

## TITLE 13

### PROPERTY MAINTENANCE REGULATIONS<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
2. JUNK.
3. SUBSTANDARD PROPERTY REMOVAL.
4. LAKELAND TREE MANAGEMENT ORDINANCE.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. Inoperative vehicles on or adjacent to residential property.
- 13-108. Overgrown and dirty lots.
- 13-109. Accumulation and/or storage of loose branches, limbs and yard waste.
- 13-110. Abutting property owners to keep right-of-way free and clear of litter.

**13-101. Health officer.** The "health officer" shall be such municipal, county, or state officer as the board of commissioners shall appoint or designate to administer and enforce health and sanitation regulations within the city. (1989 Code, § 8-101)

**13-102. Smoke, soot, cinders, etc.** It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1989 Code, § 8-103)

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<sup>1</sup>Municipal code references

Animal control: title 10.

Fee schedule; tree removal, etc.: appendix A.

Littering streets, etc.: § 16-105.

Toilet facilities in beer places: § 8-211(11).

**13-103. Stagnant water.** It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1989 Code, § 8-104)

**13-104. Weeds.** Every owner or tenant of property shall periodically cut the grass and/or noxious weeds on their property, except as provided in state law. It shall be unlawful for any person to fail to comply with an order by the City of Lakeland to cut such vegetation when it has reached a height of one foot (1') if located in a non-residentially zoned parcel (specifically including, but not limited to, commercially owned parcels), or a height of one-half foot (1/2') if located within a residentially zoned parcel. Areas designated by the city as conservation easements or natural areas shall be exempt from the provisions set forth herein but may be regulated as set forth elsewhere in the code of ordinances. (1989 Code, § 8-105, as amended by Ord. #06-92, July 2006, and replaced by Ord. #11-163, Oct. 2011)

**13-105. Dead animals.** Any person owning or having possession of any dead animal not intended for use as food shall promptly notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1989 Code, § 8-106)

**13-106. Health and sanitation nuisances.** It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1989 Code, § 8-107)

**13-107. Inoperative vehicles on or adjacent to residential property.**<sup>1</sup> It shall be unlawful for the owner or person in control of any residential lot in the city to keep any inoperative motor vehicle on the lot or on any street adjacent to the lot for more than seventy-two (72) hours unless the vehicle is completely enclosed within a building. (1989 Code, § 8-108)

**13-108. Overgrown and dirty lots.** (1) Prohibition. Pursuant to the authority granted to municipalities under Tennessee Code Annotated, § 6-54-113, it shall be unlawful for any owner of record of real property to create,

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<sup>1</sup>Municipal Code references

Parking/storage of recreational vehicles and equipment: § 15-609.

maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush, and/or the accumulation of debris, trash, litter, or garbage, or any combination of the preceding elements, so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rates and other harmful animals. For the purposes of this prohibition, grass of any kind that exceeds six inches (6") in height on a residentially zoned parcel and grass of any kind that exceeds twelve inches (12") on a nonresidentially zoned parcel shall be deemed to violate this section. Areas designated by the city as conservation easements or natural areas shall be exempt from the provisions set forth herein, but may be regulated as set forth elsewhere in the code of ordinances.

(2) Designation of public officer or department. The city manager shall designate an appropriate department or person to enforce the provisions of this section.

(3) Notice to property owner. It shall be the duty of the department or person designated to enforce the provisions of this section to serve notice upon the owner of record in violation of subsection (1) above. The notice shall be given by United States mail, addressed to the last known address of the owner of record. When an attempt at notification by United States mail fails or no valid last known address exists for the owner of record, the municipality may publish the notice in a newspaper of general circulation in the county where the property sits for no less than two (2) consecutive issues or personally deliver the notice to the owner of record. For purposes of this section, such publication shall constitute receipt of notice effective on the date of the second publication of the notice and personal delivery shall constitute receipt of notice immediately upon delivery. The notice shall state that the owner of the property is entitled to a hearing. The notice shall be written in plain language and shall also include, but not be limited to, the following elements:

(a) A brief statement of this section, which shall contain the consequences of failing to remedy the noted condition;

(b) The person, office, address and telephone number of the department or person giving notice;

(c) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the community; and

(d) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

(4) Clean-up at property owner's expense. If the person fails or refuses to remedy the condition within ten (10) days after receiving the notice, the appropriate department or person may immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards and the cost thereof assessed against the owner of the property. The municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one (1) or all of the owners of properties against

whom such costs have been assessed, and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. Upon the filing of the notice with the office of the register of deeds of the county in which the property lies, the costs shall be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.

