

CHAPTER 15.02MUNICIPAL TREE ORDINANCE(Ordinance 2011-04)

15.02.010 Purpose. It is the purpose of this ordinance to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance, and removal of public trees, within the public right-of-way or on public property. This ordinance is meant to enhance the Urban Forestry Management Program and Policy.

15.02.020 Authority. The Director of Public Works, or his designee, shall have the authority and jurisdiction of regulating the planting, maintenance, and removal of trees on public streets and other publicly owned property to ensure safety or preserve or enhance the aesthetics of such public sites. The Director shall have the authority to supervise or inspect all work done under a permit issued in accordance with terms of this ordinance. The Director shall have the authority to formulate and publish a master tree plan.

15.02.030 Maintenance. All trees within the Public Rights-of-ways shall adhere to the Urban Forest Management Program, Section 5 Planting and Section 7, Tree Maintenance Guidelines, as adopted by the City Council, March 2009. All trees planted shall have trunks not less than ½ inch in diameter at 6 inches above the ground. No tree shall be planted closer than 3 feet from the curb line or outer line of the sidewalk. No trees shall be planted within 50 lateral feet from corners or intersections. All trees and shrubs on public or private property, which have branches overhanging a public street or sidewalk, shall have said branches trimmed to a clearance height of 14 feet on the street side and 8 feet on the sidewalk side. All public trees designated for removal shall be completely removed from the growing site and disposed of in an authorized manner.

15.02.040 Species, Cultivars, and Varieties. All trees planted in the City of Encinitas shall conform to approved tree palettes identified in all City and Community Master Plans, General Plans and Specific Plans. In no case shall a tree on City approved invasive tree list be planted in the City of Encinitas.

15.02.050 Protection of Trees. The Urban Forest Management Program, Section 2, Protection of Trees During Construction, shall be adhered to during development, redevelopment, razing, or renovating of structures. No person shall excavate any ditches, tunnels, trenches, or drive within the Tree Protection Zone as spelled out in the Urban Forest Management Program Section 2.30.3. Tree topping is not allowed on any publicly owned tree.