

TITLE 2**BOARDS AND COMMISSIONS, ETC.****CHAPTER****1. TREE BOARD.****CHAPTER 1****TREE BOARD****SECTION**

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2-101. Purpose. The purpose of a tree ordinance is to provide a mechanism for the management of trees and woody vegetation in a city or town. Since establishment of an ordinance is one (1) of the requirements for Tree City USA recognition, the City of Erin hereby establishes this chapter. (1974 Code, § 1-1201)

2-102. Definitions. The following definitions are suggested for inclusion in a city tree ordinance.

(1) "Tree." A woody plant with a single trunk, or multiple trunk capable of growing to a height of fifteen feet (15') or more.

(2) "Shrub." A woody plant with a multiple stem capable of growing to a height of up to fifteen feet (15').

(3) "Public tree." A tree growing in an area owned by the community, including parks, public buildings, schools, hospitals, and other areas to which the public has free access.

(4) "Private tree." A tree growing in an area owned by a private individual, business or commercial establishment, company, or industry, private institution, or other area not owned by government entities.

(5) "Street tree." A tree growing within a public right-of-way along a street, in a median or in a similar area in which the public right-of-way borders areas owned by private individuals.

(6) "Public utility." That section of local government in charge of electrical distribution in the community and having responsibility for keeping distribution lines free of hazards, including trees.

(7) "City forester." A city employee responsible for the city's tree program. He/she may also be titled urban forester, city arborist, municipal forester, or tree warden.

(8) "Pruning." Selective removal and thinning of the upper portions of the tree, taking into account the shape and natural structure of the tree.

(9) "Topping." Arbitrary removal of various portions of the tree, thereby leaving stubs, with no regard for the natural structure of the tree.

(10) "Crownsread." The distance from the ends of branches on one (1) side of the tree, through the trunk, to the ends of the branches on the other side.

(11) "Line clearance." Removal of limbs and branches growing within a set distance of electrical distribution lines.

(12) "Tree density factor." A number derived from the combination of the density of trees remaining on a site and the density of additional trees to be planted.

Other definitions may be required by a particular city's unique situation. (1974 Code, § 1-1202)

2-103. Creation of a tree board. There is hereby created a tree board for this city, which shall consist of a park and recreation committee, plus four (4) citizens to include forestry representative. (1974 Code, § 1-1203)

2-104. Operation. The mayor will appoint a chairman. Copies of the minutes shall be available to the governing body after each tree board meeting. Meetings shall be held quarterly, or more often if called by the chairman of the board. A majority of the members shall constitute a quorum for transaction of business. (1974 Code, § 1-1204)

2-105. Duties and responsibilities. The duties of the tree board shall include, but not be limited to, the following:

- (1) Prepare a tree plan for the community.
- (2) Coordinate tree-related activities.
- (3) Conduct an Arbor Day Ceremony.
- (4) Provide tree information to the community.
- (5) Maintain a recommended tree list for the community.
- (6) Recognize groups and individuals completing tree projects.

- (7) Coordinate publicity concerning trees and tree programs.
- (8) Coordinate donations of trees or money to purchase trees.
- (9) Adopt rules and regulations pertaining to the tree program.
- (10) Perform other tree related duties and opportunities that arise from time to time. (1974 Code, § 1-1205)

2-106. Compensation. Members of the board shall serve without compensation. (NOTE: Most cities do not pay their tree board members.) (1974 Code, § 1-1206)

2-107. Tree planting–option 1. Ordinances generally contain guidelines governing tree planting. One (1) ordinance option is to broadly state planting requirements and leave details to the rules and regulations adopted by the tree board/city forester. In all options, it is recommended that lists of tree species not be incorporated into the chapter. Lists should be formulated by the tree board where flexibility for updating is greatest.

(1) Tree planting shall be undertaken by the city on all public areas in a systematic manner to assure diversity of age classes and species. Areas to be planted, density, appropriate species, and other aspects of the planting function shall be determined by the tree board/city forester.

(2) Planting of trees on private property is encouraged, especially in areas where the public may have an extraordinary interest. The tree board/city forester will provide information about species, planting techniques, and placement guidelines when requested by residents. (1974 Code, § 1-1207)

2-108. Tree planting–option 2. The following sections provide a detailed outline of planting requirements. If they are not included in the chapter, they should be adopted as rules and regulations of the tree board.

