

CITY OF CORTLAND TREE ORDINANCE

Revised Version -March 23, 2006

Section 1. Definitions

Street Trees: Street trees are defined as trees, shrubs, bushes and all other woody vegetation on land lying between the sidewalk and the street or otherwise within the right of way as measured from the center of the street. Street trees are owned by the property owner upon which land the street tree is located.

Park Trees: Park trees are defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names and all areas owned by the City, or to which the public has free access as a park.

Public Trees: Public trees are defined as street or park trees.

Section 2. Tree Species to be Planted

Public trees planted through any City planting program will be drawn from the list of desirable trees developed and maintained by the Landscape and Design Commission.

Section 3. Spacing

Street trees shall be spaced in accordance with the species size classes developed and maintained by the Landscape and Design Commission, with no trees being planted closer together than the current standards promulgated by the International Society for Arboriculture (ISA). These spacing requirements may be waived in the case of special plantings designed or approved by a certified or licensed landscape architect and/or approved by the Landscape and Design Commission.

Section 4. Distance from Curb and Sidewalk

The distance street trees may be planted from curbs, curblines and sidewalks shall be in accordance with the species size classes developed and maintained by the Landscape and Design Commission, with no trees being planted closer to any curb or sidewalk than the current standards promulgated by the International Society for Arboriculture (ISA).

Section 5. Distance from Street Corners and Fireplugs

No street tree shall be planted within 30 feet of any street corner, measured from the point of the nearest intersecting curbs or curblines. No street tree shall be planted within 25 feet of any fireplug, although a variance may be granted upon petition to the Commission and upon recommendation of the Water and Fire Departments.

Section 6. Utilities

No street trees other than those designated as small trees in the species size classes developed and maintained by the Landscape and Design Commission may be planted under any overhead utility wire.

Section 7. Public Tree Care

A) The City shall have the right to plant, prune, maintain and remove public trees as may be necessary to insure public safety or to preserve or enhance the City of Cortland.

B) Removal of a healthy public tree at City expense shall not be done without the written approval of the Department of Public Safety with advice of the Landscape and Design Commission. A written petition or application for removal of a healthy public tree shall be submitted to the Department of Public Safety for Commission review. The Commission shall approve the application if it is shown that removal of a healthy is of greater benefit to the inhabitants of the City than allowing the tree to remain. No such review is required under emergency conditions, but the Landscape and Design Commission must be informed in writing of the locations of trees removed as a result of such an event. Such a report shall be submitted at the convenience of the City department carrying out the removals.

Section 8. Pruning Standards for Public Trees

A) Prior to any significant trimming or pruning of a public tree or trees by a contractor or utility, a tree-trimming permit shall be obtained through the City Clerk's office since the health of a public tree may be affected. This annual permit will expire one year from date of issue and have an annual cost of \$25. This permit shall be waived if applicable to SECTION 14 of this ordinance. Significant trimming shall be defined as: trimming, pruning or cutting more than 20 percent of the living branches of a tree; removing more than 20 percent of the living branches from the tree; cutting, trimming or pruning the tree such that the overall design or character of the tree is affected. All significant trimming or pruning of public trees shall be in accordance with the provisions of this ordinance and all local laws, regulations and ordinances.

B) Prior to any trimming or pruning of any public trees upon or overhanging the public right of way of the City of Cortland to prevent the trees from coming in contact with public utility wires or cables, a written description of the work to be completed shall be provided to the City and written approval of the Superintendent of the Department of Public Safety shall be obtained. The Department of Public Safety shall present a description of this work to the Landscape and Design Commission for review and the Landscape and Design Commission shall forward their recommendation to the Department of Public Safety for final approval. All trimming or pruning of public trees pursuant to this subdivision shall be in accordance with the provisions of this ordinance and all local laws, regulations and ordinances.

C) All public tree trimming or pruning done by or for a utility and regulated in this section shall be done in accordance with the current ANSI Tree Care Performance Standards. All public trees trimming by or for a utility that affects more than two trees shall be performed under the supervision/guidance of a certified arborist.

