

CHAPTER VI-10

Policy of Shade Tree Removal

Section 1 - Preamble

The Town of Camden hereby adopts the following public shade tree ordinance in order to regulate the removal, pruning, and planting and maintenance of public shade trees within the limits of any Town road or public right of way and of trees located on public property.

Section 2 - Authority

This ordinance is enacted pursuant to the Home Rule Authority granted to the Town in accordance with the provisions of Title 30-A, M.R.S.A., 3001.

Section 3 - Definitions

- 3.1 Person-Any individual, person, firm, corporation, association, partnership or organization
- 3.2 Public Trees-All trees located upon any public property owned by the Town of Camden
- 3.3 Public Shade Trees-All trees within or upon the limits of any Town road, public right of way, or any highway within the meaning of Title 30-A, M.R.S.A., 3281
- 3.4 Tree Warden-An official of the Town of Camden appointed by the Board of Selectmen who shall have the care and control of all public shade trees upon and along Town roads and public rights of way and in the parks and public lands of the Town of Camden, and that official shall enforce all laws relating to the preservation and maintenance of public shade trees and public trees. Any term or word of this ordinance which is not defined in this Section shall have a meaning consistent with Title 30-A, M.R.S.A. to the extent that such term is defined in that Title; any terms which are not defined in that Title shall have a meaning consistent with common usage.

Section 4 - Appointment of Tree Warden

Within thirty (30) days of the annual Town Meeting, a Tree Warden and an Alternate Tree Warden shall be appointed annually by the Board of Selectmen, each for a term of one (1) year.

The Alternate Tree Warden shall serve in the absence of the Tree Warden.

Section 5 - Prohibition

No person shall prune, plant, cut down, remove, or alter a public shade tree or a public tree unless that person has first obtained the consent of the Tree Warden for those actions.

Section 6.0- Request for Consent from Tree Warden

- 6.1 Written request-Any person who intends to prune, plant, cut down, remove, or alter a public shade tree or public tree shall make a written request to the Tree Warden and shall

state specifically the action intended to be taken by that person concerning a public shade tree or public tree.

- 6.2 Written Decision-Within ten (10) days of receipt of a written request pursuant to Section 6.1, the Tree Warden shall approve the request, approve the request with conditions, or deny the request in a written decision mailed to the person making the request.

The Tree Warden shall have the authority to impose reasonable conditions upon approval of the request in order to preserve and maintain public shade trees or public trees; and in order to protect the safety and convenience of the Town roads, highways, public rights of way, and public lands.

Section 7 - Appeal

In the event that a person making a request is aggrieved by the decision of the Tree Warden, then such a person shall have the right to appeal the decision of the Tree Warden to the Board of Selectmen within ten (10) days of the date of the decision of the Tree Warden. The appeal shall be made in writing and shall set forth specifically the basis for the appeal.

Upon receipt of the written appeal by the Board of Selectmen, the Board shall hold a public hearing within thirty (30) days, and thereafter deny the appeal or overturn the decision of the Tree Warden.

Section 8 - Guidelines for Cutting or Altering of Public Shade Trees

After a public hearing, the Board of Selectmen shall have the authority to adopt, amend, or modify guidelines for pruning, planting, cutting, removing or altering of trees, and thereafter, the Tree Warden shall use those guidelines in making decisions pursuant to this ordinance.

Section 9 - Penalties

Any person who violates the provisions of this ordinance or fails to seek approval of a request pursuant to this ordinance shall commit a civil violation for which a penalty may be assessed as follows:

- a) A penalty of up to Five Hundred Dollars (\$500.00) may be adjudged for the cutting down or removal of any public shade tree or public tree in violation of this ordinance;
- b) A penalty of up to Two Hundred Fifty Dollars (\$250.00) may be Adjudged for any pruning, planting, or altering of a public shade tree or public tree in violation of this ordinance.

The penalties set forth may be adjudged, upon complaint, by the municipality to the District Court or the Superior Court.

Section 10 - Abatement and Injunction

In addition to the penalties set forth above, the Tree Warden, on behalf of the Town, may seek an abatement of the violation, or injunctive relief, including an award of reasonable attorney fees from the District Court or the Superior Court.

Section 11-Severability

The provisions of this ordinance shall be severable. If any portion of this ordinance is held to be invalid, the remainder of this ordinance and its application thereof shall not be affected.

Section 12-Other Laws and Ordinances

This ordinance shall not prohibit or prevent the Town from pruning, cutting, altering, or removing trees when the pruning, cutting, alteration, or removal is ordered by the Board of Selectmen for the following purposes:

- a) To layout, alter or widen the location of Town roads or highways;
- b) To lessen the danger of travel on Town roads or highways
- c) or To suppress tree pests or insects.

The consent of the Tree Warden is not required for pruning, cutting or removal of trees by the Town for the foregoing purposes set forth in Section 12 of this ordinance. The consent of the Tree Warden is also not required for pruning, cutting or removal of trees in connection with routine maintenance of public park and other public facilities which are managed by the Parks and Recreation Department of the Town of Camden. The Town shall, however, conform to any guidelines adopted pursuant to Section 8.0 of this ordinance in any actions taken for the foregoing purposes.

Historical Note: Adopted November 8, 1994