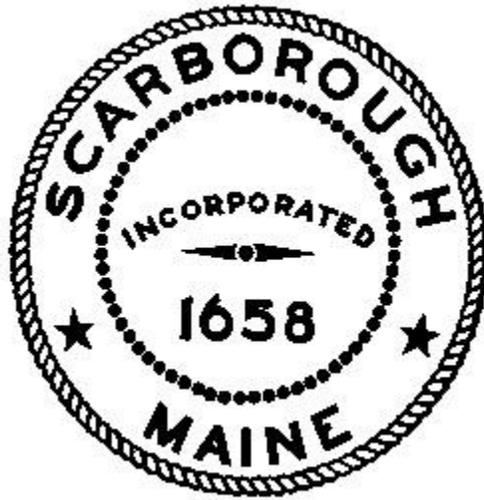


**CHAPTER 1106**  
**TOWN OF SCARBOROUGH**  
**TREE CARE ORDINANCE**



**ADOPTED NOVEMBER 5, 2025**

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**TOWN OF SCARBOROUGH**  
**CHAPTER 1106 TREE CARE ORDINANCE**

**A. Purpose**

It is the purpose of the Scarborough Tree Care Ordinance to preserve and enhance Scarborough’s natural beauty and encourage healthy ecosystems; to provide air colling and purification, carbon sequestration, stormwater management and to protect public health and safety. This ordinance provides for the regulation of the planting, maintenance and removal of trees, shrubs and other plants on Town owned properties and public rights-of- way. This ordinance shall designate which plants are to be planted in order to ensure “right plant, right place” principles are achieved. This ordinance establishes the Tree Care Advisory Board and defines its membership and duties.

**B. Applicability**

This ordinance provides full power and authority over all trees, plants, and shrubs located within rights-of-way, parks, and public places in the town, and over trees, plants, and shrubs located on private property that constitute a nuisance or hazard as described herein.

**C. Administration**

**1. Town Arborist**

- a. The Town Arborist and/or their designee shall have full authority and responsibility to plant, prune, maintain and remove trees and woody plants growing in or upon all public streets, rights-of-way, parks, and other public property. This shall include the removal of trees that may threaten electrical, telephone, gas, or any public water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.
- b. All Town departments will coordinate as necessary with the Town Arborist and will provide services as required to ensure compliance with this ordinance as it relates to streets, alleys, rights-of-way, drainage easements, and other public properties not under the direct jurisdiction of the Town Arborist.
- c. No person shall hinder, prevent, delay, or interfere with the Town Arborist or their agents while engaged in carrying out the execution or enforcement of this Ordinance.
- d. The Public Works Department shall have the right to prune, spray, maintain, and remove public trees as may be necessary to ensure public safety or to preserve or enhance the beauty of public places. Spraying shall be undertaken in accordance with State laws and the Town’s Organic Pest Control Policy.
- e. Pruning, planting, removing or any other tree work done on public trees by volunteers or Town employees under the supervision and operation of the Town Arborist and/or their designee is permitted.
- f. Work on public trees by an electric utility company is permitted.

**2. Tree Care Advisory Board Establishment and Procedures**

It is hereby created and established a Town Tree Care Advisory Board for the Town of Scarborough, hereinafter referred to as the “Board.”

- a. **Terms.** Member shall be appointed by Town Council for three-year terms, except for the initial appointments, which shall be two (2) members for terms of one year, two (2) members for terms of two years and one (1) member for a term of three years and two (2) alternates for a term of two years. Members whose terms expire shall continue to serve until their successors are appointed and qualified.
- b. **Council Liaison.** The Town Council shall appoint one of its members to serve as Council liaison to the Board. The Council liaison shall not be a voting member.
- c. **Staff Liaison.** The Town Manager, or their designee, shall serve as staff liaison to the Board. The staff liaison shall not be a voting member.
- d. **Officers.** The Board shall annually select one of the members to serve as chair, may appoint a second member to serve as vice-chair, and may appoint a third member to serve as secretary.
- e. **Meetings.** The Board shall meet a minimum of four times each year. All meetings shall be open to the public. The Board chair may schedule additional meetings as needed.

### 3. Tree Care Advisory Board Duties and Responsibilities

The Board shall act in an advisory capacity to the Town Arborist and shall:

- a. Coordinate and promote Arbor Day activities;
- b. Support public awareness and education programs relating to trees;
- c. Review Town department concerns related to tree care;
- d. Submit an annual report of its activities to Town Council, including tree planting and maintenance activities;
- e. Assist with the annual application to renew the Tree City USA designation;
- f. Develop and maintain a list of desirable trees for planting on public property, using the Preferred species list from Chapter 405b Scarborough Site Plan Review Ordinance. The list shall be made available to the general public, and its use shall be encouraged for private planting.
- g. Other duties as assigned by Town Council.

## D. Public Landscape Standards

### 1. Tree Planting

- a. Trees planted on public property by abutting property owners or other persons shall be selected and located in accordance with this ordinance and in accordance with Town policy. Notification shall be made to the Town Arborist and/or their designee and approval shall be given prior to any planting. In addition, Dig Safe, the Scarborough Public Works Department, Scarborough Sanitary District, Maine Water, CMP, and the Portland Water District shall be consulted before any planting.
- b. All such designs shall be submitted to the Town Arborist and/or their designee for approval prior to any plantings.

### 2. Species Selection

Species shall be selected from the approved list developed by the Tree Care Advisory Board in accordance with all other Town Standards.

