

Chapter 8.52 – CITY TREES AND TREE PROTECTION ORDINANCE

8.52.010 - Short title.

This chapter shall be known as the "city trees and tree protection ordinance."

(Ord. 6896 § 2 (part), 2002)

8.52.015 - Purposes of ordinance.

Pasadena is graced by the presence of thousands of mature trees that contribute long-term aesthetic, environmental, and economic benefits to the city. Aesthetically, trees offer dimensions in the form of color, shape, texture, scale and variety. Mature trees are often integral components of many historic sites and their presence contributes to the site's cultural and historic significance.

Environmental benefits derived by trees include the filtering of air pollutants; increasing atmospheric oxygen levels; stabilizing soils; reducing heat convection; decreasing wind speed; and reducing the negative effects of solar glare. The biological diversity of wildlife and plant communities is enhanced by the favorable conditions created by trees.

The economic benefits derived from trees include increased property values, and additional revenue generated by businesses, visitors and new residents attracted to the urban forest image of the city. Trees are a major capital asset to the city and like any valuable asset they require appropriate care and protection.

Therefore, it is the purpose of this ordinance to:

- A. Preserve and grow Pasadena's canopy cover by protecting landmark, native and specimen trees on specified areas of private property and expanding the protection of street trees and trees on public property.
- B. Safeguard the City's urban forest by providing for the regulation of the protection, planting, maintenance and removal of trees in the city.
- C. Protect the visual and aesthetic character of the city.
- D. Improve and enhance property values by conserving and adding to the distinctive and unique aesthetic character of the many areas of Pasadena.
- E. Improve the quality of life for residents, visitors and wildlife.
- F. Create favorable conditions for the protection of designated landmark, native and specimen trees, for the benefit of current and future residents of Pasadena.
- G. Maintain and enhance the general health, safety and welfare of the city and its residents by assisting in counteracting air pollution and in minimizing soil erosion and other related environmental damage.
- H. Protect and maintain healthy trees in the land use planning processes as set forth herein.
- I. Establish procedures and practices for fulfilling the purposes of this city tree and tree protection ordinance.

(Ord. 6896 § 2 (part), 2002)

8.52.020 - Definitions.

For the purposes of this chapter, the following terms are defined as follows:

- A. "City" shall mean the City of Pasadena.
- B. "City manager" means the city manager and such representative as he or she may designate in writing.
- C. "Diameter-at-breast-height (DBH)" means the diameter of the tree 4½ feet above ground on the uphill side of the tree. If a tree forks below breast height, it is considered "a multi-trunk." A measuring tape can be used to measure tree trunk circumference and then the circumference divided by 3.14 to determine diameter.
- D. "Established corner yard" means the area between the side property line and the principal structure on a lot.
- E. "Established front yard" means the area between the front property line and the principal structure on a lot.
- F. "Hazard" or "hazardous" means a tree, or part of a tree, that has a high potential for failure and falling on a nearby object because of dead or dying branches, roots or trunk.
- G. "Injure" means any act or omission which substantially affects or seriously jeopardizes the health of a living tree, in the determination of the city manager.
- H. "Landmark tree" means a tree designated as a landmark under Chapter 17.62 of this code as a tree of historic or cultural significance and of importance to the community due to any of the following factors: It is one of the largest or oldest trees of the species located in the city; it has historical significance due to an association with a historic building, site, street, person or event; or it is a defining landmark or significant outstanding feature of a neighborhood.
- I. "Landmark-eligible tree" means a tree which meets the criteria for designation as a landmark tree, as determined by the review authority.
- J. "Located" or "location" of a tree means that place where any portion of the trunk of a tree is found at natural grade.
- K. "Maintain" or "maintenance" means pruning, trimming, spraying, fertilizing, watering, treating for disease or injury or any other similar act which promotes growth, health, beauty and life of trees.
- L. "Master street tree plan" means the comprehensive street tree plan approved by the city council, which lists the official street tree to be planted or replaced for all streets or sections of streets within the city.
- M. "Mature tree" means an otherwise non-protected tree with a diameter-at-breast-height (DBH) of 19 inches or greater.
- N. "Median" or "traffic island" means a raised area within a street not used for vehicular traffic.
- O. "Multi-trunk" means any tree with multiple trunks attributed to a single tree. Each trunk shall be measured at a height of 4½ feet above natural grade, and the combined areas of the trunks shall be used to determine the tree's size for the purposes of this ordinance.
- P. "Native tree" means any tree with a trunk more than 8 inches in diameter at a height of 4 ½ feet above natural grade that is one of the following species: *Quercus agrifolia* (Coast live oak), *Quercus engelmannii* (Engelmann oak), *Quercus chrysolepis* (Canyon oak), *Platanus racemosa* (California sycamore), *Juglans californica* (California walnut), *Quercus berberidifolia* (Scrub oak), *Quercus lobata* (Valley oak), *Umbellularia californica* (California bay), *Populus fremontii* (Cottonwood), *Alnus rhombifolia* (California alder), *Populus trichocarpa* (Black cottonwood), *Salix lasiolepis* (Arroyo willow), and *Aesculus californica* (California buckeye).
- Q. "Official street tree" means an approved species of street tree designated in the master street tree plan.

