

## **Sec. 6.5-366. Planting Trees on Privately Owned Property**

1. The City's Arborist may recommend a planting on private property with the written approval of the property owner which serves the greater good of the City's tree planting program. Additionally, a property owner may request a tree planting on his or her property. However, the City's Arborist must evaluate the appropriateness of that request.
2. Trees planted on private property will be canopy trees. Canopy trees are defined as a species of tree which normally reaches a height of 30 or more feet and achieves a crown spread of 20 or more feet at maturity.
  - A. There may be mitigating circumstances such as power lines and too narrow Rights-of Way that preclude a canopy tree from being planted.
  - B. In light of such a special situation, the Director of Parks, Cemeteries, and Trees, in consultation with the City's Arborist, authorization of a species that is not a canopy tree, but yet serves the greater good of the neighborhood and overall community may be given.
  - C. Canopy trees will be planted where there are NO appropriate or suitable public areas in which to accomplish the goal of "canopy protection" as determined by the City's Arborist.
3. All deciduous trees to be planted will have minimum caliper size of 2.5 - 3 inches. Evergreens will have a minimum height of 5-6 feet.
4. The term *Private Property Owner* is defined as private individuals or business concerns who own the said property either as a private individual or a place of business.
5. Tree quantity limitations state that no single private property will have more than two trees planted per this specific program. However, should the City Arborist determine that an exception is in the best interest of the neighborhood, additional appropriate plantings may be authorized.
  - A. The Director of Parks, Cemeteries, and Trees, in consultation with the City Arborist, will make the final determination in regards to appropriateness.
  - B. The Director of Parks, Cemeteries, and Trees, in consultation with the City Arborist, will also determine whether or not this type of request actually helps ensure the neighborhood's tree canopy vitality.
  - C. The request may be denied if it is determined that there is more than adequate canopy protection in the immediate area.
6. All trees planted on private property will be placed in a location visible from the street and be mutually agreed upon by the City Arborist and the property owner.

7. The property owner will sign a contract for the tree planting.
  - A. By signing the contract, the owner assumes legal and liability responsibilities for ownership of the tree.
  - B. By signing the contract, the owner accepts responsibility for the tree's maintenance and upkeep. A fact sheet providing information on proper tree maintenance will be given to the property owner by the City Arborist.
  - C. If owner notice any problems with the tree within the first two years, the owner is to contact the City's arborist for the purpose of evaluating the tree to determine if there is a problem.
  - D. Failure of the owner to properly take care of and maintain the tree may result in the City being reimbursed for all costs associated with the tree planting.
8. The City will plant the tree for the property owner at a time that meets the requirement of the tree's species and the City Arborist's schedule.
9. The State of Maine offers a Tree Steward Training Program. All applicants for trees are urged strongly to enroll in the program, thereby helping to ensure the survival of their tree.
  - A. The Director of Parks, Cemeteries, and Trees, in consultation with the City Arborist, will periodically evaluate the tree to ascertain its proper maintenance. Should the tree fail to meet the standards of proper maintenance, the Director of Parks, Cemeteries, and Trees, in consultation with the City Arborist, will point out deficiencies to the owner.
  - B. Should the tree fail within the first two growing seasons, and the City Arborist determines the owner not to be at fault, the City will replace the tree at no cost to the owner. Replanting will follow the same criterion as for the original tree.
  - C. After this warranty period of two growing seasons, any issues with the tree become the sole responsibility of the property owner.