### 3. Tree Installation Requirements

The following minimum installation requirements shall be met, unless otherwise approved by the the Town Arborist and/or their designee.

Species Size	Minimum Spacing	Minimum Soil Surface	Minimum Soil Volume
Small Trees (mature height of 30' or less)	20 ft.	36 sq. ft.	36 cu. ft.
Medium Trees (mature height of 30' -45')	30 ft.	48 sq. ft.	48 cu. ft.
Large Trees (mature height over 45')	40 ft.	60 sq. ft.	60 cu. ft.

### 4. Tree Spacing Requirements

The distance trees may be planted from curbs or curb-lines, sidewalks, street corners, driveways, buildings and sidewalks shall be in accordance with the species sizes listed in Definitions, Section C. of this ordinance. No trees may be planted closer to any curb, sidewalk, driveway, building, or street than the following:

Species Size	Distance to Curb or Sidewalk	Distance to Driveway	Distance to Building	Distance to Street Corner
Small Tree	2 ft.	10 ft.	10'	20 ft.
Medium Tree	5 ft.	10 ft.	15'	20 ft.
Large Tree	10 ft.	15 ft.	25'	20 ft.

No public tree shall be planted within ten feet (10') of any hydrant or any underground utilities. Only small trees may be planted under or within 10 feet (10') of any overhead utility wire.

### 5. Public Tree Maintenance

- a. **Authority.** No person except the Town Arborist, their designee(s), or an approved contractor may prune, plant, transplant, or remove public trees.
- b. **Pruning.** The Public Works Department shall have the right to prune any public tree if, in the opinion of the Town Arborist and/or their designee, it interferes with visibility of any traffic control device or intersection, or interferes with pedestrian or vehicular traffic. A clearance of fourteen feet (14') above street surface or eight feet (8') above the sidewalk surface shall be maintained. If such obstructing public tree is on private property, the Town Arborist and/or their designee shall notify the property owner of the intent to prune.
- c. **Tree Topping.** It shall be unlawful for any person or the Town to top any public tree. Trees severely damaged by storms or other causes may be exempted from this prohibition at the determination of the Town Arborist and/or their designee.

- d. In lieu of topping, public trees under utility wires or other obstructions where other pruning practices are impractical or not considered arboriculturally sound may be removed by the Town Arborist and/or their designee.
- e. **Private Property.** No property owner shall allow a tree, or other plant growing on their property, to obstruct or interfere with pedestrians or the view of drivers, thereby creating a nuisance or hazard. If an obstruction persists, the Town Arborist shall notify the property owners to prune or remove the tree or plant. If the owner fails to comply with the notice, the Town may undertake the necessary work and charge the cost to the property owner.
- f. **Disease.** Upon the discovery of any destructive or communicable disease or other pestilence that endangers the growth or health of trees or threatens to spread disease or insect infestations, the Town Arborist may at once cause written notice to be served upon the owner of the property upon which such diseased or infested tree is situated. The notice shall require such property owner to eradicate, remove, or otherwise control such condition within a reasonable time to be specified in such notice. If the owner fails to comply with the notice, the Town may undertake the necessary work and charge the cost to the property owner.

## 6. Tree Preservation

Wherever practical, existing specimen trees, native species over 20" at DBH, tree clusters or other significant vegetation shall be preserved on public properties.

When preservation is proposed, the following protection must be in place to ensure survival of the preserved tree.

- a. Site features must be designed to minimize disturbance to protected trees.
- b. Tree wells or cut areas may be used to preserve the original grade around the tree.
- c. In the drip line of protected trees, no cut or fill may be at least four (4) inches deep unless a qualified arborist or forester evaluates and approves the disturbance.
- d. Finished grades must slope away from trunks to avoid water concentrated at tree bases.
- e. During construction, perimeter fencing must be erected around protected trees, at least six (6) feet from the trunk or one-half of the drip line, whichever is more.
- f. Storage or movement of equipment, material, debris, or fill in the tree protection zone is prohibited.
- g. Damaging attachments, wires, signs or permits cannot be fastened to protected trees.
- h. Trenches or footings should be at least eight (8) feet from trunk bases. Tunneling under large diameter roots may be required to prevent root damage.

## 7. Heritage Trees

The Town Arborist shall have as one of their duties the location, selection, and identification of any trees that qualify as heritage trees. A tree may qualify as a heritage tree if it meets one or more of the following criteria:

- a. The tree (or group of trees) is associated with events that have made a significant contribution to the broad pattern of national, state, regional, or local history;

- b. The tree (or group of trees) is associated with the life of a person or group of historic significance;
- c. The tree (or group of trees) represents a significant and distinguishable entity within a community or location; and/or
- d. The tree (or group of trees) has age, size, or species significance that contributes to its heritage status.

**E. Violations and Penalties**

- a. **Violations.** Any failure to comply with the terms, conditions, provisions, or any notice issued pursuant to this ordinance, shall constitute a violation.
- b. **Penalties.** Any person who violates any provision of this ordinance shall be subject to a fine payable to the Town of Scarborough of up to \$100.00 each day of the violation. No penalty shall be assessed for failure to act during any notice period, unless remediation ordered by any notice is not accomplished within the designated timeframe. In addition, if, as a result of the violation of any provision of this ordinance, the injury, mutilation, or death of a public tree occurs, the penalty shall include the replacement value of the public tree as determined by the Town Arborist and/or their designee.

**F. Severability**

Should any section, clause, or provision of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the ordinance as a whole, or parts thereof, other than the part so declared to be invalid.