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34009 ALVARADO-NILES ROAD  
UNION CITY, CALIFORNIA 94587  
510-471-3232

Thank you for your inquiry regarding your tree. The goal of the City's Urban Forestry Program is to encourage an attractive and healthy Urban Forest to the benefit of the community.

I have enclosed some information on the City's Tree Program, as well as a blank Tree Service Permit Application for you to fill out if you wish to trim or remove a street or private tree covered by our tree ordinance, which is attached.

The following are instructions to assist you in filling out the **TREE SERVICE PERMIT APPLICATION**:

1. Print the name of the person requesting the permit.
2. Leave this line blank.
3. Print the address where the tree is located. If location of tree address is different from the mailing address of the applicant, please print both address with a notation indicating "tree location address", and "mailing address".
4. Enter the daytime telephone number(s) where the applicant can be reached.
5. On the line "Applies for permission to..." enter the number and location of the trees to be trimmed or removed, showing the type of each and the reason for the work requested. The applicant shall also indicate the method of trimming or removal to be used.
6. Enter the starting date and duration of work on the appropriate lines.
7. Sign and date the application.

Currently there is no fee for the application process. You may mail or hand-deliver your application to the following address:

City of Union City  
PUBLIC WORKS DEPARTMENT  
34009 Alvarado-Niles Road  
Union City, CA 94587

**AN ORDINANCE OF THE CITY OF UNION CITY**

**REGULATING THE DESIGN INSTALLATION, MAINTENANCE, REMOVAL OF ORNAMENTAL TREES, AND OTHER LANDSCAPE AMENITIES ON AN IN PUBLIC AREA AND PROVIDING FOR THE PROTECTION OF CERTAIN TREES ON PRIVATE PROPERTIES IN THE**

**CITY OF UNION CITY,**

**COUNTY OF ALAMEDA,**

**STATE OF CALIFORNIA**

**THE CITY COUNCIL OF THE CITY OF UNION CITY DOES HEREBY ORDAIN AS FOLLOWS:**

Chapter 12.16 of the Union City Municipal code is hereby amended to read as follows:

**Section 12.16.010 – PURPOSE**

That it is for the best interest of the City of Union City and of the citizens and public thereof that comprehensive plan for the design, installation, and maintenance of ornamental trees, shrubs, and other landscape amenities on and in, upon or which may overhang public streets, rights of way, utility easements within the City of Union City should be developed and established. This ordinance is adopted for the purpose of developing and providing for such a plan and program, and for the purpose of establishing rules and regulations relating to the design, installation, and maintenance, permit requirements, mutilation and injury, and the abatement of nuisances, of such ornamental trees, shrubs and other landscape amenities.

**Section 12.16.020 – DEFINITIONS**

For the purpose of this Ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and the words in the singular include the plural. The word “Shall” is mandatory and not merely discretionary.

“**MUNICIPALITY**”, shall mean City of Union City, County of Alameda, State of California.

“**CITY**”, shall mean the City of Union City, County of Alameda, State of California.

“**PUBLIC STREET**”, shall mean the full width of the right-of-way of any road, street, lane or alley used by or for the general public, whether or not those roads, streets, lanes and alleys have been accepted as declared to be part of the City System of public streets, except streets forming a part of the State Highway System.

**“PERSON”**, shall include an individual, a firm, and association, a corporation, a co-partnership, and the lessees, trustees, receivers, agents, servants and employees of any such person.

**“DIRECTOR”**, shall mean the Director of Public Works for the City of Union City and his designated representatives.

**“STREET TREE”**, shall include any woody perennial plant having a single main axis or stem commonly achieving ten (10) feet in height and capable of shaping and pruning to develop a branch free trunk at least nine (9) feet in height.

**“PUBLIC TREES”**, shall include all shade and ornamental trees now or hereafter growing on any street or any public areas where otherwise indicated.

