

TITLE 20

MISCELLANEOUS

CHAPTER

1. MEETINGS ON PUBLIC PROPERTY.
2. INNER CITY TRANSPORTATION FRANCHISE REGULATIONS.
3. CIVIL DEFENSE ORGANIZATION.
4. DEPARTMENT OF TOURISM DEVELOPMENT.
5. MISCELLANEOUS.
6. TELEPHONE SERVICE.
7. PUBLIC CONVEYANCE FRANCHISE.
8. PUBLIC LIBRARY.
9. TREE ORDINANCE.

CHAPTER 1

MEETINGS ON PUBLIC PROPERTY

SECTION

20-101. Meetings on public property.

20-102. Litter and debris.

20-101. Meetings on public property. It shall be unlawful to hold any outdoor meetings **FOR THE PURPOSE OF EXPRESSIVE ACTIVITY** on public property, unless a permit for such event has been issued by the city manager.

(1) Application for **USE OF A PARK FOR RALLY, MEETING, OR OTHER EXPRESSIVE ACTIVITY** shall be made to the city manager at least five (5) days prior to the event, and shall contain the following information:

- (a) A description of the event;
- (b) The day and hour of the event;
- (c) Location of the event;
- (d) A reasonable and good-faith approximation of the number of persons expected to attend the event;
- (e) The names and addresses of the persons sponsoring the event;
- (f) Any additional information which the city manager shall find reasonably necessary to a fair determination as to whether a permit should issue.

(2) If the proposed rally or meeting does not comply with rules and regulations for Pigeon Forge parks, the city manager may present alternative locations, times, or other conditions that will comply. The applicant can either accept the city manager's changes or submit a new application within forty-eight (48) hours of the event that does comply with the issues raised by the city manager.

(3) Upon compliance with this section, a permit shall be issued by the city manager. (1979 Code, § 12-401)

20-102. Litter and debris. The applicant shall be responsible for all litter and debris left in the area as a result of the activity. Any person violating this section shall be liable for the expense of removing any litter or debris. Payment of a fine shall not relieve such liability. (1979 Code, § 12-402)

CHAPTER 2

INNER CITY TRANSPORTATION FRANCHISE REGULATIONS

SECTION

- 20-201. Short title.
- 20-202. Definitions.
- 20-203. Certificate of franchise.
- 20-204. Grant of authority.
- 20-205. Fares.
- 20-206. Termination.
- 20-207. Compliance with applicable laws and ordinances.
- 20-208. Territorial area.
- 20-209. Operation and maintenance of system.
- 20-210. Safety requirements.
- 20-211. Transfer of franchise.
- 20-212. Liability and indemnification.
- 20-213. Severability.

20-201. Short title. This chapter shall be known as the inner city transportation franchise ordinance. (1979 Code, § 13-401)

20-202. Definitions. For the purposes of this chapter, the following terms, phrases, words and their derivation shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory:

- (1) "City" is the City of Pigeon Forge, Tennessee.
- (2) "Commissioners" is the Board of Commissioners of the City of Pigeon Forge, Tennessee.
- (3) "Inner city transportation," hereinafter referred to as "system," means a system of bus or trolley car transportation, capable of transporting not less than ten adult persons from points established within the City of Pigeon Forge, Tennessee, along designated courses within the corporate limits.
- (4) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
- (5) "Grantee" is any person, partnership, firm, association, corporation, company, or organization awarded by resolution of the Board of Commissioners of the City of Pigeon Forge, Tennessee, a franchise to operate an inner city transportation system for the citizens, residents, tourists or visitors for a fee.
- (6) "Franchise fee" is compensation for the permit granted to any grantee for permission to use the streets and public ways of the city and its service area for an inner city transportation system, the grantee shall make

payment to the city an annual amount equal to a percentage of its gross revenues and all sources attributual to the operation of the certificate holder. The actual percentage of the annual gross revenues, which is hereby defined in the same manner in respect as "gross receipts" (previously defined by the appropriate sections of this code) shall be determined by the grant of the certificate of franchise.