- R. "Parkway" means an area between the property line and the face of the curb, or an area between the property line and the area where the face of the curb would ordinarily be located.
- S. "Property owner" means the person listed as the owner in fee simple of a lot or parcel with the office of county recorder or lawfully exercising the power of the property owner with respect to said lot or parcel.
- T. "Protected tree" means a native, specimen, landmark, landmark-eligible, mature (except for the trees in RS or RM-12 zones), or public tree.
- U. "Pruning" means the removal of dead, dying, diseased, live interfering, and weak branches according to the most recent standards of the International Society of Arboriculture.
- V. "Public benefit" means a public purpose, service or use which affects residents as a community and not merely as particular individuals.
- W. "Public tree" means a tree located in a place or area under ownership or control of the city including but without limitation streets, parkways, open space, parkland and including city owned property under the operational control of another entity by virtue of a lease, license, operating or other agreement.
- X. "Replacement matrix" means the table of requirements for replanting replacement trees on private property when removing protected tree/s per Finding 6 in Section 8.52.075.
- Y. "Specimen tree" means any tree meeting the criteria established by resolution of the city council by species and size of tree which is thereby presumed to possess distinctive form, size or age, and to be an outstanding specimen of a desirable species and to warrant the protections of this chapter.
- Z. "Street" means any public right-of-way regardless of whether it is described as a street, avenue, road, boulevard, drive, lane, court, place, alley, or by any other such designation.
- AA. "Street tree" means any public tree whose trunk is located primarily within any parkway, public sidewalk, street median, traffic island or other right-of-way under the ownership or control of the city by easement, license, fee title or other permissive grant of use.
- BB. "Tree" means a woody plant that has a single main trunk with clear apical dominance (i.e., one primary stem is significantly larger than the secondary stem/s).

(Ord. 6896 § 2 (part), 2002)

(Ord. No. 7184, § 2, 3-15-2010)

8.52.025 - Applicability.

The provisions of this chapter providing protection for specific trees shall apply as follows, unless excepted by provisions of this chapter.

- A. Native and specimen trees located in the established front yard, required side yard, established corner yard, or required rear yard of all property located in a single-family residential or RM-12 multifamily residential zone, and in all areas of all other zoning districts within the city.
- B. Landmark trees and trees that meet the criteria for designation as a landmark as determined by the review authority.
- C. Public trees located at all places within the city.
- D. Mature trees in all zoning districts except for trees on properties subject to the RS or RM-12 development standards.

(Ord. 6896 § 2 (part), 2002)

(Ord. No. 7184, § 3, 3-15-2010)

8.52.030 - City manager responsibilities.

