

ORDINANCE NO. 1104

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, AMENDING SECTION 12.20.010 THROUGH SECTION 12.20.090 OF THE LANCASTER MUNICIPAL CODE REGARDING STREET TREES.

WHEREAS, the City Council (“City Council”) of the City of Lancaster (“City”) adopted Ordinance No. 478, which added Chapter 12.20 of the City’s Municipal Code relating to street trees;

WHEREAS, the City Council now desires to amend Chapter 12.20 to define ownership, maintenance responsibilities and civil liability for street trees;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 12.20 of the Lancaster Municipal Code is hereby repealed and replaced as follows:

12.20.010 Definitions

As used in this chapter:

“Dangerous Condition” refers to a tree that is damaged, diseased, decaying, at risk of falling, obstructs a clear view of street signs, traffic lights and/or vehicular or pedestrian traffic, obstructs the free passage of vehicles or pedestrians along the public right-of-way, including sidewalks, or poses a hazard to persons, private and/or public property.

“Parkway” means all areas between the curb and the sidewalk in front of or alongside a residential lot.

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

“Street tree” means a tree located in the parkway on publicly or privately-owned land or within a public easement or a private front or side yard.

“Tree debris” refers to leaves, seedpods, fruit, sap, branches, and other deposits from trees.

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12.20.020 Owner's duty to maintain trees

State law requires each property owner to maintain street trees located in the parkway abutting the owner's property. Such maintenance shall include watering, keeping the parkways free from weeds or other obstructions harmful to public safety. It is unlawful for any property owner to do any of the following:

- (A) Allow a street tree on a parkway 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 public sewer, water main, electrical, gas, or telecommunications utility.
- (D) Allow a street tree or tree debris from a street tree on a parkway 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.

12.20.030 Obstruction

The trees and ground cover shall be maintained so as not to constitute a hazard and in addition, to avoid interference with vehicular or pedestrian use of streets and sidewalks. The property owner shall be required to maintain trees in such a manner so as not to encroach into or over any adjacent sidewalk or street. Absent special circumstances and approved by the City the minimum clearance of any overhanging portion thereof shall be ten (10) feet over sidewalks, and thirteen and one-half (13-1/2) feet over streets. No permit is required to remove the hazard or correct the encroachment.

Trees shall not obstruct or shade the streetlights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct view of any street or alley intersection.

12.20.040 Nuisance

- (A) The City Council finds and declares that it is unlawful for any property owner, as defined, in this Chapter, to allow, cause, create, suffer or permit the presence of a tree in a condition that is in violation of this Chapter.
- (B) The City Council finds and declares that a tree that does not fully comply with this Chapter constitutes a public nuisance subject to abatement.
- (C) Any person violating the provisions of this Chapter is subject to the penalty provisions set forth in Chapter 1.12.
- (D) A person violating the provisions of this Chapter may additionally be issued an administrative citation in accordance with the provisions set forth in Chapter 1.16.

12.20.050 Civil liability

(A) A property owner shall be liable for any personal injury or property damage caused by a street tree in 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 public sewer, water main, electrical, gas, or telecommunications utility;
- (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 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 legal expenses incurred by the city.

12.20.060 City's right to remove street trees.

A. **Abatement of nuisance.** Upon a determination by the city that a tree located adjoining public property constitutes a nuisance tree, the city shall attempt to notify the owner and occupant of the property containing the tree about the hazardous, destructive, or trespassing condition by written notice. The notice shall require the owner or occupant of said property to control the nuisance tree in such a manner as will abate the nuisance. Failure to comply with such notice within ten (10) days thereafter is a violation of this Code.

B. **Emergency abatement by city.** If an emergency situation exists where the nuisance tree constitutes an immediate threat to public health or safety, the city (or its appointed contractor) may abate the nuisance tree emergency from adjoining public property by trimming, pruning, cutting or removing all or such portion of such tree or shrub as may be necessary to eliminate such interference, obstruction or condition on or above the public property without notice and without waiting.

C. **Recovery of costs.** The owner of the premises upon which the nuisance tree is located which constituted an immediate threat to public health or safety shall be liable for the entire cost of removal or maintenance by the city in compliance with this section in order to abate the nuisance. Establishment, collection and recovery of costs, as well as administrative appeal procedures, shall be in accordance with the provisions set forth in Chapter 8.28 of this Code.

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Section 2. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this Ordinance shall take effect 30 days after adoption.

I, Andrea Alexander, City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the 27th day of June, 2023, and placed upon its second reading and adopted at a regular meeting of the City Council on the 11th day of July, 2023 by the vote:

AYES: Council Members Malhi, Mann, Vice Mayor Crist, Mayor Parris

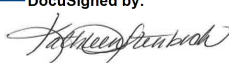
NOES: None

ABSTAIN: None

ABSENT: Council Member Dorris

ATTEST:

APPROVED:

DocuSigned by:

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FOR

DocuSigned by:

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ANDREA ALEXANDER
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

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STATE OF CALIFORNIA	}
COUNTY OF LOS ANGELES	}ss
CITY OF LANCASTER	}

CERTIFICATION OF ORDINANCE
CITY COUNCIL

I, _____, _____ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Ordinance No.1104, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____ day of _____, _____.

(seal)
