



STAFF REPORT

AGENDA NO: 9b

MEETING DATE: October 6, 2025

To: Honorable Mayor and City Council

Date: October 6, 2025

From: Richard Holtz, Parks Superintendent/City Arborist – (650) 650-558-7333
Rachel Norwitt, Code Enforcement Officer – (650) 558-7208

Subject: Second Reading and Adoption of an Ordinance 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 15601(b)(3)

RECOMMENDATION

Staff recommends that the City Council adopt the proposed Ordinance 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. Staff recommends the following procedure:

Recommended Procedure and Order of Operations:

- A. By motion, adopt the proposed Ordinance.
- B. Direct the City Clerk to publish a summary of the Ordinance within 15 days of adoption.

BACKGROUND AND DISCUSSION

At the regular meeting of September 2, 2025, the City Council considered the first reading of the Ordinance. Following public comment and discussion of the item, the City Council unanimously voted to adopt the first reading and bring the item back for second reading and adoption with no changes. The staff report from the first reading is attached for reference.

There are instances when trees or vegetation such as dead and dying trees, falling limbs, or overgrown vegetation on private property may present dangerous conditions. Those dangerous conditions can be hazards to persons or property located either on the private property or on the adjoining public right of way.

This proposed Ordinance adds a new Section 11.060.055, “Private trees and privately-owned vegetation (public nuisance)” to Chapter 11.06. The proposed Ordinance grants the City the authority to impose maintenance obligations on private property owners where private trees or vegetation on private property create safety concerns or can otherwise create substandard

conditions on public property. If adopted, the proposed Ordinance would deem certain conditions of private trees and vegetation a public nuisance where the tree or vegetation creates a public safety hazard. The proposed Ordinance allows the City to inspect private trees and vegetation to determine whether the above-listed nuisance conditions exist. Penalties for violation of the proposed Ordinance are consistent with penalties for all other violations of the City's municipal code and include escalating fines for each day the violation exists and abatement following a notice to the property owner and an opportunity to remediate the substandard condition.

FISCAL IMPACT

There is minimal expected fiscal impact, as the City's determination to enforce the provisions of the proposed ordinance would be evaluated on a case-by-case basis.

Exhibits:

- Staff Report from First Reading (September 2, 2025)
- Proposed Ordinance