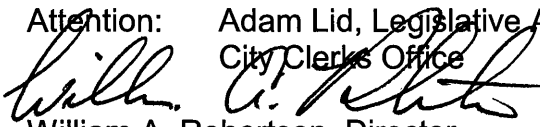


CITY OF LOS ANGELES  
INTER-DEPARTMENTAL CORRESPONDENCE

**DATE:** November 1, 2006

**TO:** William Rosendahl, Chair  
Public Works Committee  
Attention: Adam Lid, Legislative Assistant  
City Clerks Office

**FROM:**   
William A. Robertson, Director  
Bureau of Street Services

**SUBJECT: STRENGTHENING ENFORCEMENT OF ILLEGAL STREET TREE PRUNING/REMOVAL**

### BACKGROUND

The Public Works Committee heard the Bureau of Street Services recommendations for strengthening the enforcement and penalties associated with the illegal pruning/removal of the City's street trees at the meeting held in March 2002. At that time, the Bureau was instructed by Councilwoman Jan Perry, Public Works Committee Chair, to return in ninety days with an addendum to the previously submitted Bureau report that clarified a few recommendations as well as determined the potential costs for the items under the purview of the Bureau. Additionally, the Bureau was instructed to determine where any funds accrued due to increased illegal removal enforcement would be placed.

The following report combines the original report as well as the recommendations found in the addendum. This report also details the potential costs that will be incurred by the Bureau as well as the fund to which the Bureau recommends any illegal removal fines should be deposited.

### DISCUSSION

The City of Los Angeles urban forest provides City residents with many environmental and economic benefits. The management of this important asset is under the purview of the Urban Forestry Division (UFD) of the Bureau of Street Services in the Department of Public Works (DPW), (Los Angeles Municipal Code - Section 62.162-62.175).

The LAMC requires that prior to the pruning or removal of a street tree, a permit must be obtained from the UFD (formerly the Street Tree Division) of the Bureau of Street Services (BSS). Failure to obtain a permit is a misdemeanor. Nevertheless, each year many of the City's street trees are removed or trimmed without a permit. In most cases, illegal pruning is done in a manner that destroys the structural integrity of the tree and ultimately necessitates the removal of the tree. Both of these illegal acts deprived the City's residents of the environmental benefits that trees provide and destroy a vital infrastructure element.

The BSS is usually contacted regarding the illegal removal or pruning of street trees after the person(s) performing the work has/have already left the location of the removal. It is the opinion of the BSS that the majority of illegal tree removal or pruning activities are performed at night and on weekends when BSS personnel are not available. According to the City Attorney, a person must witness an alleged perpetrator in the process of committing an illegal act before such a person or entity can be prosecuted. This legal requirement is based on the United States Constitution and the California Penal Code Section 7.

When the BSS is contacted during regular business hours regarding a potential tree removal or pruning, it responds by sending an inspector soon as possible. As a result, the illegal act is generally prevented or stopped before the tree is removed or pruned in a manner requiring removal. If the tree has been removed or is in a condition requiring removal, the BSS issues a notice for a minimum two to one tree replacement with as large a replacement tree size as the location can accommodate. The City Attorney's office indicates that it will prosecute in cases where there is an eyewitness account and the eyewitness is willing to testify. Section 11.00(m) of the Los Angeles Municipal Code (LAMC) sets forth the penalties for violations that have not been specifically set forth as fines or stated jail time. For example, a misdemeanor fine carries a penalty of up to \$1,000 and six months in jail. An infraction of a code carries a fine of up to \$250. The distinction between whether to prosecute as a misdemeanor or an infraction is at the discretion of the City Attorney. The City Attorney has opined that the majority of these cases are infractions.

In instances whereby the BSS is not notified until after the perpetrator has left the scene, the BSS notifies the legal owner of the subject property that they are responsible for the illegal removal. The property owner is required to replace the illegally removed tree. If the property owner does not comply with two written notices, they are requested to attend an administrative hearing and requested to comply under the risk of the case being referred to the City Attorney.

