

Brenda Roy Town Hall Town Clerk's Office 62 Friend Street Tel: (508) 388-8100
Amesbury, @ 01913-2884 Article 42 -TREE ORDINANCE

Be it ordained by the Municipal Council of the Town of Amesbury, Massachusetts.

Section 1. Definitions

Street Trees: "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the Town.

Park Trees: "Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the Town, or to which the public has free access as a park.

Section 2. Creation and Establishment of a Town Tree Board

There is hereby created and established a Tree Board of the Town of Amesbury, Massachusetts which shall consist of three members, citizens and residents of this town, who shall be appointed by the Mayor. Of the three members, at least one must be a Massachusetts Certified Arborist or International Certified Arborist and the other two members must have sufficient educational or work experience to qualify.

Section 3. Term of Office

The term of the three persons to be appointed by the Mayor shall be three (3) years except that the term of the members appointed to the first board shall be staggered such that one member is appointed for one (1) year- second for two (2) years-, and the third for the full three (3) years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

Section 4. Compensation Members of the Board shall serve without compensation.

Section 5. Duties and Responsibilities It shall be the responsibilities of the Board to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the Mayor's Office by April 1st for review and comment. Upon his/her acceptance and approval the plan shall constitute the official comprehensive town tree plan for the Town of Amesbury, Massachusetts. Further, the Board, when requested by the Mayor, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

Section 6. Operation

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

Section 7 Street Tree Species to be Planted

The current official Street Tree Species List for Amesbury is available at the Town Clerk's Office. No species other than those included in this list may be planted as Street Trees without written permission of the Town Tree Board.

Section 8. Spacing

The spacing of Street Trees will be in accordance with the species listed in Section 7 of this ordinance, and no trees may be planted closer together than the following: Small Trees, 20 feet; Large Trees 40 feet- except in special plantings designed or approved by a landscape architect.

Section 9. Distance for Curb and Sidewalk

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in Section 7 of this ordinance, and no trees may be planted closer to any curb or sidewalk than the following: Small Trees, 3 feet; Large Trees 5 feet.

Section 10. Distance from Street Corners and Fire Hydrants

No Street Trees shall be planted closer than 20 feet of any corner, measured from the point of the nearest intersecting curbs or curblines. No Street Tree shall be planted closer than 10 feet of any fire hydrant.

Section 11. "Utilities

No Street Trees other than those species listed as Small Trees in Section 7 of this ordinance may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

Section 12. Public Tree Care

In accordance with M.G.L.A. c. 87, § 5 & 132, § 13 the Town shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety. Work shall be done in accordance with ANSI 800 pruning specification and § Z13' standards. No tree shall be removed, except in an emergency situation without written permission of the Tree Board.

The Town Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and location of said trees is in accordance with Section 7 through 11 of this ordinance.

Section 13. Tree Topping

It shall be unlawful as a normal practice for any person, firm, or town department to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. However, 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 at the determination of the Tree Board.

Section 14. Pruning, Corner Clearance

Every owner of any tree overhanging any street or right-of-way within the Town shall prune the branches so that such branches shall not obstruct the light from any street intersection and so that there shall be a clear space of eight (8) feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs, which constitute a menace to the safety of the public. The Town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

Section 15. Removal of Stumps

AJI stumps of street and park trees 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

Section 16. Interference with Town Tree Board

It shall be unlawful for any person to prevent, delay or interfere with the Town Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Street Trees, Park Trees, or trees on private grounds, as authorized in this ordinance.

Section I 7 Notification of Private Property Owners

Prior to taking any action on any trees located on private property, the Town will notify the owner by certified mail at least seven (7) days in advance, with the exception of emergencies.

Section 18. Arborists License and Bond

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the Town without first applying for and procuring a license. The license fee shall be \$25.00 annually in advance; provided, however, that no license shall be required of any public service company or Town employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amount of \$500,000 for bodily injury and property damage indemnifying the Town or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

Section 19. Review by Town Commission

The Mayor shall have the right to review the conduct, acts and decisions of the Tree Board. Any person may appeal the Tree Board. Any person may appeal from any ruling or order of the Tree Board to the Mayor who may hear the matter and make final decision.

Section 20. Penalty

Any person violating any provision of this ordinance shall be punishable, upon conviction or a plea of guilty, to a fine of \$100 for the first offense, \$200 for the second, and \$300 for each further offense according to MO. Article IO.

CITY OF AMESBURY.- DRAFT STREET TREE SPECIES LIST

	ACERACEAE Genus	species	Common name
Acer	griseum	Paper bark maple	
Acer	platanum	Japanese maple	
Acer	platanioides	Norway maple	
Acer	platanoides	Crimson king maple	
Acer	pseudoplatanus	Sycamore maple	
Acer	rubrum	red maple	
Acer	saccharinum	Silver maple	
Acer	saccharum	Sugar maple	

HIPPOCASTANACEAE

Aesculus	glabra	Ohio buckeye	
Aesculus	hippocastanum	Common horsechestnut	

SIMAROUBACEAE

Ailanthus	altissima	Tree of heaven	
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BETULACEAE

Alnus glutinosa European alder
Betula nigra River birch
Betula papyifera Paper birch
Betula pendula European white birch

JUGLANDACEAE

Carya ovata Shagbark hickory
Carya glabra Pignut hickory

IBIGNONIACEAE

Catalpa speciosa Northern catalpa

LEGUMINOSAE

Cercis canadensis Eastern redbud
Cladrastis lutea American yellowwood

CERCIDIPHYLLACEAE

Cercidiphyllum japonicum katsuratree

CORNACFAL

Cornus florida Flowering dogwood
Cornus kousa kousa dogwood

BETULACEAE

Corylus avellana contorta European filbert also Known as Harry Lauder's walkingstick

ROSACEAE

Crataegus Phaenopyrum Washington hawthorn
Crataegus laevigata (oxyacantha) English hawthorn

FAGACEAE

Fagus grandifolia American beech
Fagus sylvatica European beech

OLEACEAE

Fraxinus americana White ash
Fraxinus pennsylvanica Green ash

GINKGOACEAE

Ginkgo biloba Ginkgo or Maidenhair tree

LEGUMINOSAE

Gleditsia triacanthos v. inermis Common thornless honeylocust
Gymnocladus dioicus Kentucky coffeetree

JUGLANDACEAE

Juglans cinerea Butternut
Juglans nigra Black walnut

HAMAMELIDACEAE

Hamamelis virginiana Common witchhazel

SAPINDACEAE

Koelreuteria paniculata Panicked goldenrain tree

LEGUMINOSAE

Laburnum x wateri Goldenchain tree

Liriodendron tulipifera Tulip tree

MORACEAE

Maclura pomifera Osage orange

Magnolia x soulangiana Saucer magnolia

Magnolia stellata Star magnolia

Magnolia acuminata Cucumbertree magnolia

TAXODECEAE

Metasequoia glyptostroboides Dawn redwood

MORACEAE Morus alba Common mulberry