

Article 2: Public Rights-of-Way and Land Development

Division 6: Street Planting

(“Street Planting” added 11-27-1956 by O-7229 N.S.)

§62.0600 Purpose and Intent

It is the purpose and intent of the Council to establish rules and regulations to control and protect planting on City streets.

(“Purpose and Intent” added 3-12-1964 by O-8980 N.S.)

§62.0601 Planting on City Streets — Definition

For the purpose of this Section and Subsections thereof, the word “street” is hereby defined to be any public street, public way, public alley, public lane or parkway upon or along any public street or public way.

(Renumbered from Sec. 62.13 on 11-27-1956 by O-7229 N.S.)

§62.0602 Jurisdiction and Authority

The Park and Recreation Department shall exercise jurisdiction and control over the planting, maintenance, care and removal of trees, or plants in all streets or other public rights of way of The City of San Diego, and shall have such power, authority, jurisdiction and duties as are prescribed in this Division.

(Amended 3-12-1964 by O-8980 N.S.)

§62.0603 Same — Approval Required

No tree, palm, shrub or plant shall be planted in any of The streets or other public highways of The City of San Diego until the Park and Recreation Director shall have first approved the kind and variety, designated the location therefor, and granted the permit for planting the same.

(Amended 3-12-1964 by O-8980 N.S.)

§62.0604 Same — Removal of Planting Without Permit Prohibited

No person, firm or corporation shall, without a permit from the Park and Recreation Director, remove, destroy, break, cut, trim, deface, or in any other way injure or interfere with any tree, palm, shrub or plant, or endanger the life of any such tree, palm or shrub or plant that is now or may hereafter be growing in any street or other public highway of the City of San Diego.

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Such permit shall specifically describe the work to be done thereunder, and such permit shall be void after thirty (30) days from the date of issuance.

The cost or removal of any tree, palm, shrub or plant for the benefit or convenience of the property owner shall be paid for by such property owner.

(Renumbered from Sec. 62.13.3 on 11-27-1956 by O-7229 N.S.)

§62.0605 Same — Fastening Animals to Trees, Etc. — Prohibited

No person, firm or corporation shall hitch or fasten any horse, or animal to any tree, palm, shrub or plant now or hereafter growing in any street or other public highway of The City of San Diego; nor shall any person, firm or corporation cause or permit any horse or other animal to stand or be near enough to any tree, palm, shrub or plant, to bite or rub against, or in any manner injure or deface the same; nor shall any person, firm or corporation place a post for hitching of horses or other animals within five (5) feet of any tree, palm, shrub or plant now or hereafter growing in any street or other public highway of The City of San Diego.

(Renumbered from Sec. 62.13.4 on 11-27-1956 by O-7229 N.S.)

§62.0606 Attaching Rope, Wire, Etc. — Detrimental Substance — Prohibited

No person, firm or corporation shall attach or place any rope, wire, sign, poster or handbill, or other thing on any tree, palm, shrub or plant now or hereafter growing in any street or other public highway of The City of San Diego, or on any guard or protection of same; nor shall any person, firm or corporation deposit or throw upon any street or public highway, or into any gutter thereof, any substance detrimental to the growth of the tree, palm, shrub or plant, or deposit in such gutter any receptacle containing such substance.

(Renumbered from Sec. 62.13.5 on 11-27-1956 by O-7229 N.S.)

§62.0607 Same — Removal, Injury of Guard Device — Prohibited

No person, firm or corporation shall remove, injure or misuse any guard or device placed to protect any tree, palm, shrub or plant now or hereafter growing in any street or other public highway of The City of San Diego.

(Renumbered from Sec. 62.13.6 on 11-27-1956 by O-7229 N.S.)

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§62.0608 Same — Attaching Electric Devices — Prohibited

No person, firm or corporation shall attach any electric wire insulator or any other device for holding electric wires, to any tree, palm, plant or shrub now or hereafter growing in any street or other public highway of The City of San Diego. No person, firm or corporation shall without written permission from the Park and Recreation Director, trim, cut or break any part of such tree, palm, shrub or plant, in order to make passage for such wires. Every person, firm or corporation having any wire charged with electricity shall securely fasten the same so that such wire shall not come in contact with any tree, palm, shrub or plant in any street or public highway of The City of San Diego.

(Amended 3-12-1964 by O-8980 N.S.)

§62.0609 Same — Open Space of Ground Around Tree — Required

No person, firm or corporation shall hereafter, without the written permit of the Park and Recreation Director, place or maintain upon the ground in any street or other public highway of The City of San Diego, stone, cement or other material without leaving an open space of ground not less than four (4) square feet around the trunk of any tree of six (6) inches or less in diameter, and for every three (3) inches of increase in such diameter there must be an increase of at least one (1) square foot of open ground; and whenever there is no such open space about any existing tree in any street or other public highway of The City of San Diego, the Park and Recreation Director may make such open space or cause the same to be made.

(Amended 3-12-1964 by O-8980 N.S.)

