

TITLE 20

MISCELLANEOUS

CHAPTER

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CHAPTER 1

FAIR HOUSING

SECTION

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20-101. Definitions. Except where the context clearly indicates otherwise, the following terms as used in this chapter shall have the following meanings:

(1) "Hearing committee" means the Building Committee of the Board of Mayor and Aldermen of the City of McMinnville. Said committee shall hear, make determinations, and issue findings in all cases of discriminatory practices in housing resulting from conciliation failure.

(2) "Conciliation agreement" means a written agreement or statement setting forth the terms of the agreement mutually signed and subscribed to by both complainant(s) and respondent(s) and witnessed by a duly authorized enforcing agent.

(3) "Conciliation failure" means any failure to obtain a conciliation agreement between the parties to the discrimination charge or a breach thereof.

(4) "Discrimination" means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, age, familial status, or handicapped, national origin, sex, or the aiding, abetting, inciting, coercing, or compelling thereof.

(5) "Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest in the above.

(6) "Housing accommodations" includes improved and unimproved property and means a building, structure, lot or part thereof which is used or occupied as a home or residence of one or more individuals.

(7) "Real estate operator" means any individual or combination of individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees in bankruptcy, receivers or other legal or commercial entity, the city or any of its agencies, or any owner of real property that is engaged in the business of selling, purchasing, exchanging, renting, or leasing real estate, or the improvements thereof, including options, or that derives income, in whole or in part, from the sale, purchase, exchange, rental, or lease of real estate; or an individual employed by or acting on behalf of any of these.

(8) "Real estate broker" or "real estate salesman" means an individual, whether licensed or not, who, on behalf of others, for a fee, commission, salary, or other valuable consideration, or who with the intention or expectation of receiving or collecting the same, lists, sells, purchases, exchanges, rents, or leases real estate, or the improvements to negotiate on behalf of others such an activity; or who advertises or holds themselves out as engaged in such activities; or who negotiates or attempts to negotiate on behalf of others a loan secured by mortgage or other encumbrances upon a transfer of real estate, or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, exchange, rental, or lease of real estate through its listing in a publication issued primarily for such purpose, or an individual employed by or acting on behalf of any of these. (1982 Code, § 4-501, as replaced by Ord. #622-A, Feb. 1997)

20-102. Purposes of law; construction; effect. The general purposes of this chapter are:

(1) To provide for execution within the City of McMinnville of the policies embodied in Title VIII of the Federal Civil Rights Act of 1968 as amended.

(2) To safeguard all individuals within the city from discrimination in housing opportunities because of race, color, religion, sex, national origin, age, familial status, or handicapped; thereby to protect their interest in personal

dignity and freedom from humiliation; to secure the city against domestic strife and unrest which would menace its democratic institutions; to preserve the public health and general welfare; and to further the interests, rights, and privileges of individuals within the city.

Nothing contained in this chapter shall be deemed to repeal any other law of this city relating to discrimination because of race, color, religion, sex, national origin, age, familial status, or handicapped. (1982 Code, § 4-502, as replaced by Ord. #622-A, Feb. 1997)

20-103. Unlawful housing practices. It is an unlawful practice for a real estate owner or operator or a real estate broker, real estate salesman, or any individual employed by or acting on behalf of any of these:

(1) To refuse to sell, exchange, rent, or lease or otherwise deny to or withhold real property from an individual because of his or her race, color, religion, sex, national origin, age, familial status, or handicapped.

(2) To discriminate against an individual because of his or her race, color, religion, sex, national origin, age, familial status, or handicapped in the terms, conditions, or privileges of the sale, exchange, rental, or lease of real property or in the furnishing of facilities or services in connection therewith.

(3) To refuse to receive or transmit a bona fide offer to purchase, rent, or lease real property from an individual because of his or her race, color, religion, sex, national origin, age, familial status, or handicapped.

(4) To refuse to negotiate for the sale, rental, or lease of real property to an individual because of his or her race, color, religion, sex, national origin, age, familial status, or handicapped.

