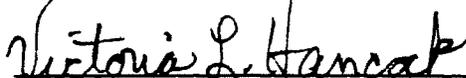
AYES: Mayor Ledford and Councilmembers Loa, Root, and Hofbauer

NOES: None

ABSTAIN None ABSENT: Councilmember Dispenza


James C. Ledford, Jr., Mayor

ATTEST:


Victoria L. Hancock, CMC, City Clerk

Approved as to form:


City Attorney