

CITY OF SALEM
FIRST PASSAGE

On December 6, 2018, the Salem City Council adopted as amended for first passage an Ordinance to the City's General Ordinance relative to Trees. Due to the length of the Ordinance, and in accordance with City Ordinances and the General Laws, a summary of the Ordinance follows. The Ordinance will be before the City Council on January 10, 2019 for its second and final passage. A full copy may be obtained by visiting the City Clerk's Office, 93 Washington St., Salem, MA

AMENDMENT SUMMARY

The City of Salem Code of Ordinances is amended to include a new Chapter 43 – Trees.

Establishes a Tree Commission who shall work with the Tree Warden to regulate the removal and replacement of trees; promote the planting, maintenance and protection of trees; develop rules and regulations; and oversee tree removal appeals regarding Protected Trees.

Establishes the duties and responsibilities of a Tree Warden who manages trees within public rights-of-way, develops an annual work plan and tree inventory, issues permits for the removal of Protected Trees, holds hearings on the removal of live public trees, and establishes the size and location of a replacement tree(s) or fees to be paid on private requests to remove a live public tree defined as a tree on public land as well as a private tree if its growth has encroached from the setback area into the space above a Public Right-of-Way between the height of six (6) inches and four and a half (4½) feet above grade.

Regulates the removal of trees on private property when there is construction or demolition that impacts a tree within a setback area of non-exempt private property that meets the definition of a Protected Tree. Exempt properties are those with single, double or triple residential units. Setback areas for non-residential lots are the minimum setback found in the Table of Dimensional Requirements in Salem's Zoning Ordinances; the setback for residential properties shall be 20 feet from property line at the public rights-of-way. A Protected Tree is as a tree with trunk dimensions DBH of eight (8) inches or greater or any multiple trunk tree with an aggregate DBH of fifteen (15) inches or greater located in a setback area bordering a public right-of-way of non-exempt private land. The Tree Warden may also designate a tree as Protected if its growth has encroached into the setback area of non-exempt private land, between the height of six (6) inches and four and a half (4½) feet above grade, whether the growth is from the owner's land or the public right-of-way; provided that the tree is not hazardous or undesirable.

Requires that the removal of a live Protected Tree be issued a permit and the tree be replaced or relocated on site or nearby or replaced by payment into the Tree Replacement Fund.

Provides for an appeal process before the Tree Commission if a permit is denied by the Tree Warden.

Provides that no permit is required for pruning of trees or removal of a Protected Tree determined to be hazardous.

Provides for fines up to \$300 be issued for the vandalism of trees and shrubs on public property, non-compliance with stop work orders and violations of the Ordinance.

Requires that whenever a Public Tree or a Protected Tree in the setback is removed without a Tree Permit from land which required a Permit or Certificate of Exemption, it shall be replaced in-kind.

Establishes a tree replacement fund and a tree donation fund dedicated solely for the planting and maintenance of new trees.

This ordinance shall take effect on July 1, 2019.

ATTEST:

ILENE SIMONS
CITY CLERK

ADV: 01/03/19