§62.0610 Same — Alteration, Moving, Etc., of Building — Safeguarding Trees

In the erection, alteration, moving or repair of any building, structure or other object, the owner thereof, or his agent, shall place, or cause to be placed such guards around all nearby trees in the street or other public highway of The City of San Diego as shall effectually prevent injury to them.

(Renumbered from Sec. 62.13.9 on 11-27-1956 by O-7229 N.S.)

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§62.0611 Same — Owners of Premises Required to Trim Branches

The owner, or his agent, of every lot or parcel of land in the City of San Diego, upon which trees, palms, shrubs or plants are now or may hereafter be standing, shall trim, or cause to be trimmed, the branches thereof in accordance with standards adopted by the City Council and set forth in the document entitled, “City of San Diego Landscape Technical Manual” (Section 8) on file in the office of the City Clerk.

The City of San Diego shall have the same duties enumerated in this section in regard to any trees, palms, shrubs or plants intruding onto private property that are now or may be found standing in any public street or public right of way within the City of San Diego.

(Amended 10-16-1989 by O-17366 N.S.)

§62.0612 Same — Interference with Employee — Prohibited

No person, firm or corporation shall prevent, delay or interfere with any employee of the Park and Recreation Department, in the planting, pruning, cultivating, spraying or removal of any tree, palm, shrub or plant which is now or may hereafter be growing in any street or other public highway in The City of San Diego, or in the removal of stone, cement or other material from about the trunk of any tree, palm, shrub or plant which is now or may hereafter be growing in any street or other public highway of The City of San Diego.

(Amended 3-12-1964 by O-8980 N.S.)

§62.0613 Same — Notice of Damage by Property Owner to Park and Recreation Director

The duty is hereby imposed upon a property owner to notify the Park and Recreation Director when any tree, palm, shrub or plant in a public street adjacent to his property is injuring or damaging any public sidewalk. The Park and Recreation Director is hereby authorized to have removed, at the expense of The City of San Diego, such tree, palm, shrub or plant or to otherwise remedy the dangerous condition.

(Renumbered from Sec. 62.13.12 on 11-27-1956 by O-7229 N.S.)

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§62.0614 Same — Uniform Street Planting Map

The Park and Recreation Director shall, from time to time prepare plans which shall designate, by means of a complete map of the City Streets a uniform method of street tree planting, zoning certain streets for a certain specimen of tree or trees, and shrub or shrubs, showing the distance apart of said trees or shrubs, and the place where each tree or shrub is to be planted; and the Park and Recreation Director shall submit this plan to the park and Recreation Department and the City Manager for their approval or modification. After the same has been approved by the Park and Recreation Department and the City Manager, the same shall be submitted to the City Council of the City of San Diego for modification or adoption by that body.

If, and when, the uniform plan in its original or modified form is adopted by the City Council, it shall become the tree planting plan for the streets of The City of San Diego and shall be strictly adhered to in all future street planting improvement projects and in the removal and replacement of trees, shrubs and plants on streets in the City. The uniform plan of tree planting may, but need not, be adopted by the City Council at one time, but the Council may adopt the uniform street tree planting for different portions of the City within a reasonable length of time after the completed plan for any particular portion of the City has been submitted to the City Council.

The Park and Recreation Director shall have copies of this plan made and the same shall be kept on file in the office of the Park and Recreation Department and may be obtained by the public.

(Amended 3-12-1964 by O-8980 N.S.)

§62.0615 Permits

Applications for permits will be made to the Park and Recreation Department. Applicant must present, along with the application, a plan indicating the exact desired locations of trees to be planted. No fees will be charged for such permits.

(Amended 3-12-1964 by O-8980 N.S.)

§62.0616 Property Owners Performance Bonds

- (a) No bond or surety will be required except in the following cases:
 - (1) When it is necessary to cut a sidewalk to plant a tree.
 - (2) When it is necessary to relocate utilities and/or underground structures in digging a hole for the tree.

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- (3) In other special cases involving possible damage to City or private property as determined by the Park and Recreation Director.
- (b) When it is determined by the Park and Recreation Director that a bond or surety is required, the applicant for a street tree planting permit shall furnish a cash deposit or a surety bond to ensure performance of the conditions of his permit. This surety shall be in an amount which, in the opinion of the Park and Recreation Director, is sufficient to ensure performance, but in any event, no less than Three Hundred Dollars (\$300.00). Any cash deposit shall be held by the City Treasurer. If the Park and Recreation Director finds that the conditions of the permit have not been met, he shall notify the property owner in writing of such default and the time deemed necessary to correct it. If the property owner fails to correct the default within the established time, the Park and Recreation Director may use all or any part of the property owner's deposit to complete the work satisfactorily. The property owner shall be provided with an accounting for such expenditures. The deposit, or any remaining balance, shall be refunded upon acceptance of the work by the Park and Recreation Director.

(Amended 3-12-1964 by O-8980 N.S.)

(Retitled from "Property Owners' Performance Bonds" to "Property Owners Performance Bonds" and amended 3-22-2018 by O-20917 N.S.; effective 4-21-2018.)