(5) To represent to an individual that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to refuse to permit an individual to inspect real property because of his or her race, color, religion, sex, national origin, age, familial status, or handicapped.

(6) To print, circulate, post, or mail or cause to be printed, circulated, posted, or mailed an advertisement or sign, or to use a form of application for the purchase, rental, or lease of real property, or to make a record of inquiry in connection with the prospective purchase, rental, or lease of real property, which indicates, directly or indirectly, a limitation, specification, or discrimination as to race, color, religion, sex, national origin, age, familial status, or handicapped or an intent to make such a limitation, specification, or discrimination.

(7) To offer, solicit, accept, use, or retain a listing of real property for sale, rental, or lease with the understanding that an individual may be discriminated against in the sale, rental, or lease of that real property or in the furnishing of facilities or services in connection therewith because of race, color, religion, sex, national origin, age, familial status, or handicapped.

(8) Otherwise to deny to or withhold real property from an individual because of race, color, religion, sex, national origin, age, familial status, or handicapped. (1982 Code, § 4-503, as replaced by Ord. #622-A, Feb. 1997)

20-104. Blockbusting. It is an unlawful practice for a real estate owner or operator, a real estate broker, a real estate salesman, a financial institution, an employee of any of these, or any other person, for the purpose of inducing a real estate transaction from which he may benefit financially:

(1) To represent that a change has occurred or will or may occur in the composition with respect to race, color, religion, sex, national origin, age, familial status, or handicapped of the owners or occupants in the block, neighborhood, or areas in which the real property is located.

(2) To represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located. (1982 Code, § 4-504, as replaced by Ord.#622-A, Feb. 1997)

20-105. Exemptions from housing provisions. (1) Nothing in § 20-103 shall apply:

(a) To the rental of housing accommodations in a building which contains housing accommodations for not more than four families living independently of each other, if the owner or member of his family resides in one of the housing accommodations.

(b) To the rental of one room or one rooming unit in a housing accommodation by an individual if he or a member of his family resides therein.

(c) To a landlord who refuses to rent to an unmarried male-female couple.

(2) Nothing in this chapter shall prevent a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such a religion is restricted on account of race, color, religion, sex, or national origin, age, familial status, or handicapped.

(3) Single sex dormitory rental property shall be excluded from the provisions of this act which relate to discrimination based on sex. (1982 Code, § 4-505, as replaced by Ord. #622-A, Feb. 1997)

20-106. Provisions for enforcement. (1) The violation of any of the provisions of this chapter shall subject the violator to a civil penalty in the amount of \$50.00 to be recovered in a civil action, provided that in the case of a continuing violation, the total penalty shall not exceed \$1,000,000.

(2) The city may sue in a civil act through the General Court of Justice for appropriate remedies to enforce the provisions of this chapter, including temporary restraining orders and mandatory and prohibitory injunctions.

(3) In addition to appropriate civil and/or equitable remedies for enforcement of this chapter, a violation of this chapter shall constitute a

misdemeanor punishable as provided by law. (1982 Code, § 4-506, as replaced by Ord. #622-A, Feb. 1997)

20-107. Agency no defense in proceeding against real estate dealer. It shall be no defense to a violation of this chapter by a real estate owner or operator, real estate broker, real estate salesman, a financial institution, or other person subject to the provisions of this chapter, that the violation was requested, sought, or otherwise procured by a person not subject to the provisions of this chapter. (1982 Code, § 4-507, as replaced by Ord. #622-A, Feb. 1997)

20-108. Establishment of procedures for conciliation. (1) The city shall designate an agent or agents to investigate, make determinations of probable cause, and seek to conciliate apparent violations of this chapter. Conciliation efforts may be initiated by any person(s) said to be subject to discrimination as defined in this chapter.