(5) Clean-up of owner-occupied property. (a) When the owner of an owner-occupied residential property fails or refuses to remedy the condition within ten (10) days after receiving the notice, the appropriate department or person may immediately cause the condition to be remedied or removed at a cost in accordance with reasonable standards in the community, with these costs to be assessed against the owner of the property. Subsection (4) shall apply to the collection of costs against the owner of an owner-occupied residential property, except that the municipality shall wait until cumulative charges for remediation equal or exceed five hundred dollars (\$500.00) before filing the notice with the register of deeds and the charges becoming a lien on the property. After this threshold has been met and the lien attaches, charges for costs for which the lien attached are collectible as provided in subsection (4) for these charges.

(b) If the person who is the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewerage or other materials, the ten (10) day period specified in subsection (4) shall be twenty (20) days, excluding Saturdays, Sundays and legal holidays.

(6) Appeal/hearing. The municipal governing body or the appropriate department, or both, may make any rules and regulations necessary for the administration and enforcement of this section. The municipality shall provide for a hearing upon request of the person aggrieved by the determination made pursuant to subsection (b). A request for a hearing shall be made within ten (10) days following the receipt of the notice issued pursuant to subsection (3). Failure to make the request within this time shall without exception constitute a waiver of the right to a hearing. Any person aggrieved by an order or act of the board of commissioners under this section may seek judicial review of the order or act. The time period established in subsection (5) shall be stayed during the pendency of a hearing.

(7) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, similar authority in any municipality's charter or other applicable law.

(8) Violations/penalty. In addition to the liability for the costs to remedy or remove any condition described in this section, any property owner who violates this section may be cited and subject to a civil penalty of fifty dollars (\$50.00) plus court costs for each separate violation of this section. Each day the violation continues shall be considered a separate violation. (as added by Ord. #02-11, Aug. 2002, and replaced by Ord. #17-255, Sept. 2017 *Ch8\_12-06-18*)

**13-109. Accumulation and/or storage of loose branches, limbs and yard waste.** (1) It shall be unlawful for any property owner or resident to accumulate and/or store loose limbs, branches, and other such yard waste in front setback areas of residentially zoned property within the city limits of the City of Lakeland for periods of time exceeding seven (7) days.

(2) Any parcel zoned AG (agricultural) shall be exempt from the requirements of this section if the parcel is being employed primarily for the purpose of providing agricultural services, including, but not limited to forestry, cultivating or producing crops, and raising livestock. AG (agricultural) zoned parcels which are employed primarily for a non-agricultural use shall comply with this section.

(3) The provisions of this section may be waived in writing by the city manager in the event of severe storms or other acts of God whereby loose limbs, branches and other such yard waste may be generated in such quantities that timely disposal is practically inhibited.

(4) The provisions of this section are severable. If any provision of this section or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this section that can be given effect without the invalid provision or application.

(5) Any person, firm or corporation violating any provision of this section shall be fined not less than fifty dollars (\$50.00) for each offense, and a separate and continuing offense shall be deemed committed for each day said violation continues.

(6) The ordinance comprising this section shall take effect fifteen (15) days after its final passage and publication, the public welfare requiring it. (as added by Ord. #10-151, Aug. 2010)

**13-110. Abutting property owners to keep tight of way free and clear of litter.** (1) It shall be the duty of the property owners of all property within the City of Lakeland to keep the rights-of-way abutting their property free and clear litter. The code enforcement department of the City of Lakeland, when it determines that a portion or all of an abutting right-of-way has an

accumulation of litter, shall notify the property owner and require that all litter be removed as follows:

(a) Owners of occupied properties within residential and commercial zoning districts shall remove all litter within seventy-two (72) hours of notification.

(b) Owners of unoccupied properties, or occupied properties within agricultural zoning districts, shall remove all litter within ten (10) days of notification.

(2) The following terms used herein are defined as follows:

(a) "Garbage" includes putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food;

(b) "Litter" includes garbage, refuse, rubbish and all other waste material, including a tobacco product as defined in Tennessee Code Annotated, § 39-17-1503(9) and any other item primarily designed to hold or filter a tobacco product while the tobacco is being smoked;

(c) "Refuse" includes all putrescible and nonputrescible solid waste; and

(d) "Rubbish" includes nonputrescible solid waste consisting of both combustible and noncombustible waste. (as added by Ord. #16-237, April 2016)

**CHAPTER 2****JUNK****SECTION**

13-201. Definitions.

13-202. Junk prohibited.

13-203. Junkyards prohibited.

