

TITLE 2**BOARDS AND COMMISSIONS, ETC.****CHAPTER**

1. CITY TREES-TRAILS AND BEAUTIFICATION BOARD.
2. FAIR HOUSING REVIEW BOARD.

CHAPTER 1**CITY TREES-TRAILS AND BEAUTIFICATION BOARD****SECTION**

- 2-101. Definitions.
- 2-102. Creation and establishment of a City Trees-Trails and Beautification Board.
- 2-103. Term of office.
- 2-104. Compensation.
- 2-105. Duties and responsibilities.
- 2-106. Operation.
- 2-107. Species to be planted.
- 2-108. Spacing.
- 2-109. Distance from curbs and sidewalks.
- 2-110. Distance from street corners and fireplugs.
- 2-111. Utilities.
- 2-112. Public tree care.
- 2-113. Tree topping.
- 2-114. Pruning, corner clearance.
- 2-115. Dead or diseased tree removal on private property.
- 2-116. Removal of stumps on public property.
- 2-117. Interference with City Trees-Trails and Beautification Board.
- 2-118. Review by Board of Mayor and Aldermen.
- 2-119. Penalty.

2-101. Definitions.

(1) "Beautification" is herein defined as a function of the City Trees-Trails and Beautification Board, applying to public rights-of-way and lands, whereby encouragement will be given to the installation, growth and care of trees, shrubs, other vegetation and associated structures which are consistent with professionally accepted standards and practices of horticulture and landscape design and architecture.

(2) "Park trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation in public parks or trails 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.

(3) "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying within public right-of-way of all streets, avenues, or ways within the City.

(4) "Trails" are herein defined as a recreational asset-a linear park with multiple access points, a trail system, parking areas and other amenities such as benches and signage. (1996 Code, § 2-201)

2-102. Creation and establishment of a City Trees-Trails and Beautification Board. There is hereby created and established a City Trees-Trails and Beautification Board for the City of Sevierville, Tennessee, which shall consist of an eleven (11) member board. Trees-Trails and Beautification Board members shall be citizens and residents of the City or County with one (1) member being a representative from the Tennessee Department of Agriculture, Division of Forestry, one (1) member being a member of the Sevierville Garden Club, one (1) member being a member of the Keep Sevier Beautiful Organization, one (1) member being a representative to the Sevier County Electric System and one (1) member being the Director of Parks and Recreation who shall be a voting member in case of a tie vote only, and shall serve as Chairman of the Trees-Trails and Beautification Board. All appointed members shall be appointed by the Mayor and approved by the Board of Aldermen. (1996 Code, § 2-202)

2-103. Term of office. The terms of five (5) persons appointed to the Trees-Trails and Beautification Board shall be for two (2) years and for five (5) members a three (3) year term. The Board of Aldermen representative term shall be an annual appointment by the Mayor and approved by the Board of Aldermen. The Chairman shall be the Director of Parks and Recreation and shall serve during the status of employment with the City of Sevierville. In the event that a vacancy shall occur during the term of any member, his/her successor shall be appointed for the expired portion of the term. (1996 Code, § 2-203)

2-104. Compensation. Members of the Board or related committees shall serve without compensation. (1996 Code, § 2-204)

2-105. Duties and responsibilities. It shall be the responsibility of the Board to study, investigate, counsel and 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, trails, and in other public areas. The Board shall be responsible, also, for the

promotion of beautification on public rights-of-way, trails and land as defined in § 2-201 of this chapter. The plan required of the Board shall be presented annually to the Mayor and Board of Alderman of the City of Sevierville, and upon their acceptance and approval shall constitute the official comprehensive City trees, trails and beautification plan. (1996 Code, § 2-205)

2-106. Operation. The Board shall elect all officers except the Chairman, make its own rules and regulations and keep a journal of its proceedings. A majority of the members present shall constitute a quorum for the transaction of business. The Director of Parks and Recreation shall serve as Chairman of this Board, providing staff support as is required for the Board to carry out its duties. (1996 Code, § 2-206)

2-107. Species to be planted. The Board shall maintain a list of species, consisting of plants, which are deemed suitable for installation on public rights-of-way and land. According to its discretion, the Board may revise the particular species included in such list of species, however any revision to that list must clearly indicate the date on which the revision became effective. (1996 Code, § 2-207)

2-108. Spacing. The spacing of street trees will be in accordance with the approved list of species, and no trees may be planted closer together than the following:

- (1) Small trees, twenty feet (20');
- (2) Medium trees, thirty feet (30');
- (3) Large trees, forty feet (40'); or
- (4) Except in special planting designed or approved by the City Engineer or Landscape Architect. (1996 Code, § 2-208)

2-109. Distance from curbs and sidewalks. The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the approved list of species, and no trees may be planted closer to any curb or sidewalk than the following:

- (1) Small trees, two feet (2');
- (2) Medium trees, two and one-half feet (2.5'); or
- (3) Large trees, three feet (3'). (1996 Code, § 2-209)

2-110. Distance from street corners and fireplugs. No street trees, other than those listed in the approved list of species at the time of planting, shall be planted closer than thirty feet (30') of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than eight feet (8') of a fireplug. (1996 Code, § 2-210)

2-111. Utilities. No street trees other than those species listed in the approved list of species at the time of planting may be planted under or within ten lateral feet (10') of any overhead utility wire, or over or within five lateral feet (5') of any underground water line, sewer line, transmission line or other utility. (1996 Code, § 2-211)

2-112. 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, public ways parks and trails to promote safety or to preserve or enhance the symmetry and beauty of such public grounds. The City Trees-Trails and Beautification 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 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 §§ 2-107 through 2-111 of this chapter. (1996 Code, § 2-212)

2-113. 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 (3") 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 chapter at the determination of the Trees-Trails and Beautification Board. (1996 Code, § 2-213, modified)

2-114. 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 or roadway and so that there shall be a clear space of fourteen feet (14') above the surface of the street or sidewalk.¹ Said owners shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of 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 street light or interferes with visibility of any traffic control device or sign or roadway. (1996 Code, § 2-214)

¹Municipal code reference

Trees projecting over streets: § 16-202.

2-115. Dead or diseased tree removal on private property. The City shall have the right, in accordance to Tennessee Code Annotated § 6-54-113 to cause the removal of any dead, diseased, or insect infested tree or trees on private property within the City, when such tree endangers the health, safety and welfare of the citizenry within the City. The City Trees-Trails and Beautification Board shall cause such removal in accordance with the provisions of Tennessee Code Annotated § 6-54-113 and shall recover the cost of same in accordance with said statute. (1996 Code, § 2-215)

2-116. Removal of stumps on public property. 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. (1996 Code, § 2-216)

2-117. Interference with City Trees-Trails and Beautification Board. It shall be unlawful for any person to prevent, delay or interfere with the City Trees-Trails and Beautification 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 in this chapter. (1996 Code, § 2-217)

2-118. Review by Board of Mayor and Aldermen. The Board of Mayor and Aldermen shall have the right to review the conduct, acts, and decisions of the Trees-Trails and Beautification Board. Any person may appeal from any ruling or order of the Trees-Trails and Beautification Board to the Board of Mayor and Aldermen who may hear the matter and make final decision. (1996 Code, § 2-218, modified)

2-119. Penalty. Any person violating any provision of this chapter shall be, upon conviction or a plea of guilty, subject to a fine not to exceed the maximum allowed by City charter and state law. (1996 Code, § 2-219)

CHAPTER 2

FAIR HOUSING REVIEW BOARD

SECTION

2-201. Creation.

2-202. Designation of Board.

2-203. Powers and duties.

2-201. Creation. There is hereby created a Fair Housing Review Board which shall exist at the pleasure of the Board of Mayor and Aldermen and shall act in accordance with the provisions of this chapter. (1996 Code, § 2-301)

2-202. Designation of Board. The Sevierville Regional Planning Commission is designated as the Fair Housing Review Board and the terms and qualifications for appointment shall be the same. The Fair Housing Review Board shall meet on the regular meeting nights of the Planning Commission and shall conduct its business immediately following the adjournment of the Planning Commission and Board of Zoning Appeals. (1996 Code, § 2-302)

2-203. Powers and duties. It shall be the duty of this Board to hear all complaints and grievances concerning alleged violations of title VIII of the Civil Rights Act of 1968 as amended. Should it become apparent to the Board that a violation has occurred, the Board shall first attempt to mediate a conciliation agreement between the complainant and respondent that sets forth the terms mutually agreed upon. Should such a conciliation agreement not be reached within sixty (60) days after the Board first hears the complaint, the Board shall turn over all information gathered regarding the complaint to the Equal Opportunity and Fair Housing Division of the Department of Housing and Urban Development for further action and possible litigation. (1996 Code, § 2-303)