

CITY OF RUSSELLVILLE, ORDINANCE 97-1

AN ORDINANCE RELATING TO THE MAINTENANCE AND PROTECTION OF TREES ON PUBLIC PROPERTY WHICH SERVE THE PUBLIC INTEREST BY PROVIDING OXYGEN, STABILIZATION OF THE SOIL, PREVENTION OF EROSION, SHELTER FOR WILDLIFE, CONSERVATION OF ENERGY BY PROVIDING SHADE, FILTERING AIR, AND ADDING TO THE BEAUTY OF THE CITY OF RUSSELLVILLE.

WHEREAS, trees provide a setting with a variety of color unsurpassed in shade and hue; and

WHEREAS, trees are an invaluable physiological counterpart to the man-made urban setting; and

WHEREAS, trees absorb a high percentage of carbon dioxide and return oxygen, a vital ingredient to life; and

WHEREAS, trees are a valuable asset that can affect an area economically; and

WHEREAS, the City Council of the City of Russellville has determined that the maintenance and protection of trees on public property within Russellville is not only desirable, but essential to the present and future safety, and welfare of all citizens and will help insure the safe and proper distribution of utilities; and

WHEREAS, the City of Russellville recognizes that trees on public property are valuable contributors to the city's environment;

NOW, THEREFORE, be it ordained by the City Council of the City of Russellville, Ky.:

Section 1: Definitions

Street Trees: "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the City.

Park Trees: "Park trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation in public parks having individual names, and all areas owned by the city or which the public has free access as a park.

Section 2: Creation and Established of a City Tree Board

There is hereby created and established a City Tree Board for the City of Russellville, Kentucky, which shall consist of five members, citizens, and residents of the City, who shall be appointed by the Mayor with the approval of the Council.

Section 3: Term of Office

The term of the five persons appointed by the Mayor shall be three years except that the term of two of the members appointed initially shall be for one year, and the term of two members of the first Board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion for the term. All terms of office expire on December 31 of the corresponding year.

Section 4. Compensation

Members of the Board shall serve without compensation.

Section 5: Duties and Responsibilities

It shall be the responsibility of the board to study, investigate, counsel, develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in parks, along streets, and in other public areas. Such will be presented annually to the City Council and, upon acceptance and approval, shall constitute the official comprehensive tree plan of the City of Russellville, Kentucky. The Board, when requested by the City Commission, shall consider, investigate, make finding, and recommend upon any special matter of question coming within the scope of its work.

Section 6: Operation

The Board shall choose its own officers, make its own rules and regulations, and keep a journal of its findings. A majority of the members shall be a quorum for the transaction of business.

Section 7: Street Tree Species to be Planted

Tree Board will formulate an official Street Tree Species List for Russellville, Kentucky. The list of allowable species shall be broken down into categories of small, medium, and large trees. No species other than those included in this list may be planted as Street Trees without written permission of the City Tree Board.

Section 8: Spacing

The spacing of street trees will be in accordance with the three size classes referred to in Section 7 of this ordinance, and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet.

Section 9: Distance from Curb and Sidewalk

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three size classes listed in Section 7 of this ordinance, and no trees may be planted closer to any curb or sidewalk than the following: small trees, 2 feet; medium trees, 3 feet; and large trees, 4 feet.

Section 10: Distance from Street Corners and Hydrants

No street tree shall be planted closer than 20 feet to any street corner, measured from the point of nearest intersection curbs and curblines. No street trees shall be planted closer than 10 feet to any hydrant.

Section 11: Public Tree Care

The City and its subsidiaries, such as the Electric Plant Board, shall have the right to prune and remove trees, plants, and shrubs as may be necessary to ensure public safety, including those situations where there is a hazard to or from the providing of utility services or to preserve or enhance the symmetry and beauty of such public grounds. The City Tree Board may remove, or cause, or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious due to fungus, insects, or other pests. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with Sections 7 through 11.

Section 12: Tree Topping

It shall be unlawful as a normal practice for any person, firm or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires and other obstructions where alternative pruning practices are impractical may be exempt from this ordinance at the determination of the City Tree Board.

Section 13: Pruning, Corner Clearance

Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space along the street or sidewalk. Said owners shall remove all dead, diseased, or dangerous trees or broken or decayed limbs which may constitute a menace to the safety of the public when it interferes with visibility of any traffic control device or sign.

Section 14: Dead or Diseased Tree Removal on Private Property

The City, and its subsidiaries, including the Electric Plant Board, shall have the right to cause the removal of any dead or diseased trees on private property within the city when such trees constitute a hazard to life and property, including those situations where there is a hazard to or from the providing of utility services, or harbor insects or disease which constitute a potential threat to other trees within the city. The City Tree Board will determine hazardous trees which may constitute a menace to the safety of the public when it interferes with the visibility of any traffic control device, sign or street light.

Section 15: Interference with City Tree Board

It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board or any of its agents or servants while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this ordinance.

Section 16: Arborist Licensing and Bond

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees with the city without first applying for, and procuring a license. The license fee shall be \$10 annually in advance, provided, however, that no license shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$25,000 for bodily injury and \$10,000 property damage indemnifying the city or any person injured or damage resulting from the pursuit of such endeavors as herein described.

Section 17: Review by City Council

The City Council shall have the right to review the conduct, acts, and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Commission who may hear the matter and make the final decision.

Section 18: Penalty

Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilt, subject to a fine not to exceed \$500.

Section 19: Severability

If any provision of this ordinance is deemed by a court of competent jurisdiction to be unenforceable or unconstitutional or in conflict with applicable laws of the Commonwealth, the remaining provisions of this ordinance shall continue in full force and effect.

Section 20: Effective Date

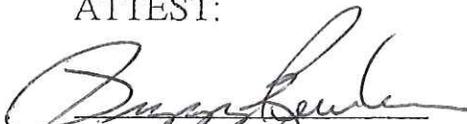
This ordinance shall take effect upon the second reading and subsequent publication as required by KRS 83A.060.

FIRST READING January 21st, 1997

SECOND READING February 4th, 1997


KEN SMITH, MAYOR

ATTEST:


CITY CLERK