**13-201. Definitions.** (1) "Junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, trucks, vehicles of all kinds, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(2) "Junkyard" shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. This definition includes scrap metal processors, used auto parts yards, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation when the business will continually have like materials located on the premises, garbage dumps, sanitary landfills, and recycling centers. (1989 Code, § 8-401, modified)

**13-202. Junk prohibited.** The accumulation of junk within the city is prohibited.

**13-203. Junkyards prohibited.** Junkyards are prohibited within the City of Lakeland.

## CHAPTER 3

### SUBSTANDARD PROPERTY REMOVAL

#### SECTION

- 13-301. Findings of board.
- 13-302. Definitions
- 13-303. Public officer; designated powers.
- 13-304. Initiation of proceedings; hearings.
- 13-305. Orders to owners of unfit structures.
- 13-306. When public officer may repair, etc.
- 13-307. When public authority or officer may remove or demolish.
- 13-308. Lien for expenses; sale of salvaged materials; other powers not limited.
- 13-309. Basis for a finding of unfitness.
- 13-310. Service of complaints or orders.
- 13-311. Enjoining enforcement of order.
- 13-312. Additional powers of public officer.
- 13-313. Powers conferred are supplemental.

**13-301. Findings of board.** Pursuant to Tennessee Code Annotated, § 13-21-101 et seq., the board of commissioners finds that there may now or in the future exist in the city structures which are unfit for human occupation or use due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such structures unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city and, therefore, ordains as follows. (1989 Code, § 4-501)

**13-302. Definitions.** For purposes of this chapter, the following terms, phrases, words, and their derivation shall have the meaning given herein:

- (1) "Municipality." The City of Lakeland, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.
- (2) "Governing body." The board of commissioners.
- (3) "Public officer." The officer or officers who are authorized by this chapter to exercise the powers prescribed herein and pursuant to Tennessee Code Annotated, § 13-21-101, et seq.
- (4) "Public authority." A duly appointed commission, authority or officer of the governing body of the city, county or state charged with responsibilities relating to health, fire, building regulations, demolition or other activities concerning structures in the city.
- (5) "Owner." The holder of title in fee simple and every mortgage of record.

(6) "Parties in interest." All individuals, associations, corporations and other who have interests of record in a dwelling and any who are in possession thereof.

(7) "Structures." Any building or structure, or part thereof, used for human occupation or use, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. (1989 Code, § 4-502)

**13-303. Public officer; designated powers.** There is hereby designated and appointed a public officer, to be the city manager to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the city manager. (1989 Code, § 4-503, modified)

**13-304. Initiation of proceedings; hearings.** Whenever a petition is filed with the public officer or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public office (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in court of law or equity shall not be controlling in hearings before the public officer. (1989 Code, § 4-504)

**13-305. Orders to owners of unfit structures.** If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupancy or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

(1) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent [50%] of the reasonable value), requiring the owner, during the time specified in the order, to repair, alter, or improve such structure to render it unfit for human occupancy or use or to vacate and close the structure for human occupancy or use; or

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent [50%] of the value of the premises), requiring the owner within the

time specified in the order, to remove or demolish such structure. (1989 Code, § 4-505)

**13-306. When public officer may repair, etc.** If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupancy or use; the use or occupation of this building for human occupancy or use is prohibited and unlawful." (1989 Code, § 4-506)

**13-307. When public authority or officer may remove or demolish.** If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. (1989 Code, § 4-507)

**13-308. Lien for expenses; sale of salvaged materials; other powers not limited.** The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public authority or officer shall be a lien against the real property upon which such costs were incurred. If the structure is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court the county, by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court, provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or as otherwise may be provided by the charter or ordinances of the city. (1989 Code, § 4-508)

**13-309. Basis for a finding of unfitness.** The public authority or officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structure or other residents of the city; such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanness. (1989 Code, § 4-509)

**13-310. Service of complaints or orders.** Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such person is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper having general circulation in the city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the register's office of the county, and such filing shall have the same force and effect as other lis pendens notices provided by law. (1989 Code, § 4-510)

**13-311. Enjoining enforcement of order.** Any person affected by an order issued by the public officer served pursuant to this chapter may file a suit in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such suit in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer. (1989 Code, § 4-511)

**13-312. Additional powers of public officer.** The public authority or officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

(1) To investigate conditions of the structures in the city in order to determine which structures therein are unfit for human occupation or use;

(2) To administer oaths, affirmations, examine witnesses and receive evidence;

(3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

(4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (1989 Code, § 4-512)

**13-313. Powers conferred are supplemental.** This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinance or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (1989 Code, § 4-513)

## CHAPTER 4

### LAKELAND TREE MANAGEMENT ORDINANCE<sup>1</sup>

#### SECTION

- 13-401. General Requirements.
- 13-402. Plans and Surveys.
- 13-403. Landmark Trees.
- 13-404. Specimen Trees.
- 13-405. Standard Trees.
- 13-406. Tree Bank.
- 13-407. Violations.
- 13-408. Tree Protection Security.
- 13-409. Tree Protection During Construction.
- 13-410. Municipal Tree Management.
- 13-411. Appeal.
- 13-412. Provisions for Violating Mitigation.
- 13-413. Delay or Failure to Enforce.
- 13-414. Interference with City Natural Resources Board.
- 13-415. Severability.
- 13-416. Provisions of Federal and State Law Excepted.
- 13-417. -- 13-438. [Deleted.]

