



**City of Portland, Maine**  
**Code of Ordinances**  
**(Municipal Codes pertaining to Forestry, trees.)**

## **Chapter 29 - VEGATION**

**Art. I. In General, §§ 29-1 -29-15**

**Art. II. Trees, §§ 29-16-29-24**

### ARTICLE I. IN GENERAL

**Secs. 29-1□29-15. Reserved.**

### ARTICLE II. TREES†

#### **Sec. 29-16. Definitions.**

The following words, terms and phrases as used in this article shall have the meaning ascribed herein, unless the context otherwise indicates:

*City arborist* or *arborist* is the superintendent of the Forestry Section of the Department of Parks and Recreation or authorized representative.

*Park* means all public parks owned by the city.

*Property owner* means the person owning such property as shown by the city assessor's plats.

*Public places* shall include all streets, highways, parks or other grounds owned by the city.

*Public trees* shall include all shade and ornamental trees or shrubs now or hereafter growing on any street, park or public place.

*Street* or *highway* means 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 or pedestrian traffic. (Code 1968, § 504.1; Ord. No. 441-78, 9-18-78)

**Cross reference**□Definitions and rules of construction generally, § 1-2.

**Sec. 29-17. Authority of the Cty Arborist.**

- (a) The City Arborist shall have the authority to regulate the planting, maintenance, preservation and removal of trees and shrubs in all public places for the benefit and welfare of the public and to protect and preserve the symmetry and beauty of such trees and public places.
- (b) The arborist shall have the authority to order the trimming, spraying, preservation or removal of trees or plants upon private property when he shall find such action necessary to public safety or to prevent the spread of disease or insects to public trees and places. (Code 1968, § 504.2; Ord. No. 441-78, 9-18-78)

**Sec. 29-18. Permits required.**

No person shall plant, spray, fertilize, prune, remove, cut or otherwise disturb above or below the ground any tree on any street, park or public place without first filing and application and procuring a permit from the city arborist. (Code 1968, § 504.3; Ord. No. 441-78, 9-18-78)

**Sec. 29-19. Standards for issuance of permits; notice of completion.**

- (a) The City Arborist shall issue such a permit if, in his or her judgement, the proposed work is desirable and the proposed method and workmanship thereof are in accordance with reasonable arboricultural specifications and standards of practice.
- (b) Any permit granted shall contain a definite date of expiration and the work shall be completed in the time allowed on the permit and in the manner as therein described. Any permit shall be void if its terms are violated.
- (c) Notice of completion shall be given within five (5) days thereof to the City Arborist for his or her inspection. (Code 1968, § 504.4; Ord. No. 441-78, 9-18-78)

**Sec. 29-20. Obstruction; tree pruned.**

- (a) *Generally.* It shall be the duty of any person owning or occupying real property upon which there may be trees or plants bordering on any street, to prune such trees or plants in such manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians or sidewalks, obstruct vision of traffic signs, obstruct the view of any street or alley intersection, or will not create any other hazard to the public. The minimum clearance of any overhanging portion thereof shall be ten (10) feet over sidewalks and twelve (12) feet over all streets except truck thoroughfares which shall have a clearance of sixteen (16) feet.

*(b) Notice to prune or remove.* Should any person owning real property bordering on any street fail to prune trees as herein above provided, the City Arborist shall order such person, within ten (10) days after receipt of written notice, to prune or remove such trees.

*(c) Order required.* The order required herein shall be served by mailing a copy of the order to the last known address of the property owner by certified mail, return receipt requested.

*(d) Failure to comply.* When a person to whom an order is directed shall fail to comply within the specified time, it shall be lawful for the city to prune or remove such trees and all costs thereof shall be charged to the owner thereof. (Code 1968, § 504.5; Ord. No. 441-78, 9-18-78)

### **Sec. 29-21. Abuse or mutilation of public trees.**

Unless specifically authorized by the city arborist, no person shall damage, cut, carve, transplant or remove any public tree, attach any rope, wire, nails, advertising posters, or other contrivance to any tree, allow any gaseous, liquid or solid substance which is harmful to such trees to come in contact with them, or set fire or permit fire to burn when such fire or the heat thereof will injure any portion of any such tree. The city may recover the cost of repair or replacement of such mutilated tree. (Code 1968, § 504.6, Ord. No. 441-78, 9-18-78)

### **Sec. 29-22. Improper planting.**

Whenever any tree shall be planted improperly in any public place in violation of the provisions hereof, the arborist may remove or cause removal thereof, or may take such other action deemed necessary to rectify such improper planting and the exact cost thereof may be charged to the owner or planter thereof. (Code 1968, § 504.7; Ord. No. 441-78, 9-18-78)

### **Sec. 29-23. Necessary removal.**

No person or property owner shall remove a tree from any public place for the purpose of construction, or for any other reason, without first filing an application and procuring a permit as required by sections 29-18 and 29-19, and without replacing the removed tree. Such replacement shall meet the standards of size, species and placement as provided for in the permit issued by the city arborist. The person or property owner shall bear the cost of removal and replacement of all trees removed. (Code 1968, § 504.8; Ord. No. 441-78, 9-18-78)

**Sec. 29-24. Protection of trees.**

- (a) All trees on any street or public place near any excavation or construction of any building, structure, or street work, shall be guarded with good substantial fence, frame or box of such reasonable dimensions as required by the city arborist. All building material, unless otherwise approved by the city arborist, or other debris shall be kept outside the barrier. No person shall excavate any ditches, tunnels, trenches or lay any drive within a radius of twenty (20) feet from any public tree without first obtaining a written permit from the city arborist.
- (b) No person shall deposit, place, store or maintain upon any public place, any vehicles, any stone, brick, sand, concrete or other materials which may impede the free passage of water, air and fertilizer to the roots of any tree growing therein, except by written permit of the city arborist, except in emergencies on holidays and weekends. (Code 1968, § 504.9; Ord. No. 441-78, 9-18-78)

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**\*Cross references**—Plants, shrubs and flowers in cemeteries, § 7-86 et seq.; land use, Ch. 14.

**†State law reference**—Nurserymen and arborists, 32 M.R.S.A. § 1901 et seq.