

(3) Permit toxic chemical, smoke, oil, or other injurious substance to seep, drain, or be emptied upon or about any tree or shrub, or place cement or other solid substance around the base of the same.

(4) Remove any guard, stake, or other device or material intended for the protection of a public tree or shrub.

(5) Attach any sign, poster, notice, or other object on any tree, or fasten any guy wire, cable rope, nails, screws, or other device to any tree; except that the City may tie temporary "no parking" signs to trees when necessary in conjunction with street improvement work, tree maintenance work, or parades.

(b) Excavations. All public trees near any excavation or construction of any building, structure, or street work, shall be sufficiently guarded and protected by those responsible for such work as to prevent any injury to said trees. No person shall excavate any ditches, tunnels, or trenches, or install pavement within a radius of ten feet from any public tree without written permission of the Public Service Director/City Forester.

(Ord. 1-1998. Passed 1-12-98.)

175.99 PENALTY.

Any person who violates any provision of this chapter or who fails to comply with any notice issued... upon being found guilty of violation, shall be subject to a fine not to exceed \$500.00 for each separate offense. Each day during which any violation of... this chapter shall occur or continue shall be a separate offense. If, as the result of the violation of... this chapter, the injury, mutilation, or death of a tree, shrub, or other plant located on City owned property is caused, the cost of repair or replacement, or the appraised dollar value of such tree, shrub or other plant,

Members of the Shade Tree Commission

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shall be borne by the party in violation. The value of trees and shrubs shall be determined in accordance with the latest revision of "A Guide to the Professional Evaluation of Landscape Trees, Specimen, Shrubs, and Evergreens", as published by the International Society of Arboriculture. The parent or parents of any... minor child who violates this chapter may also be held liable for the cost of replacing or repairing such damaged or destroyed property. (Ord. 1-1998. Passed 1-12-98.)

22 Benefits of Urban Street Trees excerpted from Dan Burden

1. Reduced and more appropriate urban traffic speeds.
2. Create safer walking environments,
3. Trees call for place making planting strips and medians, which further separate motorists from one another, pedestrians, buildings and other urban fabric.
4. Increased security.
5. Improved business. Businesses on treescaped streets show 12% higher income streams.
6. Less drainage infrastructure.
7. Rain, sun, heat and skin protection.
8. Reduced harm from tailpipe emissions.
9. Gas transformation efficiency.
10. Lower urban air temperatures.
11. Lower Ozone.
12. Convert streets, parking and walls into more aesthetically pleasing environments.
13. Soften and screen necessary street features such as utility poles and other needed street furniture.
14. Reduced blood pressure, improved overall emotional and psychological health.
15. Time in travel perception.
16. Reduced road rage. calming effect.
17. Improved operations potential.
18. Added value to adjacent homes, businesses and tax base.
19. Provides a lawn for a splash and spray zone, storage of snow, driveway elevation transition and more.
20. Filtering and screening agent.
21. Longer pavement life.
22. Connection to nature and the human senses.

For a full copy of the City Ordinances go to the City's web site at portsmouthoh.org

Portsmouth Shade Tree Commission



COMMISSION PURPOSE

To disseminate information concerning care of, and value of shade trees in Portsmouth. To promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance, and removal of trees, shrubs, and other plants within the City of Portsmouth, Ohio. (Ord. 1-1998. Passed 1-12-98.)

Why are shade trees valuable?

- They reduce noise.
- They are beautiful.
- They reduce the temperature of the area.
- They reduce carbon dioxide levels.

WHO Is Responsible?

...For Tree and Shrub Removal, Repair, Replacement, Maintenance, Pruning, Planting, and Trimming; is addressed in Chapter 175 of the Codified Ordinances of the City of Portsmouth. This duty is assigned to the Public Service Department.

The City Service Department can be contacted at 740-354-7766.

The purpose of this publication is to give the property owner or occupant, an idea of how this valuable resource is to be managed. If done properly, trees add beauty and value to a property. People sometimes believe the "best" way to tend a tree is by trimming it in a way which is actually mutilation. Members of this City Commission would like our citizens to know how to avoid this, and clarify the relevant City Ordinances.

175.02 AUTHORITY AND POWER.

(a) There is hereby created and established a City Tree Commission for the City of Portsmouth, Ohio, which shall consist of nine members: the Director of Public Service, the City Forester designate, one member of City Council or their designee, and six citizens and residents of the City, who shall be appointed and approved by the City Council. Commission members shall serve without compensation, but all necessary expense shall be paid by appropriate Council action. (Ord. 2014-38. Passed 9-22-14.)

