

# Public Space Responsibilities of Property Owners

## District of Columbia Municipal Regulations

### Chapter 24 DCMR

#### 101 STREETS AND ROADS

- 101.4 Without a permit, no person shall erect a fence or wall, or plant a tree, in any public street, avenue, or other public space, except as provided in §§102 through 104.

#### 102 PUBLIC PARKING: UPKEEP AND PLANTINGS

- 102.1 The public parking\* on streets and avenues of the District of Columbia shall be under the immediate care and keeping of the owners or occupants of the premises abutting on the public parking.\*
- 102.7 No person shall deposit or cause to be deposited any dirt, grass, or other yard refuse on any public sidewalk, tree space, roadway, or alley, from any public parking under the immediate care and keeping of the owner or occupant of the premises that abut the sidewalk, tree space, roadway, or alley.

#### 107 STREET TREES

- 107.6 Without a permit, no person shall trim, prune, whitewash, or pile material about any tree in a street, avenue, or other public place.
- 107.7 Without a permit, no person shall attach any guy rope or wire to any tree in a street, avenue, or other public place.

\* In 1870, Congress passed the "Parking Act" and designated part of the right-of-way immediately next to private property as park areas to be maintained by the adjacent property owner. This area was to be landscaped and is still referred to as "parking."

**Approved DCRA building permits do not approve the removal of trees, public or private.**

#### 109 BEAUTIFICATION OF TREE SPACES

109.1 The regulations contained in this section apply to the unpaved area of the sidewalk, which is referred to in this section as "tree space".

109.3 The beautification of a tree space shall not require a public space permit unless the beautification includes the planting of a tree, the installation of any structure, or the installation or modification of a tree fence.

109.4 The beautification of a tree space may only be undertaken at the risk and expense of the owner or occupant of the property that abuts the tree space, and such care and keeping of the space shall be their responsibility.

109.5 The beautification of a tree space shall not extend:

- (a) Over the curb or the sidewalk;
- (b) Within three feet (3 ft.) of a crosswalk or paved bus stop landing;
- (c) Within six feet (6 ft.) of an entrance to an alley;
- (d) Within six feet (6 ft.) of a street corner;
- (e) Within two feet (2 ft.) from the base of an existing street tree; or
- (f) Within four feet (4') of a parking meter or a fire hydrant.

109.6 In a continuous tree space, tree space beautification areas shall be not more than nine feet (9 ft.) long, and at least six feet (6 ft.) shall separate each beautified area.

109.7 The grade of a tree space shall not be altered, except with mulch spread to a depth of two to three inches (2 – 3 in.), but not placed directly against or mounded at the base of the tree.

109.9 To protect the health of the tree and the environment, no person shall plant or maintain any of the following plant types in a tree space: Plants having a deep root system, whose mature height is over eighteen inches (18 in.); vegetables; plants which spread by way of subsurface shoots or runners; plants which climb or intertwine; invasive species.

109.10 To protect the health of the tree and the environment, the use of wickets; hoop-style fencing; fencing having sharp points; or raised wooden, brick, stone or masonry borders, edging, or walls of any kind to border a tree space is prohibited.

109.12 A tree space may be bordered by a tree fence; the installation of which requires a valid public space permit; that meets the District's specifications for an ornamental tree fence found in § 608.06 available at <http://ddot.dc.gov/page/standard-specifications-highways-and-structures>; is installed as shown on the ornamental tree fence drawing number 608.13 available at <http://ddot.dc.gov/page/standard-drawings-2015>; and does not restrict the flow of rainwater runoff from the sidewalk into the tree space.

109.14 The District government may enter a tree space without the permission of the owner or occupant of the property that abuts the tree space.

109.15 A tree space beautification may be destroyed or removed and disposed of by the District government or its agents, if it is necessary for construction, repair, or maintenance activities.

109.16 A tree space beautification that is not in compliance with this section, and that is hazardous to the public or the health of the tree, may be removed and disposed of by District government employees or contractors.



# Public Space Regulations

## Chapter 21 DCMR

### 702 REMOVAL OF REFUSE FROM PUBLIC SPACE ADJACENT TO PRIVATE PROPERTY

- **702.1-2** Each owner, tenant, or lessee who has control of or occupies any building, lot, or land within the District shall maintain in clean condition the public space that abuts private property to the curb; including the gutter if property contains more than three dwelling units.

## Chapter 24 DCMR

### 1000 PROHIBITED DEPOSITS: GENERAL PROVISIONS

- **1000.6** Owners of lots abutting upon streets, avenues, or alleys, or upon public parking\* or other public space, in the District of Columbia, and which are above grade, shall protect the lots so as to prevent dirt, sand, or gravel, or any bushes, trees, or like things from falling or being washed upon the public parking\* in front of the lots, or upon the sidewalks, streets, or alleyways adjacent to the lots.

### 2001 HAZARDOUS OBSTRUCTIONS IN PUBLIC SPACE

- **2001.1** For purposes of this section, the term "public space" includes any street, avenue, alley, highway, footway, sidewalk, parking\*, or other public space in the District of Columbia.
- **2001.3** No person, without a permit from the District, shall permit any bush, shrub, or tree to extend from private property onto public space in any manner that interferes with the free use of the public space.

## Services Provided by Other Departments

### Multi-Door Dispute Resolution

To resolve issues with a neighbor's private tree, contact the DC Superior Court at 202-879-1549 or [dcourts.gov](http://dcourts.gov)

### Dept. of Consumer and Regulatory Affairs

Vacant buildings are managed by DCRA. Please contact 202-442-4400 or [vacantbuildings@dc.gov](mailto:vacantbuildings@dc.gov) or [dcra.dc.gov/](http://dcra.dc.gov/) to report issues related to vacant buildings.

### Department of Public Works

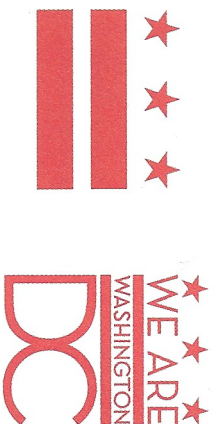
DPW enforces the upkeep of vacant properties. You can request that DPW mow a lot without structures with overgrown weeds and/or grass. <http://dpw.dc.gov/service/vacant-lot-cleanup-grass-and-weed-mowing>  
[dpw@dc.gov](mailto:dpw@dc.gov) 202-737-4404

### Office of Risk Management

If you have suffered a loss or personal injury due to a street tree failure please contact Office of Risk Management to file a claim at 202-727-8600.

### Only Pepco prunes near utility lines.

Pepco Emergency: 202-872-3432



District Department of Transportation  
Urban Forestry Division  
55 M Street, SE, Suite 400 Washington, DC 20003  
(202) 671-5133; For service, Call 311  
<http://ddot.dc.gov/trees>

## Urban Forestry



Scarlet oak, (*Quercus coccinea*) DC State tree  
Photo by Rick Dillard

d.

District Department of Transportation

Delivering a healthy, safe and growing street tree canopy in DC