



CITY OF HARRISONBURG PUBLIC WORKS

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TO: Eric Campbell, City Manager
FROM: Thomas Hartman, PE, Director of Public Works
DATE: April 14, 2020
RE: Amending and Re-Enacting Section 9.6 Public Tree Ordinance

Summary:

Consider amending and re-enacting Section 9.6 Public Tree Ordinance to update and clarify city and resident (occupant) responsibilities pertaining to public trees.

Background:

The current tree ordinance has not been revised since 2004 and changes to city procedure during that time has necessitated changes to the ordinance. Significant changes will be summarized in the Key Issues section.

Key Issues:

Applicability

The revised ordinance clarifies that ordinance requirements pertain to trees on property owned and maintained by the city, within city limits. These trees are defined as being larger than four inches in diameter at breast height (DBH) or smaller trees that are planted as part of city projects. Ordinance requirements do not apply to city maintenance of existing water, sewer, and stormwater mains.

Public Tree Advisory Board

The revised ordinance updates the duties and responsibilities of the Public Tree Advisory Board to reflect how the Board currently functions.

Occupant Responsibilities

Occupants bordering street right-of-way are responsible for maintenance of private trees and shrubbery to ensure they do not cause public safety issues or obstruct streetlights, signs, and vision. The revised ordinance adds a requirement to maintain private trees and shrubbery so that public infrastructure is not damaged through root systems.

Pruning Notification and Pruning Options

The revised ordinance updates how occupants are notified of pruning, maintenance, or removal of trees or shrubbery along street right-of-way to give flexibility to occupants and the city. Occupants will be notified of required pruning and must contact the Public Works Department within five days to discuss.

- If the majority of the base of the tree is located on private property, the occupant is responsible for performing the work. If the occupant does not perform the work within the specified time, the city will perform the work and the cost will be charged to the owner of the lot.
- If the majority of the base of the tree is located within city right of way or on city-owned property, the city will perform the work. Occupants will have the option to perform the work themselves, at their cost.

Tree Care Standards

The revised ordinance requires ANSI standard A-300 be followed when planting, pruning, or caring for public trees.

Permits

The revised ordinance updates when city departments must obtain a permit from the Public Tree Advisory Board to allow city departments to carry out duties efficiently. A permit must be obtained by city departments except:

- When the tree has been assessed as a hazard tree;
- When the tree is within a public park;
- When the removal is related to a capital improvement project.

Occupants must still obtain a permit before planting, pruning, or removing a public tree.

Damages and replacement trees

The revised ordinance strengthens the one for one replacement requirement for public trees and includes damages to be assessed to individuals that do not follow the revised ordinance.

City departments that remove public trees are required to replace one for one with an appropriate tree. The replacement trees shall be a minimum caliper of 1.5 inches and a minimum height of five feet.

Environmental Impact:

The revised ordinance, especially the one for one replacement program, will protect and conserve public tree canopy within Harrisonburg. The requirement to follow ANSI standard A-300 means trees will receive appropriate care and will be healthier and last longer.

Fiscal Impact:

The one for one replacement programs will require city departments to account for the cost of replacement trees when considering tree removal. The revised ordinance requires this cost, subject to appropriations. Replacement is not required for trees outside city limits, trees under four inches DBH, or trees removed due to city maintenance of existing water, sewer, and stormwater mains.

Prior Actions:

N/A

Alternatives:

- (a) Amend and re-enact Section 9.6 (Public Tree Ordinance) as submitted;

- (b) Amend and re-enact Section 9.6 (Public Tree Ordinance) with amendments; or
- (c) Table amending and re-enacting Section 9.6 (Public Tree Ordinance); for further amendments.

Community Engagement:

A draft ordinance was submitted to the Public Tree Advisory Board on 1/2/2020 and further revisions were made based on comments received.

Recommendation:

Staff recommends alternative (a) to amend and re-enact Section 9.6 (Public Tree Ordinance)

Attachments:

1. Redlined Public Tree Ordinance
2. Clean Copy Public Tree Ordinance

Review:

The Public Tree Ordinance has been revised to update and clarify city and resident (occupant) responsibilities pertaining to public trees.