**13-401. General Requirements.** (1) Intent. The disturbance of trees under any circumstances shall be regulated according to the provisions of this Section with the following goals.

(a) To preserve, protect, and enhance valuable natural resources and to protect the health, safety, and welfare of residents.

(b) To establish standards limiting the removal of and ensuring the replacement of trees sufficient to safeguard the ecological and aesthetic environment of the city.

(c) To prevent the unnecessary clearing and disturbing of land so as to preserve the natural and existing growth of vegetation and to replace removed trees with the same, comparable, or improved species.

(d) To guide the conservation, protection, maintenance, and establishment of trees in order to maximize Tree Canopy Coverage across the city and to preserve trees and community forest health.

(e) To establish provisions consistent with forestry policy and practice for urban areas promulgated by the State Division of Forestry in

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<sup>1</sup>The capitalization in this chapter remain as set forth in Ord. #13-197 as § 13-401(4).

recognition that trees are a part of our heritage and our future, and that they are an essential part of the quality of life within the city.

(f) To maximize the benefits of trees and vegetation, including a reduction in the urban heat island effect, more sustainable management of stormwater, and filtration of particulate matter from the air, restoring oxygen to the atmosphere and reducing air pollution.

(2) Applicability. The provisions in this Section apply to any site disturbance activity on any Lot, such as grade changes; construction, enlargement, or relocation of a Principal or Accessory Structure(s); development of such facilities as parking lots; and removal of trees not associated with construction or Subdivision activity, with the following exemptions.

(a) Certified tree farms with a Timber Harvesting Plan filed with the Code Administrator are exempt from the tree removal requirements (refer to I.4.S. of the Land Development Regulations).

(b) Removal of trees from Lots zoned Agriculture, except as noted in III.2.M(24) of the Land Development Regulations.

(c) Removal of hazardous trees and vegetation in accordance with the City's Municipal Code.

(d) Emergencies. In case of emergencies, such as hurricane, tornado, windstorm, flood, ice storm or other disasters, the requirements of these regulations may be waived by the Arborist or other designated official, upon a finding that such waiver is necessary so that public or private work to restore order in the City of Lakeland will not be impeded.

(3) General requirements. The following general requirements apply.

(a) Measuring and Noting Existing Tree Size. Tree size for existing trees shall be measured at four and a half feet (4 1/2') above the mean grade of the tree's trunk, noted as diameter breast height (DBH) throughout the Tree Management Ordinance.

(b) Replacement Tree Installation Standards. Refer to III.5 of the Land Development Regulations for new tree installation requirements, including but not limited to size, process, maintenance, and tree establishment security.

(c) Characteristics of Replacement Trees. The following characteristics shall be considered when designing the Tree Replacement Plan.

(i) All replacement trees shall have similar characteristics of the removed tree(s), such as mature height and spread.

(ii) Replacement trees shall be selected based on the characteristics of the site, such as soil conditions, available light, and anticipated use.

(iii) An appropriate mix of species, deciduous and evergreen trees, and flowering and nonflowering trees shall be utilized. A monoculture is not permitted. Refer to III.5.B(6)(d)

Species Composition of the Land Development Regulations for guidance on appropriate mix.

(d) Referenced Standards. The standards and regulations contained in the City Zoning Ordinance, the Lakeland Design Review Guidelines and ordinances relating to the same, and those standards of the American National Standards Institute (ANSI) Standards for Tree Care Operations (ANSI A300) or the International Society of Arboriculture (ISA) publication Principles and Practice of Planting Trees and Shrubs, which are incorporated herein by reference as if fully set forth, are an integral part of this chapter. Where provisions of this chapter conflict with a standard of the ANSI A300 guidelines, the ISA guidelines, the Design Review Guidelines or other ordinances or regulations of the city, the most stringent provision shall be enforced. The provisions of this chapter are considered minimum requirements.

(4) Definitions. Words capitalized throughout the Tree Management Ordinance are defined in Article I.2 of the Land Development Regulations (Subdivision Regulations and Zoning Ordinance) or defined within the Section in which they occur. (as added by Ord. #\_\_\_\_, Feb. 2001, amended by Ord. #02-15, Nov. 2002, and replaced by Ord. #03-36, June 2003, Ord. #04-73, Dec. 2004, and Ord. #13-197, Sept. 2013)

**13-402. Plans and Surveys.** (1) Intent. The plans and surveys detailed here aim to achieve the following goals.

(a) To ensure that development plans consider the existing tree cover in their design.

