

ORDINANCE NO. 2040

AN ORDINANCE OF THE CITY OF BURLINGAME ADDING SECTION 11.06.055, "PRIVATE TREES AND PRIVATELY-OWNED VEGETATION (PUBLIC NUISANCE)", TO CHAPTER 11.06 OF TITLE 11 OF THE BURLINGAME MUNICIPAL CODE REGARDING THE MAINTENANCE OF PRIVATE TREES AND VEGETATION ON PRIVATE PROPERTY; CEQA DETERMINATION: EXEMPT PURSUANT TO STATE CEQA GUIDELINES SECTION 15378 AND 15061(b)(3)

WHEREAS, the City of Burlingame ("City") wishes to protect the public, safety, welfare, and tranquility of its residents; and

WHEREAS, the City seeks to encourage the maintenance of well-kept properties in recognition of the fact that property values and the general welfare of the community are founded in large part on the appearance, maintenance, and safety of properties; and

WHEREAS, the owners of property bearing private trees or other vegetation that are adjacent to public sidewalks or rights of way are usually in the best position to quickly identify and address potentially dangerous conditions, including dead or dying trees, failing limbs, or overgrown vegetation which may cause damage or injury to persons or property; and

WHEREAS, through its police powers, the City has the authority to impose maintenance obligations on property owners for their property, as well as abutting rights of way; and

WHEREAS, this Ordinance deems dead, dying, or otherwise dangerous privately owned trees and vegetation as public nuisances, subject to enforcement by the City to encourage safety on public property and maintenance of visually appealing properties throughout the City.

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

Section 1. The recitals set forth above are true and correct, and are hereby incorporated herein by this reference as if fully set forth in their entirety.

Section 2. The City Council hereby finds that this Ordinance is in the public interest.

Section 3. The Ordinance is not a Project within the meaning of section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change in the

environment, either directly or ultimately. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment.

Section 4. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or sections of the Ordinance. The City Council of the City of Burlingame hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 5. Chapter 11.06 of the Burlingame Municipal Code is amended to add a new Section 11.06.055, "Private trees and privately-owned vegetation (public notice)," to Title 11 as reflected in Exhibit A, attached hereto and incorporated herein by reference. Any sections not included in Exhibit A remain unchanged.

Section 6. This Ordinance shall go into effect 30 days following its adoption.

Section 7. The City Clerk is directed to publish this ordinance in a manner required by law.

Peter Stevenson, Mayor

I, MEAGHAN HASSEL-SHEARER, City Clerk of the City of Burlingame, certify that the foregoing ordinance was introduced at a regular meeting of the City Council held on 2nd day of September 2025 and adopted thereafter at a regular meeting of the City Council held on the 6th day of October 2025, by the following votes:

AYES: COUNCILMEMBERS: Brownrigg, Colson, Pappajohn, Stevenson, Thayer
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None

ATTEST:

Meaghan Hassel - Shearer, City Clerk

EXHIBIT A

11.06.055. Private trees and privately-owned vegetation (public nuisance)

- (a) The provisions of this Section shall govern actions affecting private trees and privately-owned vegetation, and shall be in addition to all other applicable provisions set forth in the Burlingame Municipal Code.
- (b) It shall be the responsibility of owners, tenants and occupants of property to maintain private trees and privately-owned vegetation in a manner that does not impact public safety or health.
- (c) Any of the following are determined to be public nuisances, subject to the provisions of Chapter 1.12 and Chapter 1.16:
 - (1) A dead, diseased, infested or dying tree or vegetation on private property or property not owned by the City.
 - (2) Any private tree or vegetation on any private property or any private tree or vegetation in a parkway strip between a private property line and the street line which damages, destroys or otherwise interferes with any street improvements, sidewalks, curbs, street trees, gutters, sewers, or other public improvements including mains or service, or threatens to so damage, destroy or impair same.
 - (3) The existence of any branches or foliage on private property which interferes with visibility on, or free use of, or access to, any portion of any street improved for vehicular or pedestrian travel.
 - (4) Shrubs and plants more than thirty-six inches in height in any parkway strip, measured above top of curb grade;
 - (5) Vines or climbing plants growing from private property into or over any public tree, shrub, hedge, or plat or any public hydrant, pole, or other improvement.
 - (6) Any private tree or privately-owned vegetation declared a public nuisance pursuant to state law and ordered removed by a court of competent jurisdiction.
 - (7) Any other condition or offensive private tree or vegetation on private property that may be deemed hazardous or nuisance by the Director.
- (d) The City may inspect any tree or vegetation standing on any private property to determine whether the same, or any portion thereof, is in such condition as to constitute a hazard or nuisance.