

**PERMIT APPLICATION FOR THE
PLANTING, REMOVAL OR PRUNING OF CITY TREES**

Tree Location: _____

Owner: _____

Address: _____

Telephone: _____

Description of request: _____

Signature: _____ **Date:** _____

(Work must be completed within 90 days of signed application)

If work is being done by a contractor

Contractor: _____

Address: _____

Telephone: _____

Insurance Name and Policy Number: _____

Estimated Cost: _____

Description of request: _____

Signature: _____ **Date:** _____

(Work must be completed within 90 days of signed application)

OFFICE USE ONLY

Permit Number: _____

Removal: _____

Prune: _____

Plant: _____

Inspected by: _____

Approved by: _____

Public Service Director

PORTSMOUTH SHADE TREE COMMISSION
CODIFIED ORDINANCE

175.01 PURPOSE - The purpose of this chapter is 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.

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 eight members: the Director of Public Service, the City Forester designate, one member of City Council, and five 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.
- (b) The Commission shall advise the City on all matters pertaining to tree and landscape planning, maintenance, and development in the City of Portsmouth.
- (c) Removals of a City Tree Commission member will be by the majority consent of the board members with consent of City Council. Reasons for removal may include: conflict of interest, lack of meeting attendance or participation.

175.03 TERM OF OFFICE - The term of the six persons to be appointed by City Council shall be three years, except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term by City Council.

175.04 APPLICABILITY - This chapter provides full power and authority over all trees, plants and shrubs located within street rights-of-way, parks and public places of the City; and to trees, plants and shrubs located on private property that constitute a hazard or threat as described herein.

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 curblin 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.

175.06 AUTHORIZATION OF CITY FORESTER

(a) The Public Service Department shall carry out the provisions of this section. The director may designate one or more of the department employees to perform the duties of City Forester, and authorize such City Forester to perform the duties and exercise the powers imposed by this chapter.

(b) The City Forester shall be properly trained and responsible to the Public Service Director. In carrying out the duties of this chapter, the City Forester shall have the power to enforce rules, regulations, and specifications concerning the altering, trimming, spraying, removal, planting, pruning and protection of trees, shrubs, vines, hedges, and other plants upon the right-of-way of any street, alley, sidewalk, or other public area, boulevard area and clear sight triangle in the City.

(c) No person shall interfere with the City Forester or any representative while engaged in carrying out work or activities authorized by this chapter.

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.

(d) Public utility companies are not required to obtain a license but they shall be required to adhere to the requirement outlined herein and are subject to any and all penalties herein.

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. This list will be maintained current and available by the Public Service Department.

(b) **Spacing** - The spacing of public trees will be in accordance with the three species size classes list. No trees may be planted closer together than the following:

- (1) Small trees - thirty feet;
- (2) Medium trees - forty feet;
- (3) Large trees - fifty feet, except in special planting designed and/or approved by a landscape architect.

(c) **Utilities** - No public trees other than those listed as small trees may be 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 curblines 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 following:

- (1) Small trees - two feet;
- (2) Medium trees - three feet; and
- (3) Large trees - four feet.

(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. 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 exempt from this chapter at the written determination of the Public Service Director/City Forester.

(g) **Pruning, Corner Clearance** - Every 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 and so that there shall be a clear space of eight feet vertically above the surface of the sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decaying limbs that constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with visibility of any traffic control device or sign, if the property owner fails to adequately restore visibility within seven days after written notice is given to do so.

175.09 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

(a) The City shall have the right to cause the removal of any dead or diseased trees on private property within the City, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the City. If the property owner fails to adequately correct said hazardous condition within sixty days after written notice to do so.

(b) The Public Service Director/City Forester will notify in writing the owners of such trees, and removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event the owners fail to comply with such provisions, the City may remove such trees and charge the cost of removal to the owners by certifying said charges to the County Auditor for placement upon the tax duplicate for that real estate parcel.

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. This includes all persons engaged in the business of cutting or removing trees or shrubs.

(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. Any work under such permit must be performed in strict accordance with the provisions of this chapter. Permits issued under this section shall expire six months after date of issuance. There is no charge for the permit.