The city manager shall:

- A. By use of city employees, private contractors or authorized volunteers, plant, maintain and otherwise care for, or, if necessary, remove public trees;
- B. Prepare an annual program for tree planting and tree care in public places of the city;
- C. Recommend to the city council changes or additions to the master street tree plan as needed;
- D. Inspect the planting, maintenance and removal of all public trees;
- E. Develop maintenance standards as they relate to trees in public places;
- F. Make determinations on public tree removal based upon tree reports prepared by certified arborists, other relevant facts, and upon established public tree removal criteria;
- G. Review development and construction plans as they affect mature, landmark, landmark-eligible, native, public and specimen trees;
- H. Act as advisor to the design commission of the city;
- I. Prepare and periodically revise the tree protection guidelines;
- J. Prepare and submit the specimen tree list, and any revisions thereto to the city council for adoption by resolution;
- K. Issue permits and make determinations specified under this chapter;
- L. Maintain a comprehensive inventory of public trees; and
- M. Act as the enforcement official who is designated to issue a compliance order or an administrative citation to enforce this chapter pursuant to Chapter 1.25 or 1.26, respectively, of this code.

(Ord. 6896 § 2 (part), 2002)

(Ord. No. 7184, § 4, 3-15-2010; Ord. No. 7322, § 2, 5-7-2018)

8.52.032 - Tree protection guidelines.

Tree protection guidelines are the standards and specifications for the protection of trees under this chapter. The tree protection guidelines, and any revision thereto, shall be prepared by the city manager. All guidelines and any revisions thereto shall be effective upon publication in a newspaper of general circulation in the city. All published guidelines shall be filed with the city clerk and will be linked to the official website of the city.

(Ord. 6896 § 2 (part), 2002)

(Ord. No. 7322, § 3, 5-7-2018)

8.52.040 - Consultation policy.

All departments, agencies and personnel of the city shall consult with the city manager prior to engaging in any action which would require the removal of, or which would otherwise substantially affect or seriously jeopardize the health of any existing public tree.

(Ord. 6896 § 2 (part), 2002)

8.52.050 - Design commission.

The design commission shall review, advise and make recommendations to the city council relating to the city's tree planting, maintenance and removal practices and proposed amendments to the master street tree plan.

(Ord. 6896 § 2 (part), 2002)

8.52.060 - Protection policy.

It shall be the policy of the city to protect and maintain mature and healthy trees. Special consideration shall be afforded mature, public, landmark, landmark-eligible, native and specimen trees as set forth in this chapter.

- A. Incentives for the Preservation of Mature Trees. When considering an application for any permit or approval that preserves mature trees, a decision may be made through the design review process or other entitlement process to waive development standards or accept alternative solutions to assist in the preservation of these trees. The review authority or director, if there is no other review authority, may modify the development standards or accept alternative solutions to assist in the preservation of protected trees. Modifications may include a reduction to garden requirements, guest parking requirements, location of driveways and building height limits. The review authority may approve the modification of up to two development standards after first finding that:
1. Applicant investigated alternative site designs and building footprints using existing development standards;
 2. Tree/s to be preserved is/are in good health and condition (taking into account species and longevity) as determined by a certified arborist;
 3. Project includes a well integrated and thoughtful design solution that enhances the property and its surroundings;
 4. Project is not injurious to adjacent properties or uses, or detrimental to environmental quality, quality of life, or the health, safety, and welfare of the public; and
 5. Project is consistent with the objectives and policies of the applicable design guidelines and the citywide design principles in the general plan.

(Ord. 6896 § 2 (part), 2002)

(Ord. No. 7184, § 5, 3-15-2010)

8.52.065 - Designation of landmark trees.

Any person or city agency may propose to the historic preservation commission that a tree meets the criteria set forth in Section 8.52.020 and should be designated as a landmark under Chapter 17.62 and, thereby, as a landmark tree under this Chapter 8.52.

(Ord. 6896 § 2 (part), 2002)

(Ord. No. 7184, § 6, 3-15-2010)

8.52.066 - Designation of native and specimen trees.

Designation of native, specimen and mature trees. All trees meeting the definition of native, specimen, landmark, landmark-eligible, or mature trees in Section 8.52.020 are automatically subject to the protections of this chapter, as of the effective date of the ordinance codified in this chapter.

(Ord. 6896 § 2 (part), 2002)

(Ord. No. 7184, § 7, 3-15-2010)

8.52.070 - Private property tree removal and landmark tree pruning permits—Applications.

