



Protect Mature Trees During Construction



It's the Law!

Name: _____

Date: _____

Project Address: _____

Building Permit #: _____

Are there trees within the area where construction will occur?

Yes:____ No:____ How Many?_____

Are you planning to trim or remove any trees as part of the project?

Yes:____ No:____ How Many?_____

Did you obtain a Tree Trimming and, or Removal Permit from the Parks Department?

Yes:____ No:____ Permit No:_____

Trees that require protection during construction are defined in the Benicia Municipal Code as follows:

12.24.030 Protected trees.

A. List of Protected Trees. The following trees are protected by the city:

1. All city property trees over eight inches in diameter (as measured 48 inches above soil level).
2. Street trees over eight inches in diameter.
3. All heritage trees.
4. All designated protected trees.
5. All other trees over 12 inches in diameter.
6. California Native Trees. The following native species, which have a trunk diameter of eight inches (25-inch circumference) are protected:
 - a. Blue oak (*Quercus douglasii*);
 - b. Live oak (*Quercus agrifolia*);
 - c. Valley/white oak (*Quercus lobata*);
 - d. Willow (*Salix*);
 - e. Buckeye (*Aesculus californica*);
 - f. Box elder (*Acer negundo*);
 - g. California Bay (*Umbellularia californica*);
 - h. Black walnut (*Juglans hindsii*).

B. Prohibited Actions to Protected Trees. Pruning, cutting, girdling, poisoning or any other action causing or aiding the death or disfigurement of a protected tree as defined in this chapter is prohibited without a tree removal or pruning permit.

C. Exceptions to Prohibited Actions.

1. Emergencies. The city may take whatever action is needed to protect persons or property in the event of "emergencies" and/or "hazardous trees," as defined in BMC [12.24.020](#).
2. Fruit Trees. A fruit or nut tree less than 18 inches in diameter (57 inches circumference) is not considered a protected tree, unless specifically designated by the city. (Ord. 08-03 § 2).

12.24.090 Protection of trees on property during construction.

A. Protective fencing shall be provided for all protected trees in conjunction with property development and construction projects, at the perimeter of the drip line, or as otherwise specified in the tree preservation report, arborist report, or as determined by the community development director.

B. Protective tree fencing shall meet the following specifications:

1. Size and Materials. Based on the recommendation of the city arborist, one of three types of protective fencing may be specified:

- a. Orange plastic fencing shall be wrapped around the trunk from the ground to the first branch with two-inch wooden boards bound securely on the outside. Caution shall be used to avoid damaging any bark or branches.
- b. Four-foot-high orange plastic fencing mounted on steel "T" posts spaced at intervals of no more than 10 feet.
- c. Five- or six-foot-high chain link fencing, mounted on two-inch diameter galvanized steel posts driven into the ground to a depth of at least two feet at no more than 10-foot spacing. For paving area that will not be demolished and when stipulated in a tree preservation plan, posts may be supported by a concrete base.

2. Duration of Fencing. Fencing shall be erected before demolition, grading or construction begins and remain in place until final landscaping is installed. Contractor shall obtain the city arborist's approval prior to removing a tree protection fence.

C. All development requiring city commission or council review shall comply with the following precautions:

1. Prior to the commencement of construction, install the fence at the drip line, or TPZ when specified by the city arborist, around any tree to be retained that could be affected by the construction, and prohibit any storage of construction materials or other materials or vehicles inside the fence. The drip line shall not be altered in any way so as to increase the encroachment of the construction.
2. Submit for city arborist review verification that all pre-construction conditions have been met (tree fencing, erosion control, pruning, etc.) and are in place. An initial inspection of protective fencing and written verification must be submitted to the city arborist prior to demolition, grading or building permit issuance.
3. Prohibit excavation, grading, drainage and leveling within the drip line of the tree unless approved by the director.
4. Prohibit disposal or depositing of oil, gasoline, chemicals or other harmful materials within the decline of or in drainage channels, swaths or areas that may lead to the drip line of a protected tree.
5. Prohibit the attachment of wires, signs, or ropes to any protected tree.
6. Design utility services and irrigation lines to be located outside of the drip line when feasible (unless the irrigation line is specifically required for the tree).
7. Retain the services of the certified or registered consulting arborist for periodic monitoring of the project site and the health of those trees to be preserved. The certified or consulting arborist shall be present whenever activities occur that pose a potential threat to the health of the trees to be preserved.
8. A city arborist shall be notified if any damage occurs to a protected tree during construction so that proper treatment may be administered.
9. A performance bond guaranteeing the health of any protected tree during construction of the project shall be required as a condition of approval. (Ord. 08-03 § 2).

For more information or to obtain a Tree Trimming or Removal Permit please contact the Marcos Jaime in the Public Works Division at mjaime@ci.benicia.ca.us.

I acknowledge that I have read and understand the City of Benicia ordinance requiring the protection of trees during construction and agree to comply with all of the requirements for protecting trees during construction. I further understand that failure to protect trees during construction is unlawful and punishable as a misdemeanor.

(Signature of Owner or Authorized Representative)

(Date)