(b) To ensure that preserved trees are properly protected during site disturbance.

(c) To ensure that appropriate removal and replacement standards are followed.

(2) Applicability. The survey and plans associated with this Section are required as a part of various development activities and processes, as are detailed in I.4 Process Criteria and Applications of the Land Development Regulations.

(3) General Requirements. All plans and surveys shall have a title block, including north arrow, graphic and written scale, street address, legal description, date of preparation, and the name, address, and telephone number of person preparing plan.

(4) Tree Survey. A Tree Survey indicates the type, size, and health of trees on a Parcel and shall be utilized to inform the planning and design of said Parcel's development.

(a) Timing. Tree Surveys are completed as a preliminary step in a Parcel's development, to ensure that its results appropriately inform the development's design (refer to I.4 for information on which development processes require its completion).

(b) City Approval. The Tree Survey shall be reviewed and the proposed protection and removal of trees shall be approved or disapproved with the development approval application (refer to I.4)

(c) Qualified Surveyor. Survey shall be completed by a registered surveyor, under the supervision of an ISA Certified Arborist or other City approved professional arborist or forester.

(d) Survey Expiration. Tree surveys are considered valid for a period of five (5) years, and upon expiration, if construction is not complete, a new survey shall be submitted.

(e) Survey Requirements. On a topographic survey, the following shall be indicated for all trees equal to and greater than six inches (6") DBH.

(i) Species (common and scientific names), size, and health.

(ii) Location.

(iii) Proposed designation as to be preserved or removed.

(iv) Existing Tree Canopy.

(a) Delineate Canopy to be removed in gray.

(b) Assume two feet (2') of canopy per one inch (1") of tree at DBH.

(v) Delineate Conservation and Priority Areas, Landmark Trees, Specimen Trees, and Forest Stand Groups.

(vi) Denote the percentage of Tree Canopy Coverage Requirements (refer to III.SF-I of the Land Development Regulations) met through preservation of existing trees.

(vii) Existing structures, power lines, easements, and other similar features.

(5) Tree Replacement Schedule for Preliminary Plat Process. The Tree Replacement Schedule illustrates the quantity of trees to be removed and replaced, the general locations available for the planting of replacements trees, and the proposed contribution to the Tree Bank.

(a) Timing. The Tree Replacement Schedule shall be completed at the beginning of the development process to assist with the design of the development. Tree Replacement Schedules are required per I.4.C Preliminary Plat of the Land Development Regulations.

(b) City Approval. The Tree Replacement Schedule shall be reviewed and the proposed replacement shall be approved or disapproved with the Preliminary Plat application (refer to I.4.C of the Land Development Regulations).

(c) Schedule Requirements. Tree Replacement Schedules shall detail the following.

(i) Location of all available planting areas including Landscape Areas; frontage buffers, side and rear buffers, interior parking lot landscaping, Open Spaces, stormwater basins,

Streamside Management Buffers, and Conservation Area C. Include square footage calculations for each available planting area.

(ii) Areas unavailable for planting such as existing and proposed structures, utility locations (water, sewer, stormwater, gas, and electric), Easements, water bodies, other Conservation Areas, and others.

(iii) Dimensioned Property Lines.

(iv) Location of existing trees proposed to be preserved and which will be counted toward canopy coverage requirements (refer to III.5.G through J of the Land Development Regulations).

(v) Summary table of all trees proposed to be removed and the proposed number of replacement trees to be planted by tree size (large, medium, small) and type, including but not limited to such types as overstory deciduous shade tree, evergreen tree, understory tree, ornamental tree.

(vi) Proposed contribution to the Tree Bank, including the number and size of trees for which the contribution is being made and the associated dollar amount. Refer to 13-406 for details and permission requirements.

(6) Tree Replacement Plan. The Tree Replacement Plan illustrates the location, quantity, and quality of tree(s) to be planted on a site.

(a) Timing. Tree Replacement Plans are required per I.4.D of the Land Development Regulations.

(b) City Approval. The Tree Replacement Plan shall be reviewed and the proposed replacement shall be approved or disapproved with the applicable development approval applications (refer to I.4 of the Land Development Regulations).

(c) Plan Requirements. Tree Replacement Plan shall detail the following.

(i) Dimensioned Property Lines.

(ii) Existing and proposed structures, utilities (water, sewer, stormwater, gas, and electric), Easements, grading, and Open Space and recreation.

(iii) Delineate Conservation and Priority Areas, Specimen Trees, and Forest Stand Groups.

(iv) Location of existing trees proposed to be preserved and removed.

(v) Location of trees to be planted.

(vi) Summary table of all trees removed and the required replacement trees planted by species and size.