(7) "Streets and roadways" is any street, highway, boulevard, concourse, driveway, bridge, tunnel, park, parkway, waterway, dock, alley, or any other public right of way suitable for vehicle traffic within the corporate limits of the city. (1979 Code, § 13-402)

20-203. Certificate of franchise. The certificate of franchise awarded by the city shall be in effect for a period of not less than one (1) year nor more than ten (10) years from the date of the award. The franchise may be awarded by a resolution of the city incorporating the specific terms of the franchise and, if desired, authorizing the execution of a contract governing the operations of the inner city transportation system of the grantee by written instrument deemed by the commissioners to be in the best interest of the citizens and residents of the City of Pigeon Forge, Tennessee, and acceptable in terms and conditions to the grantee. (1979 Code, § 13-403)

20-204. Grant of authority. The authority granted to the grantee by the city of the right and privilege to create an inner city transportation system for its citizens, residents, visitors and tourists, may be exclusive or nonexclusive in the discretion of the city which may reserve the right to grant a certificate of franchise for similar use by any other grantee for provision of service. The city shall prescribe to the grantee and the grantee shall assume certain duties and obligations of service of inner city transportation setting out minimum quantities, qualities and areas of service. (1979 Code, § 13-404)

20-205. Fares. All applicants for a franchise shall submit a full listing of their transportation schedules and service fares. The commissioners must approve these fares and any additional changes during the term of the franchise. (1979 Code, § 13-405)

20-206. Termination. The commissioners shall have the right to cancel and terminate the certificate of franchise in the event the grantee fails, within thirty (30) days from written notice thereof by the city, to comply with any material or substantial portion of this chapter, the resolution awarding the certificate of franchise, or the contractual agreement made and entered into by and between the city and the grantee. (1979 Code, § 13-406)

20-207. Compliance with applicable laws and ordinances. Grantee shall at all times during the life of the franchise be subject to all lawful exercises

of the police power of the city and to such reasonable regulation as the city may hereinafter provide. (1979 Code, § 13-407)

20-208. Territorial area. This franchise relates to the present corporate limits of the city and to any area henceforth added to during the term of the franchise. (1979 Code, § 13-408)

20-209. Operation and maintenance of system. The grantee shall render efficient service, make repairs promptly so as to insure an uninterrupted inner city transportation service. Grantee shall maintain an office in the city which shall be open during all usual business hours and have a listed telephone and be so operated that complaints and requests for service may be received during daytime hours at a minimum of forty (40) hours per week. (1979 Code, § 13-409)

20-210. Safety requirements. Grantee shall at all times employ ordinary care and shall install and maintain and use, may accept the methods of mass transportation so as to prevent failures or accidents which are likely to cause damage, injuries, or nuisances to the public. (1979 Code, § 13-410)

20-211. Transfer of franchise. This certificate shall not be assigned or transferred either in whole or in part or lease, sublet, or mortgaged in any manner, nor shall title thereto, either legal or equitable or any right, interest or property therein, pass to or vest in any person, either by act of the guarantee or by operation of law, without the consent of the city. A sale of 49% or more of the shares of the stock in the grantee, in the event the grantee is a corporation, shall be deemed an assignment or transfer within the terms of this chapter and therefor prohibited. (1979 Code, § 13-411)

20-212. Liability and indemnification. Any grantee awarded a franchise under this chapter shall be required to make payment of all damages and penalties which the city may be required to pay as the result of the granting of this franchise. (1979 Code, § 13-412)

20-213. Severability. Expenses shall be defined to include any and all out of the pocket expenses such as attorney's fees or costs of litigation. The grantee shall maintain a public liability insurance policy with the city as the named insured in a minimum amount deemed appropriate by the commissioners in the award of the certificate of franchise. (1979 Code, § 13-413)

CHAPTER 3

CIVIL DEFENSE ORGANIZATION

SECTION

- 20-301. Sevier County Civil Defense Organization created.
- 20-302. Authority and responsibilities.
- 20-303. Office of director, his authority and responsibility.
- 20-304. Sevier County Civil Defense Corps created.
- 20-305. No municipal or private liability.
- 20-306. Expenses of civil defense.

