

SAMPLE CONTRACT LANGUAGE FOR SOUTHWEST LANDSCAPES

GENERAL

Proper landscape maintenance sustains the quality and health of a landscaped area and preserves the intended design concept. Landscaping is intended to provide overall aesthetically pleasing appearance for the community.

Plants are chosen for their natural shape and growth habit. All plants should be allowed to grow to their natural form and size, unless specifically noted. Plants should be pruned to promote structural strength and to accentuate their natural form and features. Trimming and pruning should not alter this form appreciably.

Plant materials should only be pruned and trimmed once a year and at specified times according to individual plant specimens. This will allow each plant to recover its natural shape, size, texture, and seasonal color. Plant growth or breakage, such as after a storm, is allowed. Excessive watering promotes excessive growth and is discouraged. The irrigation controller will need to be adjusted accordingly to discourage water waste and excessive growth.

The following is to serve as required specifications and to provide guidance in the maintenance of the areas which fall under the Maintenance and Operation Contract.

TREES

A. STAKING

Refer to Planting and Staking Guidelines, University of Arizona publication AZ1022 for appropriate and acceptable methods. <http://cals.arizona.edu/pubs/garden/az1022.pdf>

1. The purpose of staking trees is to support and protect young trees until they are able to stand alone.
2. All tree stakes and ties shall be maintained to properly support the tree. They shall be inspected a minimum of once every 60 days to prevent girdling or chafing of trunks or branches or rubbing which may cause bark wounds.
3. Stakes should not remain on trees for longer than a one year period.

B. PRUNING

Deciduous trees should be pruned during their dormancy period, usually in the winter. Pruning during dormancy will promote a healthy spring growth. Spring flowering and desert trees should be pruned in May. Never use pruning sealants, which can cause bacteria and fungus to seal in and degrade the health of the tree. Trees should be sparingly pruned during the summer months to prevent sunburn to trunks and other newly exposed areas. No more than 25% of the trees mass should be removed during the year. Pruned trees will require more water and fertilizer due to the foliage loss, which would normally have produced plant energy. Topping, "poodling", balling or squaring of trees is not allowed.

1. All pruning shall conform to ANSI A300 Part 1 pruning standards.
2. All trees shall be pruned to promote structural strength and to accentuate the natural form and features of the tree.
3. All trees shall be allowed to grow to their natural genetic form and size, unless specifically excepted
4. Pruning must be carried out to permit unobstructed passage to pedestrians and motor vehicles and to prevent sight restrictions near intersections. This means that branches should be maintained to a 7 ½ ft. above sidewalks and 12 ft. above vehicular areas. Shrubs and groundcover must be trimmed 4 inches from sidewalks and curbs.
5. Stripping of lower branches ("raising up") shall not be permitted. Lower branches shall be retained in a "tipped back" or pinched condition with as much foliage as possible to promote trunk caliper growth. Lower branches should be cut off only after the tree is able to stand erect without staking or other support.

6. Thinning of certain species and individual specimens may be required to prevent wind damage. Suckers, water sprouts, crossing and heavily laden branches shall be removed to provide less wind resistance.
7. Palm trees shall be trimmed annually, May 15 through June 15, when the flower stalks have developed, but before flowering has occurred.

C. FERTILIZATION

1. Most trees shall be fertilized annually, in the spring, with a complete fertilizer. Fertilization of mature trees shall be required only if the tree show a definite need for fertilization.
2. Fertilizer shall be applied around the tree, approximately halfway between the trunk and the dripline, at the rate of one-half pound of nitrogen per inch of trunk diameter measured at four feet above the soil surface.
3. All trees shall be observed for signs of nutrient deficiencies and treated to correct deficiencies throughout the year.

SHRUBS, GROUNDCOVERS AND VINES

A. PRUNING

A natural, full branching pattern of shrubs is preferred. Balling, cubing, and "bonsai-ing" of shrubs is detrimental to their health, causing unnecessary dieback and possibly death. An unattractive, artificial look is not acceptable. Pruning, if necessary, is to be done using the selective method once yearly after seasonal blooming period is finished.

Groundcovers are to be allowed to grow to their natural size and fill in an area. They are not to be pruned but are to spill over in a natural, graceful pattern. No individual trimming is allowed unless adjacent to streets and sidewalks within two feet from the edge of a continuous plant grouping. Where necessary they are to be trimmed using an angle rather than a square.

Formal pruning, such as balling, bonsai-ing, poodling, squaring, and shearing of shrubs is strictly prohibited. Constant formal pruning is time consuming, expensive, and detrimental to the health and lifespan of shrubs. Shear pruning can lead to an unnatural appearance, inhibit a plant's ability to receive moisture and nutrients, reduce blooming, increase water consumption, create an additional plant waste and is detrimental to the plant's longevity.