(vii) When applicable, denote the percentage of residential Tree Canopy Coverage requirements met through planting new trees.

(d) **Tree Bank.** Proposed contribution shall be noted on the plan, including the number and size of trees for which the contribution is being made and the associated dollar amount. Refer to 13-406 for details and permission requirements.

(7) **Tree Protection Plan.** Tree Protection Plans detail how preserved trees shall be protected and cared for during a site disturbance and denote the areas of tree protection.

(a) **Timing.** The tree protection plan shall be submitted with the Construction Plan application (refer to I.4.D of the Land Development Regulations) and with all construction and building permit applications.

(b) **City Approval.** The Tree Protection Plan shall be reviewed and the proposed protection methods shall be approved or disapproved by the City. No site clearing or disturbance activities shall commence until the City has approved the Tree Protection Plan.

(c) **Plan Requirements.** Plan shall include the following information.

(i) **Dimensioned Property Lines.**

(ii) **Existing and proposed structures, utilities (water, sewer, stormwater, gas, and electric), Easements, grading at no greater than two foot (2') contours, and Open Space and recreation.**

(iii) **Project descriptions, including phasing details.**

(iv) **Construction information, including construction equipment points of access, temporary roads, and location of staging areas for vehicles, material storage, and other related activities.**

(v) **Tree Survey.**

(vi) **Critical Root Zone of preserved trees.**

(vii) **Proposed method(s) and placement of tree protection.**

(viii) **Special treatment plan, if applicable. Refer to 13-409(5). (as added by Ord. #\_\_\_, Feb. 2001, and replaced by Ord. #03-36, June 2003, and Ord. #04-73, Dec. 2004, and amended by Ord. #08-125, Nov. 2008, and replaced by Ord. #13-197, Sept. 2013)**

**13-403. Landmark Trees.** (1) **Intent.** To identify and preserve irreplaceable trees within the City.

(2) **Applicability.** The Landmark Tree designation applies to all trees on all Lots in all Zoning Districts that meet the parameters of this subsection.

(3) **General Requirements.** A Landmark Tree is a high value tree, as determined by a certified forester or certified arborist, using the following criteria.

(a) **Qualifying Tree Type.** Tree shall not be listed on the most recent edition of the Tennessee Invasive Exotic Plant List.

(b) Size Criteria. Tree shall meet one (1) of the following parameters.

(i) Tree shall equal or exceed sixty inches (60") DBH.

(ii) A lesser sized tree of historical significance listed on the Tennessee Champion Tree list or Tennessee Landmark and Historic Tree Registry, as maintained by the Tennessee Division of Forestry.

(c) Condition Criteria. All Landmark Trees shall be in fair or better condition and shall meet the following minimum standards.

(i) A life expectancy of greater than fifteen (15) years.

(ii) A structurally sound trunk without having extensive decay.

(iii) No more than one (1) major and several minor dead limbs.

(iv) No major insect or pathological problems.

(4) Removal and Replacement Parameters. Site design shall take the existence of Landmark Trees into consideration. These trees shall only be removed if, through the Tree Removal Permit process (I.4.S of the Land Development Regulations), the City finds other site development configurations are not viable and only in accordance with the following.

(a) Tree Removal Permit. Requires approval of a Tree Removal Permit (refer to I.4.S of the Land Development Regulations).

(b) Tree Replacement. Removed Landmark Trees on any Lot shall be replaced per the following.

(i) Rate. Trees shall be replaced at a rate of two hundred percent (200%) of the DBH inches removed.

(ii) Tree Replacement Plan Required. Proposed replacement trees shall be reviewed and considered for approval through the submittal of a Tree Replacement Plan (refer to 13-402(6)).

(iii) Installation. Replacement trees shall meet the requirements of III.5.B of the Land Development Regulations, including but not limited to quality, size, and species.

(iv) Replacement Parameters. As many replacement trees shall be planted on the Applicant's Property as the site will support within the following parameters, as illustrated on the Tree Replacement Plan (refer to 13-402(6)).

(A) Trees installed on the Applicant's Property per the requirements in III.5 Landscape, of the Land Development Regulations, may be utilized to satisfy tree replacement requirements.

(B) Additional trees not required per III.5 shall be planted in Landscape Areas, any Streamside Management Buffers, Scenic Corridor Buffers, Open Space Types, and/or

any Conservation Area C, at or not to exceed one (1) tree per two thousand (2,000) square feet to meet the replacement requirements.

(C) Replacement trees shall be placed on site at the maximum the site can support based on installation standards per III.S of the Land Development Regulations and 13-403(4)(b), above.

(D) The replacement inches not physically planted shall be handled through a monetary contribution to the Tree Bank (refer to 13-406).