The BSS has detected illegal tree pruning and removal patterns in the City. This illegal act occurs approximately 60-70% of the times on secondary and major highways along corridors with largely retail commercial businesses. It is the opinion of the BSS that the illegal removal or pruning is done most often to alleviate obstruction between a tree and business signage. A significant portion of illegal tree removal or pruning work can be found near billboards. Also, a very small percentage, about 5%, of illegal tree removals or pruning work is performed by property owners in residential areas who most often are just ignorant of the fact that a permit is necessary.

## **RECOMMENDATIONS**

The BSS is dedicated to a sustainable urban forest and is aware of the negative consequences that result from the illegal removal or pruning of street trees. Based on the above, the BSS recommends the following:

That the City Council, subject to approval of the Mayor and in the following priority order

approve the implementation of these recommendations to provide the most cost effective impact and minimize illegal street tree removal/pruning:

Request the City Attorney to prepare and present the necessary amendment to the Los Angeles Municipal Code to impose a fine of \$1,000 for the illegal removal or pruning of trees.

**Recommendation 1:** Increase of monetary fine: The Bureau recommends any funds obtained due to increased monetary fines be deposited in the Public Works Trust Fund, Reforestation account.

Request the Department of Transportation to develop appropriate size signs that state "Removal or pruning of street trees is illegal without a City permit. Please call (800) 996-CITY) for information," and post these signs in areas identified by the UFD of the Bureau of Street Services with an equal number of signs to be installed in each Council District.

**Recommendation 2:** These recommendations require action from other Departments at the direction of City Council. The Bureau recommends that Council take such action.

Request the Department of General Services, the Information Technology Agency, and other appropriate City departments to take the necessary steps to establish a 24-hour Hotline for use by City residents who wish to report illegal tree removal and pruning activities.

**Recommendations 3:** See Recommendation 2

Request the authority to establish within the BSS a Task Force on the Abatement of Illegal Tree Removal and Pruning with an abatement team composed of strike force inspectors on-call 24 hours/day.

**Recommendation 4:** Designating arborists to act as an illegal pruning/removal task force would require an additional six Tree Surgeon Supervisors that hold Arborist Certifications. Two supervisors would work per shift with the City being divided roughly in half at Mulholland Drive.

Request the City Attorney to prepare and present an amendment to the Los Angeles Municipal Code to allow the UFD of the Bureau of Street Services to issue citations for the illegal removal and pruning of trees.

**Recommendation 5:** See Recommendation 2

Request the Los Angeles Police Department officers to actively enforce the Los Angeles Municipal Code by requiring anyone performing tree work at nights and weekends to produce a City permit.

**Recommendation 4:** See Recommendation 2

Request the Bureau of Street Services, UFD to develop a Public Education Program to

inform the public of the importance of the urban forest, alternatives to the improper pruning and removal of trees, and the legal consequences of these acts, including announcements on Channel 35 or the appropriate cable station channel or network used by the City of Los Angeles for public service announcements.

**Recommendation 7:** The Bureau is collaborating with the Department of Public Works Public Affairs (PAO) to address avenues to access public media outlets. The PAO will also work with the City's dedicated cable network to obtain access enabling the Bureau to educate the public to the importance of the urban forest.

Request the BSS to work closely with Business Improvement District (BID) members and Neighborhood Councils (NC) in disseminating information for the Public Education Program.

**Recommendation 8:** The Bureau does now, and will continue to, work with Business Improvement Districts (BID) in disseminating the importance of proper pruning and urban forest practices to its business members. The Bureau is currently developing protocols for meeting with Neighborhood Councils (NC) and will provide urban forest information to all NCs.

Request the Bureau of Street Services to provide a status report to the City Council within 90 days along with the estimated cost to implement the recommendations contained in this report.

**Recommendation 9:** This report will be forwarded to the committee prior to the 90-day requirement.

## **FISCAL IMPACT**

The annual cost (salary only) of these personnel is \$312,198 (\$52,032.96/ six supervisors). Equipment costs would be approximately \$44,000.00 annually.

The Bureau of Street Services will continue to vigorously pursue perpetrators who illegally remove or prune City trees without a valid permit. Adoption of the above recommendations will provide the necessary enforcement authority to the UFD to help alleviate and/or eliminate this ongoing problem.

I am available at your convenience to discuss the recommendations outlined in this report. You can contact me at (213) 485-5681 or George Gonzalez, Chief Forester, at (213) 485-5675.

WAR/RL:rl

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