**“PLANT”**, shall include all other plant material, non-woody, annual or perennial in nature, not necessarily hardy.

**“PARKS”**, shall include all parks to which names have been given by action of the City Council.

**“PUBLIC PLACES”**, shall include all grounds, other than streets and parks, owned, leased, or controlled by the City of Union City.

**“PROPERTY OWNER”**, shall mean the person owning such property as shown by the County Auditor’s Plat of Alameda County, State of California.

**“BOARD”**, shall mean the duly appointed and authorized body for which certain tree and landscape advisory responsibilities are entrusted.

**“TREE”**, shall mean woody perennial plant, usually with one main stem or trunk, and many branches. It may appear to have several stems or trunks and is usually over ten (10) feet high at maturity.

**“SHRUB”**, shall mean a bushy, woody plant, usually with several permanent stems, and usually not over 15 feet high at maturity.

**“TREE REMOVAL”**, shall mean the removal of a tree, including pruning.

**“PRUNING”**, shall mean the cutting or removal of the tree’s foliage or wood in order to remove dead, diseased, damaged, weak, or vigorous growth so as to enhance the tree’s shape, structure, health, and vigor, or for the purpose of inducing specific growth or fruiting habits.

**“TRIMMING”**, shall mean the cutting or removal of the tree’s foliage or wood for the exclusive purposes of affecting the trees shape.

**“DETERMINATION OF DEFINITION”**, in any case, shall mean the Director of Public Works shall have the right to determine whether any specific determination shall be final and not subject to appeal.

**Section 12.16.030 - TREE & LANDSCAPE REVIEW BOARD**

There is hereby created and established a TREE & LANDSCAPE REVIEW BOARD for the City of Union City, California which shall consist of five members, citizens and residents of this city, who shall be selected at large by the Park & Recreation Commission.

**Section 12.16.040 – TERM OF OFFICE FOR TREE & LANDSCAPE REIVEW BOARD**

The term of the five persons to be appointed by the City Council shall be two years except that the term of three of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his/her successor shall be appointed for the unexpired portion of the term.

**Section 12.16.050 – COMPENSATION FOR THE TREE & LANDSCAPE REIVEW BOARD**

Members of the Tree & Landscape Board shall serve without compensation.

**Section 12.16.060 – DUTIES & RESPONSIBILITITES FOR THE TREE & LANDSCAPE REIVEW BOARD**

It shall be the responsibility of the Board to study, investigate, develop, update, advise, recommend, and report to the Park and Recreation Commission regarding the design, care, planting, conservation, replanting, and removal of trees and other landscape amenities along streets, in other public areas or right-of-way or on designated private lands.

**Section 12.16.070 – ADMINISTRATIVE AUTHORITY**

The Director of Public Works or his duly authorized representative, shall be charged with the administration of this ordinance and related regulations, and policy. Appeals of the Director’s decisions may be heard by the Park and Recreation Commission after written notice of complaint is filed seven (7) days in advance of a regularly scheduled meeting.

**Section 12.16.080 – PLANTING**

It shall be unlawful for any person to plant any tree in or upon any street, park, or public place, without first having obtained permission therefore from the Director of Public Works, in accordance with the City Tree Planting Policy, as adopted by resolution of the City Council.

**Section 12.16.090 – CUTTING, TRIMMING, REMOVAL, MUTILATION, INJURY, OR IMPAIRMENT OF GROWTH**

It shall be unlawful for any person to cut, trim, remove, mutilate, injure, or in any way impair the growth of any tree being or growing in or on any street, park or public place in the City of Union City, or to cause or permit the same to be done. Provided, however, that in the event that any person desires permission to cut, trim, remove or in any way impair the natural growth of any such tree, application shall first be made to the Director of Public Works of the City of Union City for a permit. Upon receipt of such application, the Director may cause an inspection to be made and may thereafter issue or refuse to issue a permit for such work.

**Section 12.16.100 – USE OF MATERIAL DELETERIOUS TO GROWTH**

It shall be unlawful for any person to place or allow to be placed in or upon any tree area in or upon, park or public place, any salt, oil, herbicide or any other material deleterious to the growth of trees, or in such close proximity to such trees that the deleterious material will permeate the soil thereof.