- A. Where other discretionary approval is requested: Where a property owner wishes to remove a tree protected under this ordinance as part of a plan for which a discretionary approval under Title 17 of this code is otherwise required, the application for discretionary approval shall also be deemed an application for a permit under this chapter to the decision maker for the discretionary approval. Any decision on the application for a permit shall be subject to the same procedures for appeal and call for review as a decision on the associated discretionary approval.
- B. Where no discretionary approval is requested: Where a property owner wishes to remove a tree protected under this ordinance on private property, and no other discretionary approval is required under Title 17 of this code, an application shall be made to the city manager or his/her designee for a permit according to the standard application procedures and submittal requirements set forth in Chapter 17.60 except that the decision shall be made in accordance with the time set forth in Section 8.52.075(B). A decision on an application shall be made according to the standards of this chapter and shall be subject to the same procedures for appeal and call for review set forth in Chapter 17.72 as if it were a decision of the director within the meaning of that chapter. No noticed public hearing shall be required for an application under this section unless otherwise required by another section of this code or state or federal law.
- C. Landmark tree pruning. Any property owner desiring to prune a landmark tree located on their property shall make an application to the city manager on a form provided by the city to assure that the pruning shall be conducted according to the most recent standards of the International Society of Arboriculture.

(Ord. 6896 § 2 (part), 2002)

(Ord. No. 7184, § 8, 3-15-2010)

8.52.075 - Private property tree removal and landmark tree pruning permits—Issuance.

- A. Any permit or approval which will result in injury to or removal of a mature, landmark, landmark-eligible, native or specimen tree protected under this chapter shall be denied unless one of the following findings is made: (1) there is a public benefit as defined in Section 8.52.024(R), or a public health, safety or welfare benefit, to the injury or removal that outweighs the protection of the specific tree; or (2) the present condition of the tree is such that it is not reasonably likely to survive; or (3) tree is an objective feature of the tree that makes the tree not suitable for the protections of this chapter; or (4) there would be a substantial hardship to a private property owner in the enjoyment and use of real property if the injury or removal is not permitted; or (5) to not permit injury to or removal of a tree would constitute a taking of the underlying real property; or (6) the project, as defined in Section 17.12.020, includes a landscape design plan that emphasizes a tree canopy that is sustainable over the long term by adhering to the replacement matrix prepared by the city manager and included in the associated administrative guidelines. Finding 6 shall not apply to permits or approvals seeking removal of a landmark tree and landmark-eligible trees. In addition, for

removal of a landmark tree, any such permit or approval shall be denied unless procedures specified for removal of landmarks in Chapter 17.62 are first followed.

- B. An application shall be granted, denied, or granted conditionally on the date of the associated discretionary decision, or, if none, within 15 business days after a complete application is made. The approval may be based on imposed conditions reasonably necessary to meet the standards of this chapter.
- C. Alternative to Replacement Matrix Requirements. When using Finding 6 for removal of protected trees, the planting of required replacement trees on-site may be satisfied through the following alternative, in compliance with the city's regulations for the implementation of this chapter.
 - 1. Alternative Replacement Fee. The developer may request to pay a fee instead of planting on site up to 50 percent of the required number of replacement trees, as follows:
 - a. The amount of the fee shall be 100 percent of the appraised value of the tree/s that cannot be replaced.
 - i. Applicant must submit an application that includes: an appraisal by a certified arborist utilizing the most recent edition of the Guide for Plant Appraisal (published by the International Society of Arboriculture), the number replacement trees calculated using the replacement matrix, and a report by a certified arborist or landscape architect that determines that the number of required on-site replacement trees would inhibit healthy growth (e.g., overcrowding of new trees; interfere with roots and canopy of existing protected trees and street trees);
 - ii. Up to 50 percent of the required replacement trees must be planted on-site and the replacement fee shall be a maximum of 50 percent of the appraised value of all trees to be removed, prorated as necessary.
 - b. The review authority may approve an alternative replacement fee only after first making all of the following findings:
 - i. Applicant investigated alternative site designs and building footprints using existing development standards;
 - ii. Placing the required number of replacement trees on site with existing plan is not conducive to a sustainable landscape plan (e.g., overcrowding with existing or new trees; occluding important view corridors; disrupting the configuration of existing open space; or a landscape design which has historic or aesthetic importance; interfering with existing site features—walls, driveways, berms, planting beds, pergolas—which have historic or aesthetic importance);
 - iii. A minimum of 50 percent of the required replacement trees are on-site and the spacing and selection of the proposed trees and the landscape design contributes to the city's long-term goals of a sustainable urban forest as determined by the city's arborist;
 - iv. Project includes a well-integrated and thoughtful design solution that enhances the property and its surroundings;
 - v. Project is not injurious to adjacent properties or uses, or detrimental to environmental quality, quality of life, or the health, safety, and welfare of the public; and
 - vi. Project is consistent with the objectives and policies of the applicable design guidelines and the citywide design principles in the general plan.
 - c. One-half of the alternative replacement fee required by this subsection shall be paid (or alternate security provided in a form acceptable to the director of finance) before issuance of a building permit for any part of the project. The remainder of the fee shall be paid before a certificate of occupancy is issued for any portion of the project.

