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Pruning leaves a fine mess

Couple had trees trimmed without a permit and were stuck with a nearly \$350,000 penalty.

By Jason Wells

NORTH GLENDALE — When Ann Collard and her husband hired a private contractor in August to trim the trees around their home, they could not have imagined the bill would balloon to nearly \$350,000.

Costs soared when a city urban forester cited the Collards for illegally pruning 13 trees — including five that are reportedly on city-owned land — without a permit. And under the city's new Indigenous Tree Ordinance, the fine was equal to twice the value of the damaged trees.

"We trimmed our trees and now we can lose our house?" Ann Collard asked.

The fine has the attention of the City Council, which is awaiting a report on the matter before deciding how to address the potential unintended consequences of an ordinance that was adopted in March mainly to discourage property owners from razing protected trees to clear the way for development.

"We don't know yet, the whole story," Councilman Dave Weaver said. "It's just premature."

The Collards decided to prune the trees after receiving a June fire danger abatement order from the Glendale Fire Department, reminding homeowners of the necessary 5-foot vertical clearance between structures and vegetation, Ann Collard said.

A private tree-trimming contractor based in Orange County hired to prune the canopy back said no permits were needed, she said, but an urban forester ordered the pruning stopped on the third day.

Ann Collard said she was aware of a tree ordinance, but she did not know it prohibited any sort of pruning, especially with a fire danger abatement order in hand.

But under city code, the permit requirement is waived only if a tree causes an immediate emergency and the Police or Fire Department gives written permission to trim or cut it down.

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“There’s the letter of the law, and there’s logic,” she said. “The consequences are now apparent, and the City Council needs to know what they passed.”

The Collards — whose home on 517 Whiting Woods Road sits under a thick canopy made up mostly of mature oaks — received notice of the violation Oct. 1, more than a month after the trees were inspected.

The Collards’ fine, which is based on a formula that fines the trimmer twice the assessed value of the damage to the protected tree, is the highest so far since the City Council revised the ordinance in March, Public Works Director Steve Zurn said.

Five of the oak trees trimmed on Aug. 28 without a permit are city-owned, according to the notice of violation, and of the eight protected trees on Collard’s property, two are Western sycamores and six are live oaks.

At Tuesday’s City Council meeting, the Collards’ violation hit the public airwaves when Councilman Bob Yousefian used the fine to highlight what he said was a disconnect between the city government and residents.

“There are major flaws in the way the city does business, and I hope we can fix them,” he said.

But city officials say they are simply carrying out the law that the City Council approved in March and took effect in April.

“I don’t believe it was the intent of the City Council to be imposing fines of this magnitude, but it was certainly the intent of the City Council to create a penalty system that would be significant enough that it would act as a deterrent,” Assistant City Manager Bob McFall said.

To protect against making a bad situation even worse, the Collards retained attorney Richard Eldred, who argues that the ordinance infringes on the rights of accused violators.

“[In Glendale] they just make a determination,” he said. “The whole thing is ridiculous and rather stupid.”

In addition to mitigating the Collard fine, Eldred said he intends to fight to keep the city from enforcing the ordinance until revisions are made that introduce due process.

Permit holders can appeal their grievances to the City Council, but those caught pruning or removing a protected tree on private property — or any city-owned tree — face the legal system, according to the ordinance.

As of Wednesday, the case had not yet been referred to the city attorney’s office, which has discretion in pursuing the maximum penalty of a \$1,000 fine and one year in jail per misdemeanor violation, City Atty. Scott Howard said.

He has ordered a hold on prosecuting all tree-trimming violations until a report detailing possible alterations to the tree ordinance — including introducing an administrative hearing process — is presented to council members at their request in coming weeks.

A draft resolution on adopting a Los Angeles-inspired 10-year construction ban on all property where a protected tree has been illegally removed will also be part of the package, Howard said.

In the meantime, the Collards hold out hope that the looming fine will also be pruned to save them from an impossible situation.

“For us, the goal is to get out of this without getting completely financially ruined,” Ann Collard said.

JASON WELLS covers City Hall. He may be reached at (818) 637-3235 or by e-mail at jason.wells@latimes.com.

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