



Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Passed Finally

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**Title:** Ordinance amending and supplementing the Pittsburgh Code, Title Four, Public Places and Property, Article XIII Trees, Chapter 483 - Care and Maintenance, by adding a new section, § 483.05, entitled, "Hazardous Trees in Public Areas," and renumbering subsequent sections, and also amending Chapter 487 - Pittsburgh Shade Tree Commission, § 487.06 "Powers and Duties of Commission" by requiring additional information on the annual report.

**Sponsors:** William Peduto

**Indexes:** PGH. CODE ORDINANCES TITLE 04 - PUBLIC PLACES

**Code sections:**

**Attachments:** 1. 2008-0586.doc, 2. 2008-0586 Version 2.doc

Date	Ver.	Action By	Action	Result
9/4/2008	2	Mayor	Signed by the Mayor	
8/18/2008	2	City Council	AMENDED	Pass
8/18/2008	2	City Council	Passed Finally, As Amended	Pass
8/13/2008	2	Committee on Public Works	AMENDED BY SUBSTITUTE	Pass
8/13/2008	2	Committee on Public Works	AFFIRMATIVELY RECOMMENDED	Pass
8/6/2008	1	Committee on Hearings	Public Hearing Held	
7/16/2008	1	Committee on Public Works	Held for Cablecast Public Hearing	Pass
7/8/2008	1	City Council	Read and referred	

Ordinance amending and supplementing the Pittsburgh Code, Title Four, Public Places and Property, Article XIII Trees, Chapter 483 - Care and Maintenance, by adding a new section, § 483.05, entitled, "Hazardous Trees in Public Areas," and renumbering subsequent sections, and also amending Chapter 487 - Pittsburgh Shade Tree Commission, § 487.06 "Powers and Duties of Commission" by requiring additional information on the annual report.

**Be it resolved by the Council of the City of Pittsburgh as follows:**

**Section 1.** The Pittsburgh Code, Title Four, Public Places and Property, Article XIII Trees, Chapter 483 - Care and Maintenance, is hereby amended and supplemented, as follows:

**TITLE FOUR - PUBLIC PLACES AND PROPERTY**  
**ARTICLE XIII: TREES**  
**CHAPTER 483 CARE AND MAINTENANCE**

§ 483.05 HAZARDOUS TREES IN PUBLIC AREAS

a) Trees in public areas, which, in the opinion of the Department of Public Works, are seriously damaged, diseased, disfigured or constitute a hazard to the public or to trees on private property, may be removed or pruned by the Department or designated contractor. Trees in public areas include all trees on City of Pittsburgh property, and on rights of way beside sidewalks and roadways.

b) Prior to tree removals from public property or rights-of-way, notice shall be provided to the primary property owner immediately adjacent to the tree(s) to be removed and to the immediately adjacent and/or abutting property owner(s) to the primary property owners. Such notice shall include an Appeal Application Form Package to include the requisite documentation detailed in paragraph (c) below. Additionally, a poster will be posted on each tree itself advertising the pending removal, and including the specific reason for the tree's pending removal.

c) The Appeal Application Form Package shall include an Appeal Application Form, a Tree Planting Request Form, and a Request for Permit - Tree Planting Form. The addresses for appealing to the Urban Forester and the Director of Public Works shall appear on the Appeal Application Form.

d) Notice under this section shall be provided a minimum of six weeks prior to the scheduled removal. Appeals must be made within three (3) weeks of the notice being posted, and must include all supporting materials (including but not limited to a basis for the appeal, information that the tree is in fact structurally sound and does not represent a hazard, and a written commitment to assume responsibility as specified in paragraph 483.05(f) below, for the event that the appeal would be upheld and the tree not removed). Appeals will be decided and the Urban Forester will notify the appellant at least one week prior to the originally scheduled removal date.

e) Any citizen of the City of Pittsburgh may make a written appeal of the removal to the Urban Forester, with a copy to the Director of Public Works. The appeal application shall be made on an Appeal Application Form, which will detail the designated tree and the reasons for appeal, and will include a Tree Planting Request Form and a Request for Permit - Tree Planting Form. In any such appeal, the opinion of property owners directly adjacent to the property on which the tree is located shall take precedence over that of appellants from outside the area, and the opinion of the primary property owner on which the tree is located takes precedence over others and shall be considered equal with the opinion of the Urban Forester and Director of Public Works.

f) Upon appealing a tree, the appellant must be able to demonstrate that the hazard is not as extensive as claimed, and be willing to take responsibility for the tree, should the tree's condition be considered by the Urban Forester to be a potential liability to the City of Pittsburgh. If the appellant is not the direct property owner, either an agreement must be reached between the appellant and the property owner, or the Urban Forester and the Director of Public Works shall decide the responsibility for the tree and its subsequent fate.

g) When, in the opinion of the Department of Public Works, a tree or portion(s) of a tree in a public area constitutes an immediate hazard to person or property, and is verified by the City Forester, the Department or designated contractor shall remove the hazard without notice or appeal. Such opinion shall be weighted with the value of each mature tree in mind, in addition to the magnitude of the hazard, rather than on other considerations, and shall not be based solely on surmised age of the tree (old trees must not be considered inherently hazardous), nor on potential attack by disease affecting a particular variety of tree, nor upon the premise that the tree interferes with utility wires, views, etc. Such opinion may, however, be based upon a tree being of an invasive variety.