(2) The board of mayor and aldermen shall establish a hearing committee which in turn shall adopt formal rules and procedures to hear complaints and make appropriate findings. Such procedures shall be made known to all parties of a given charge of discrimination. Hearings by the committee shall commence whenever the agent(s) acting on behalf of the city decide(s) a conciliation failure has occurred and the respondent agrees to participate in the hearing committee proceedings. Hearings open to the public may be initiated by the responding party at any time during the conciliation process. (1982 Code, § 4-508, as replaced by Ord. #622-A, Feb. 1997)

20-109. Findings of hearing committee; nature of affirmative action. (1) If the hearing committee determines that the respondent has not engaged in an unlawful practice, the committee shall state its findings of fact and conclusions of law and shall issue an order dismissing the complaint. A copy of the order shall be delivered to the complainant, the respondent, the city attorney, and such other public officers and persons as the committee deems proper.

(2) If the hearing committee determines that the respondent has engaged in an unlawful practice, it shall state its findings of fact and conclusions of law and shall negotiate such affirmative action as in its judgment will carry out the purposes of this chapter. A copy of the findings shall be delivered to the respondent, the complainant, the city attorney, and such other public officials, officers, and persons as the committee deems proper.

(3) Affirmative action negotiated under this section may include, but not be limited to:

- (a) Extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges, and services of the respondent.
- (b) Reporting as to the manner of compliance.
- (c) Posting of notices in conspicuous places in the respondent's place of business in a form prescribed by the hearing committee.

(d) Sale, exchange, lease, rental, assignment, or sublease of real property to an individual.

(e) Payment to the complainant of damages for injury caused by an unlawful practice, including compensation for humiliation and embarrassment, and expenses incurred by the complainant as a direct result of such unlawful practice.

(4) The provisions for conciliation and affirmative action shall not preclude or in any way impair the enforcement provisions of this chapter. (1982 Code, § 4-509, as replaced by Ord. #622-A, Feb. 1997)

20-110. Investigations, powers, records. (1) In connection with an investigation of a complaint filed under this chapter, the enforcing agent(s) at any reasonable time may request voluntary access to premises, records, and documents relevant to the complaint and may request the right to examine, photograph, and copy evidence.

(2) Every person subject to this chapter shall make, keep, and preserve records relevant to the determination of whether unlawful practices have been or are being committed, such records being maintained and preserved in a manner and to the extent required under the Civil Rights Act of 1968 and any regulations promulgated thereunder.

(3) A person who believes that the application to it of a regulation or order issued under this section would result in undue hardship may apply to the hearing committee for an exemption from the application of the regulational order. If the committee finds that the application of the regulation or order to the person in question would impose an undue hardship, it may grant appropriate relief. (1982 Code, § 4-510, as replaced by Ord. #622-A, Feb. 1997)

20-111. Conspiracy to violate this chapter unlawful. It shall be an unlawful practice for a person or for two or more persons to conspire:

(1) To retaliate or discriminate in any manner against a person because he or she has opposed a practice declared unlawful by this chapter, or because he or she has made a charge, filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under this chapter.

(2) To aid, abet, incite, compel, or coerce a person to engage in any of the acts or practices declared unlawful by this chapter or any order issued thereunder.

(3) To obstruct or prevent a person from complying with the provisions of this chapter or any order issued thereunder.

(4) To resist, prevent, impede, or interfere with the enforcing agent(s), hearing committee, or any of its members or representatives in the lawful performance of duty under this chapter. (1982 Code, § 4-511, as replaced by Ord. #622-A, Feb. 1997)

CHAPTER 2

CITY SERVICES OUTSIDE CORPORATE LIMITS

SECTION

20-201. City services outside corporate limits.

20-201. City services outside corporate limits. (1) The City of McMinnville, Tennessee, shall not provide to persons, firms, organizations, associations, corporations and the like not already receiving city services any city services, including water, sewer, fire protection, etc., but specifically excluding electrical service and mutual aid services heretofore authorized by agreement, ordinance or otherwise or hereinafter authorized, located beyond the city's corporate limits unless said person, firm, corporation or association desiring any city service which is outside of the city corporate boundaries has first petitioned the city requesting that his property be annexed into the corporation.