**Section 12.16.110 – PAVING OF PARKING STRIPS**

It shall be unlawful for any person to pave any part of the parking strip or public right-of-way in any manner or with any material, whatsoever without first securing a permit from the Director.

**Section 12.16.120 – PERMITS AND FEES**

(a) No person, other than the Director of Public Works nor his duly authorized representative shall cut, trim, prune, plant, remove, injure or interfere with any tree upon any street, park or public place of the City without a permit therefore from the Director, and the Director is hereby authorized to grant such permission in his discretion but no such permit shall be valid for a longer period than thirty days after its date of issuance.

(b) Any person maintaining any overhead wires or any pipes or underground conduits along or across a street, park or public place in the City or owning property abutting upon any street, park or public place of the City, desiring to have any tree removed may file with Director a written request that such work be done and such request shall describe to be done and it shall be within the discretion of the Director to required a written agreement upon the part of the petitioned to pay the cost thereof and to do such work in the way stipulated by the Director before the issuance of any permit hereunder.

(c) When issued, the permit shall specifically describe the work to be done and if appropriate, the manner in which the work is to be done. The permit shall also specify the time limit within which the work is to be done.

(d) Any person doing business as a public utility subject to the jurisdiction of the Public Utilities Commission of the State of California and any duly constituted public agency authorized to provide and providing utility service, shall be given a permit from the Director of Public Works valid for one year from the date of issuance, permitting such person trim, brace, remove or perform such other acts with respect to trees growing adjacent to the Public Streets in the City or which grow upon private property to the extent that they encroach upon such Public Streets as may be necessary to comply with the safety regulations of said commission and as may be necessary to maintain the safe operation if its business.

(e) Scheduled fees, if any, for said permit shall be fixed by resolution of the City Council.

(f) All work shall be done in accordance with permit, and any person receiving a permit pursuant to this section shall perform the work specified therein in exact accordance with the conditions of the permit. Trimming of trees or will be permitted only when and in the manner authorized by permit issued pursuant to this section. The conditions set forth in said permit shall insure that the shapeliness of the tree shall be preserved.

(h) Fences, hedges or growth installed on the public right-of-way shall be in accordance with the provisions of zoning ordinance section 10.32.040 for residential sites, section 18.40.150E for industrial sites and section 18.36.040 for commercial sites.

### **Section 12.16.140 – ABATEMENT OF PUBLIC WORKS NUISANCE**

Whenever, in the opinion of the Director of Public Works, any public nuisance as defined in Section #10 exists, he shall give the owner of the private property on which the nuisance is located, written notice thereof, describing the condition, stating the work necessary to be done to remove the condition and a reasonable time within which work must be performed.

If, at the end of such time, the work has not been performed to the satisfaction of the Director, he shall cause a report thereof to be made to the City Council.

The City Council may adopt a resolution which shall preliminarily declare the condition to be public nuisance, order the Director of Public Works to give notice of the passage of the resolution, and state therein that, unless the nuisance is abated without delay, the Director will cause the work of abating to be done and the expense thereof assessed upon the lots and lands upon which such public nuisance shall have been declared to exist. The resolution and notice shall fix the time and place for hearing any objections hearing shall be set for the fourth meeting of the City Council following the month in which the resolution shall have been adopted. **THE DIRECTOR OF PUBLIC WORKS** shall cause a report to be made to the Park and Recreation Commission who shall make a recommendation to the City Council for abatement of the public nuisance.

At the conclusion of the hearing the City Council may determine that no public nuisance exists, or in the event it shall have determined that there is one, the City Council may, by resolution, order the Director of Public Works to abate such nuisance, and his deputies, assistants, contracting agents or other representatives are hereby authorized to enter upon private property for that purpose. Any owner shall have the right to cause the public nuisance to be abated at his own expense. However, the owner shall first obtain any and all permits or instructions required herein, to comply with the provision of the resolution.