20-301. Sevier County Civil Defense Organization created. There is hereby created the Sevier County civil defense organization, which shall be a joint operation by the Cities of Pigeon Forge, Sevierville, and Gatlinburg and the County of Sevier for the purpose of organizing and directing civil defense for the citizens of the entire county. All other civil defense agencies within the corporate limits of Sevier County shall be considered as a total part of the county-wide civil defense emergency resources and when such agencies operate out of their corporate limits it shall be at the direction of, subordinate to, and as a part of the Sevier County Civil Defense Organization. (1979 Code, § 1-1001)

20-302. Authority and responsibilities. In accordance with federal and state enactments of law, the Sevier County Civil Defense Organization is hereby authorized to assist the regular government of the county and the governments of all political subdivisions therein, as may be necessary due to enemy caused emergency or natural disasters, including but limited to: storms, floods, fires, explosions, tornadoes, hurricanes, droughts, or peace-time man-made disasters which might occur affecting the lives, health, safety, welfare, and property of the citizens of Sevier County. The Sevier County Civil Defense Organization is hereby authorized to perform such duties and functions as may be necessary on account of said disasters. The Sevier County Civil Defense Organization is hereby designated the official agency to assist regular forces in time of said emergencies.

The Sevier County Civil Defense Organization shall be responsible for preparation and readiness against enemy caused and natural emergencies arising in Sevier County, to establish and co-ordinate emergency plans, forces, means, and resources, and is hereby designated the official agency to establish such emergency plans. (1979 Code, § 1-1002)

20-303. Office of director, his authority and responsibility. The office of the director of civil defense is hereby created. The director shall have the authority to request the declaration of the existence of an emergency by the mayors and county judge, or either, or by higher authority as appropriate.

The director shall have overall responsibility for the preparation of all plans and recruitment and training of personnel. All local civil defense plans will be in consonance with state plans and shall be approved by the state civil defense office.

The director is hereby given the authority to delegate such responsibility and authority as is necessary to carry out the purposes of this chapter, subject to the approval of the chief executive officers of the cities and the county.

The director shall be responsible to the chief executive officers of the cities and the county for the execution of the authorities, duties, and responsibilities of the Sevier County Defense Organization, for the preparation of all plans, and for recruitment and training of personnel. (1979 Code, § 1-1003)

20-304. Sevier County Civil Defense Corps created. The Sevier County Civil Defense Corps is hereby created. The corps shall be under the direction of the director of civil defense and his staff members with delegated authority. It shall consist of designated regular government employees and volunteer workers. Duties and responsibilities of the corps members shall be outlined in the civil defense emergency plan. (1979 Code, § 1-1004)

20-305. No municipal or private liability. The duties prescribed in this document is an exercise by the cities and the county of their governmental functions for the protection of public peace, health and safety and neither the Cities of Gatlinburg, Sevierville, or Pigeon Forge, nor Sevier County, nor the agents and representatives of said cities and county, nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof, in good faith carrying out, complying with, or attempting to comply with, any order, rule, or regulation promulgated pursuant to the provisions of this document shall be liable for any damage sustained to any person or property as the result of said activity. Any person owning or controlling real estate or other premises for the purpose of sheltering persons during an actual, impending, or practice enemy attack, shall together with his successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such estate or premises or for loss of, or damage to, the property of such person. (1979 Code, § 1-1005)