(1) Size. All trees in public areas capable of reaching a mature height greater than thirty feet (30') shall be at least one and one-fourth inches (1-1/4") diameter (at six inches (6") height) and eight to ten feet (8' to 10') tall at time of planting. Small maturing trees, between fifteen to thirty feet (15' to 30') at maturity, shall be five to six feet (5' to 6') tall at planting.

(2) Grade. Trees to be planted shall be free of insects and diseases, mechanical injuries, and have reasonably straight trunks with a strong leader branch. Balled and burlapped trees shall be required where bare root trees cannot be handled and stored properly prior to planting.

(3) Spacing. Large trees capable of achieving more than forty-five feet (45') in height should be spaced at least forty feet (40') apart. Medium trees capable of achieving thirty to forty-five feet (30' to 45') should be spaced thirty feet (30') apart. Small trees capable of achieving fifteen to thirty feet (15' to 30') of height should be spaced at twenty-feet (20') intervals. Exceptions may be granted by the tree board/city forester when a valid landscape plan is followed, or when greater or lesser spacings are needed to achieve a desired effect.

(4) Planting near existing objects. Only small trees are permitted to be planted within ten feet (10') of utility lines. In street plantings, no tree may be planted closer than ten feet (10') to a fire hydrant, or utility pole or street light, fifteen feet (15') to a driveway/street intersection, or thirty feet (30') from street/street intersections. When planting between sidewalks and curbs, six feet (6') between curb and sidewalk is the minimum distance required for small trees, eight feet (8') for medium trees, and ten feet (10') for large trees.

(5) Planting techniques. Holes shall be dug to give adequate room for the root system. The diameter of the hole should be at least twelve feet (12") larger than the diameter of the root ball or root system. The depth of planting should be at the same level as the tree had grown previously. Backfill should be the same material that was removed from the hole, with no additives except low nitrogen fertilizer which may be added if the tree board/city forester deems it necessary. Holes dug by power augers must have their sides chipped by a hand shovel to break glazing effected by the auger. Trees may be guyed in windy areas, or other areas where support is determined necessary by the tree board/city forester. All guy wires shall be removed within eighteen (18) months. (1974 Code, § 1-1208)

2-109. Replacing trees lost to development. In areas where land use is changing (zoning), such as in developments, the city may want to require private landowners to plant trees where large numbers of natural trees are lost. Since this activity is closely related to tree removal and is often controversial, it is dealt with in § 2-115. (1974 Code, § 1-1209)

2-110. Tree care--option 1. Ordinances generally have one (1) or more sections dealing with tree care and maintenance. As in §§ 2-107 and 2-108, there is the option of including a broad statement about tree care, or outlining detailed sections about maintenance.

(1) Tree maintenance may include pruning, fertilizing, watering, insect and diseases control or other tree care activities. The city shall take responsibility for those maintenance activities needed to keep the public trees reasonably healthy and minimize the risk of hazard trees could cause to residents and visitors of the city. Determination of maintenance needs will be made by the tree board/city forester. Tree care may be accomplished by city personnel or by contract with commercial tree care companies.

(2) Care and maintenance of private trees are encouraged to minimize safety hazards to people and the health risk to other trees in the community. The tree board/city forester will provide information in a timely manner to residents about all aspects of tree care including the latest techniques and procedures currently being practiced.

(3) The practice of tree topping is prohibited on all public trees and is strongly discouraged as a tree care practice for private trees. Proper pruning

with branch removal at branch or trunk junctures is the best practice for limb removal. (1974 Code, § 1-1210)

2-111. Tree care and protection--option 2. A number of other options may also be included in a tree care section. For instance, certain specifications about pruning, fertilization, or specific insect or disease problems may be included. This section will apply to both public and private trees. The tree board will notify property owner of any offending trees.

(1) Trees growing along side streets and sidewalks must be pruned free of limbs to a height of eight feet (8') for sidewalks and twelve feet (12') for streets.

(2) The standard tree pruning method will be branch collar pruning as opposed to stubs or flush cuts. Large limbs and branches will be pre-cut to prevent excessive peeling of the bark, followed by cutting the remaining stub.

