

ORDINANCE NO. 3401

**AN ORDINANCE OF THE CITY OF CORONA,
CALIFORNIA, AMENDING SECTIONS 12.22.030 AND
12.22.050 OF THE CORONA MUNICIPAL CODE
REGARDING THE CITY'S RESPONSIBILITIES FOR
MAINTENANCE OF TREES IN PARKWAYS**

WHEREAS, Article XI, § 7 of the California Constitution authorizes cities to make and enforce within their limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, Corona Municipal Code ("CMC") Chapter 12.22 establishes guidelines for the care and management of City trees and shared responsibility trees within the City; and

WHEREAS, CMC Section 12.22.050(C) sets forth the responsibility of property owners and the City of trees and landscape materials within parkways; and

WHEREAS, the City Council desires to amend CMC Section 12.22.050 to clarify the standards that will apply for the planning, planting, maintenance, alteration and removal of all City trees, shared responsibility trees and landscape materials within parkways.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORONA
DOES ORDAIN AS FOLLOWS:**

SECTION 1. Section 12.22.030 (Definitions). Section 12.22.030 (Definitions) of Chapter 12.22 (Community Urban Forest and Landscape Guidelines) of Title 12 (Streets, Sidewalks and Public Places) is hereby amended by revising subsection (L) and (M) and adding subsection (N) to read as follows:

“(L) **“Public property maintenance objectives”** means tree maintenance obligations, if any, placed on the city by applicable state laws, rules or regulations, including, but not limited to, any case law governing the city’s responsibility with respect to avoiding a dangerous condition of public property.

(M) **“Urban forest”** means the collection of city trees and shared responsibility trees located within the city. Also sometimes referred to as the Community forest.

(N) **“Urban forest management plan”** means the plan duly adopted with such title, or with a similar title and City Council intent to serve as such plan, as approved by resolution of the City Council.

The Urban Forest Management Plan shall be deemed to be a part of this chapter and enforceable as such.”

SECTION 2. Section 12.22.050 (Parkways – responsibilities of property owners and city). Section 12.22.050 (Parkways – responsibilities of property owners and city) of Chapter 12.22 (Community Urban Forest and Landscape Guidelines) of Title 12 (Streets, Sidewalks and Public Places) is hereby amended in its entirety to read as follows:

“12.22.050 Parkways - responsibilities of property owners and city.

(A) Findings.

(1) The city acknowledges that trees provide environmental, aesthetic, social and economic benefits to property owners and to the public at large. Specifically, trees increase property values, provide aesthetic value, provide shade and cooling, reduce energy costs, decrease wind velocities, provide erosion control, conserve energy, reduce stormwater runoff, and act as filters for airborne pollutants, reduce noise, provide privacy, provide wildlife habitat and food, sequester carbon, and release oxygen.

(2) Trees also present their share of challenges. Those challenges can include, but are not limited to: (1) invasive and shallow root structures, which can cause damage to sewer and water lines, sprinkler systems, sidewalks, driveways, patios, and other hardscape, and even foundations of homes; and (2) limbs which fall or drop , causing damage to persons and property. While these challenges can occur even with properly watered and maintained trees, they are more likely to occur when trees are poorly watered and maintained.

(3) The proper care for shared responsibility trees is a shared responsibility of property owners and city government, because not only does the public at large benefit from shared responsibility trees, but the property owner personally and uniquely benefits from their particular shared responsibility tree. Property owners therefore are solely responsible for watering trees on their own property, even when those trees are shared responsibility trees. In addition, while there is no way in which to entirely control where the roots of trees travel, proper and adequate watering of trees is the principal manner in which to mitigate the impacts of roots. Accordingly, property owners are solely responsible for the effects caused by the roots of the trees on their own property, even when

those trees are shared responsibility trees, including the effects caused by improper or inadequate watering of any such trees. The city is responsible for periodically evaluating and trimming or otherwise maintaining (other than watering) shared responsibility trees, and removing such trees when the city is on notice that a tree poses an undue risk of danger to person or property; provided, however, that nothing provided for in this Chapter 12.22 or elsewhere in this code or the urban forest management plan shall require the city's responsibilities to exceed that which is required by the public property maintenance objectives, as defined in Section 12.22.030 above.

(B) **Standards.** The planning, planting, maintenance, alteration and removal of all city trees, shared responsibility trees and landscape materials shall be done in compliance with the public property maintenance objectives, as defined in Section 12.22.030 above, this code, including, but not limited to, Chapter 8.32 (Property Maintenance), Chapter 12.08 (Excavations in Public Rights-of-Way), and Chapter 17.70 (Landscaping, Fences, Walls, Hedges), as well as the Urban Forest Management Plan and any other applicable guidelines adopted by the city, including, but not limited to, the Residential Parkway Landscape Conversion Guidelines, the Landscape Design Guidelines for Residential Development, and the Landscape Design Guidelines for Commercial Development.

(C) **Responsibilities other than watering.** The planning, planting, maintenance (other than watering), alteration and removal of all trees and landscape materials in the parkway, or that encroach on the parkway, are assigned as follows:

(1) **Property owner.** To the owners of the property on which a parkway is located or of the property on which the encroaching landscape material originates, except as expressly assigned to the city in Section 12.22.050(C)(2) below. Among other responsibilities, property owners shall remove overgrown trees (other than shared responsibility trees), shrubs and other landscape materials and weeds in the parkway or that encroach on a parkway.

(2) **City.** The city is expressly assigned the responsibility to, in a manner consistent with the standards set forth in Section 12.22.050(B) above, plan, plant, maintain (other than watering), alter and remove the following:

(a) All trees and landscape materials in parkways maintained as part of a landscape maintenance district or a community facilities district; and

(b) All shared responsibility trees.

(D) **Watering.** The watering of all trees and landscape materials in parkways is assigned as follows:

(1) **Property owner.** To the owners of the property on which a parkway is located, including shared responsibility trees, except as expressly assigned to the city in Section 12.22.050(D)(2) below.

(2) **City.** The city is expressly assigned the responsibility to water all trees and landscape materials in parkways maintained as part of a landscape maintenance district or a community facilities district.”

SECTION 3. Effective Date. The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall within fifteen (15) days of its adoption cause it, or a summary of it, to be published in a general circulation newspaper published and circulated in the City of Corona. This Ordinance shall take effect and be in force 30 days after its adoption.

PASSED, APPROVED AND ADOPTED this 2nd day of October, 2024.

Mayor of the City of Corona, California

ATTEST:

City Clerk of the City of Corona, California

CERTIFICATION

I, Sylvia Edwards, Clerk of the City of Corona, California, do hereby certify that the foregoing Ordinance was regularly introduced at a regular meeting of the City Council of the City of Corona, California, duly held the 7th day of August 2024, and thereafter at a regular meeting held on the 2nd day of October, 2024, it was duly passed and adopted by the following vote of the Council:

AYES:
NOES:
ABSENT:
ABSTAINED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Corona, California, this 2nd day of October, 2024.

City Clerk of the City of Corona, California

(SEAL)

SUMMARY

On October 2, 2024, the Corona City Council will consider adopting an ordinance to amend Sections 12.22.030 and 12.22.050 of the Corona Municipal Code to clarify the standards that will apply for the planning, planting, maintenance, alteration and removal of all City trees, shared responsibility trees and landscape materials within parkways. A certified copy of the full text of this proposed Ordinance is posted in the City Clerk's Office.

The City Council meets at 6:30 p.m. in the Council Chambers in the Corona City Hall, located at 400. South Vicentia Ave. The City Clerk's Office is located in City Hall near the Council Chambers.