(c) **Permits to Public Utilities** - A public utility may secure an annual working agreement with the Public Service Director/City Forester that gives the utility company authorization to perform necessary removal, trimming, pruning and/or altering any public tree or shrub. The permittee shall adhere to the specifications and standards or workmanship set forth in the permit. The Public Service Director/City Forester shall limit the work to be done to the actual necessities of the utility and may assign an inspector to supervise the work done under provisions of the permit; any expense incurred shall be charged to the utility at the usual City rate.

175.11 PROHIBITED ACTS

(a) **Damage to Public Trees** - No person shall, without the consent of the owner in the case of a private tree or shrub, or 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.

(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.

175.12 ENFORCEMENT

(a) The Public Service Director/City Forester shall have the power to promulgate and enforce rules, regulations and specifications concerning the trimming, spraying, removal, planting, pruning and protection of trees, shrubs, vines, hedges and other plants upon the right of way of any street, alley, sidewalk, or other public place in the City.

175.13 APPEALS

Any person who receives a determination or order under this chapter from the Public Service Director/City Forester and objects to all or any part thereof shall have the right to appeal such determination or order to the Nuisance Board. The Nuisance Board shall hear such appeal within thirty days of receipt of written notice of the appeal. After such hearing the Nuisance Board may reverse, affirm, or modify the order or determination appealed and grounds for its decision shall be stated in writing. The Nuisance Board shall, by letter, notify the party appealing the order or determination of its decision within ten days after the hearing conclusion and file its written decision with the City Clerk and Auditor.

175.14 EXCEPTIONS

(a) In the event that any tree shall be determined to be in hazardous or dangerous condition as determined by the Public Service Director/City Forester so as to endanger health or safety and require immediate removal without delay, verbal authorization for removal may be given by the Mayor.

(b) During the period of emergencies such as windstorm, flood, freeze, or other disasters, the Mayor may waive the requirements of this chapter. Said waiver must be for a specific time period and may not be for an indefinite period.

175.99 PENALTY

Any person who violates any provision of this chapter or who fails to comply with any notice issued pursuant to provisions of this chapter, 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 the provisions of this chapter shall occur or continue shall be a separate offense. If, as the result of the violation of any provision 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, 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 unemancipated minor child who violates this chapter may also be held liable for the cost of replacing or repairing such damaged or destroyed property.

