

City of Newburyport  
**Regulations for the Protection of Public Trees**

## **I. Authority**

### **Code of Ordinance; Section 12-177 of June 25, 2012, Establishing Tree Regulations**

The Tree Warden may adopt and periodically amend rules and regulations, not inconsistent herewith, to effectuate the purposes of this Ordinance. Said regulations may include, but shall not be limited to provisions regarding: administration; application requirements and fees; permitting procedures and requirements; design standards; surety requirements; inspection and site supervision requirements; waivers and exemptions; and enforcement procedures. Said regulations shall be adopted within ninety (90) days of the effective date of this Ordinance in consultation with the Tree Commission which may include a representative from the Tree Warden, the Office of Planning and Development, and the Building Department, the Parks Commission, and the Conservation Commission. Failure by the City of Newburyport or the Tree Warden to adopt such rules and regulations or a legal declaration of their invalidity by a court of law shall not have the effect of suspending or invalidating this Ordinance.

## **II. Planting Location Parameters:**

### **Plantings near street corners and fire hydrants. (Offsets and Setbacks)**

#### **Tree Regulation #100**

Location of newly planted trees planted on both public and private ways shall adhere to the following guidelines listed below. These trees shall also be planted so as to conform to the Tree Warden's Planting Plan and Regulations. Such provisions may be waived strictly for driveways at the discretion of the Tree Warden.

- Minimum offset of twenty-five (25) feet from the edge of the public right-of-way of intersecting streets.
- Minimum offset as needed to preserve, for traffic, useful visibility of traffic signs, traffic signal or other traffic control device.
- Minimum offset ten (10) feet from a Fire Hydrant;
- Minimum offset ten (10) feet from a Storm Drain / Catch Basin;
- Minimum offset ten (10) feet from a Gas\Water service;
- Minimum offset ten (10) feet from telephone pole;
- Minimum offset as needed to allow smooth passage of fire, ambulance, or other large municipal vehicles negotiating a turn or street.

### **Plantings near overhead utilities.**

#### **Tree Regulation #200**

Only street trees listed as small trees in the Warden's Tree Plan shall be planted under any overhead utility wire.

## **III. Pruning**

As defined in Chapter 12 of the Newburyport Code of Ordinances Section 12-173, pruning shall also follow the guidelines listed below.

#### **Tree Regulation #300**

- Unless authorized by the Tree Warden, it shall be unlawful to top a street a public tree.
- Not more than 1/3 of the tree leaders and limbs may be cut off in one 12 month growing season.
- Trees shall be pruned to eight (8) feet above the pedestrian walkway.

## **IV. Code of Practice – Work On or Near Public Trees**

### **Trees to be retained**

#### **Tree Regulation #400**

Prior to starting work on the site, it is expected that the site contractors will be fully briefed by the Tree Warden or the Tree Warden's designee on the actions needed to protect public trees. Also see the "City of Newburyport / Tree Commission Guide for Protection of Public Trees", for detailed guidelines.