TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER
1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. AIRPORT ZONING.
4. TREE ORDINANCE.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION
14-102. Organization, powers, duties, etc.
14-103. Additional powers.

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members; two (2) of these shall be the mayor and another member of the governing body selected by the governing body; the other five (5) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the five (5) members appointed by the mayor shall be for five (5) years each. The five (5) members first appointed shall be appointed for terms of one (1), two (2), three (3), four (4), and five (5) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the governing body shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1977 Code, § 11-101)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1977 Code, § 11-102)

14-103. Additional powers. Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions
of the state law relating to regional planning commissions. (1977 Code, § 11-103)
CHAPTER 2

ZONING ORDINANCE

SECTION
14-201. Land use to be governed by zoning ordinance.

14-201. Land use to be governed by zoning ordinance. Land use within the City of Pulaski shall be governed by Ordinance #8-1996, titled "Municipal Zoning Ordinance of Pulaski, Tennessee," and any amendments thereto.\(^1\) (as amended by Ord. #3, 2000, July 2000)

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\(^1\)Ordinance #8-1996, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

Amendments to the zoning map are of record in the office of the city recorder.
CHAPTER 3
AIRPORT ZONING

SECTION
14-301. Land use in certain zones governed by airport zoning ordinance.

14-301. Land use in certain zones governed by airport zoning ordinance. Land use within the noninstrument approach zones, transition zones, horizontal zones, and conical zone, as shown on the Abernathy Field Airport Zoning Map shall be governed by the "Abernathy Field Zoning Ordinance," and any amendments thereto.¹

¹The "Abernathy Field Zoning Ordinance," and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.
SECTION
14-401. Purpose.
14-402. Definitions.
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14-405. Operation.
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14-407. Tree planting in public areas.
14-408. Tree planting on private property.
14-409. Tree maintenance.
14-410. Tree topping.
14-411. Dead and dying trees.
14-412. Appeal.
14-413. Stump removal.
14-414. Developers, contractors and builders.
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14-401. Purpose. The purpose of this tree ordinance is to provide a mechanism for the management of trees and woody vegetation in the City of Pulaski, Tennessee. (1977 Code, § 11-1501)

14-402. Definitions. (1) "Tree" - A woody plant with a single trunk, or multiple trunk capable of growing to a height of 15 feet or more.
(2) "Shrub" - A woody plant with a multiple stem capable of growing to a height of up to 15 feet.
(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 will be titled 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) "Crowns spread" - The distance from the ends of branches on one 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. (1977 Code, § 11-1502)

14-403. Creation of a tree board. There is hereby created a tree board for this city, which shall consist of seven members who are citizens and residents of this city. Members shall be appointed by the mayor and approved by the governing council, one of whom must be recommended. The tree board will serve without compensation. (1977 Code, § 11-1503)

14-404. Term of office. Members shall serve three year terms, except the first board which will have two (2) members appointed for one year and three (3) members appointed for two years, and two members appointed for three years. Members may serve successive terms. Vacancies are filled by appointment by the mayor until the end of the term. (1977 Code, § 11-1504)

14-405. Operation. The board shall choose its own officers, make its own rules and regulations, and keep a record of its proceedings. 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. (1977 Code, § 11-1505)

14-406. Duties and responsibilities. The duties of the tree board shall include, but not be limited to the following:
(a) Prepare a tree plan for the community.
(b) Coordinate tree-related activities.
(c) Conduct an Arbor Day ceremony.
(d) Provide tree information to the community.
(e) Maintain a recommended tree list for the community.
(f) Recognize groups and individuals completing tree projects.
(g) Coordinate publicity concerning trees and tree programs.
(h) Coordinate donations of trees or money to purchase trees.
(i) Adopt rules and regulations pertaining to the tree program.
(j) Perform other tree related duties and opportunities that arise from time to time.
(k) Coordinate with the Pulaski Electric System in its program of replacing tall-growing trees in or near power lines with low-growing trees. (1977 Code, § 11-1506)

14-407. Tree planting in public areas. Tree planting shall be undertaken by the city of 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. (1977 Code, § 11-1507)

14-408. Tree planting on private property. Planting of trees on private property is encouraged, especially in areas where the public may have an extraordinary interest. The tree board will provide information about species, planting techniques, and placement guidelines when requested by residents. (1977 Code, § 11-1508)

14-409. Tree maintenance. 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. Tree care may be accomplished by city personnel or by contract with commercial tree care companies.

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 will provide information in a timely manner to residents about all aspects of tree care including the latest techniques and procedures currently being practiced. (1977 Code, § 11-1509)

14-410. Tree topping. The practice of tree topping, unless considered a "danger tree" to power lines, 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. (1977 Code, § 11-1510)

14-411. Dead and dying trees. Dead and dying trees that pose a safety or health risk to residents or to other trees shall be removed in a timely manner. This section will apply to both public and private trees. The tree board will make the risk determination, and if appropriate, will cause the tree to be removed. If the tree is on private property, the tree board will serve notice of said risk, and give an allowed time for said removal. (1977 Code, § 11-1511)
14-412. **Appeal.** Upon receipt of notice to remove, the owner may appeal the decision within 15 days (or next meeting) to the board of mayor and aldermen. (1977 Code, § 11-1512)

14-413. **Stump removal.** Stump removal to below ground level is considered part of the tree removal process. (1977 Code, § 11-1513)

14-414. **Developers, contractors and builders.** Developers, contractors, builders or private owners shall not set out trees that will interfere with power transmission lines. When the building permit is approved, the plat submitted will show all existing trees and those planned including the kind of existing trees and those to be set out. (1977 Code, § 11-1514)

14-415. **Special considerations.** Tree topping of all public trees, unless considered a "danger tree" to the power lines, is prohibited, and topping of private trees is strongly discouraged. The tree board shall promote the use of property pruning procedures.

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 will replace large trees with small maturing ornamental trees of the kind recommended by the tree board and the power system. (1977 Code, § 11-1515)

14-416. **Appeal and penalties.** (1) Any person dissatisfied with the decisions, rules, regulations, and interpretations of the tree board, shall have the right to appeal to the board of mayor and aldermen. Appeal shall be within 30 days and shall be made in writing.

(2) Any person violating this ordinance shall be deemed guilty of a misdemeanor, and according to the laws of the State of Tennessee shall be fined a maximum of $50.00. Each subsequent day that any violation continues unabated shall constitute a separate offense. (1977 Code, § 11-1516)