(E) Plantings on Parcels other than those included in the Application are not permitted to serve as replacement trees.

(v) **Single Family Lot Exception.** Replacement of Landmark Trees removed from a Single Family Lot (refer to Building Types III.4.N-U of the Land Development Regulations) is only required up to the point where that Lot satisfies the Tree Canopy Coverage Requirements (refer to III.5.G of the Land Development Regulations). If a Lot meets the Tree Canopy Coverage Requirement with existing trees six inches (6") DBH or larger prior to the installation of replacement trees, no replacement is required.

(5) **Tree Protection Security.** Security is required for Landmark Trees designated as preserved on all Lots undergoing site disturbance (refer to 13-408).

(6) **Protection During Construction.** Refer to 13-409 for specific protection methods for Landmark Trees. (as added by Ord. #02-06, April 2002, and replaced by Ord. #03-36, June 2003, Ord. #04-73, Dec. 2004, and Ord. #130-197, Sept. 2013)

**13-404. Specimen Trees.** (1) **Intent.** To identify and preserve large, healthy trees within the City and to establish parameters for their removal and replacement.

(2) **Applicability.** The Specimen Tree designation applies to all trees on all Lots in all Zoning Districts that meet the parameters of this subsection.

(3) **General Requirements.** A Specimen Tree is a high value tree, as determined by a registered forester, certified arborist, or other City approved professional arborist or forester using the following criteria.

(a) **Qualifying Tree Type.** (i) Tree shall not be listed on the most recent edition of the Tennessee Invasive Exotic Plant List.

(ii) Trees listed on the City's recommended species list, available at City Hall.

(b) **Size Criteria.** Tree shall meet one (1) of the following parameters.

(i) Tree shall measure at least twenty four inches (24") and less than sixty inches (60") DBH.

(ii) A lesser sized tree, if it meets any one (1) of the following criteria:

(A) Rare or unusual species, including but not limited to, species federally or state listed as endangered, threatened, or of special concern.

(B) Exceptional or unique quality, including but not limited to, a tree that is the only species of its kind or size within the project area, or a tree that provides habitat for a species that is state or federally listed as endangered, threatened, or of special concern. Special concern includes any species or subspecies of plant that is uncommon in Tennessee, or has unique or highly specific habitat requirements or scientific value and, therefore, requires careful monitoring of its status.

(c) Condition Criteria. All Specimen Trees shall be in fair or better condition and shall meet the following minimum standards.

(i) A life expectancy of greater than fifteen (15) years.

(ii) A structurally sound trunk without having extensive decay.

(iii) No more than one (1) major and several minor dead limbs.

(iv) No major insect or pathological problems.

(4) Removal and Replacement Parameters. Site design shall take the existence of Specimen Trees into consideration. Removal of Specimen Trees shall adhere to the following.

(a) Tree Removal Permit. Requires approval of a Tree Removal Permit (refer to I.4.S of the Land Development Regulations).

(b) Tree Replacement. Removed Specimen Trees shall be replaced according to the following parameters.

(i) Exception for Single Family Lots. Replacement of Specimen trees removed from a Lot for Single Family (refer to Building Types III.4.N-U of the Land Development Regulations) is only required up to the point where that Lot satisfies the Tree Canopy Coverage Requirements (refer to III.5.G of the Land Development Regulations). If a Lot meets the Tree Canopy Coverage Requirement with existing trees six inches (6") DBH or larger prior to the installation of replacement trees, no replacement is required.

(ii) Rate. Trees shall be replaced at a rate of one hundred percent (100%) of the DBH inches removed.

(iii) Tree Replacement Plan Required. Proposed replacement trees shall be reviewed and considered for approval

through the submittal of a Tree Replacement Plan (refer to 13-402(6)).

(iv) **Installation.** Replacement trees shall meet the requirements of III.5.B of the Land Development Regulations, including but not limited to quality, size, and species.

(v) **Replacement Parameters.** As many replacement trees shall be planted on the Applicant's Property as the site will support within the following parameters, as illustrated on the Tree Replacement Plan (refer to 13-402(6)).

(A) Trees installed on the Applicant's Property per the Landscape requirements in III.5 of the Land Development Regulations may be utilized to satisfy tree replacement requirements.

(B) Additional trees not required per III.5 of the Land Development Regulations shall be planted in Landscape Areas, any Streamside Management Buffers, Scenic Corridor Buffers, Open Space Types, and/or any Conservation Area C, at or not to exceed one (1) tree per two thousand (2,000) square feet to meet the replacement requirements.

(C) Replacement trees shall be placed on site at the maximum the site can support based on installation standards per III.5 of the Land Development Regulations and 13-403(4)(b), above.