h) Public trees located on parcels that are zoned Hillside (H) or Park (P), which, in the opinion of the

Department of Public Works, are seriously damaged, diseased, disfigured or constitute a hazard to the public or to trees on private property, may be removed or pruned by the Department or designated contractor. Appeals of the removal of these trees may be made by any individual or organization.

i) When a public tree is removed on a hillside, proper shoring techniques shall be used to (a) take away any excess debris; (b) drive parts of the tree into the hillside below the stump to help shore it up, piling additional lumber against the stump; and (c) eliminate hazards of tree parts potentially falling down the hill or otherwise creating a potential hazard. When a tree and its stump are removed on a hillside, proper plantings to retain the integrity of the hillside shall be made immediately thereafter.

j) The Department of Public Works shall adopt a prioritized program to replant trees in public areas where hazardous trees were removed.

k) Whenever pervasive vines covering public trees are contributing to a potential hazard of public trees falling or dying, such vines shall be removed by the Department of Public Works or its designee soon and often to avert such hazards.

l) When a public tree or any part of a public tree has fallen or has been removed, the Department of Public Works shall remove the fallen parts as soon as possible, and if the tree was on a hillside, determination shall be made by the Urban Forester as to the need to shore up the hillside and plant additional trees to retain its integrity.

#### § 483.05 483.06 OPEN SPACE AROUND BASE.

**There shall be maintained about the base of the trunk of each tree or shrub in City streets four (4) square feet of open ground for a tree of six (6) inches in diameter and for every three (3) inches of increase of at least one (1) square foot of open ground. There shall be maintained about the base of the trunk of each tree in City rights of way thirty (30) square feet of open ground, with no one dimension of that open space being less than three (3) feet. The Department of Public Works shall have the discretion to allow for an open space of less than thirty (30) square feet of open ground in instances where a sidewalk is less than seventy four (74) inches wide and mitigating measures to assure the health of the tree, including but not limited to irrigation and pervious surfaces, are in place.** Where any tree in or upon any public place is surrounded at the base of its trunk by ground which is not open, or by open ground of less quantity or measurement than required by this section, it shall be the duty of the Department of Public Works to notify the owner of the property on or in front of which any tree may be, to remove within a time fixed in the notice, so much of the cement, brick or other covering as may be necessary to give the space of open ground required herein. If the person notified fails to remove the covering by the time fixed, the Department may perform the work and charge the person notified for the work done.

#### §483.07 REMOVAL AND REPLACEMENT PROGRAM.

The Director of Public Works shall administer a program providing for the removal and replacement of City trees as follows:

(a) A property owner may make a request in writing to the Forestry Division stating that it wants a certain tree to be considered for removal and the reasons to justify its removal.

(b) The Forestry Division will post a notice on the subject tree and give notice the same as if given under § 483.05(b), and will investigate the removal request and determine whether the tree has peculiar characteristics such that removal of the tree is unwarranted.

(c) Upon the Forestry Division's authorization of tree removal, the property owner shall be notified that the tree may be removed as long as the property owner agrees to pay the costs of removal as well as the cost of a new tree and its planting at the same or an alternative location. The Forestry Department shall provide an

estimate of the costs to be incurred by the property owner.

(d) Upon agreement by the property owner to assume costs related to tree removal and replacement, the Forestry Department shall determine a location for the replacement tree by working cooperatively with property owners desiring a City tree or determine a location in the City parks or public thoroughfares.

Section 2. The Pittsburgh Code, Title Four, Public Places and Property, Article XIII Trees, Chapter 487 - Pittsburgh Shade Tree Commission § 487.06 "Powers and Duties of Commission" is hereby amended, as follows:

#### CHAPTER 487 PITTSBURGH SHADE TREE COMMISSION

##### § 487.06 POWERS AND DUTIES OF COMMISSION.

(a) The Commission shall cause to be conducted a comprehensive inventory of shade trees in the City, which shall at a minimum include:

(1) Identification of species, condition, numbers, size distributions and locations of trees.

(2) Location of large, significant, and/or historic trees.

(b) The Commission shall meet at least annually, and preferably twice a year, with the Mayor of the City of Pittsburgh, to establish priorities, goals and guidelines for tree planting and preservation in the City in keeping with the policies set forth in Section 487.03 of this chapter.

(c) The Commission shall work with the Planning Department, and the Department of Public Works, in requiring tree planting, and tree protection, as a part of development and redevelopment projects.

(d) The Commission shall generate funds to support its duties, especially from sources that intend to grant funds for municipal improvement projects.

(e) The Commission shall issue an annual report to Council and the public regarding their activities, plans, goals, objectives, and appeals of the removal of hazardous trees in public areas. The Commission shall appear and make a final presentation to the City Council as part of Council's annual operating and capital budget proceedings.

(f) Any other activities, not inconsistent with existing laws that further tree proliferation and preservation in the City of Pittsburgh.