

ORDINANCE NO. 2024-230

AN ORDINANCE OF THE CITY OF LAGUNA NIGUEL ESTABLISHING REGULATIONS APPLICABLE TO THE PLANTING AND CARE OF TREES ON PUBLIC PROPERTY AND MAKING A FINDING OF EXEMPTION UNDER CEQA IN CONNECTION THEREWITH

The City Council of the City of Laguna Niguel does hereby ordain as follows:

Section 1. Findings. The City Council makes the following findings in connection with the adoption of this Ordinance.

1. The City of Laguna Niguel recognizes the importance of trees to the residents of and visitors to Laguna Niguel, and that the community has an interest in preserving trees as important natural resources which provide scale, color, aroma, visual buffers between land uses, and increased property values, and which contribute to the environment by improving general aesthetics, modifying temperatures by providing shade and reducing heat and glare, reducing wind velocity, purifying and replenishing oxygen, controlling soil erosion, and providing wildlife habitat; and
2. The purpose of the requirements adopted by this Ordinance is to regulate the placement and provide for the proper selection of new trees to minimize problems in public facilities, to establish requirements for the preservation and proper maintenance of existing trees located on public property, and generally to promote the planting and preservation of trees in Laguna Niguel; and
3. The City of Laguna Niguel has established a goal of Laguna Niguel earning the "Tree City USA" designation awarded by the National Arbor Day Foundation, one requirement of which is the adoption of an ordinance to provide guidance for planting, maintaining, and removing trees from public places, and the City of Laguna Niguel intends for this Ordinance to meet this requirement.

Section 2. A new Article 7 entitled "Tree Protections" is hereby added to Division 8 ("Property Protection") of Title 11 ("Public Morals, Safety and Welfare") of the Laguna Niguel Municipal Code to read as follows:

"Sec. 11-8-60. - Purpose.

To enhance the quality of life and the present and future health, safety, and welfare of all citizens, to enhance property values, and to ensure proper planting and care of trees on public property, the City Council herein delegates authority and responsibility for managing public trees to the Public Works Director, establishes practices governing the planting and care of trees on public property.

Sec. 11-8-61. - Definitions.

As used in this Article, the following words and phrases shall have the meanings indicated:

- (a) *Damage* – any injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.
- (b) *Director* – the Director of Public Works or their designee.
- (c) *Nuisance* – any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety, and welfare.
- (d) *Parkway* – the area along a public street between the curb and the sidewalk; or if there is no curb or sidewalk, the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.
- (e) *Public property* – all grounds and rights-of-way (ROWs) owned or maintained by the City.
- (f) *Public tree* – any tree or woody vegetation on city-owned or city-maintained property or rights-of-way.
- (g) *Top or topping* – the non-standard practice of cutting back of limbs to stubs within a tree's crown to such a degree to remove the normal canopy and disfigure the tree.

Sec. 11-8-62. - Authority and Power.

- (a) *Delegation of authority and responsibility.* The Director shall have full authority and responsibility to plant, prune, maintain and remove trees and woody plants growing in or upon all municipal streets, rights-of-ways, city parks, and other public property. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.
- (b) *Coordination among city departments.* All city departments will coordinate as necessary with the Director and will provide services as required to ensure compliance with this article as it relates to streets, alleys, rights-of-way, drainage, easements, and other public properties.
- (c) *Interference.* No person shall hinder, prevent, delay, or interfere with the Director or their agent(s) while engaged in carrying out the execution or enforcement of this article.

Sec. 11-8-63 - Tree Planting and Care Standards.

- (a) *Standards.* All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations" and shall follow all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture.
- (b) *Requirements of franchise utility companies.* The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards.
- (c) *Preferred species list.* The Director shall approve all tree planting on public property in two size classes: Ornamental (20 feet or less in height at maturity) and Shade (greater than 20 feet at maturity).
- (d) *Planting distances.* The Director shall approve spacing requirements for the planting of trees on public property. No tree may be planted within the visibility triangle of a street intersection or within ten (10) feet of a fire hydrant.
Planting trees under electric utility lines. Only trees approved as Ornamental trees by the Director may be planted under or within fifteen (15) lateral feet of any overhead utility wire.
- (e) *Protection of public trees during construction.* Any person, firm, corporation, or city department performing construction near any public tree must employ appropriate measures to protect the tree, including, but not limited to, placing barriers around the tree to prevent damage.

Sec. 11-8-64 - Prohibition Against Harming Public Trees.

- (a) It shall be unlawful for any person, firm or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the Director.
- (b) It shall be unlawful for any person, firm or corporation to attach any cable, wire or signs or any other object to any street, park, or public tree.
- (c) It shall be unlawful for any person, firm or corporation to "top" any public tree. Trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the determination of the Director.

Section 3. Exemption from CEQA. The City Council hereby finds that the adoption of this Ordinance is an action authorized by local ordinance to assure the maintenance, restoration, or enhancement of a natural resource and the environment, specifically trees. It is therefore exempt from the California Environmental Quality Act pursuant to Title 14, Sections 15307 and 15308 of the California Code of Regulations.

Section 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by

the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrases, or portion thereof irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 5. Effective Date of Ordinance. This Ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.


Section 6. City Clerk's Certification. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted at the duly designated posting places within the City and published once within fifteen (15) days after passage and adoption as required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and post a certified copy of the text of this Ordinance in the Office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and, within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

PASSED, APPROVED AND ADOPTED this 15th day of October, 2024.



Kelly Jennings, Mayor

ATTEST:



Marissa Asistin, City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF LAGUNA NIGUEL)

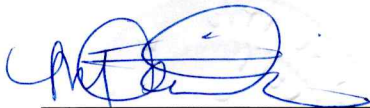
I, Marissa J. Asistin, CMC, City Clerk of the City of Laguna Niguel, California, do hereby certify that the foregoing is a full, true and correct copy of Ordinance No. **2024-230**; has been published pursuant to law; was duly introduced at a regular meeting of the City Council held on October 1, 2024; and was adopted at a regular meeting of the City Council held on October 15, 2024, by the following vote:

AYES: Council Members Gennawey, Johns, Winstead; Mayor Pro Tem Oddo and Mayor Jennings.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.



Marissa J. Asistin, CMC, City Clerk
City of Laguna Niguel