20-306. Expenses of civil defense. No person shall have the right to expend any public funds of the cities or the county in carrying out any civil defense activities authorized by this document without prior approval by the governing bodies of the cities or county or both; nor shall any person have any right to bind the cities or the county by contract, agreement, or otherwise without prior and specific approval by the governing bodies of the cities or the county, or both. The civil defense director shall disburse such monies as may be provided annually by appropriation of the cities and the county for the operation of the civil defense organization. Control of disbursements will be as prescribed

by agreement between the treasurers of the cities and the county. He shall be responsible for the preparation and submission of a budget with recommendations as to its adoption by the cities and the county. All funds shall be disbursed upon vouchers properly executed by the director of civil defense subject to audit by either of the cities or Sevier County. The civil defense director is hereby authorized to accept federal contributions in money, equipment, or otherwise, when available, or state contributions, and is further authorized to accept contributions to the civil defense organization from individuals and other organizations, such funds becoming liable for audit by the cities and the county. (1979 Code, § 1-1006)

CHAPTER 4

DEPARTMENT OF TOURISM DEVELOPMENT

SECTION

20-401. Department established.

20-402. Purpose of department.

20-403. Funding of department.

20-404. Citizens tourism advisory board of directors established.

20-405. Function of citizens tourism advisory board of directors.

20-406. Appointment of executive director of department of tourism development.

20-407. Fiscal and budgetary requirements.

20-401. Department established. There is hereby established a department of tourism development for the purpose of promoting tourist and convention business within the corporate limits of Pigeon Forge, Tennessee. (1979 Code, § 1-1301)

20-402. Purpose of department. The department of tourism development shall plan to conduct programs of information and publicity designed to attract to the city, tourists, visitors, and other interested persons from outside of the corporate limits, and to also encourage and coordinate the efforts of other public and private organizations or groups of citizens to publicize the facilities and attractions of the area for the same purposes. The department shall supervise the acquisition, construction, remodeling and operations of facilities useful in the attraction and promotion of tourist, convention and recreational businesses. (1979 Code, § 1-1302)

20-403. Funding of department. The department shall be funded by the proceeds assessed by the promotion of tourism in the motel and amusement privilege taxes as provided for by Title 5, Chapters 6 and 7 of the Municipal Code of the City of Pigeon Forge, Tennessee. (1979 Code, § 1-1303)

20-404. Citizens tourism advisory board of directors established. In order that the city may more effectively operate the department and since the department should have guidance from the private sector, the City of Pigeon Forge does hereby establish a citizen tourism advisory board of directors for the department of tourism. This board shall be comprised of eleven (11) members with the following qualifications or otherwise meeting the following standards:

- (1) City Manager of Pigeon Forge, Tennessee.
- (2) Director of the department of tourism.
- (3) One (1) representative from the private sector engaged in the attractions industry.

(4) One (1) representative from the private sector engaged in the hotel, motel or campground industry.

(5) One (1) representative from the private sector engaged in the restaurant industry.

(6) One (1) representative from the private sector engaged in the retail industry.

(7) One (1) representative from the private sector engaged in the service industry.

(8) One (1) representative from the private sector engaged in the vacation lodging service industry including but not limited to cabins and condos.

(9) Three (3) representatives serving from at large.

This board shall be appointed by the Pigeon Forge Board of Mayor and Commissioners to serve for a term as follows:

(a) A representative from the private sector engaged in the attraction industry for a three (3) year term;

(b) A representative from the private sector engaged in the hotel, motel or campground industry for a three-year term;

(c) A representative from the private sector engaged in the restaurant industry for a three (3) year term;

(d) A representative from the private sector engaged in the retail industry for a three (3) year term;

(e) A representative from the private sector engaged in the service industry for a three (3) year term;

(f) A representative from the private sector engaged in the vacation lodging service industry for a three (3) year term;

(g) Each of the three (3) representatives serving from at large for a two (2) year term;

The City Manager of Pigeon Forge, Tennessee, and the Director of the Department of Tourism of the City of Pigeon Forge, Tennessee for a perpetual term. Expired terms of vacancies are to be filled in the same manner as the original appointments are made. Any vacancy occurring on the board shall be filled for the duration of the unexpired term only.