- d. Fees collected in compliance with this section shall be specified for additional plantings that are above and beyond the city's regular planting programs.

(Ord. 6896 § 2 (part), 2002)

(Ord. No. 7184, § 9, 3-15-2010; Ord. No. 7322, § 4, 5-7-2018)

8.52.076 - Work on public trees.

Public Trees. No permits will be issued to any person or entity for pruning or removal of public trees, and all pruning and removal of public trees shall be undertaken by employees or contractors of the city pursuant to Section 8.52.080. Any person desiring to initiate special maintenance or removal of a public tree by the city, may make a written request to the city manager and pay the costs of service and replacement at rates established by the city manager and set forth in the tree protection guidelines, should the request be granted. Any such request will be considered based on the provisions of this chapter, established public tree removal criteria, other ongoing public tree work and available resources.

(Ord. 6896 § 2 (part), 2002)

(Ord. No. 7322, § 5, 5-7-2018)

8.52.077 - Tree relocation.

If recommended by a certified arborist or landscape architect, proposals to relocate a protected tree shall be considered by the review authority if after receiving an approval, the applicant posts a performance bond (or alternate security provided in a form acceptable to the director of finance) in an amount equal to 100% of the appraised value of relocated tree/s, calculated using the most recent edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) to ensure that the relocated trees are properly established and maintained for three years. Landmark trees are ineligible for relocation.

(Ord. No. 7184, § 11, 3-15-2010)

8.52.080 - Exemptions—No permit required for certain pruning and removal.

- A. No permit is required to prune a native or specimen tree on private property as long as the tree is not injured.
- B. No permit is required to prune, injure or remove a tree that is not explicitly protected by this chapter.
- C. Where immediate action is required for the protection of life or property, no permit is required to remove or to injure a protected tree which has been determined to be hazardous, by the city manager or his/her designee, any police officer or any fire fighter, after inspection of the tree.
- D. No permit is required for city employees or contractors of the city to do the following: to prune native, public or specimen trees under the direction of the city manager; to prune native, public or specimen trees as required for compliance with statewide regulations applicable to trees around electrical lines; to injure or remove native, public or specimen trees as the city manager has determined is necessary or prudent for the public health, safety or welfare provided advance notice is given by the city manager to the city council unless advance notice is not feasible, in which case notice will be given promptly thereafter. All tree removal shall be otherwise consistent with adopted public tree removal criteria.

- E. No permit is required to prune, injure or remove a tree on a project for which a variance, conditional use permit or design review approval has been obtained from the city prior to the effective date of this chapter or for a project for which a valid building permit has been lawfully issued by the city prior to the effective date of this ordinance.
- F. No permit is required for any tree removal undertaken to cover the city-owned drainage channel known as the East Side Storm Drain as shown on Drawing No. 5095 on file in the offices of the city department of public works and transportation.

(Ord. 6896 § 2 (part), 2002)

(Ord. No. 7184, § 10, 3-15-2010)

8.52.085 - Prohibited acts.