(2) Nothing in this chapter shall preclude, prevent or be construed to require that the city discontinue any city service now currently being provided to any person, firm, corporation or association now receiving city service outside of the corporate limits. Nor shall any part of this chapter be construed so as to require any discontinuance or increase of any city service already being furnished any person, firm, corporation or association outside of the city. (1982 Code, § 1-1401)

CHAPTER 3

OFFICIAL SEAL

SECTION

- 20-301. Description of official seal.
- 20-302. Facsimile.
- 20-303. Other ordinances revoked.
- 20-304. Contest winner.
- 20-305. Contest runner-up.

20-301. Description of official seal. From and after the final reading and passage of this ordinance,¹ the official city seal of the City of McMinnville, Tennessee, shall be a seal described as follows: At the outside edge of the circle at the top, the words "City of McMinnville" shall appear and at the bottom of the outside of the circle the word "Tennessee" shall appear. An inner dividing circular line just under the words "City of McMinnville" and over the word "Tennessee" creates an inner circle. In the inner circle is a shield and at the top of the inner circle under the "McM" of "McMinnville" is the date "1810" (the date the Town of McMinnville was first chartered). Inside the shield at the top thereof and immediately under the arabic figures "1810" is a scene of mountains, streams, sky, and trees. The large shield is divided into sections of one-third at the top and two-thirds in the lower portion. In the center of the bottom part of the top one-third of the large shield and the top two-thirds portion of the large shield is another shield with an eagle inside (representing dedication to the United States). In the left portion of the large shield as one faces the imprint thereof are two small circles with three stars on a blue background representing the State of Tennessee and the three grand divisions of the State of Tennessee. On the right portion of the bottom two-thirds of the large shield is a dogwood blossom with a short section of the stem and leave (representing the area's leading economic source). (1982 Code, § 1-1501)

¹Ord. #813 passed third reading March 28, 1989.

20-302. Facsimile. A facsimile of the official seal of the City of McMinnville, Tennessee, is reproduced in this paragraph without color. (1982 Code, § 1-1502)

20-303. Other ordinances revoked. All other ordinances adopting an official seal are hereby revoked, and the use of any other seal as the official seal of the City of McMinnville, Tennessee, from and after the final passage of this ordinance shall be discontinued, and the old seal shall be placed in the archives of the City of McMinnville. (1982 Code, § 1-1503)

20-304. Contest winner. The City of McMinnville, Tennessee, shall pay to Dawn Christian the sum of \$178.00 as the contest winner for submitting the winning design of the city seal of the City of McMinnville, Tennessee. (1982 Code, § 1-1504)

20-305. Contest runner-up. The City of McMinnville, Tennessee, shall pay to Dawn Christian, as runner-up for submitting the next best design for the official seal, the sum of \$87.00 as prize. (1982 Code, § 1-1505)

CHAPTER 4

COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT

SECTION

- 20-401. Recorder to be coordinator.
- 20-402. Definition of grievance.
- 20-403. Submission of grievances; record to be maintained; decision within 10 days.
- 20-404. Handicap Resident Access Committee.
- 20-405. Duties of committee.
- 20-406. Unresolved complaints to be heard by board of mayor and aldermen.
- 20-407. Record of action to be maintained.
- 20-408. Pursuit of other remedies.

20-401. Recorder to be coordinator. The city recorder, shall coordinate and carry out compliance efforts concerning programs, services and facilities for the handicap. (1982 Code, § 1-1601)

20-402. Definition of grievance. Grievance is defined as a complaint concerning programs, services or facilities that hinder or exclude the handicap participation. Grievances only affect public property, services or programs. (1982 Code, § 1-1602)

20-403. Submission of grievances; record to be maintained; decision within 10 days. Grievances shall be submitted in writing to the city administrator for resolution. The grievance must include (1) specific problem or problems, (2) location, (3) address and phone number of the person filing the complaint, (4) complaints must be signed by the person requesting the investigation. A record will be maintained of these complaints and the action taken. A decision will be rendered within 10 working days. (1982 Code, § 1-1603)