Pruning should be done under the following circumstances only:

1. Removal of branches that could potentially create a safety hazard to pedestrians and vehicular traffic. This must be carried out within 24 hours of notification.
2. Removal of malformed, diseased, weakened or dead branches.
3. Removal of crossing, twisted, or crowded branches.
4. Encourage, control, and direct plant growth.
5. To permit unobstructed passage to pedestrians, bicyclists and motor vehicles or near intersections shall be carried out in order to prevent sight restrictions.

B. FERTILIZATION

1. Most shrubs and vines should be fertilized annually. Plants that have reached maturity may not require annual fertilization.
2. All actively growing plants, not yet at maturity, shall be fertilized yearly during the months of February through March. Apply an appropriate slow-release, long lasting nitrogen fertilizer, controlled release fertilizer, at manufacturer's recommended application rate.
3. All plants shall be observed for signs of nutrient deficiencies and treated to correct deficiencies throughout the year. Nutrient deficiency shall be brought to the attention of the Manager/Owner and properly identified prior to treatment.

TURF AREAS (LAWNS)

A. MOWING

1. Lawns shall be mowed weekly during the growing season and as required during the winter months.
2. The height of cutting shall be maintained consistently to prevent scalping or burn. The mowing height shall be 1-1/2 inches, or appropriate to the turf species.
3. Excessive grass clippings shall be collected and disposed of. Adjacent sidewalks and streets shall be clean of clippings.
4. Mowing patterns shall be alternated each week to avoid creating ruts and compaction.

B. EDGING

1. All lawn edges along sidewalks and curbs shall be edged before each mowing during the active growing season (March through October) and as required for appearance for the remainder of the year.
2. Edging shall be performed with a blade type mechanical edger. The cut edge should appear as a clean, straight line.
3. A monofilament line trimmer shall be used to trim around obstacles within the lawn area. Care shall be taken to insure that the bark of trees and shrubs are not damaged or stripped by the line trimmer.
4. Lawn sprinkler heads shall only be edged to allow for proper distribution of water.

C. FERTILIZATION

1. April 1 to April 15: apply granular fertilizer 12-12-12 at a rate of 1 pound actual nitrogen per 1,000 square feet. This rate is 8.5 lbs. Per 1,000 sq. ft. or 365 lbs per acre.
2. May 15 to May 31: apply granular fertilizer 21-0-0 ammonium sulfate at a rate of one-half pound of nitrogen per 1,000 square feet. This rate is 2.4 lbs. Per 1,000 sq. ft or 105 lbs per acre.
3. July 1 to July 15: apply granular fertilizer 32-0-0 ammonium nitrate at a rate of one-half pound actual nitrogen per 1,000 square feet. Rate 1.6 lbs. Per 1,000 sq. ft. or 68 lbs. per acre.
4. September 1 to September 15: apply granular fertilizer 16-16-16 at a rate of one pound actual nitrogen per 1,000 square feet. Rate 6.2 lbs. Per 1,000 sq. ft. or 275 lbs. per acre.

DISEASE AND PEST CONTROL

- A. All chemical controls must be applied under the supervision of a licensed and qualified pest control applicator, following the procedures set forth in the labeling of the product, as required by law.
- B. Healthy plants and lawns should be able to withstand minor disease and insect damage without controls. Routine application of pesticides shall not be practiced, as this destroys natural predator-prey relationships in the environment.
 1. Where unusually high infestations or infections occur, an accurate identification of the disease or insect shall be made and the control selected with care, prior to application.
 2. The Manager/Owner shall be provided with the labeling for each pesticide used before the product is applied.
 3. Gophers shall be trapped or controlled with approved baits.

WEED CONTROL

A. PRE-EMERGENT CONTROL

1. All areas dressed with decomposed granite or natural ground shall be treated with pre-emergent herbicide twice yearly: in spring between February 15 and March 15, and in fall between October 15 and November 15. The pre-emergent must receive 0.511 of rain or be watered in within 10 days of application.
2. Areas seeded with wild-flowers shall be identified by the Manager/Owner and shall not be treated with pre-emergent herbicide.

B. POST EMERGENT CONTROL

1. All areas shall be kept free of weeds. Chemical and/or mechanical means may be used as appropriate. IF any weeding is not performed, maintenance will be considered unsatisfactory.
2. Before applying herbicides, the type of weed shall be identified and the control selected accordingly, using the most effective control for the species, the location and the season.
3. Weeds shall not be allowed to grow in paved areas such as driveways, walks, curbs, gutters, etc. Weeds may be removed manually or sprayed with an herbicide. Dead weeds shall be removed from the paved areas.
4. The Field Services representative shall be provided with the labeling (MSDS) for each herbicide proposed before the product is applied.
5. Post emergent shall be sprayed at a minimum rate of one (1) gallon per acre.
6. Weeds shall be controlled in turf areas. Mowing is not an acceptable method of weed control.
7. Total soil sterilants should never be used, as they will kill any existing vegetation, leach into nearby areas, and persist in the soil for many years

DEBRIS REMOVAL

- A. Litter and trash including leaves, rubbish, paper, bottles, cans, rocks, gravel, and other debris shall be removed from all areas on a weekly basis.
- B. All refuse resulting from the maintenance operation of association properties shall be disposed of at locations designated by the Manager/Owner.
- C. Hardscape (i.e. sidewalks, curbs and entrances) shall be swept or blown free of debris weekly.