The following are prohibited acts under this chapter unless expressly exempted:

- A. **Landmark Tree.** To prune, injure, or to remove without a permit, a landmark tree located anywhere in the city.
- B. **Native Tree.** To injure, or to remove without a permit, any native tree located in the established front yard, required side yard, established corner yard, or required rear yard of all property located in a single-family residential or RM-12 multifamily residential zone, and in all areas of all other zoning district anywhere in the city.
- C. **Public Tree.** To prune, to injure or to remove a public tree located anywhere in the city.
- D. **Specimen Tree.** To injure, or to remove without a permit, any specimen tree located in the established front yard, required side yard, established corner yard, or required rear yard of all property located in a single-family residential or RM-12 multifamily residential zone, and in all areas of all other zoning districts anywhere in the city.
- E. **Landmark-Eligible Tree.** To injure, or to remove without a permit, any landmark-eligible tree located in the established front yard, required side yard, established corner yard, or required rear yard of all projects subject to RS and RM-12 development standards, and in all areas of all other zoning district anywhere in the city.
- F. **Mature Tree.** To injure, or to remove without a permit, any mature tree located in any zone except projects subject to RS and RM-12 development standards.
- G. To plant a tree of a species other than the official street tree in a parkway, median or traffic island, and a violator shall be subject to a civil penalty.
- H. To fail to adhere to the terms and conditions of any permit issued under this chapter.
- I. To fail to adhere to the terms of any tree protection plan imposed as a condition of any discretionary land use approval or development agreement with the city.
- J. To do or commit any unpermitted act that is injurious to a protected tree, including, but not limited to, causing root damage, damage to the trunk, scarring, or any other unpermitted alteration of a protected tree.

(Ord. 6896 § 2 (part), 2002)

(Ord. No. 7184, § 12, 3-15-2010; Ord. No. 7322, § 6, 5-7-2018)

8.52.090 - Sidewalk and street repair.

The repair of sidewalks, curbs, gutters or streets may create a need to prune tree roots to the extent that the tree is damaged or becomes unstable. When this occurs, the city manager, whose decision shall be final, shall give consideration to the following in lieu of action that may damage, destabilize or cause the removal of a tree:

- A. To not make such improvements;
- B. To displace the sidewalk laterally away from the tree trunk, either locally for each tree, or uniformly along length of the street;
- C. To displace the curb and gutter laterally into the paved roadway of the street, either locally, or uniformly along a length of the street, which in some cases may necessitate the prohibiting of street parking of vehicles at all times, provided such displacement does not create traffic hazard, or conditions adverse to proper street sweeping or drainage;
- D. To defer repairs with temporary asphalt patch to eliminate hazard;
- E. To widen the parkway;
- F. To relocate the sidewalk or curb;
- G. To eliminate the sidewalk on one side of the street;
- H. To raise the sidewalk.

(Ord. 6896 § 2 (part), 2002)

8.52.100 - Hazards—Private property.

It shall be unlawful and a violation of this chapter to allow any tree, shrub or plant located primarily on private property to create a hazard or to create danger or likelihood of harm to any public place, public area, parkway or street or to public health, safety or welfare.

(Ord. 6896 § 2 (part), 2002)

8.52.110 - Protection of trees during improvements.

During the construction, repair, alteration, relocation or removal of any building, structure or accessory structure in the city, no person in control of such work shall leave any protected tree without sufficient guards or protections to prevent injury to the protected tree, in connection with such construction, repair, alteration, relocation or removal and it shall be unlawful and a violation of this chapter to do so.

Condition monitoring shall be required for all projects with affected protected trees and/or the planting to ensure that trees are properly established and maintained for three years.

(Ord. 6896 § 2 (part), 2002)

(Ord. No. 7184, § 13, 3-15-2010)

8.52.120 - Attachments to street trees.

No person shall, without the written permission of the city manager, attach or keep attached to any public tree, street tree, shrub or plant in any street, park or other public place of the city, or to the guard or stake intended for the protection thereof, any wire, rope, sign, nail or any other device whatsoever.

(Ord. 6896 § 2 (part), 2002)

8.52.140 - Interference.