20-404. Handicap Resident Access Committee. If the complaint cannot be resolved to the satisfaction of the complainant by the city administrator, it will be forwarded to the "Handicap Resident Access Committee". The handicap resident access committee shall be appointed by the mayor. (1982 Code, § 1-1604)

20-405. Duties of committee. The committee shall hear complaints, requests or suggestions from or concerning handicapped persons regarding access to public facilities, services, programs, activities, and functions in the community. Further, the committee shall be directed to hear such complaints in public after adequate public notice, in an unbiased, objective manner, and to make a written decision within 30 days of notification. (1982 Code, § 1-1605)

20-406. Unresolved complaints to be heard by board of mayor and aldermen. If the complaint cannot be resolved to the satisfaction of the complainant by the handicap resident access committee, such complaint shall be heard by the board of mayor and aldermen at a public meeting and a determination made within 30 days after a decision on the request or complaint. The decision of the board of mayor and aldermen shall be final. (1982 Code, § 1-1606)

20-407. Record of action to be maintained. A record of action taken of each request or complaint shall be maintained as a part of the records or minutes at each level of the grievance process. (1982 Code, § 1-1607)

20-408. Pursuit of other remedies. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies. (1982 Code, § 1-1608)

CHAPTER 5

EMERGENCY OPERATIONS PLAN

SECTION

20-501. Emergency operations plan adopted.

20-502. Amendments.

20-503. Chief administrative officer.

20-504. Violations.

20-501. Emergency operations plan adopted. An Emergency Operations Plan prepared for the City of McMinnville, Tennessee, for the purpose of devising a plan to be implemented during a civil emergency, as that term is defined at Tennessee Code Annotated, section 38-9-101(2), to get the best response possible from available emergency services and offer the maximum aid and protection to citizens, in words and figures of the Emergency Operations Plan attached to this ordinance as Exhibit 1¹ and made a part of this chapter by reference as fully as if copied herein verbatim be and is hereby adopted. (Ord. #1155, July 1995)

20-502. Amendments. The provisions contained in the said Emergency Operations Plan may be changed, altered, amended, deleted, modified, revoked, rescinded or repealed by the Board of Mayor and Aldermen of the City of McMinnville. (Ord. #1155, July 1995)

20-503. Chief administrative officer. The chief administrative officer of the City of McMinnville, for the purpose of implementing the provisions of Tennessee Code Annotated, sections 38-9-101 et. seq., and the Emergency Operations Plan, shall be the mayor of the municipality, or in his absence or disability, the vice mayor, or in the absence or disability of both the mayor and the vice mayor, the city administrator; when, in the judgment of the mayor and/or city administrator, a civil emergency is determined to exist, he/she shall forthwith proclaim in writing the existence of the same, a copy of which proclamation will be filed with the city recorder, and shall be further authorized to exercise the powers granted to him/her by state law. (Ord. #1155, July 1995)

20-504. Violations. Any person violating the provisions of orders issued by the mayor and/or the vice mayor and/or the city administrator pursuant to this authorization during a proclaimed civil emergency shall be in violation of this chapter and shall be punished under the general penalty clause of the McMinnville Municipal Code or other applicable general law. (Ord. #1155, July 1995)

¹See Exhibit 1 to Ord. No. 1155 (July 1995) of record in the office of the recorder.

CHAPTER 6

**CITY OF McMinnville Tree and Landscape
Protection Ordinance****SECTION**

- 20-601. Purpose.
- 20-602. Authority and power.
- 20-603. Applicability.
- 20-604. Permit to work.
- 20-605. Trees and rights of way, public property, and roadsides.
- 20-606. Tree protection and maintenance.
- 20-607. Definitions.

20-601. Purpose. It is the purpose of this ordinance to protect and maintain the well being of this city and the residents through protection and maintenance of city owned trees and landscaping.

