

City of East Providence
Department of Parks and Recreation
Division of Parks

CONSTRUCTION AND PROTECTION OF PUBLIC TREES

An overview of your legal obligation to protect all public trees during any type of development, redevelopment, razing or renovating any property or structure that abuts the city's right of way.

This information has been prepared by the Department of Parks and Recreation, Division of Parks to assist the public in understanding the tree protection requirements as defined by the applicable East Providence Revised Ordinances and Rhode Island General Law.

Should you have any questions regarding the protection of public trees please contact the East Providence Parks Division at (401) 435-7756 or visit our website at: <http://www.epparks.com>

Section Fourteen, Article IV, deals with the protection of public trees within the City of East Providence. A public tree is any tree located on public property and includes trees growing along our streets, in parks or playgrounds, schools, public buildings, conservation areas, cemeteries and around the reservoir.



FAVORITE ASKED QUESTIONS:

Q: My construction work is close to the edge of the property line with the right-of-way (ROW). Do I need to protect the public tree?

A: YES, under the tree protection ordinance there are a number of steps you must take to protect public trees.

1. All trees within 30 feet (9.1 meters) of any excavation or construction of any building, structure, or street work shall be guarded through the length of the project with a good substantial fence, frame, or box not less than four feet (1.2 meters) height and eight feet (2.4 meters) square, or equivalent. All equipment, building materials, chemicals, dirt or other debris shall be kept outside the barrier at all times.
2. No person shall intentionally damage, cut, carve or transplant any tree; attach any rope, wire nails, advertising posters, or other contrivance to any tree; allow any gaseous, liquid, chemical, or solid substance that is harmful to such trees to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree without first obtaining a written permit from the city forester.
3. No person shall deposit, place, store, or maintain any stone, brick, sand, fill dirt, concrete, or other materials that may impede the free passage of water, air and fertilizer to the roots of any tree growing therein, except by written permission of the city forester.
4. No person shall preclude the percolation of water or nutrients and gaseous exchange vital to a tree's survival by placing any impervious materials (asphalt, macadam concrete) within the confines of the tree well opening.

(Rev. Ords. 14-57 (b) (c) (d) (e))

OVER

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Q: Some branches are in the way of the structure I am building. Can I just cut them out of the way?

A: NO, Rhode Island General Law states that only a licensed arborist may perform tree work. In addition, city ordinance requires a permit for any trimming of a public tree. This license will only be granted to a RI licensed arborist. (R.I.G.L. Title 2 Section 2-19-2)

Q: I am paying to replace the sidewalk in front of my house. A section has been damaged by the root of a public tree. Can I cut the root(s)?

A: NO, you must notify the Parks Division of any work around tree roots. A permit may be required. Cutting tree roots will damage the tree and cause its decline and death. In addition, improper root removal may cause structural damage to the tree causing it to fall over. Any pruning without a permit will result in a notice of violation and possible municipal court action. It may also result in the tree's removal and tree(s) replanting at your expense.

Q: I have a city approved plan that calls for tree removal. Do I still need a permit from the city forester?

A: YES, although many different boards and commissions may authorize tree removals and plantings on private property all public trees fall under the jurisdiction of the city forester and the Parks Division.

Q: There is a public tree where my new driveway is going. Will the city remove the tree for me?

A: NO, for the purpose of construction the property owner shall bear the cost of removal and replacement of all trees removed. (Rev. Ords. 14-61 (h) (2))

Q: When I get a permit to remove a tree for construction reasons will we have to pay to replant tree(s)?

A: YES, the city forester will require replanting as a condition of the issuance of a tree removal permit. Additionally, it is not normally a tree for a tree but rather a replacement based on size of the exiting tree. In other words, a tree that is nine inches in diameter (d.b.h.) would require the purchase of three trees with 3" trunks. Individuals who do not wish to replant in front of their property would still be required to provide funding for tree plantings even at other locations. (Rev. Ords. 14-61 (h) (2))

Q: We are installing sidewalks near a public tree. How big does the area around the tree need to be?

A: A proper tree well opening shall have a minimum pit size of 32 inches by 48 inches. (Rev. Ords. 14-50)

Q: I'm not sure if this is a public tree, what do I do?

A: Contact the Parks Division at (401) 435-7756 or by email at <http://www.epparks.com>. We will examine the tree to determine if it is public, private or a boundary line tree. A boundary line tree is owned equally by both abutters and both must agree on what happens to the tree.

Q: If I do any of the above what are the chances you're going to catch me anyway?

A: YES, there is a very slim chance that we will find you first!! However, the overwhelming majority of our enforcement actions are due to calls from neighbors reporting tree violations. History makes us very confident that we will get called faster than you think. Our advice is always the same...call us first!