

# City Tree Ordinance

## ARTICLE I. IN GENERAL

Sec. 23 1/2-1. Short title.

This chapter be known and may be cited as the "City Tree Ordinance of the City of Providence, County of Providence, State of Rhode Island."

(Ord. 1985, ch. 85-59, § 2, 5-21-85)

Sec. 23 1/2-2. Value of urban trees.

Trees are economically beneficial in attracting new industry, residents and visitors. Healthy trees of the right size and species, growing in the right places enhance the value and marketability of property and promote the stability of desirable neighborhoods, thus helping to prevent the emergence of blighted areas and slum conditions. Providence, Rhode Island is situated in an area covered with a variety of trees and shrubs that are a vital part of the heritage passed to us by nature and our forefathers. However, there is much concern over the recent indiscriminate destruction of trees in both public and private places.

Trees are recognized as a valued asset, providing a healthier and more beautiful environment in which to live. They provide oxygen, shade, esthetics, and a priceless psychological counterpart to the manmade, urban setting. Trees aid in preventing erosion, siltation of streams and reservoirs, flash flooding, and air, noise, and visual pollution.

(Ord. 1985, ch. 85-59, § 1, 5-21-85)

Sec. 23 1/2-3. Violation and penalty.

Any person violating or failing to complying with any of the provisions of this chapter shall be subject to court action and upon conviction thereof, shall be subject to the penalties contained in section 1-10 of the Code of Ordinances of the City of Providence.

In addition, the person shall replace the tree and/or repair damage with a size and species permitted by the city forester.

Each tree affected by noncompliance with this chapter shall constitute a separate violation.

Violation of the chapter shall be the basis of withholding a final inspection permit until such violation is corrected to the satisfaction of the city forester, board of park commissioners.

(Ord. 1985, ch. 85-59, § 18, 5-21-95)

Sec. 23 1/2-4. Definitions.

For the purpose of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The word "shall" is mandatory and not merely directory.

(a) City is the city, municipality, town, village, subdivision, or otherwise designated political jurisdiction of Providence, County of Providence, State of Rhode Island.

(b) Board of park commissioners is the board, commission, or otherwise designated governing body of department of public parks.

(c) Department of public parks, division of grounds maintenance services is the department of "parks and street trees," "parks and forestry," "forestry street trees" or other designated department of the city under whose jurisdiction all city park and/or street trees fall.

(d) City forester is the municipal arborist, city forester horticulturist, landscape architect, director, division of grounds maintenance services, supervisor urban forestry operations or other qualified designated official of the city assigned to carry out the enforcement of this chapter.

(e) Person is any person, firm, partnership, association, corporation, company or organization of any kind, including public utility and city department.

(f) Street or highway is the entire width of every public way or right-of-way when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular and pedestrian traffic.

(g) Parks shall include any city public spaces designated for recreation and/or conservation.

(h) Public place shall include any other ground owned by the city but not to include property under the management and jurisdiction of the water supply board.

(i) Property line shall mean the boundary between private and city-owned land.

(j) Tree lawn is that part of a street or highway not covered by sidewalk or other paving, lying between the property line and that portion of the street or highway usually used for vehicular traffic.

(k) Tree:

(1) Any living woody plant with needle or scale type leaf that has a well defined stem(s) with a caliper of at least six (6) inches (15.24 cm) at five (5) feet (1.6 m) from the groundlevel.

(2) Any living, self-supporting woody broadleaf plant that has a well defined stem(s) with a caliper of at least two (2) inches (5.08 cm) at five (5) feet (1.52 m) from the ground level.

(l) Public trees shall include all trees now or hereafter growing on any street, park, or any other public place.

(m) Property owner shall mean the person owning such property as shown by the records of the recorder of deeds of the City of Providence.

(n) Tree removal includes any act that will cause a tree to die within a three-year period.

(o) Tree well opening is the ground area surrounding the base of the tree trunk not covered by sidewalk and paving. Tree well openings shall have a minimum pit size of three (3) feet by three (3) feet.

(Ord. 1985, ch. 85-59, § 3, 5-21-85; Ord. 1985, ch. 85-82, § 1, 10-9-85)

Sec. 23 1/2-5. Interference with city forester.

No person shall hinder, prevent, delay, or interfere with the city forester or any of his assistants while engaged in carrying out the implementation of this chapter; provided, however, that nothing herein shall be construed as an attempt to prohibit the pursuit of any remedy, legal or equitable, in any court of competent jurisdiction for the protection of property rights by the owner of any property within the city.

(Ord. 1985, ch. 85-59, § 16, 5-21-85)

Sec. 23 1/2-6. Waiver for emergencies.

In the case of officially declared emergencies, such as windstorms, ice storms, or other disasters, the requirements shall be waived so that the requirements of this chapter would in no way hinder private or public work to restore order in the city. This work shall follow maintenance standards as outlined by the city forester.

(Ord. 1985, ch. 85-59, § 12, 5-21-85)

Sec. 23 1/2-7. Moving large objects.

No person shall move any building or other large objects that may injure public trees, or parts thereof, without first obtaining the approval of the city forester and agreeing to conform to his/her requirements.

(Ord. 1985, ch. 85-59, § 13, 5-21-85)

Sec. 23 1/2-8. Nonapplicability to one- and two-family residences.

Except for sections 23 1/2-6 and 23 1/2-7, this chapter in no way regulates protection, maintenance, removal or planting of trees on the property of a one or two-family dwelling, where the owner of the property resides thereon.

(Ord. 1985, ch. 85-59, § 20, 5-21-85)

Secs. 23 1/2-9--23 1/2-20. Reserved.