All members shall serve without compensation except reimbursement for necessary expenses on approval by the board of commissioners (1979 Code, § 1-1304, as amended by Ord. #595, May 1999, and replaced by Ord. #912, Aug. 2010, and Ord. #1068, Dec. 2018)

20-405. Function of the citizen tourism advisory board of directors. The role and function of the board shall be advisory in nature, providing guidance and recommendations to the department of tourism, city manager, and board of commissioners, relating to the annual marketing and promotional plans produced by the city's tourism department. The board of directors shall meet when called by the city manager or the executive director of the department of tourism and shall advise and assist the department of

tourism in the approval of marketing plans. The board of directors shall elect a chairman and vice chairman. Accurate minutes of each and every meeting shall be kept by staff. (1979 Code, § 1-1305, as replaced by Ord. #912, Aug. 2010, and Ord. #1068, Dec. 2018)

20-406. Appointment of executive director of department of tourism development. The city manager shall appoint an executive director as the administrative head of the department of tourism development. The salary, benefits, job description and all other contractual agreements for the executive director shall be fixed by the city board of commissioners. (1979 Code, § 1-1306)

20-407. Fiscal and budgetary requirements. The department of tourism development shall present to the city board of commissioners an annual budget, and any and all expenditures shall be made in accordance with the established budget, and otherwise in the same manner and under the same guidelines provided for the city charter. Funds not used in a fiscal year will be returned to the general fund of the city, if not previously committed for a specific use. The executive director and the department of tourism development citizens advisory board shall prepare and submit to the city board of commissioners an administrative budget and, in addition thereto, are authorized to budget separately any special advertising or promotional budget designed for specific purposes for the city. (1979 Code, § 1-1307)

CHAPTER 5

MISCELLANEOUS

SECTION

20-501. Location of utility poles.

20-501. Location of utility poles. Any utility desirous of locating, or relocating, any utility pole within the corporate limits of the City of Pigeon Forge shall first be required to secure approval from the city manager or building official as to the location of said pole except for poles to be located on private property.

It shall be unlawful for any utility to so locate any such pole without approval of the city manager or building official as to its location. (1979 Code, § 13-301)

CHAPTER 6

TELEPHONE SERVICE

SECTION

20-601. To be furnished under franchise.

20-601. To be furnished under franchise. Telephone service shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant.¹ The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.

¹The agreements are of record in the office of the city recorder.

CHAPTER 7

PUBLIC CONVEYANCE FRANCHISE

SECTION

20-701. To be furnished under franchise.

20-701. To be furnished under franchise. Public conveyance service shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant.¹ The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.

¹The agreements are of record in the office of the city recorder.

CHAPTER 8

PUBLIC LIBRARY

SECTION

- 20-801. Creation.
- 20-802. Failure to return materials.
- 20-803. Using fictitious name or address.
- 20-804. Defacing library property.
- 20-805. Penalties.
- 20-806. Library board.
- 20-807. Budget.
- 20-808. Library gifts, grants, and bequests.

20-801. Creation. There is hereby created a city library for the City of Pigeon Forge, Tennessee. (as added by Ord. #647, March 2001)

20-802. Failure to return materials. It shall be unlawful for any person to detain or fail to return to the city library, any book, periodical, newspaper, plate, engraving, pamphlet, manuscript, pictures, clipping, phonograph record, or other sound recording, motion picture film, black and white film strip, tape, cassette, or other property belonging to the library provided for the public education, use and welfare of the citizens of Pigeon Forge, Tennessee, and the community, after the lapse of thirty (30) days from the date of posting by certified mail a notice addressed to such person at the last address furnished the library, which notice may be given any time after the date of which such person shall have returned the loaned property in accordance with the rules of such library; provided however, that no penalty shall be imposed in any case where restitution of value shall have been made prior to the expiration of said thirty (30) days; nor in any case will the return of any library property herein enumerated has been rendered impossible by cause beyond the control of the borrower. (as added by Ord. #647, March 2001)