The cost of abating the nuisance upon any lot or parcel of land referred to in a resolution by the City Council, shall constitute a special assessment against the lot or parcel of land and, after thus made and confirmed, shall constitute a lien on such property for the amount of the assessment, until paid.

All laws and ordinances applicable to the levy, collection and enforcement of City taxes are hereby applicable to the special assessment

### **Section 12.16.150 – USE OF CHEMICAL AGENTS**

Chemical agents applied to plantings on city property and within the public right-of-way shall be applied under the strict supervision of a qualified and certified applicator, operator, or contractor in accordance with local, state, and federal laws and regulations relating to their use. They shall only be used when required to safely and efficiently maintain landscape in a healthy and vigorous condition. When applications of potentially hazardous chemicals are required in close proximity of developed properties, advance notice shall be given to all adjacent property owners.

### **Section 12.16.160 – WATER CONSERVATION**

Conservation of water used in all public landscaping shall be considered in the design, installation, and maintenance of all public plantings in accordance with guidelines established by the City Council.

## **Section 12.16.170 – TREE CONSERVATION**

(A) **INTENT** – The preservation of trees is necessary for the health and welfare of the citizens of the City in order to reserve the scenic beauty, prevent erosion of topsoil, protect against flood hazards and risk of landslides, counteract the pollutants in the air, maintain the climatic balance and decrease wind velocities, and which contributes greatly to the value of land in the City. It is the intent of these sections to limit the removal of significant trees within the City in order to retain as many trees as possible consistent with the purpose of these sections and the reasonable economic enjoyment of private property.

(B) **SCOPE**

- (1) This chapter shall apply to every property owner and to every person, corporation, partnership, sole proprietorship or other entity responsible for removing a tree.
- (2) The trees protected by this Chapter are:
  - (a) All trees which have a 35 inch or greater circumference of a trunk, or in the case of multi-trunk trees a total of 70 inches or more of the circumference of all trunks, where such trees are located on residential property.
  - (b) All trees which have a 12 inch or greater circumference of any trunk, when removal relates to any transaction for which zoning approval or subdivision approval is required.
  - (c) Any tree that existed at the time of a zoning approval or subdivision approval and was a specific subject of such approval or otherwise covered by subsection (2) (b) above.
  - (d) Any tree that was required to be planted by the terms of a zoning approval or a subdivision approval.
  - (e) All trees which have a 12 inch or greater circumference of any trunk and are located on a vacant lot or undeveloped property.
  - (f) All trees which have 12 inch or greater circumference of any trunk and are located on commercial, office, or industrial developed property.

(3) Measurement of a circumference for the purpose of applying section H shall be made with a taut tape, three feet above the ground.

(C) **PROHIBITION** – it is unlawful for any person to trim or remove a tree covered by this section without a permit issued under the provisions of subsections E and F of this section.

(D) **EXCEPTIONS** – The following tree removals or trimming are exempted from the provisions of this chapter.

- (1) Removal and trimming of orchard trees as part of farming operations or upon order of the County agricultural Inspector.
- (2) Removal and trimming in case of emergency when a tree is imminently hazardous or dangerous to life or property, or on order of the Director of Public Works.

(E) **APPLICATIONS FOR PERMIT** – The information on applications for tree removal or trimming permits shall include the number and location of the trees to be removed or trimmed, showing the type of each and the reason for removal or trimming of each. The applicant shall also indicate the method of removal or trimming to be used. Applications for tree removal or trimming may be granted, denied or granted with conditions.

(F) **DETERMINATION ON PERMIT** - Except as hereafter provided, the Director of Public Works shall approve or disapprove the permit in accordance with the provisions of subsection 6 of this section. When an application for any zoning approval, or subdivision of land is under consideration by the Planning Commission the determination on the tree removal permit shall be made concurrently by the Planning Commission with the related matter.