SURFACES

- A. All areas dressed with decomposed granite shall be raked as needed, but not less than once every four (4) weeks.
- B. All soil shall be regraded, as necessary , on a weekly basis.
- C. Paved sidewalks, medians, and bike-paths shall be swept or blown off with a power blower on a weekly basis.

IRRIGATION

- A. The irrigation shall be operated at an appropriate seasonal schedule, using the least amount of water necessary to maintain the growth, health, and vigor of all landscape plant materials.
- B. Irrigation controllers shall be re-programmed at a minimum of once monthly in order to match plant material water needs to the irrigation applied.
- C. The contractor shall maintain a log of current sprinkler station times. A copy of the log shall be given to the Manager/Owner after routine inspection. The log shall include, but is not limited to:
 1. Controller location
 2. Scheduled days to run
 3. Start times
 4. Station location
 5. Each station's run time
 6. End time
 7. Contractor's employee initial and date
- D. The contractor is required to employ the necessary qualified irrigation technician(s) to maintain and repair all irrigation systems on the property. The contractor shall maintain a reasonable inventory of commonly required repair parts on the service vehicle in order to facilitate prompt irrigation system repairs.
- E. Irrigation repairs shall be made with the same brand, make, and model of component where the use of a different part will adversely affect the system efficiency (i.e. sprinkler heads and emitters).
- F. When a sufficient amount of rainfall has occurred, the contractor will turn off the irrigation system until it is necessary to water again. A properly adjusted automatic rain shut off device may be used for this purpose

- G. Irrigation and sprinkling shall be performed by landscape contractor personnel, as well as all maintenance of irrigation systems.
- H. Repairs to sprinkler equipment damaged by mowers or equipment operated by the contractor shall be the responsibility of the contractor, at no cost to the owner. If repair work is not accomplished in a timely manner, Manager/Owner shall have work completed and deduct loss from monthly payment.
- I. Perform sprinkler check/inspection after each mowing.
- J. Report and flag all water leaks and/or system malfunctions to the Manager/Owner.

Irrigation schedules should be set using the following guidelines from the Arizona Municipal Water Users Association.

<i>Landscape Watering Guidelines</i>						
How Much & How Often		Seasonal Frequency – Days Between Waterings				Water This Deeply
		Spring Mar – May	Summer May – Oct.	Fall Oct. – Dec.	Winter Dec. – Mar.	
Trees	Desert Adapted	14 – 30 days	7 – 21 days	14 – 30 days	30 - 60 days	24 – 36 inches
	High Water Use	7 – 12 days	7 - 10 days	7 - 12 days	14 - 30 days	24 – 36 inches
Shrubs	Desert Adapted	14 - 30 days	7 - 21 days	14 - 30 days	30 - 45 days	18 - 24 inches
	High Water Use	7 – 10 days	5 – 7 days	7 – 10 days	10 - 14 days	18 – 24 inches
Groundcovers & Vines	Desert Adapted	14 - 30 days	7 -21 days	14 - 30 days	21 - 45 days	8 – 12 inches
	High Water Use	7 – 10 days	2 – 5 days	7 – 10 days	10 - 14 days	8 – 12 inches
Cacti & Succulents		21 - 45 days	14 - 30 days	21 - 45 days	If needed	8 – 12 inches
Annuals		3 – 7 days	2 – 5 days	3 – 7 days	5 –10 days	8 – 12 inches
Warm Season Grass (Bermuda, etc.)		4 – 14 days	3 – 6 days	6 - 21 days	15 - 30 days	6 – 10 inches
Cool Season Grass (Rye, Fescue)		3 – 7 days	None	3 – 10 days	7 – 14 days	6 – 10 inches
<p>These guidelines are for established plants (1 year for shrubs, 3 years for trees). Additional water is needed for new plantings or unusually hot or dry weather. Less water is needed during cool or rainy weather.</p> <p style="text-align: center;"><i>Drip run times are typically 2 hours or more for each watering</i></p>						

REPLANTING AND EXTRA WORK

- A. Plant material which dies through the fault or neglect of the contractor, or due to preventable circumstances, shall be replaced with a specimen of the same species and of equal or similar size as the plant lost, at no cost to the owner. This must be coordinated with the Manager/Owner.