



PARKS AND RECREATION ORDINANCE

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ARTICLE I. IN GENERAL

Sec. 1-1. Department--Established.

There is hereby established in the City a department of Parks and Recreation which shall be responsible for the maintenance and improvements of parks and playgrounds of the City under the general supervision of the Director of Parks and Recreation.

Sec. 1-2 Director; General Duties.

The department of Parks and Recreation shall be headed by a Director, appointed by the City Manager, who shall have control and direction of the department subject to the general supervision of the City Manager. The Director of Parks and Recreation shall, with the approval of the City Manager, have the power to appoint and remove employees of the department and he or she shall be responsible for recreational programming for youth and adults throughout the City.

Sec. 1-3. Recreation board established.

- (a) The City Council may appoint a Parks and Recreation Board consisting of seven (7) members serving staggered three (3) year terms for the purpose described below.
- (b) The Parks and Recreation Board is to act in an advisory capacity, and in that capacity may recommend and propose the construction, development, or purchase of park and recreation facilities that are consistent with the needs of the City. Additionally, the Parks and Recreation Board may assist the Director of Parks and Recreation in the proper administration and operation of the department. The Parks and Recreation Board is to advise and assist in the preparation and presentation of the Parks and Recreation Department's yearly budget request to the City Council.
- (c) The officers of the Board shall consist of a chairman and secretary. These officers shall be elected at each annual meeting of the Board. The Board shall provide for its own rules

and regulations of conduct. The chairman shall have the authority to appoint committees, and membership on such committees may be held by individuals who are not members of the Board.

ARTICLE II. TREE REGULATIONS IN PUBLIC SPACES

Sec. 2-1. Purpose.

The purpose of this article is to regulate the planting, maintenance, and removal of trees in the public streets, parkways, and other municipal-owned property; establishing regulations relating to the planting, maintenance, and removal of trees in public places; providing for the pruning and removal of trees on private property which endanger public safety.

Sec. 2-2. Definitions.

For the purposes of this article, the terms used herein are defined as follows:

City Arborist or *Arborist* is the Director of Parks and Recreation or his/her designee.

DBH means the diameter (in inches) of any tree at breast height.

Master public tree plan is an overall plan for the planting, maintenance, removal and replacement of all trees growing in public places within the municipality.

Park means all public parks owned by the City.

Property line shall mean the outer edge of a street or highway right-of-way.

Public places shall include all streets, highways, parks or other grounds owned by the City.

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

Street or *highway* means the entire width of every City 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 or pedestrian traffic.

Treelawn is that part of a street or highway, not covered by sidewalk or other paving, lying between the property line and that portion of the street or highway usually used for vehicular traffic.

Trees:

- (1) *Large trees* are designated as those attaining a height of forty-five (45) feet or more.
- (2) *Medium trees* are designated as those attaining a height of thirty (30) to forty-five (45) feet.
- (3) *Small trees* are designated as those attaining a height of twenty (20) to thirty (30) feet.

Sec. 2-3. Authority and duties of the City Arborist.

- (a) *Master public tree plan.* The City Arborist with the assistance of the Parks and Recreation Board, or a committee thereof, will formulate a master public tree plan which will serve as a basis for the municipal tree program. This plan will consider all known, existing and future utility and environmental factors when making specific recommendations. Once written, the City Arborist will submit the plan to the City Manager who will present it to the City Council, together with his/her recommendation, for adoption and implementation.
- (b) *Authority.* The City Arborist shall have the authority to regulate the planting, maintenance, preservation and removal of trees and shrubs in all public places for the benefit and welfare of the public and to protect and preserve the symmetry and beauty of such trees and public places in conformity with the intent of the master public tree plan.
- (c) *Supervision.* It shall be the duty of the City Arborist to ensure compliance of all contractual agreements entered into by the City for work done in accordance with the terms of this article.

Sec. 2-4. Permits: Required.

No person shall plant, spray, fertilize, prune, remove, cut or otherwise disturb above or below the ground any tree on any street, park or public place without first filing an application and procuring a permit from the City Arborist.

An application for planting required by this section shall state the number of trees to be set out; the location, grade, species, cultivar or variety of each tree; the method of planting and such other information as the City Arborist shall find reasonably necessary to make a fair determination of whether a permit should be issued.

Sec. 2-5. Permits: Standards for Issuance; Notice of Completion.

The City Arborist shall issue such a permit if, in his judgment, the proposed work is desirable and the proposed method and workmanship thereof are in accordance with reasonable arboricultural specifications and standards of practice.

Any permit granted shall contain a definite date of expiration, and the work shall be completed in the time allowed on the permit and in the manner as therein described. Any permit shall be void if its terms are violated.

Notice of completion shall be given within five (5) days thereof to the City Arborist for his inspection.

Sec. 2-6. Work Requirements

(a) *Maintenance.* It shall be the duty of any person or persons owning real property upon which there may be trees and plants bordering on any street to prune such trees and plants in such a manner that they will not obstruct or shade the streetlights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, obstruct the view of any street or alley intersection or will not create any other hazard to the public. The minimum clearance of any overhanging portion thereof shall be ten (10) feet over sidewalks and twelve (12) feet over all streets except truck thoroughfares which shall have a clearance of sixteen (16) feet.

(1) *Notice to prune or remove.* Should any person or persons owning real property bordering on any street fail to prune trees as herein above provided, the City Arborist shall order such person or persons, within ten (10) days after receipt of written notice, to prune or remove such trees.

(2) *Order required.* The order required herein shall be served by mailing a copy of the order to the last-known address of the property owner by certified mail, return receipt requested.

- (3) *Failure to comply.* When a person to whom an order is directed shall fail to comply within the specified time, it shall be lawful for the municipality to prune or remove such trees, and all cost thereof shall be charged to the owner thereof.
- (c) *Removal.* Whenever it is deemed necessary to remove a tree or trees growing on public places, a permit is required to remove.
- (d) *Tunneling or trenching.* A permit is required for tunneling or trenching within the dripline of a public tree.

Sec. 2-7. Abuse or Mutilation of Public Trees

Unless specifically authorized by the City Arborist, no person shall intentionally damage, cut, carve, transplant or remove any tree; attach any rope, wire, nails, advertising posters 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 tree.

Sec. 2-8. Protection of Public Trees

Any individual causing construction shall provide protection to all trees on any street or other publicly owned property near any excavation or construction of any building, structure or street work. Trees shall be guarded with a good substantial fence, frame or box not less than four (4) feet high and eight (8) feet square or at a distance in feet from the tree equal to the diameter of the trunk in inches DBH, whichever is greater; and all building material, dirt or other debris shall be kept outside the barrier.

No person shall excavate any ditches, tunnels, trenches or lay any drive within the dripline of any public tree without first obtaining a written permit from the City Arborist.

No person shall deposit, place, store or maintain upon any public place any vehicles, any stone, brick, sand, concrete or other materials which may impede the free passage of water, air and fertilizer to the roots of any tree growing therein except by written permit of the City Arborist (except in emergencies on holidays and weekends).

APPROVED

Waterville City Council
Effective: June 5, 2007
(Ordinance 10-2007)