20-803. Using fictitious name or address. It shall be an offense to give fictitious or incorrect name or address at the city library in order to obtain possession or use of any library property or services. (as added by Ord. #647, March 2001)

20-804. Defacing library property. It shall be an offense for any person to cut, write upon, injure, deface, tear or destroy any library property. (as added by Ord. #647, March 2001)

20-805. Penalties. Any offense enumerated herein shall be punishable by a fine no greater than \$500.00 in addition to any other remedy available at law. (as added by Ord. #647, March 2001)

20-806. Library board. (1) There is hereby created a library board.

(2) The library board shall have the composition required by Tennessee Code Annotated, § 10-3-102.

(3) In the event a vacancy on the library board occasioned by death, resignation, inability, or refusal of a member thereof to serve, in any such event, said vacancy shall be filled for the unexpired term by appointment by the mayor.

(4) The members of the library board shall meet in regular session and organize each year by election from their number, a chairman, vice chairman and a secretary; each person so elected shall hold office for one year or until his successor is elected and qualifies.

(5) The library board shall meet in regular session on the fourth Wednesday of March, June, September, and December at 12:00 noon, at city library. It shall be the duty of the chairman to preside over all meetings of the library board and in the absence of the chairman, the vice chairman shall preside. Any meetings, other than a regular meeting shall be called by the library director, the chairman or by any four (4) members thereof.

(6) Four (4) members of the library board present at a meeting shall constitute a quorum.

(7) The secretary of the library board shall keep a record of all proceedings thereof.

(8) The library board shall serve in an advisory capacity to the library director and shall recommend rules and regulations for the conduct, control, government and operation of the city library. Such rules and regulations shall not be effective until approved by the city manager. (as added by Ord. #647, March 2001, and amended by Ord. #1001, May 2015)

20-807. Budget. The library director shall submit to the city manager in accordance with the budget calendar, a proposed library budget. (as added by Ord. #647, March 2001)

20-808. Library gifts, grants and bequests. Any gift, bequest or contribution made for the use of the city library shall be deposited with the city treasurer and held by her in trust, to be kept separate from all other city funds and shall be disbursed only upon direction of the library director. (as added by Ord. #647, March 2001)

CHAPTER 9

TREE ORDINANCE

SECTION

- 20-901. Definitions.
- 20-902. Creation and establishment of a city tree board.
- 20-903. Term of office.
- 20-904. Compensation.
- 20-905. Duties and responsibilities.
- 20-906. Operation.
- 20-907. Street tree species to be planted.
- 20-908. Spacing.
- 20-909. Distance from curbs and sidewalks.
- 20-910. Distance from street corners and fire hydrants.
- 20-911. Utilities.
- 20-912. Public tree care.
- 20-913. Tree topping.
- 20-914. Pruning, corner clearance.
- 20-915. Dead, damaged, or diseased tree removal on private property.
- 20-916. Removal of stumps.
- 20-917. Interference with city tree board.
- 20-918. Liability and bond.
- 20-919. Review by city commission.

20-901. Definitions. (1) "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.

(2) "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 to which the public has free access as a park, such as a bike, jogging, or walking trail, or small street or civic garden. (as added by Ord. #663, Nov. 2001)

20-902. Creation and establishment of a city tree board. There is hereby created and established a city tree board for the City of Pigeon Forge, Tennessee which shall consist of 5 voting members, who shall be appointed by the mayor. The city manager and the director of parks and recreation shall serve as ex officio members of the board. (as added by Ord. #663, Nov. 2001)

20-903. Term of office. The initial appointments to the city tree board shall have the following term limits for the 5 voting members: 1 member shall serve a one (1) year term, 2 members shall serve two (2) year terms, and 2

members shall serve three (3) year terms. Every appointment, thereafter, shall be for a three (3) year term. (as added by Ord. #663, Nov. 2001)