A healthy, diverse, and well-managed urban forest is an important asset to the present and future aesthetic, economics, natural resource protection, public safety and overall well being of the city. This public resource must be managed with a comprehensive, long-term plan of protection, establishment, maintenance, and education. (as added by Ord. #1379, May 2001)

20-602. Authority and power. The department of urban forestry and land management is responsible for the care and management of all city owned trees and landscaping.

(1) The department of urban forestry and land management has the responsibility to plan, establish, protect, and maintain new city plantings regardless of present or previous land use.

(2) The department of urban forestry and land management and designated volunteers or contractors have the right to plant, maintain, or remove any tree, landscaped, or un-maintained vegetation on city owned property.

(3) A public committee of three to seven interested persons or group representatives will be organized to serve as the "tree advisory board." This board will advise the city and department of urban forestry and land management in desired future direction for this department.

(a) Members will serve two-year terms to help insure all projects and proposals are completed. Two initial members will serve for one year, two will serve for two years, three may serve one or two years based on board decision. A minimum of three members is necessary for continuation of the board.

(b) This board will assist with public support, education, and planning. They will not decide day-to-day operations of the department of urban forestry and land management.

(c) The mayor and aldermen will each select a tree board member to establish the first board. Notice will be given so the public may announce their desire to participate or join the board. Two months from the passing of this ordinance will be the time limit for choosing tree board members. All future board members will be chosen by vote of the tree advisory board.

(d) Tree board members will serve without compensation.

(e) Status as a non-profit group should be obtained to assist with funding requests and trust establishment.

(4) The department of urban forestry and land management is responsible for enforcement of tree and landscape protection guidelines.

(a) The department of urban forestry and land management, specifically the urban forester, has the authority to inspect, stop, or change how a contractor is working if it affects trees, shrubs, landscaping, or soil on city property.

(b) The urban forester has the authority to inspect and change zoning or permit applications that require landscape plans or may affect city owned property. A site inspection of landscaping details will be made upon zoning office request.

(c) Any city employee or private contractor planning work that may affect existing or planned city trees and/or landscaping shall contact the department of urban forestry and land management for guidelines before any work is started.

(5) Privately owned trees or landscaping that might affect city owned trees, landscaping, or property may be a danger to life or property. Authority is given to investigate, assess, inform, and in extreme situations correct situations involving privately owned trees for safety and continued health of any person, private property, or publicly owned plants and property. These trees, shrubs, plants, or plant parts will be designated as a "public nuisance." These problems are defined as; any tree, plant, or shrub with an infectious disease or insect problem, dead and/or dying trees, tree/shrub/plant or limb(s) obstructing street lights, traffic signs, passage of pedestrians or traffic, tree roots causing sidewalk problems, or threat to the safety of individuals or property. The department of urban forestry and land management will only look for "obvious" problems from the street or public right of way. The public or other city employees and officials may report problems to the department of urban forestry and land management. Notification will be made to property owner with information on problem, level of hazard will be identified, and time frame for abatement. Levels of hazard are immediate, urgent, direct, and safety. The International Society of Arboriculture Tree Hazard Evaluation Form (2nd edition) or the rating by the Urban Forester will be used to assess hazard level. The city has the authority to correct immediate or urgent nuisance trees, at the owner's expense, if the time allowed has lapsed and/or the homeowner ignores notices.

(6) Appeals concerning any public land work in the planning stage, work requests, or hazard situations must be made first to the urban forester.

If the urban foresters decision is unacceptable, a meeting can be held with the urban forester, tree advisory board, alderman committee, or any interested parties to present their case and assess the situation. These meetings with the city forester will be within 2 weeks of complaint. Meetings with the tree advisory board or building and grounds aldermanic committee will be set based on their schedule. (as added by Ord. #1379, May 2001)

20-603. Applicability. All city owned property is included under this ordinance. Private trees and landscaping affecting public safety and health of the residents or natural resources of the City of McMinnville is included under this ordinance. Private trees and landscaping that may affect local agricultural crops are included in this ordinance. (as added by Ord. #1379, May 2001)

20-604. Permit to work. In order to protect the private property and all city owned trees and landscaping from irresponsible contractors, a permit system shall be set up to ensure that all tree care companies and contractors working within the city limits are insured to acceptable standards. The permit will check for insurance covering workers compensation, liability, bodily injury, and property damage.