No person shall interfere with any city employee or city contractor acting under this chapter.

(Ord. 6896 § 2 (part), 2002)

8.52.150 - Notice of public tree removal.

The city manager shall give at least 10 days written notice to abutting property owners prior to the removal of any public tree. No notice shall be required to be given, however, if the public tree has been determined to be hazardous under the standards in Section 8.52.080(C). In the event of a decision under this chapter for the removal of 3 or more public trees in an area, the city manager shall also notify the city council, the design commission and any neighborhood organizations located in such area which are known.

(Ord. 6896 § 2 (part), 2002)

8.52.155 - Prosecution of violations.

A violation of any provision of this chapter shall be prosecuted as a misdemeanor or infraction at the option of the city prosecutor and as further set forth in Section 8.52.160 with respect to penalties and administrative proceedings.

(Ord. 6896 § 2 (part), 2002)

(Ord. No. 7322, § 7, 5-7-2018)

8.52.160 - Penalties and administrative proceedings.

- A. Misdemeanors. Any person who violates any provision of this chapter and is convicted of a misdemeanor shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a period of not more than 6 months or by both such fine and imprisonment.
- B. Infractions. Any person who violates any provision of this chapter and is convicted of an infraction shall be punished by a fine as established in Section 1.24.025. Each person convicted may be deemed guilty of a separate offense for every day during any portion of which any violation is committed or permitted.
- C. In addition to the penalty provisions of subsections A and B of this section, violations of Sections 8.52.085, 8.52.100, 8.52.110, 8.52.120 or 8.52.140 may be subject to the administrative proceedings set forth in Chapters 1.25 and 1.26 of this code, including, but without limitation, civil penalties, late payment penalties, administrative fees, other related charges and, to the maximum extent permitted by law, tree replacement costs as established by the city manager and as set forth in the tree protection guidelines.
- D. Civil Penalties. In addition to the penalty provisions of subsections A, B and C of this section, the city may bring a civil action against any person who commits, allows, or maintains a violation of any provision of this chapter. As part of such civil action, a court may assess against any person who commits, allows or maintains a violation of any provision of this chapter a civil penalty in an amount up to five thousand dollars (\$5,000.00) per violation or in an amount as set forth below:

1. Where the violation has resulted in irreparable injury to or removal of a tree, the civil penalty shall be in an amount of up to five thousand dollars (\$5,000.00) per tree unlawfully injured or removed, or in the full amount of the replacement value of each such tree, whichever amount is higher. Such amount shall be payable to the city. Replacement value for the purposes of this section shall be determined utilizing the most recent edition of the Guide for Plant Appraisal, published by the International Society of Arboriculture ("ISA").
 2. Injunctive Relief. A civil action may be commenced to abate, enjoin, or otherwise compel the cessation of such violation.
 3. Costs. In any civil action brought pursuant to this chapter in which the city prevails, the court shall award to the city all costs of investigation and preparation for trial, the costs of trial, reasonable expenses including overhead and administrative costs incurred in prosecuting the action, and reasonable attorney fees.
- E. In addition to the penalty provisions of subsections A, B, C, and D of this section, the city may suspend or revoke any application for, or grant of, any discretionary permit that may be associated with the address upon which such irreparable injury or removal of a protected tree has occurred.
1. Protected Trees. If a tree that is protected by this chapter is irreparably injured or removed in violation of this chapter after the responsible person has been previously notified or warned of the tree's protected status, then no building or construction-related permits shall be issued, and no permits or use of the property shall be allowed, from the date of irreparable injury or removal for a period of one year.
 2. Date of Actual Injury or Removal. For purposes of this section, the irreparable injury or removal of any tree protected by this chapter shall be presumed to have occurred on the date the city has actual knowledge of the injury or removal. The person responsible for the injury or removal shall have the burden of proving a different date if one is claimed.

(Ord. 6896 § 2 (part), 2002)

(Ord. No. 7322, § 8, 5-7-2018)

8.52.165 - Remedies not exclusive.

To the maximum extent permitted by law, administrative remedies specified in this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

(Ord. 6896 § 2 (part), 2002)