

109 BEAUTIFICATION OF TREE SPACES

- 109.1 The regulations contained in this section shall apply to the unpaved area of public space that lies between the street curb and the sidewalk, which is commonly reserved by the District government for planting trees.
- 109.2 The beautification of tree spaces shall be governed by the provisions of this section.
- 109.3 The beautification of tree spaces shall not require a permit.
- 109.4 The owner or occupant of property that abuts tree space shall not be liable for injuries to others as a result of a tree space beautification activity that complies with this section. (Tree space beautification shall be undertaken solely at the personal risk and expense of the owner or occupant.)
- 109.5 The District government reserves the right to enter tree space without the permission of the owner or occupant of the property that abuts the tree space.
- 109.6 The beautification of a tree space may be undertaken at the discretion of the owner or occupant of the property that abuts the tree space, and shall be under the immediate care and keeping of the owner or occupant of the property that abuts the tree space.
- 109.7 The beautification of a tree space shall not extend beyond the following requirements:
- (a) Extend over the curb or the sidewalk;
 - (b) Extend within three feet (3 ft.) of a crosswalk or paved bus stop landing;
 - (c) Extend within six feet (6 ft.) of an entrance to an alley; or
 - (d) Extend within six feet (6 ft.) of a street corner.
- 109.8 In a continuous tree space, beautification areas shall be not more than four feet (4 ft.) wide and nine feet (9 ft.) long. At least six feet (6 ft.) shall separate each beautified area. A beautification area shall not be planted within four feet (4 ft.) of a parking meter or a fire hydrant.
- 109.9 A tree space may be bordered by a continuous barrier on the three (3) sides that do not abut the curblines. The barrier may project not less than four inches (4 in.) and not more than twelve inches (12 in.) from the sidewalk or curb elevation. The use of wickets to edge or border a tree space shall be prohibited.
- 109.10 The grade of the tree space shall not be altered in conjunction with a beautification effort, except with mulch. The use of gravel as ground cover shall be prohibited.

- 109.11 Planting material used to beautify a tree space shall have a shallow root system and shall not be allowed to grow to a height in excess of eighteen inches (18 in.). The growing of vegetables in a tree space shall be prohibited.
- 109.12 A tree space beautification effort may be removed or destroyed with sufficient notice by the District government or its agents, if removal or destruction is made necessary by construction, repair, or maintenance activities.
- 109.13 A tree space beautification effort that is not in compliance with this section, or that is inadequately maintained or allowed to deteriorate may be removed with sufficient notice by the Department of Public Works.
- 109.14 This section shall not be construed to supersede the provisions of chapter 11 of Title 24 of the *D. C. Municipal Regulations*.

SOURCE: Section 3 of the Tree Space Beautification Regulation Act of 1989, D.C. Law 8-21, 36 DCR 4568 (June 30, 1989).

110 CONSTRUCTION, REPAIR, AND DEMOLITION

- 110.1 The provisions of this section shall apply to all streets, avenues, alleys, highways, footways, sidewalks, public parkings, and other public space in the District of Columbia (also referred to simply as "public space").
- 110.2 Persons engaged in the erection, alteration, demolition, or repair of any building may occupy the public space with building materials and appliances if a permit is secured from the Director of Consumer and Regulatory Affairs.
- 110.3 Each permit shall specify any condition, in addition to the provisions of this chapter, upon which it is granted.
- 110.4 All applications for storage of materials on the roadway, including debris removed from a building or building site, or material excavated from a building site, shall be approved by the Director of the Department of Public Works, subject to the conditions specified in this chapter.
- 110.5 The Director of Consumer and Regulatory Affairs may revoke a permit to occupy public space at any time the Director determines that the terms of the permit have been violated, or when traffic conditions or the public convenience may warrant revocation.
- 110.6 Building materials must be stored on private property until needed at the building that is being altered or repaired.
- 110.7 Old brick or building materials taken from a building may be stacked in front of the building site for a limited time specified in the permit, when these materials will be used in the construction of a new building to be erected on the site.
- 110.8 The maximum area permitted to be occupied shall not extend beyond seven feet (7 ft.) from the curb on streets where there are no railway tracks.