

CITY OF SOMERVILLE

ORDINANCE NO. 2018-_____

In Board of Aldermen _____

REPLACING SECTION 12-106 OF THE CODE OF ORDINANCES

Be it ordained by the Board of Aldermen, in session assembled, that the provisions of Section 12-106 of the Code of Ordinances of the City of Somerville are hereby stricken and replaced as follows:

Sec. 12-106. - Trees on City-Owned Property

- a) **Purpose:** The purpose of this section is to extend the public notice and public hearing requirements of the Massachusetts Public Shade Tree Law, M.G.L. chapter 87, to trees on City of Somerville owned property.
- b) **Definitions:** The following words, terms and phrases, when used in this section shall have the following meanings ascribed to them:

Capital Improvement Project. A major, non-recurring expenditure that generally meets all of the following criteria: M.G.L. c. 44, sections 7 and 8, permit the City to issue bonds to finance the expenditure; the expenditure is a facility, object or asset costing more than \$50,000; and the expenditure will have a useful life of 10 years or more for infrastructure, buildings, and parks.

Park Project. A project involving the renovation and maintenance of existing parks and city-owned open spaces, and the development of new parks and open spaces within the City of Somerville. The phrase “city-owned open spaces” includes parks, community gardens, playgrounds, school yards, library lawns, cemeteries, public plazas, triangles, and squares.

Tree on City-Owned Property. Any tree located on land owned by the City of Somerville. This does not include any tree that fits the definition of a public shade tree under M.G.L. c. 87.

- c) **Applicability:** This section shall apply exclusively to trees on City-owned property as defined above in section (b). Nothing in this section shall be construed to apply to public shade trees within the City of Somerville, whose care, maintenance, trimming, planting,

and removal are governed by The Public Shade Tree Law, M.G.L. chapter 87, and the City of Somerville Code of Ordinances. The public notice and meeting requirements for public shade trees shall remain in full force and effect and are entirely unaffected by the language of this section.

d) Cutting Down or Removal of Trees

No person, including but not limited to City employees, the tree warden and his or her deputies, shall cut down or remove any tree on city-owned property, without first holding a public hearing.

The tree warden or his or her deputy shall post notice of the time and place of the public hearing in two or more public places in the city, and upon the tree in question, at least seven days prior to the public hearing. This notice shall identify the size, type and location of the tree to be cut down or removed, and include a brief statement of the reason for the proposed action. Notice of this public hearing shall be sent to each alderman, all members of the Urban Forestry Committee, and published on the city's website.

No later than forty-eight hours prior to the cutting down or removal of any tree on city-owned property, a notice on brightly colored paper, will be placed upon the tree, stating the anticipated date on which the action is expected to occur.

Nothing in this section shall prohibit the tree warden and his or her deputies from cutting down or removing any tree which in his or her opinion is dead or dying or constitutes a threat to public health or safety.

e) Exceptions to the Public Notice and Hearing Requirements

No public hearing shall be necessary prior to the tree warden or his or her deputies cutting down or removing trees measuring less than one and one half inches in diameter one foot from the ground, and all bushes on city-owned property.

The following types of public projects, which have undergone a public process that includes public notification and public meetings shall be exempt from the requirements of section d) above:

- (1) Park projects; and
- (2) Capital Improvement Project.

This exemption shall only apply to a public project of the type listed in (1) and (2) above, if such public process included all of the following:

- (a) All public meetings at which cutting down or removal of trees is discussed were duly noticed and advertised, including but not limited to notice sent to all members of the Urban Forestry Committee;
- (b) The size, type, and location of all tree (s) to be cut down or removed, and any planting proposals for the location of such tree (s), were clearly identified at a public meeting;
- (c) The public was provided reasonable opportunity to provide input regarding each tree to be cut down or removed; and

- (d) Reasonable notice was posted on or around any trees to be cut down or removed at least two weeks prior to such action taking place.

Approved:

President
Board of Aldermen

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