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2023-0711



2023 AUG 31 P 6: 13
CITY OF AMESBURY MA

Amesbury

Mayor Cassandra Gove

Office of the Mayor
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Certificate of Appointment

August 31, 2023

I appoint Derek Estabrooks to the position of Tree Warden for the City of Amesbury, and I certify that said person is qualified to perform the duties of the said office, and I make this appointment solely in the interest of the City of Amesbury.

This appointment shall not become effective until twenty-one days following filing with the city clerk, in accordance with the Amesbury Home Rule Charter.


Kassandra Gove
Mayor



CITY OF AMESBURY
IN THE YEAR TWO THOUSAND SIXTEEN

SPONSORED BY: C. KENNETH GRAY, MAYOR BILL NO. 2016-103

At the meeting of the Amesbury City Council held on December 13, 2016 in the City Hall Auditorium, the following action was taken:

An Ordinance to Amend Chapter 427 of the Amesbury Municipal Code.

Summary: This ordinance seeks to amend Chapter 427 of the Amesbury Municipal Code as proposed by Exhibit "A". Exhibit "B" provides a "redline" version of the suggested amendments to the existing language of the Chapter (Exhibit "C").

Be it Ordered by the City Council of the City of Amesbury assembled, and by the authority of the same as follows:

That Chapter 427 of the Amesbury Municipal Code is hereby amended and shall read as follows:

Chapter 427: Trees

§ 427-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PARK TREES

Trees not considered "STREET TREES" or "SHADE TREES" (as defined by this section) in public parks having individual names and in all areas owned by the City.

STREET TREES

Trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all public streets, avenues, or ways owned by the City.

SHADE TREES

All trees within the City which are considered public shade trees as defined within M.G.L. Chapter 87, Section 1.

§ 427-2 Applicability of Massachusetts General Law.

A. Except as otherwise provided in this chapter, and except as may otherwise be provided by state and federal statutes and regulations, the provisions of M.G.L. Chapter 87 shall govern the care of all park trees, street trees, and shade trees within the City.

B. Nothing in this section shall be construed to negate, supersede, or otherwise affect any applicable responsibilities, duties, or interests related to any trees meeting the definitions set forth in the preceding section, as may be prescribed to other public entities by law, regulation, or ordinance.

§ 427-3 Tree Warden.

The City shall appoint a Tree Warden who shall serve in accordance with M.G.L. Chapter 87.

§ 427-4 Distance from street corners and fire hydrants.

No street trees shall be planted closer than 20 feet to any corner, measured from the point of the nearest intersecting curbs or curblines. No street tree shall be planted closer than 10 feet to any fire hydrant.

§ 427-5 Pruning; corner clearance.

Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street intersection and so that there shall be a clear space of eight feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs, which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign.

§ 427-6 Removal of stumps.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

§ 427-7 Notification of private property owners.

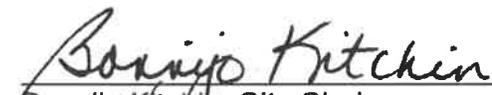
Prior to taking any action on any trees located on private property, the City will notify the owner by certified mail at least seven days in advance, with the exception of emergencies.

§ 427-8 Violations and penalties.

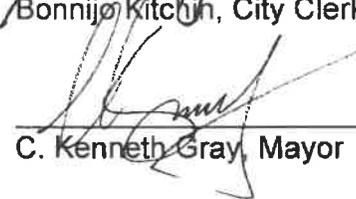
Any person violating any provision of this chapter shall be punishable pursuant to Chapter 1, Article I, of this Code. The first offense shall be a fine of \$100, the second offense a fine of \$200 and the third and all subsequent offenses shall be a fine of \$300. Each day shall constitute a new offense.

Councilor Sherwood moved to accept 2016-103 as amended by the Ordinance Committee.
Councilor Stanganelli seconded. Roll Call Vote – 8 Yes

Witness my hand and seal for the City of Amesbury this 15th day of December, 2016



Bonniyo Kitchin, City Clerk



C. Kenneth Gray, Mayor

12/15/16

Date

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Part I ADMINISTRATION OF THE GOVERNMENT

Title XIV PUBLIC WAYS AND WORKS

Chapter 87 SHADE TREES

Section 2 POWERS OF TREE WARDENS

Section 2. The tree warden of a town may appoint and remove deputy tree wardens. He and they shall receive such compensation as the town determines or, in default thereof, as the selectmen allow. He shall have the care and control of all public shade trees, shrubs and growths in the town, except those within a state highway, and those in public parks or open places under the jurisdiction of the park commissioners, and shall have care and control of the latter, if so requested in writing by the park commissioners, and shall enforce all the provisions of law for the preservation of such trees, shrubs and growths. He shall expend all money appropriated for the setting out and maintenance of such trees, shrubs and growths, and no tree shall be planted within a public way without the approval of the tree warden, and in towns until a location therefor has been obtained from the selectmen or road commissioners. He may make regulations for the care and preservation

of public shade trees and establish fines and forfeitures of not more than twenty dollars in any one case for violation thereof; which, when posted in one or more public places, and, in towns, when approved by the selectmen, shall have the effect of town by-laws.



Tree

Wardens

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Southeast

About

What Is a Tree Warden?

A tree warden is a person in charge of shade trees on public town lands. The word “warden” was a common title for natural resource officials in the late 1800s. Being a warden signified a unique legal responsibility: to guard public resources against destructive forces that might include persons, insects, or diseases.

Since 1899, Massachusetts General Law has mandated that all cities and towns in the Commonwealth have a tree warden who is responsible for trees on public property. The

Upcoming Events

Sep **6** September 6 @ 8:30
am - November 15 @
3:00 pm

tree warden mandate is still in effect today under Massachusetts General Laws, Chapter 41, Section 1 and Section 106. For a recent scholarly analysis, see Julie Steiner, J.D., [Guardians of Municipal Public Trees: Commonwealth of Massachusetts Tree Wardens' Authority and Accountability](#).

A tree warden may be either elected by the people or appointed by the city or town. In either case, the responsibility is the same – to oversee the care, maintenance, or removal of all public shade trees. As both manager and advocate, the tree warden must protect the trees and, where necessary, protect the public from the trees.

The scope of the job is broad and includes responsibility for all community trees – on streets and town commons as well as in parks, schoolyards, and town forests. The position of tree warden requires [qualified training](#) in arboriculture, the science of tree care. A tree warden should also have good communication skills for dealing with the public, municipal department heads, and local politicians.

The job may be physically challenging as well. On a day-to-day basis, a tree warden must plan, organize, control, and be accountable for all authorized activities in the public community forest, including

- Pruning of trees for safety and health
- Removal of trees that are dead or dying (from storms, insects, disease, or old age)
- Identification of appropriate planting sites
- Planting new trees
- Creation or updating of a tree inventory, often on computer
- Assessment of trees for potential hazards to public safety
- Oversight of utility arboricultural operations
- Preparation of budget presentations

Massachusetts Qualified Tree Warden Course

Sep
7

12:00 pm - 1:00 pm

Understanding Social Implications & Human Health Effects of Urban Trees

[View Calendar](#)

- Supervision of town tree workers
- Creation of bid proposals for contract tree work
- Inspection of contracted tree work
- Conduct of public meetings and tree hearings
- Writing grant proposals

Contact Us:

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