City of Portsmouth Shade Tree Commission
Recommended Street Trees in Public Rows

LARGE SPECIES (45' PLUS): not for under utility wires (**indicates only for large areas)	MEDIUM SPECIES (30-45'): -Continued-
Hybrid Red Maple/Freeman Maple, (Acer x freemanii)	Magnolia Hybrids (Magnolia sp.)
Norway Maple (Acer platanoides) varieties	America Hophornbeam (Ostrya Virginiana)
Red Maple (Acer Rubrum) varieties	Sourwood (Oxydendron Arboreum)
Silver Maple (Acer Saccarharium) **	Amur Cork Tree (Phellodenron Amurensse)
Sugar Maple (Acer Saccarharum) varieties	Sargent Cherry (Prunus Sargentii)
Black Alder (Alnus Glutinosa)	Callery Flowering Pear (Pyrus Calleryana)
Sugar Hackberry (Celtis Laevigata)	Sawtooth Oak (Quercus Acutissima)
Hackberry (Celtis Occidentalis)	Lacebark Chinese Elm (Ulmus Parvifolia)
Catalpa (Catalpa Speciosa) **	Southern Magnolia (Magnolia Grandiflora)
Dawn Redwood (Metasequoia Glyptostroboides)	Littleleaf Linden aka Corinthian Linden (Tilia cordata)
Black Gum or Tupelo (Nyssa Sylvatica)	
London Planetree (Platanus Acerifolia)	SMALL SPECIES (15-30'):
American Sycamore (Platanus Occidentals)	Trident Maple (Acer Buergeranum)
Ginkgo (Ginkgo Biloba)	Amur Maple (Acer Ginnala)
Thornless Honey Locust (Gleditsia Tricanthos)varieties	Canyon Maple (Acer Grandidentatum)
Kentucky Coffee Tree (Gymnocladus Dioicus)	Paperbark Maple (Acer Griseum)
White Oak (Quercus Alba)	Tatarian Maple (Acer Tataricum)
Swamp White Oak (Quercus Bicolor)	Shantung Maple (Acer Truncatum)
Scarlet Oak (Quercus Coccinea)	Sweetbay Magnolia (Magnolia Virginiana)
Shingle Oak (Quercus Imbricaria)	Serviceberry(Amelanchier sp.) tree forms
Chinkapin Oak (Quercus Muehlenbergii)	American Hornbeam (Carpinus Caroliniana)
Bur Oak (Quercus Macrocarpa)	Hophornbeam (Ostrya Virginiana)
Chestnut Oak (Quercus Prinus)	Fringetree (Chioanthus Virginiana)
Pin Oak (Quercus Palustris) **	Kousa Dogwood (Cornus Kousa)
Willow Oak (Quercus Phellos)	Cornelian Cherry (Cornus Mas)
English Oak (Quercus Robur)	Smoketree (Cotinus spp.)
Red Oak (Quercus Rubra)	Lavalle Hawthorn (Crataegus Lavallei)
Shumard Oak (Quercus Shumardii)	Thornless Cockspur Hawthorn (Crataegus Crusgalli Inermis)
Black Oak (Quercus Velutina)	Green Hawthorn (Crataegus Viridis)
Japanese Pagoda (Sophora Japonica)	Amur Maackia (Maackia Amurensis)
Bald Cypress (Taxodium Distichum)	Magnolia Hybrids tree form (Magnolia spp.)
American Linden (Tilia Americana)	Amur Corktree (Phellodenron)
Crimean Linden (Tilia x ecuchlora)	Sargent Cherry (Prunus Sargentii)
Silver Linden (Tilia tomentosa)	Sand Cherry (Prunus spp.)
Elm, disease resistant (Ulmus spp.)	Japanese Tree Lilac (Syringa Reticulata)
Japanese Zelkova (Zelkova serrata)	Blackhaw Viburnum (Viburnum Prunifolium)
	Crapapple (Malus spp.) disease resistant
MEDIUM SPECIES (30-45'):	
Hedge Maple (Acer Campestre)	Adams, Adarondak, Bob White, Golden Raindrops,
River Birch (Betula Nigra)	Holiday Gold, Jackii, Molten Lava,
European Hornbeam (Carpinus Betulus)	Pairie Fire, Red Jewell,
Katsura Tree (Cercidiphyllum Japonocum)	Silver Moon, Strawberry Parfait,
American Yellowwood (Cladrastis Lutea)	Sugar Tyme,
Hardy Rubber Tree (Eucommia Ulmoides)	Zuni Calacaarpa
Golden Rain Tree (Koelreuteria Paniculata)	
Japanese Pagoda (Sophora Japonica)	

Undesirable Street Trees for the City of Portsmouth's Public Rights-of-Way

Tall Trees	Mature Height (ft.)	Mature Width (ft.)	Native Species	Species Notes
Abies sp.(fir)				Does not thrive
Albizia (mimosa)	10-25			Does not thrive, dies back in cold weather
Acer Negundo (boxelder)	30-50	50-80		Growth and breakage may lead to maintenance problems.
Acer Saccharinum (silver maple)	35-70	30-55		Tends to grow fast and gets too big and conflicts with structures
Aesculus sp. (buckeye, horsechestnut)	30-60			Nice tree, but drops big nuts
Ailanthus altissima (ailanthus)	40-90	15-35	Non-Native invasive	All varieties except river birch fail to thrive and are prone to insects
Betulus sp. (birch)	70-90	35-50		Subject to sun scald
Liriodendron tulipifera (tuliptree)				Difficult to establish except on good sites
Maclura pomifera (osage orange)	15-35			Females drop large fruit and some have thorns
Morus sp. (mulberry)				Drops fruit
Populus sp. (poplar, cottonwood)	40-50	35-45		Long branching habit; susceptible to wind breakage
Pyrus calleryana (Bradford pear)				Long branching habit; susceptible to wind breakage
Robinia Pseudoacacia (black locust)				Thorns
Salix sp. (willow)	15-35	20-35		Does not have a long lifespan, aggressive roots
Sorbus acuparia (European Mountain Ash)				Does not have a long lifespan, aggressive roots
Shrubs				Can hinder site lines
Weeping varieties of any Species				Can hinder site lines
Fruit Tree varieties bred for production				Can hinder site lines
Tables Notes: <ol style="list-style-type: none"> 1. Information utilized in this table was obtained through the Street Tree Factsheets. 2. Gerhold, Henry D., Willet N. Wandell, and Norman L. Lacesse, eds. <u>Street Tree Factsheets.</u> 3. University Park, PA: Penn State University Press, 1993 				