

COPY

TREE ORDINANCE FOR THE TOWN OF BELGRADE

AN ORDINANCE TO MANAGE TREE RESOURCES ON TOWN'S PUBLIC LAND BY:

PRESCRIBING THE DUTIES OF THE TOWN TREE WARDEN AND THE TOWN TREE COMMITTEE

PRESCRIBING REGULATIONS RELATING TO TREES AND SHRUBS LOCATED ON PUBLIC LAND

PROVIDING FOR THE ISSUING OF NON-FEE PERMITS FOR THE PLANTING, MAINTENANCE, AND REMOVAL OF TREES ON PUBLIC LAND

PRESCRIBING PENALTIES FOR VIOLATING THESE ARTICLES AND PROCEDURES FOR APPEAL

BE IT ORDAINED BY THE SELECTPERSONS OF THE TOWN OF BELGRADE, STATE OF MAINE:

Section 1. Short Title. This Ordinance shall be known and may be cited as the TREE ORDINANCE for the Town of Belgrade, State of Maine.

Section 2. Definitions. For the purpose of this Ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein.

Community Tree Plan shall mean a written document that guides the work of the Tree Committee.

Park shall include all public parks having individual names.

Person is any individual, firm, partnership, association, corporation, company, organization or State agency of any kind. The Town of Belgrade and any of its municipal officials acting in their official capacity on behalf of the Town; employees or contractors working for the State of Maine acting in their capacity; or utility companies acting in their official capacity are exempt from the requirements of this ordinance.

Property Line shall mean the outer edge of a street or road right-of-way (R.O.W).

Property Owner shall mean the person owning such property as shown on town Tax Maps.

Public places shall include all grounds owned by the Town of Belgrade.

Public trees shall include all shade and ornamental trees or shrubs now or hereafter growing on any Town street, Town Park or Town public place.

Street or Road means the entire width of every Town public way or right-of-way when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular and pedestrian traffic.

Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within a tree's crown to such a degree as to remove the normal canopy and disfigure the tree.

Town refers to the Town of Belgrade, a political unit of the State of Maine.

Town Tree Warden is a citizen of the community and an ex-officio member of the Tree Committee who volunteers to carry out the enforcement of this Ordinance.

Tree Committee refers to the volunteer committee established by the Town of Belgrade Selectboard.

Treelawn (R.O.W edge) is that part of a street or road, not covered by sidewalk or other paving, lying between the abutting property and the edge of the roadway.

Section 3. Duties of the Town Tree Warden. The Town Tree Warden shall have the following duties:

A. The Town Tree Warden shall propose rules governing the planting, maintenance and removal of trees on the streets or other public places in the Town, said rules to be adopted by the Town Selectboard.

B. The Town Tree Warden shall report to the Selectboard on a regular basis and shall advise the Tree Committee.

C. The Town Tree Warden shall have the authority to promote public safety and to preserve the aesthetics of public spaces by granting non-fee permits as set forth in Section 9 below and shall have the authority to affix reasonable conditions to the granting of said permits in accordance with the terms of this Ordinance.

D. The Town Tree Warden shall serve at the will and pleasure of the Selectboard. This position is volunteer only.

Section 4. Community Tree Plan and the Community Tree Plan

A. The Tree Committee shall serve at the pleasure of the Selectboard and shall have the authority to conduct activities in accordance with its chartered mission: "to encourage stewardship and appreciation of Belgrade's trees through education, research, conservation efforts, and public information."

B. The Tree Committee shall formulate a Community Tree Plan, seeking the advice of the Town Manager, the Town Tree Warden, other town committees, consultants, and citizens at public hearings.

C. The Community Tree Plan shall include, but not be limited to, the goals and mission of the Tree Committee; an inventory of plant resources on public land; a summary of work that is recommended, its cost, a proposed schedule to complete such work; and other relevant information – such as reports of the Tree Committee, planting specifications, standard tree maintenance guidelines, and permit application procedures.

Section 5. Tree Topping of Public Trees is Prohibited. It shall be unlawful, as a normal practice, for any person to top any public tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance by the Town.

Section 6. Abuse of Public Trees is Prohibited. No person shall intentionally damage, cut, carve, transplant, or remove any tree; attach any rope, wire, nails, advertisements, poster, or other contrivance to any tree; allow any gaseous liquid, or solid substance which is harmful to such trees to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any public tree.

Section 7. Blocking water, air, fertilizer to public trees is prohibited.

A. No person shall deposit, store, or maintain upon any public property any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air, or fertilizer to the roots of any tree growing thereon.

B. No person shall cause the sunlight to be permanently blocked to any public tree by placement of materials or structures without written authorization of the Town.

C. No person shall change natural drainage, excavate any ditches, tunnels, trenches, or lay any drive within a radius of ten (10) feet from any public tree without first obtaining a written permit from the Town.