The deciding official or the deciding body may impose as a condition on which a permit is granted that one or more replacement trees of a species and a size designed by the Director of Public Works be planted on public or private property. The person requesting the permit or the property owner may also be required to pay the cost of obtaining and planting the replacement trees.

(G) **STANDARDS** – Each application shall be reviewed and determined in consideration of the following standards:

- (1) The condition of the tree or trees with respect to disease, imminent danger of falling, proximity to existing or proposed structures, and structural damage caused by a tree.
- (2) The topography of the land and the effect of trimming or removal of the tree on erosion, soil retention and diversion or increased flow of surface waters.
- (3) The number of trees existing in the neighborhood or improved property and the effect that trimming or removal would have on the established standard of the area and the property values.
- (4) The number of trees the particular parcel can adequately support according to good forestry practices.

#### **Section 12.16.180 – PENALTY**

- (A) Any person who violates any of the provisions of this ordinance or who causes, permits or suffers the same to be done is guilty of an Infraction.
- (B) Where no other penalty is provided, and upon conviction thereof, such person shall be punished by a fine of not less than two hundred fifty dollars (\$250.00).

#### **Section 12.16.190 – SEPARABILITY**

If any section, subsection, sentence, clause or phrase 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 the ordinance.

**Section 12.16.200 – CIVIL ACTION**

- (A) The violation of any of the provisions of this ordinance shall also be deemed a nuisance. Civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken by the appropriate legal officers of the City of Union City upon complaint of the City Council.
  
- (B) The current comprehensive replacement value of the tree or trees involved for which the penalty is assessed using using one of the following methods.
  - (1) Replacement method – for trees up to eight inches in trunk diameter based on replacement cost including species, size, and site specificity to a given locality as defined in the International Society of Arboriculture guide for VALUATION OF LANDSCAPE TREES, SHRUBS, AND OTHER PLANTS, seventh edition or later.
  
  - (2) Basic method – for trees that are too large to replace with nursery or field stock as defined in the International Society of Arboriculture guide for VALUATION OF LANDSCAPE TREES, SHRUBS, AND OTHER PLANTS, seventh edition or later.

**Section 12.16.210 – REMEDIES CUMULATIVE**

All remedies prescribed hereunder shall be cumulative and the use of one or more remedies by the city of Union City shall not bar the use of any other remedy for the purpose of enforcing the provisions hereof.

ORD318.89

**CITY OF UNION CITY**  
**34009 Alvarado-Niles Road – Union City, CA 94587 – Phone 471-3232 EXT. 422**  
**TREE SERVICE PERMIT**

1. APPLICANT \_\_\_\_\_ 2. PERMIT NO. \_\_\_\_\_

3. ADDRESS \_\_\_\_\_ 4. PHONE \_\_\_\_\_

5. APPLIES FOR PERMISSION TO \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. STARTING DATE: \_\_\_\_\_ DURATION: \_\_\_\_\_

7. SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

\*Permittee shall be responsible for all liability imposed by law for personal injury or property damage which may arise out of work permitted and done by Permittee under this permit or which may arise out of failure on Permittee's part to perform his obligations under said permit in respect to maintenance. If any claim of such liability is made against the City of Union City, its officers, or employees, Permittee shall defend, indemnify and hold harmless from such claim. Nothing herein is intended to impose on Permittee any different or higher standard of care than that required by law.

24 HOUR NOTICE PRIOR TO START

- ALL STANDARD CITY OF UNION CITY SPECIFICATIONS
- COMPLIANCE WITH ORDINANCE NO. 318-89
- WORK TO BE IN COMPLIANCE WITH ANSI STANDARDS-ANSIZ133:1 – 1988
- PLANTING
- IRRIGATION PLANS REQUIRED
- ARBORIST'S RECOMMENDATION REQUIRED
- SKETCH REQUIRED
- WORK TO BE IN COMPLIANCE WITH ISA PRUNING STANDARDS, 1988 Edition or later
- \_\_\_\_\_
- \_\_\_\_\_

NOT APPROVED

APPROVED