20-904. Compensation. Members of the board or related committees shall serve without compensation. (as added by Ord. #663, Nov. 2001)

20-905. Duties and responsibilities. The board shall consider, investigate, make findings, report and recommend upon any special matter or questions concerning this ordinance. (as added by Ord. #663, Nov. 2001)

20-906. Operation. The board shall meet periodically, but not less than 3 times a year, to discuss pending issues of this ordinance and must document minutes of the proceedings. The board shall choose its own officers and a majority of the members shall be a quorum for the transaction of business. (as added by Ord. #663, Nov. 2001)

20-907. Street tree species to be planted. The city tree board will establish and maintain a list of approved street trees in three size categories, including small, medium and large. No species other than those included in the board's current approved list may be planted as street trees without the written permission of the board. (as added by Ord. #663, Nov. 2001)

20-908. Spacing. The spacing of street trees will be in accordance with the three species size classes listed in § 20-907 of this ordinance, and no trees may be planted closer together than the following: small trees, 20 feet; medium trees, 30 feet; and large trees, 40 feet; except in special plantings designed by a landscape architect and approved by the board. (as added by Ord. #663, Nov. 2001)

20-909. Distance from curbs and sidewalks. The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes listed in § 20-907 of this ordinance, and no trees may be planted closer to any curb or sidewalk than the following: small trees, 2 feet; medium trees, 4 feet; large trees, 5 feet. (as added by Ord. #663, Nov. 2001)

20-910. Distance from street corners and fire hydrants. No street tree shall be planted closer than 30 feet from any street corner, measured from the point of nearest intersecting curbs or curb lines. More stringent restrictions may be necessary where sight distance problems exist. No street tree shall be planted closer than 9 feet from a fire hydrant. (as added by Ord. #663, Nov. 2001)

20-911. Utilities. No street trees other than those species listed as small or medium trees in § 20-907 of this ordinance may be planted under or within

10 lateral feet of or inside the easement for any overhead utility wire, or over or within 5 lateral feet of or inside the easement for any underground water line, sewer line, transmission line or other utility. (as added by Ord. #663, Nov. 2001)

20-912. Public tree care. The city shall have the right to plant, prune, maintain, and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public ways. The city tree board may remove or cause to be removed, any tree or part thereof, which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. 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 §§ 20-907 through 20-911 of this ordinance. This section does not prohibit a public utility from removing any tree or part thereof that intrudes into or over a utility easement or interferes with the operation and maintenance of the utility system. (as added by Ord. #663, Nov. 2001)

20-913. 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 or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the city tree board. (as added by Ord. #663, Nov. 2001)

20-914. 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 of eight (8) feet above the surface of the street or sidewalk. Lateral pruning methods shall be used when pruning trees. Said owners shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs, which constitute a menace to the safety to the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign. (as added by Ord. #663, Nov. 2001)

20-915. Dead, damaged, or diseased tree removal on private property. The city 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, or harbor insects or disease which constitute a potential threat to other trees within the city. The city tree board will notify in writing the owners of such trees and charge the cost of removal on the owner's property tax notice. (as added by Ord. #663, Nov. 2001)

20-916. Removal of stumps. All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground. (as added by Ord. #663, Nov. 2001)

20-917. 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, 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 by this ordinance. (as added by Ord. #663, Nov. 2001)

20-918. Liability 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 within the city, without first applying for and procuring a business license. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$100,000 property damage indemnifying the city or any person injured or property damaged from the pursuit of such endeavors as herein described. Individual property owners, working on their own property are exempt from the provisions of this section. (as added by Ord. #663, Nov. 2001)

20-919. Review by city commission. The board of commissioners shall have the right to review the conduct, acts, and decisions of the city tree board. Any person may file an appeal on any ruling or order of the city tree board to the board of commissioners, who may hear the matter and make the final decision. (as added by Ord. #663, Nov. 2001)