

City of San Diego, Revisions to Park Code

Chapter 6: Public Works and Property, Public Improvement and Assessment Proceedings
Article 3: Public Parks, Playgrounds, Beaches, Tidelands and other Property

Division 00:

§63.07 Destruction, Injury of Torrey Pines Trees — Prohibited

That it shall be unlawful for any person or persons to cut, injure or destroy any trees known as the "Pinus Torreyana" growing upon Pueblo Lots Nos. 1332, 1337 and 1338 or any other public lots or lands, belonging to and within the corporate limits of the City of San Diego.

Division 1: Use of Park Areas

§63.0102 Use of Public Parks and Beaches Regulated

(b) It is unlawful for any person within any public park or plaza or public beach or beach areas within the City of San Diego to do any of the acts enumerated in Section 63.0102(b).

(1) Posting of Handbills. It is unlawful to litter, to throw, or deposit on the ground, to post or affix to any tree, fence, or structure.....

(4) Destruction of Plants. It is unlawful to injure, destroy, cut or remove any tree, shrub, plant, wood, turf, grass, soil, or rock in or growing in any City-owned park or plaza without the written permission of the City Manager.

Instructions to review group: Review and mark deletions, additions and edits on the proposed sections for trees in parks. Number and write reasons for the changes (on separate paper).

Names of reviewers: _____

Background* Briefly summarize the relevant existing regulations or review process.

The only regulations, covering the damage to or removal of trees in parks, are copied above.

Issue* Briefly summarize the issue or problem that has triggered the need for the proposed amendment. Please include any real-world project examples.

The City lacks regulations prohibiting damage to or removal of trees in parks, and therefore has inadequate authority to cite or fine offenders.

Objective* Provide a one or two sentence statement of what you want to achieve with the proposed revisions.

Provide specific, enforceable regulations to protect trees in parks. Align City code with park management practices and ANSI standards.

Proposed revisions, adapted from the proposed revisions to the Street Tree Planting and Protection code:

§62.0600 Purpose and Intent

It is the purpose and intent of the Council to establish rules and regulations for the health, safety, welfare, and quality of life of the current and future generations of residents of the city through the protection, maintenance, removal, and replanting of trees in our Parks.

§62.0602 Jurisdiction and Authority

The Park Arborist or his or her representative shall exercise jurisdiction and control over the protection, planting, maintenance, and removal of trees, palms, shrubs and plants park in The City of San Diego, and shall have such power, authority, jurisdiction and duties as are prescribed in this Division.

§62.0604 Tree Removal and Maintenance Prohibited Without Permit

No person, firm or corporation shall 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 Park of the City of San Diego.

§62.0607 Penalties for Tree Damage or Removal

The Park Arborist, horticulturist, code enforcement officer or designee shall be authorized to issue citations and recommend enforcement actions be taken for violations of this code.

a) Criminal Penalty. Any person violating any provision of this Code, including any regulation lawfully promulgated pursuant to this Code, shall be guilty of an infraction, which shall be punishable by a fine not exceeding two hundred fifty dollars, or a misdemeanor, which shall be punishable by a fine not exceeding one thousand dollars, or by imprisonment in the County Jail for a period not exceeding six months or by both such fine and imprisonment.

b) Civil Action. The City Attorney may enforce the provisions of this Chapter by means of a civil action.

c) Restitution - In any case involving the destruction, defacing, removal or injury to any public tree, the court may require restitution in an amount necessary to reimburse the City for the value of the items or material destroyed, defaced, removed or damaged as well as any labor necessary to replant, restore, and cultivate the area, item or material affected.

d) Valuation. In terms of tree value, the restitution amount shall be equal or greater to the value of the affected tree(s) as determined by the City using the most recent edition of the Guide for Plant Appraisal, published by the Council of Tree and Landscape Appraisers.

§62.0608 Tree Damage

No person shall fasten any animal, bicycle, sign, wire, cable, rope, nail, screw, staple, or other injurious material to a tree. No person shall allow any liquid, oil, pesticide, or other substance detrimental to tree life to leak, pour, or drip upon any tree within a City park.

§62.0612 Interference with Employee — Prohibited

No person, firm or corporation shall prevent, delay or interfere with any employee or contractor of the City, in the planting, pruning, cultivating, spraying or removal of any tree, palm, shrub or plant growing in any park 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 park of The City of San Diego.