(1) The permit fee will be evaluated yearly by the aldermanic committee and the tree advisory board. The initial cost is set at thirty dollars. Permits must be obtained on a yearly basis from first permit approval. The time limit to obtain a permit is ninety days from receipt of notification. If permit is not obtained after ninety days, notice will again be given with a ten-day limit. Every six months a new list will be created and business owners may apply at that time.

(2) Each applicant shall file evidence of appropriate workers compensation insurance and public liability insurance in a minimum amount of \$1,000,000 for bodily injury or death, and \$100,000 for property damage.

(3) Proof of valid insurance shall be supplied to the city forester every six months from the date of initial permit application.

(4) A list of these permitted contractors will be developed for public information purposes and provided free to the citizens of Warren Co. Tree care companies with state or nationally recognized training or certifications will be recommended.

(5) Any tree work contracted by the city must be with a fully insured contractor who conforms to all state and federal safety laws. On any public tree trimming contracts, the department of urban forestry and land management will hire well-trained tree care professionals with ISA or NAA training and a certified arborist on the crew or the urban forester will supervise and train crew leaders. (as added by Ord. #1379, May 2001)

20-605. Trees and rights of way, public property and roadsides. This section will cover all city owned property, new private plantings affecting city owned property, and any area that zoning rules require a site plan.

These rules shall be followed for all city projects by any department. These rules should be used by home and business owners to improve and maintain their personal safety, property values, and overall city benefit.

(1) Tree, shrub, or any landscape plantings on private property must meet certain guidelines for public safety. Refer to McMinnville Municipal Code 14-205.7¹ for obstruction to vision guidelines. Private plantings at time of establishment and future growth must conform to these regulations.

(2) Trees and landscaping should not be allowed to obstruct street signs, traffic lights, vision at traffic corners, or streetlights. Unobstructed view is based on normal approach along road or highway to sign, traffic light, or intersection. Street lights have defined angles of coverage that will be used to decide if light coverage is obstructed.

(a) Traffic control. Trees and landscaping problems will be handled by the department of urban forestry and land management.

(i) Unobstructed view of stop, yield or other traffic control signs to thirty-five feet.

(ii) Unobstructed view of street name signs to twenty-five feet.

(iii) Unobstructed view of traffic control lights to forty-five feet.

(b) Public utilities. Above and below ground utility lines are maintained by managing companies. To maintain reliable and consistent electrical, phone, cable, water, and gas service, certain guidelines shall be followed to reduce potential future problems. Any city owned tree that may affect utility lines, will be removed and replaced with desirable species for that location. Future plantings will follow certain guidelines.

(i) Large trees may not be planted closer than 50' lateral feet to overhead electric distribution lines. Medium trees may not be planted closer than 30' lateral feet to overhead electric distribution lines. Small trees may be planted under overhead electric distribution lines. Line height shall be established to ensure maximum height of planted tree will stay lower than minimum distance allowed to powerlines.

(ii) No small or medium tree may be planted closer than five feet to a known underground utility pipeline. No large tree may be planted closer than ten feet.

(c) Street lighting. Existing tree and landscaping problems will be handled by the department of urban forestry and land management.

(i) Large sized trees may not be planted closer than 75 lateral feet;

(ii) Medium sized trees may not be planted closer than 50 lateral feet;

¹Section 14-205.7 is part of the zoning ordinance and is of record in the office of the recorder.

(iii) Small sized trees may not be planted closer than 30 lateral feet.

(d) Fire hydrants. Existing tree and landscaping problems will be handled by the department of urban forestry and land management.