Section 8. Non-fee Permits are required for planting, maintaining, and removing trees located on public lands, along streets, or in public rights of way.

A. No person shall plant, spray, fertilize, prune, remove, or otherwise disturb any public tree on any public street or in any public place without first procuring a permit from the Town.

1. Planting Permit

When making application for a permit to plant trees on public property, the Applicant shall state the number and species of trees or other plants to be planted. The Maine Landscape & Nursery Association Landscape (MeLNA) Contract Specifications, amendments thereto, or substitutes therefore, shall be followed and enforced as a minimum standard for planting.

2. Maintenance Permit

When making application for a permit to maintain trees on public property, the Applicant shall state the number, caliper or dbh size, and species of trees to be sprayed, fertilized, pruned or otherwise preserved; the kind of treatment to be administered; the composition of the spray material to be applied; and such other information as the Town Tree Warden shall find reasonably necessary to ensure a fair determination of whether a permit should be issued. All pruning shall meet, as a minimum standard, Pruning Standards For Shade Trees published by the National Arborist Association or a similar standard agreed to by the Town Tree Warden.

3. Removal and Replacement Permit

When making application for a permit to remove trees from public property, the Applicant shall describe the number and species of trees to be removed, their size, location, age, condition, the proposed method of removal, and such other information as the Town Tree Warden shall find reasonably necessary to ensure a fair determination of whether a permit should be issued.

B. Exceptions to Section 8

1. Property owners maintaining a Treelawn between their land and an adjacent roadway are exempt from the permit requirement of Section 9.
2. Lot owners and caretakers maintaining public trees at the Belgrade town cemeteries are exempt from the permit requirement of Section 9.

Section 9. The Road Commissioner has total responsibility for the roads, including public rights of way.

The Road Commissioner has been elected by the townspeople of Belgrade to

maintain the public streets, roads and rights of way. The Road Commissioner has authority to maintain trees located within the definition of public rights of way. The Road Commissioner would welcome the Tree Committee's notification of any problems in the roadway, and will determine and take appropriate action.

Section 10. Interference with Town Tree Warden is prohibited. No person shall hinder, prevent, delay, or interfere with the Town Tree Warden while engaged in carrying out the execution or enforcement of this Ordinance.

Section 11. Referenced Guidelines. Copies of materials referenced herein will be available to the public at the Belgrade Town Office.

Section 12. Enforcement, Penalty, and Appeals

A. Any person who violates any provision of this ordinance shall be subject to a fine payable to the Town of Belgrade of up to \$100 for each day from the date he/she is officially notified by the Town of Belgrade until the action ceases; fines to be set by the Selectboard.

B. If, as a result of the violation of any provision of this ordinance, the injury, mutilation, or death of a public tree is caused, the cost of repair or replacement of such public tree shall be borne by the person in violation. The replacement value of trees and shrubs shall be determined in accordance with the current edition of Valuation of Landscape Trees, Shrubs, and Other Plants as published by the International Society of Arboriculture.

C. Any person who shall deem that he is aggrieved by the enforcement of this ordinance may appeal the decision to the Board of Selectpersons at any time within thirty (30) days of the date he is notified of a violation by delivering to the Town Manager notice in writing of his intent to appeal and the rationale for the appeal.

Section 13. Administrative Guidelines

A. Permits may be applied for as set forth below.

1. Application for permits must be made to the Town not less than forty-eight (48) hours in advance of the time the work is to be started.
2. Standards of Issuance. The Town shall issue the permit if, in their judgment, the proposed work is desirable and the method and workmanship proposed are satisfactory. Any permit shall be void if its terms are violated.
3. Notice of completion shall be given to the Town within five (5) days of completing the work so the work can be inspected.

B. Approved Tree List. Copies of all published guidelines referenced herein will be available at the Town Office.

1. Any species on the list of Trees of Kennebec County, Maine, as developed for the Belgrade Tree Board, or on the approved Maine Forest Service Community Forestry Planting List may be planted as street trees, park trees, or ornamental trees pursuant to Section 9.A.

2. Species on the Do Not Plant Tree Species for the Town of Belgrade, developed by the Tree Committee, shall not be planted on public property.

Section 14. Severability. If any subsection, sentence, clause, provision, of part of this Ordinance shall be held invalid for any reason, the remainder of this Ordinance shall remain in force.

Section 15. Effective Date. This Ordinance is hereby declared to be of immediate necessity for the preservation of public peace, health, and safety, and shall be in full force and effective from and after its passage and publication as provided by law. Passed this 14th day of March, 2014.

Signed this 1st day of April, 2014.

Signed by the Board of Select Persons:

Chair Eriest Rice

V. Chair Wendy Johnson

Bruce Plouffe

Walter

George Hill, Town Manager

Attested by: Cheryl T. Cook Town Clerk on

April 2 2014