

City of Wayland – Tree Ordinance

ARTICLE V. TREES; TREE BOARD

Sec. 16-130. Definitions.

Words used in this Article V shall be defined as follows:

- (a) *Street trees* shall mean trees, shrubs, or bushes located within the right-of-way of any street, avenue, alleyway or any other public right-of-way of the city.
- (b) *Park trees* shall mean trees, shrubs, or bushes in public parks, in public property, and on all areas owned by the city and to which the public has free access as a park.
- (c) *Large trees* shall mean those which grow to a height of 50 feet or more.
- (d) *Medium trees* shall mean those which grow to height of 30 feet to 50 feet.
- (e) *Small trees* are defined as those which grow to a height of 15 feet to 25 feet.

(Ord. No. 144, § 1, 5-16-94)

Sec. 16-131. City tree board, creation; members; appointment.

There is hereby created an established city tree board which shall consist of not less than three members, one member shall be a member of the city council, one member shall be an employee of the department of public works appointed by the city manager with the approval of the council; and other members to be any citizens at large and approved by the city council; and other member shall be citizens at large appointed by the mayor with the approval of the city council.

(Ord. No. 144, § 1, 5-16-94)

Sec. 16-132. Members; terms of office; compensation.

Members of the tree board shall serve for two years. Members shall serve until their successor is appointed and serving. Members of the board shall serve without compensation.

(Ord. No. 144, § 1, 5-16-94)

Sec. 16-133. Tree board; responsibilities and duties.

It shall be the responsibility of the tree board to study, investigate, develop, update and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of street trees and park trees. Such plan will be presented annually to the city council and, upon its acceptance and approval, shall constitute the official Comprehensive Tree Plan of the City.

(Ord. No. 144, § 1, 5-16-94)

Sec. 16-134. Tree board; officers; rules; journal; quorum.

The board shall choose its own officers, make its own rules of procedure and keep a journal of its proceedings. A majority of the members appointed shall be a quorum for the transaction of business.

(Ord. No. 144, § 1, 5-16-94)

Sec. 16-135. Street trees; species to be planted.

The species set forth in this section shall constitute the street tree species for the City of Wayland. No species other than those included in this section may be planted as street trees without written permission of the city tree board.

(a) *Large trees:*

- (1) Superform Maple (Platanoides "Superform")
- (2) Sugar Maple (Saccharum Hard Maple)
- (3) Marshall Seedless Green Ash (Pennsylvanica Lanceolata)
- (4) Shademaster Honeylocust (Gleditsia Triacanthus Inermis "Shademaster")
- (5) Skyline Honeylocust (Tricanthos Inermis Skyline)

(b) *Medium trees:*

- (1) Crimson King Maple (Platanoides "Crimson King")
- (2) Royal Red Maple (Platanoides "Royal Maple")
- (3) Imperial Honeylocust (Triacanthos inermis "Imperial")

(c) *Small trees:*

- (1) Eastern Redbud (Cercis canadensis)
- (2) Flowering Dogwood (Cornus)
- (3) Allegheny Serviceberry (Amelanchier Laevis)

(Ord. No. 144, § 1, 5-16-94)

Sec. 16-136. Trees; spacing.

No street trees shall be planted closer together than the following: small trees, 30 feet (9.1 m); medium trees, 40 feet (12.2 m); large trees, 50 feet (15.2 m), except as approved in writing by the city tree board.

(Ord. No. 144, § 1, 5-16-94)

Sec. 16-137. Trees; distance from street corners and fire hydrants.

No street tree shall be planted closer than 35 feet (10.67 m) to any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than 10 feet (3.05 m) to any hydrant.

(Ord. No. 144, § 1, 5-16-94)

Sec. 16-138. Trees; utilities.

No street trees other than small trees or trees which are adaptable to pruning shall be planted under or within ten lateral feet (3.05 m) of any overhead utility wire, or within five lateral feet (1.52 m) of any underground water line, sewer line, transmission line or other utility in the public right-of-way.

(Ord. No. 144, § 1, 5-16-94)

Sec. 16-139. Street trees and park trees; care.

The city shall plant, prune, maintain and remove street trees, plants and other vegetation within the rights-of-way of all streets, alleys, avenues, lanes, squares, rights-of-way and public grounds, as may be necessary to insure public health, safety, and welfare or to

preserve or enhance the symmetry and beauty of such areas. The city may remove or cause to be removed, any tree or part thereof on such areas which is in an unsafe condition or which interferes with sewers, electric power lines, gas lines, water lines, cable lines, or other improvements, or is affected with any injurious fungus, insect or other pest.

(Ord. No. 144, § 1, 5-16-94)

Sec. 16-140. Trees; trimming or topping.

It shall be unlawful for any person or entity to cut, trim, or top any street tree or park tree without the written consent of the city tree board. Topping is defined as the cutting back of limbs to stumps larger than three inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the 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 the provisions of this section by a determination of the city tree board.

(Ord. No. 144, § 1, 5-16-94)

Sec. 16-141. Trees; overhanging right-of-way.

Every owner of any tree overhanging any public right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet (2.43 m) above the surface of the street or sidewalk. All dead, diseased, or dangerous trees, or broken or decayed limbs that constitute a menace to the safety of the public shall be removed.

(Ord. No. 144, § 1, 5-16-94)

Sec. 16-142. Trees; dead or diseased; removal from private property.

The city shall have the right to cause the removal of any dead or diseased trees thereof on private property within the city, when such trees or parts thereof constitute a hazard to life and/or property of the public, or harbor insects or disease that constitute a potential threat to other trees within the city. The city tree board shall send notice by first class mail to the owner of the private property as shown on the assessment records, with a copy of such notice sent by first class mail to the occupant, requesting that the tree be removed. Removal shall be done by said owners or occupants at their own expense within 60 days after the date of mailing of notice. In the event of failure of owners or occupants to comply with such provisions, the city may enter the property and remove such trees and bill the cost of removal to the owner. If the owner fails to pay the bill the city may institute court action to recover the cost.

(Ord. No. 144, § 1, 5-16-94)

Sec. 16-143. Trees; stump removal.

All stumps of street trees and park trees which have been removed shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(Ord. No. 144, § 1, 5-16-94)

Sec. 16-144. Recovery of value of lost or damaged trees.

Whenever any street tree or park tree is damaged, destroyed, or removed without the consent of the tree board, the city may recover from the person responsible for such action the value of the tree damaged, destroyed, or removed and any other costs of replacement with a comparable tree, plus any other damages authorized by law.

(Ord. No. 144, § 1, 5-16-94)

Sec. 16-145. Appeal to city council.

An aggrieved person may appeal a ruling or order of the tree board by filing an appeal with the city council within ten days of the ruling or order. The city council shall set a time and place to hear the appeal and shall give reasonable notice of said time and place to the person filing the appeal. After the hearing, the city council may affirm, reverse or modify the ruling or order of the tree board.

(Ord. No. 144, § 1, 5-16-94)