(i) No tree, shrub, or obstruction that would restrict access of any fire hydrant will be allowed for a ten-foot radius. (as added by Ord. #1379, May 2001)

20-606. Tree protection and maintenance. Applies to city owned trees only. These rules will be for the protection of city owned vegetation, public safety, and any overall city benefit.

(1) No person shall intentionally damage, cut, carve, transplant, or remove any tree; attach any rope, wire, nails, advertisements, posters, or other contrivance to any tree, allow any gaseous liquid, or solid substance which is harmful to such trees to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree.

(2) No person shall deposit, place, store, or maintain upon any public place of the city, any stone, brick, sand, concrete, or other materials that may impede the free passage of water, air, and fertilizer to the roots of any tree growing therein. This covers all forms of damage whether unintentional or deliberate.

(3) Sunlight to any public tree cannot be permanently blocked by placement of materials such as a new building or signs. Blocked sunlight is defined as loss of more than 1/3 by area or time of existing sunlight.

(4) Unintentional damage (car accident, house fire, etc...) will still be subject to repair, maintenance, and replacement costs.

(5) All repair, maintenance, and replacement costs to the damaged vegetation shall be levied to the person(s) or business responsible for the damage. Repair, replacement, and maintenance will be completed by the department of urban forestry and land management. The city forester will establish costs to repair, replace, and maintain vegetation.

(6) Any construction or land disturbing activity in the general area of any public tree or landscaping or its critical root zone must follow protection guidelines as specified by the urban forester.

(7) All tree, shrub, and other landscaping maintenance on public land should be done with the approval of the urban forester or by the urban forestry department. This maintenance shall meet or exceed International Society of Arboriculture, ANSI A300 Pruning and Fertilization, or National Arborist Association standards. Contact the department of urban forestry and land management for recent copies of these documents.

(8) The practice of topping, tipping, rounding, or other names is strictly forbidden on any city owned tree. The excessive and arbitrary removal of all parts of the tree beyond a certain height with no regard for structure or natural growth pattern is defined as topping. Tipping and rounding is the cutting back of all limbs to a certain length or shape and creates the same problems as topping. Any tree damaged to the point of needing more than one

half of the crown removed, shall be removed and replaced. Topping or shaping is strongly discouraged on private trees. (as added by Ord. #1379, May 2001)

20-607. Definitions. (1) "Small trees." 0-25' tall--at maturity--A list of acceptable species can be obtained from the Department of Urban Forestry and Land Management.

(2) "Medium trees" 25-50' tall--at maturity--A list of acceptable species can be obtained from the Department of Urban Forestry and Land Mangement.

(3) "Large trees." 50' plus tall--at maturity--A list of acceptable species can be obtained from the Department of Urban Forestry and Land Management.

(4) "Root protection zone." The area around a tree with primary support roots and enough feeder roots to serve the tree if all other roots are cut. At minimum, the dripline of the tree canopy (for deciduous, non-columnar trees). Recommended rule is one foot of radius for every inch diameter measured at 4.5' off the ground on uphill side of the tree. This is variable based on conditions.

(5) "Critical root zone." The minimum root protection zone for the survival of the tree. Trees under 6" caliper will be based on nursery guidelines. Trees over 6" caliper will be based on site and tree condition decided by the city forester.

(6) "Drip line." The outer edge of the canopy around the entire tree.

(7) "Immediate hazard." A tree with a very high chance of failure that would affect personal health or property. This also includes insect or disease problems that are considered a major concern to the entire county. The tree is expected to fall with no warning at any time or during extreme weather.

(8) "Urgent hazard." A tree with a high chance of failure that would affect personal health or property. The tree will fall over a small period of time or when weather conditions are extreme.

(9) "Direct hazard." Any tree with a medium to very high chance of failure that would affect only the owners health or property.

(10) "Safety hazard." Any tree, shrub, plant, or part of creating a safety hazard for the general public. Tree failure is not a concern but obstruction of view, access, passage, or use is the concern. (as added by Ord. #1379, May 2001)