(3) Fertilization of trees will be accomplished when the tree board/city forester determines a tree is deficient in nutrients. Determination is made by leaf color or size, twig growth, soil test, or other diagnostic methods. Fertilizer will be applied on the soil surface at the appropriate time of year.

(4) Because of the special significance of the dogwood tree (this could also apply to oak, elm, crabapple or any species of tree) to the city, the tree board/city forester will inspect trees for dogwood borer (or other insect or disease problems) and effect treatment where infestation has occurred at the appropriate time of year. The tree board/city forester shall also give notice to owners of private infested trees and upon receiving such notice shall be required to effect treatment of affected trees growing on their property.

(5) Extensive root system damage to public trees is prohibited. Grade changes and trenching within the crown spread (ends of branches) is prohibited without permission of the tree board/city forester. Owners of private trees are encouraged to consult the tree board/city forester before proceeding with these activities. (1974 Code, § 1-1211)

2-112. Tree removal--option 1. Tree removal is the third component of a city tree program, and is as important for health and safety as it is for esthetics.

(1) Dead and dying trees that pose a safety or health risk to residents or the other trees shall be removed in a timely manner. This section will apply to both public and private trees. The tree board/city forester will serve notice of said risk, and give an allowed time for said removal.

(2) Upon receipt of notice to remove, the owner may appeal the decision within fifteen (15) days (or next meeting) to the board of aldermen.

(3) Stump removal to below ground level is considered part of the tree removal process. (1974 Code, § 1-1212)

2-113. Removal--option 2. (1) Dead trees, and dying trees on public property that pose a safety or health risk to residents or to other trees, will be removed. Upon inspection by the tree board/city forester, those trees on public property found to be dead, and those found to be dying that pose a safety or health risk to residents or other trees, shall be removed in a timely manner.

(2) The tree board/city forester will upon finding dead or dying trees on private property, notify the landowner of such tree and encourage the landowner to remove said tree. (1974 Code, § 1-1213)

2-114. Special considerations. (1) Tree topping of all public trees is prohibited, and topping of private trees is strongly discouraged. The tree board/city forester shall promote the use of proper pruning procedures.

(2) Tree pruning in the vicinity of power lines shall be undertaken by the public utility to assure the supply of electricity to its customers. Drop crotch pruning and pruning to laterals are the required methods. Where possible, the utility shall undertake a program of replacing large trees with small maturing ornamental trees of the kind recommended by the tree board/city forester. (1974 Code, § 1-1214)

2-115. Developments and land use changes--option 1. (1) As it pertains to commercial and residential development, the city maintains that it is in the best interest of all concerned to save as many existing trees as practical.

(2) Impact plans will include general locations of trees to be removed, and areas of trees that will be retained. Plans will also indicate the general layout of roads, utilities, parking areas for vehicles, storage areas for construction materials, and other items that disturb or compact the soil in tree root zones.

(3) To adequately protect trees to be preserved, the plan shall also include proposed grading work and subsequent erosion control measures to prevent siltation over the roots of trees that will remain.

(4) The plan will also outline additional landscape trees that need to be planted to bring the finished project up to the desired vegetation level. To allow the developer maximum flexibility, the tree board/city forester will apply a fixed formula that balances the number and size of trees replanted in order to retain a desired density factor.

(5) All trees on publicly owned property or private construction sites near any excavation or construction activity shall be guarded by a four-foot (4') high (minimum) fence at a distance from the trunk equal to the crown spread of the tree. The fence shall be identified as a tree protection zone and no building material, dirt, or other debris, or any vehicles shall be allowed inside the barrier. (1974 Code, § 1-1215)

2-116. Appeal and penalties. (1) Any person dissatisfied with the decisions, rules, regulations, and interpretations of the tree board/city forester shall have right to appeal to the board of aldermen. Appeal shall be within thirty (30) days and shall be made in writing.

(2) Any person violating this chapter shall be deemed guilty of a misdemeanor, and according to the laws of the State of Tennessee shall be fined a maximum of fifty dollars (\$50.00). Each subsequent day that any violation continues unabated shall constitute a separate offense. (1974 Code, § 1-1216)