175.05 DEFINITIONS.

Wherever the following words or terms are used in this chapter, they shall be construed to have the following meanings:

- (a) "Person" means person, firm, association, or corporation.
- (b) "City" means the City of Portsmouth, Ohio.
- (c) "Public areas" includes all public parks and other lands owned, controlled, or leased by the City, to include the rights of way.
- (d) "Public trees and shrubs" means all trees and shrubs located or to be located in or upon public areas and or rights of way.
- (e) "Public nuisance" means any tree or shrub or part thereof which by reason of its condition interferes with the use of any public area; is infected with a plant disease; is infested with injurious insects or pests; is injurious to public improvements or endangers the life, health, safety or welfare of persons or property.
- (f) **"Boulevard areas" means land between the normal location of the street curbing and sidewalk. Where there is no sidewalk, the area four feet from the curblines shall be deemed to be a boulevard for the purpose of this chapter. Boulevard areas also refer to the center boulevard on center island streets.**

(g) "Clear sight triangle" means a triangle formed by the curb lines of two intersecting rights of way and a third line connecting a full view zone 20 feet from intersecting corners of the street. On streets with no curb and gutter, the same triangle will be used and measurements made from where the curb should be.

(h) "Major alterations" means trimming a tree beyond necessary to comply with this chapter.

(i) "Shrubs" means any woody vegetation or woody plant having multiple stems and bearing foliage from the ground up.

(j) "Tree" means any woody plant, normally having one stem or stem or trunk bearing its foliage or crown well above ground level to heights of sixteen feet or more.

(k) "Topping" means the practice of cutting back large diameter branches of a mature tree to stubs. It is particularly destructive pruning practice. It is stressful to mature trees and may result in reduced vigor, decline or even death of the tree. In addition, new branches that form below the cuts are only weakly attached to the tree, and are in danger of splitting out. Topped trees require constant maintenance to prevent this from happening, and it is often impossible to restore the structure of the tree crown after topping.

(l) "Trimming" (pruning) shall be accomplished according to current technical specifications of the National Arbor Association and current safety specifications of the American National Standards for Tree Care Operation, ANSI Z133.1. All specifications and procedures are available from the Public Service Department. (Ord. 1-1998. Passed 1-12-98.)

175.07 LICENSING; INSURANCE.

(a) It shall be unlawful for any person, partnership or corporation to engage in the business of planting, cutting, trimming, pruning, removing, spraying, or otherwise treating trees, shrubs or vines within the City without first applying for and receiving a license from the Public Service Director/City Forester.

(b) Before any license shall be issued, each applicant shall first file evidence of possession of workers compensation and liability insurance in the minimum amounts of one million dollars (\$1,000,000) for bodily injury or death and one hundred thousand dollars (\$100,000) property damage indemnifying the City of any person injured or damage resulting from the pursuit of such endeavor as herein described. Furthermore, the applicant must provide a copy of a current vendor's license and proof of payment of city income tax for any work completed in the City.

(c) The license fee shall be twenty-five dollars (\$25.00) annually in advance. No license shall be required of any City employee doing such work in the pursuit of their duties on behalf of the City.

175.08 TREE PLANTING, MAINTENANCE, AND REMOVAL.

(a) Tree Species. The City Tree Commission shall develop and maintain a list of desirable trees for public tree planting in three size classes: small, medium and large.

(b) Spacing. The spacing of public trees will be in accordance with the three species size classes list.

(c) Utilities. No public trees other than those listed as small trees maybe planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

(d) Distance from Curb and Sidewalk. The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes list, and no trees may be planted closer to any curb or sidewalk than the listed guidelines.

(e) Distance from Street Corners and Fireplugs. No public tree shall be planted within the clear sight triangle nor closer than ten feet of any fireplug.

(f) Topping. It shall be unlawful for any person, firm or City department to top any public tree, park tree or other tree on public property without written permission of the Public Service Director/City Forester.

(g) Pruning, Corner Clearance. The owner of any tree overhanging any street 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.

(Ord. 1-1998. Passed 1-12-98.)

175.10 PERMIT FOR MAINTENANCE AND REMOVAL OF TREES AND SHRUBS.

(a) Permit Required. No person, except on written order of the Public Service Director/City Forester, shall remove or alter a tree or shrub, in the public right of way, boulevard areas, other public areas, or cause such act to be done by others.

(b) Permit Form Expiration, Inspection. Every permit shall be issued by the Public Service Director/City Forester on a standard form and include a description of the work to be done and shall specify the exact location. There is no charge for the permit.

175.11 PROHIBITED ACTS.

(a) Damage to Public Trees. No person shall... without written permits from the Public Service Director/City Forester in the case of a public tree or shrub do or cause to be done by others any of the following acts:

(1) Secure, fasten or run any rope, wire sign, unprotected electrical installation, or other device or material to, around, or through a tree or shrub except to secure leaning or newly planted trees.

(2) Break, injure, mutilate, deface, kill, or destroy any tree or shrub or permit any fire to burn where it will injure any tree or shrub.