

CHAPTER 6

Tree Ordinance

Section

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§ 4551. Jurisdiction of public shade trees in the City of Rutland

The commissioner of public works shall be the tree warden of the City of Rutland and shall have authority over any and all trees on public rights of way or any public property in the City of Rutland not under the jurisdiction of the recreation and parks department or school department. Trees so located shall be deemed public shade trees.

§ 4552. City forester and arborist

The deputy tree warden shall be the city forester and arborist within the department of public works and shall have responsibility for the city's ornamental tree program under the supervision of the commissioner of public works.

§ 4553. Ornamental tree program

(a) The city shall develop a plan and implement a city ornamental tree program. The purpose of the program will be to maintain the beauty of the City of Rutland by properly caring for its trees. This includes removal of dead and dying trees, removal of dead limbs, installing metal cables or metal rods to prevent splitting, removing low hanging limbs for street and sidewalk clearance, fertilizing trees and planting new trees.

(b) The city may enter into financial or other agreements with the owners of land adjoining or facing public ways or places for the purpose of encouraging and effecting shade tree planting and preservation programs.

§ 4554. Permits in regard to public shade trees

(a) No person shall cut, climb, break, trim, or remove or in any way injure trees on public rights of way or other property of the City of Rutland without first having obtained a permit from the commissioner of public works or city forester and arborist.

(b) No person shall, without written permission from the commissioner of public works or city forester and arborist attach or keep attached to a tree on city property any wire, rope, wire insulator, notice, advertisement, object or other device.

(c) No person shall without a "digging in the street permit" from the commissioner of public works excavate soil, cut or fill or otherwise alter the grade or drainage within the grounds of a public right of way in the City of Rutland. Weeding around trees does not require such a permit.

(d) No person shall plant any shade tree on public rights of way in the City of Rutland without first having obtained a written permit from the commissioner of public works or city forester and arborist which permit shall set forth the kinds of trees which may be set out and conditions under which they may be planted.

(e) No person or corporation shall have power lines, telephone lines, cable TV lines, guy lines, cables or any other lines or obstructions on public rights of way with minimal vertical clearances from the ground other than as provided by the American National Standard National Electrical Safety Code, ANSI, C2, latest edition, a copy of which shall be available at the city clerk's office, without first obtaining a permit from the commissioner of public works.

§ 4555. Protection of trees during construction

In the erection or repair of a building or structure, the owner shall place guards around all nearby trees on public rights of way to effectually prevent injury to them.

§ 4556. Substances harmful to tree life

It shall be unlawful for any person owning, using or having control of substances harmful to tree life to allow such substance or substances to permeate the soil surrounding the roots of any tree on any public property in such a manner as may injure or destroy the tree. Substances harmful to tree life shall include, but not be limited to, herbicides, gas from gas mains, petroleum lubricants, diesel, automotive, and heating fuels.

§ 4557. Interference with official duties

No person shall in any way interfere with or cause or permit any interference with any employee of the City of Rutland in the planting, mulching, protection, care or removal of any tree in the public rights of way of the City of Rutland.

§ 4558. Removal or pruning of trees

(a) Whenever the city forester and arborist determines that: 1) a tree or limb in or upon any public property or private premises in the City of Rutland is a danger to public safety and welfare because of defect, decay or lack of support because it may fall in or across any public right of way, or 2) A tree constitutes a threat to other trees on the public right of way because it harbors or breeds noxious insects or disease pests, he shall dispose of such trees if publicly owned or order removal of such trees if privately owned by proper notification to the owner or other persons responsible for the land as to the situation and reasons for the removal order. When the city forester and arborist determines that a tree or limb presents a danger to the public safety it shall be removed immediately. If the tree is on private premises, the owner will be billed for the costs of removal.

(b) If a tree trunk emerges from the ground on the line of the public right of way and private property, the cost of removal shall be shared proportionately by the city and the private landowner.

(c) If any condemned tree or trees are located on private property, the cost of removal shall be the sole responsibility of the landowner. If the owner fails to remove a tree or trees that have been deemed a danger to the public right of way, the city may procure its removal and charge the owner the cost. The cost, if unpaid, may be considered as a lien on the property, and be collected in the same manner as real estate taxes.

(d) When the city forester and arborist determines a tree or limb on private premises must be removed under the conditions stated in paragraph (a) above, he shall give notice to the owner or other persons responsible for the property. Said persons shall have thirty (30) days in which to appeal the determination of the city forester and arborist to the board of aldermen. If no appeal is filed and the subject tree or limb is not removed by said persons, the city shall remove the tree and bill said persons for the cost.

§ 4559. Penalties

Any person who defaces, critically injures or cuts down a public shade tree without permission of the commissioner of public works or violates any section or provision of this chapter shall pay a civil penalty of not more than \$500.00 and shall be assessed based on the value of the tree in addition to the penalty. Each day shall be considered a new violation. The value of the tree shall be determined per "Guide for establishing value of trees and other plants" which is prepared by the Council of Tree and Landscape

Appraisers or any other acceptable method for determining values of trees. The total amount of the fine can be levied against the person cutting the tree, the person ordering the cutting of the tree, the tree company cutting the tree, a utility or other company ordering the cutting of the tree.