D) All trimming or pruning undertaken and regulated under this section shall be cleaned up and all debris removed within 24 hours of the commencement of the work on any individual public tree, or as soon as may be reasonably done.

E) The City of Cortland may impose such additional regulations and restrictions of the trimming and pruning described and regulated in this section as may affect the health, safety and welfare of the citizenry, including but not limited to: time of day, time of year.

Section 9. Tree Topping

It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Crown reduction by a qualified arborist may be substituted, where appropriate. Trees severely damaged by storms or other cause, or certain trees under utility wires or other obstructions where other pruning practices are impractical shall be exempted from this ordinance.

Section 10. Pruning & Corner Clearance

Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not severely 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 thirteen feet (13') above street surface or eight feet (8') above the sidewalk surface. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs, which 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 the proper spread of light along the street from a streetlight, or interferes with visibility of any traffic control device or sign or sight triangle at intersections.

Tree limbs that grow near high voltage electrical conductors shall be maintained clear of such conductors by the electric utility company in compliance with the standards set forth in this ordinance and any local laws, regulations and ordinances. A utility tree trimming policy must be reviewed by the utility company and City Landscape and Design Commission on an annual basis and prior to any trimming, pruning or cutting by the utility company.

Section 11. Removal of Stumps

All contractors shall provide all labor and materials necessary to grind stumps six (6) inches below the ground level, grade and seed. In instances where the stump has heaved the right of way, contractor shall level the right of way. All debris, including tree or stump parts and sawdust shall be removed and carted away by the contractor. The contractor shall be responsible for avoiding the underground utilities surrounding the location of tree stumps and its roots. **(See Section 17)**

Section 12. Protection of Public Trees

In order to maintain the overall forest, reasonable efforts shall be made to replace public trees that are removed and to protect quality trees that are endangered. Trees removed by the recommendation of the City Landscape and Design Commission, by utility companies and their agents, by homeowners or by natural causes shall be replaced somewhere in the urban forest within one year or as soon as may be possible. The Landscape and Design Commission shall advise on the location and species of any replacement tree. Trees of desirable species and good health shall be protected as much as possible from damage during construction, sidewalk repair, utilities work above and below ground, and other similar activities. The zone of protection shall include the ground beneath the canopy of the tree.

No person having a contract for macadamizing or paving streets, or making sidewalks or doing any work on the streets shall, in executing such contract or work, injure any tree, and if he finds it impossible to perform the work without injuring any tree, it shall be his duty to apply to the Superintendent of Public Works for instruction in this matter.

No person shall climb, debark, peel, cut, deface, damage or otherwise destroy any tree, bush shrub or plant in any street, park or public ground. No person shall attach a sign, wire or other attachment to any tree, bush or shrub on any streets of the City or in any park or public grounds.

Section 13. Interference with Landscape and Design Commission

It shall be unlawful for any person to prevent, delay or interfere with the Landscape and Design Commission, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees or park trees as authorized in this ordinance. A written notice, with an opportunity for response, will be sent to the home owner prior to any work being done by the Landscape and Design Commission.

Section 14. Arborists License and Bond

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the City without first applying for and procuring a license from the City Clerk. The license fee shall be \$25 annually in advance; provided, however, that no license shall be required of any City employee or contractor doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts required under the City's existing contractor liability requirements.

Section 15. Appeals

Any person may appeal any ruling or order of the Landscape and Design Commission to a body appointed by the City Council, which may hear the matter and make final decisions.

Section 16. Penalty

Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$1,000.00.

Section 17. Responsibility of Home Owner or Contractor - UFPO REGULATIONS

In accordance with existing City law, any home owner or contractor planning work in the right of way that involves excavation of any sort will have the responsibility to obtain permits required by the City to identify any underground utilities in the area of excavation. Such permit shall be obtained from the City of Cortland's Department of Public Works.