(D) The replacement inches not physically planted shall be handled through a monetary contribution to the Tree Bank (refer to 13-406). A lot recorded for or developed with single-family development is exempt from this requirement.

(E) Plantings on Parcels other than those included in the Application are not permitted to serve as replacement trees.

(5) **Tree Protection Security.** Security shall be required for Specimen Trees designated as preserved on all Lots undergoing site disturbance (refer to 13-408).

(6) **Protection During Construction.** Refer to 13-409 for specific protection methods for Specimen Trees. (as added by Ord. #\_\_\_, Feb. 2001, and replaced by Ord. #03-36, June 2003, Ord. #04-73, Dec. 2004, and Ord. #13-197, Sept. 2013)

**13-405. Standard Trees.** (1) **Intent.** To establish parameters for the reasonable removal and replacement of Standard Trees within the City.

(2) Applicability. These standards apply to all trees not designated as Landmark or Specimen Trees on all Lots in all Zoning Districts that meet the parameters of this subsection.

(3) General Requirements. These trees meet the following criteria, as determined by a registered forester, certified arborist, or other City approved professional arborist or forester.

(a) Qualifying Tree Type. (i) Tree shall not be listed on the most recent edition of the Tennessee Invasive Exotic Plant List.

(ii) Trees listed on the City's recommended species list, available at City Hall.

(b) Size Criteria. Trees not designated as Landmark or Specimen Trees that are greater than or equal to ten inches (10") DBH.

(c) Condition Criteria. Trees shall be in fair or better condition and shall meet the following minimum standards.

(i) A life expectancy of greater than fifteen (15) years.

(ii) A structurally sound trunk without having extensive decay.

(iii) No more than one (1) major and several minor dead limbs.

(iv) No major insect or pathological problems.

(4) Removal and Replacement Parameters. Retention of these and larger trees is encouraged and site design shall take the existence of trees into consideration. Removal shall adhere to the following.

(a) Tree Removal Permit. Requires approval of a Tree Removal Permit (refer to 1.4.S of the Land Development Regulations).

(i) Exception. A permit is not required if all of the following are met.

(A) Lot is developed with or will be developed for single family (refer to Building Types III.3.N-U of the Land Development Regulations).

(B) Lot will be able to meet the Tree Canopy Coverage Requirements (refer to III.5.G of the Land Development Regulations) with existing trees six inches (6") DBH or larger, despite the proposed removal.

(C) The trees proposed for removal are each under ten (10) DBH inches.

(b) Tree Replacement. Removed trees shall be replaced according to the following parameters.

(i) Single Family Lots. (A) Replacement is not required for Lots meeting the exception criteria in 13-405.

(B) Replacement is only required up to the point of meeting the Tree Canopy Coverage Requirements (refer to III.5.G of the Land Development Regulations) with existing trees six inches (6") DBH or larger.

(ii) Rate for Non-Single Family Lots. Trees shall be replaced at a rate of fifty percent (50%) of the DBH inches removed.

(iii) Tree Replacement Plan Required. Proposed replacement shall be reviewed and considered for approval through the submittal of a Tree Replacement Plan (refer to 13-402(6)).

(iv) Installation. Replacement trees shall meet the requirements of III.5.B of the Land Development Regulations, including but not limited to quality, size, and species.

(v) Location. Planting of replacement inches shall be on the Applicant's Property.

(A) Trees installed on the Applicant's Property per the Landscape requirements in III.5 may be utilized to satisfy tree replacement requirements.

(B) Plantings on Parcels other than those included in the Application are not permitted to serve as replacement trees.

(vi) Tree Bank Contribution for Non-Single Family Lots. The replacement inches not physically planted shall be handled through a monetary contribution to the Tree Bank (refer to 13-406).

(c) Thinning. Standard Trees may be removed without replacement requirements if a thinning plan is developed and approved with the following criteria.

(i) The proposed thinning is to promote the health of the forested area.

(ii) Thinning plan shall be developed by a certified forester or registered professional forester.

(iii) The plan shall be considered for approval through the Tree Removal Permit process. Refer to I.4.S. Tree Removal Permit of the Land Development Regulations.

(5) Tree Protection Security. Security may be required for trees designated as preserved on all Lots undergoing a site disturbance (refer to 13-408 of the Land Development Regulations). (as added by Ord. # \_\_\_\_\_, Feb. 2001, and replaced by Ord. #03-36, June 2003, Ord. #04-73, Dec. 2004, and Ord. #13-197, Sept. 2013)

**13-406. Tree Bank.** (1) Intent. To provide a method of compliance with the tree replacement requirements of the Tree Management Ordinance. It is intended for circumstances where on-site planting of replacement trees is not possible due to the physical condition of a Lot, when Tree Canopy requirements cannot be met due to site constraints, or for mitigation of violations.

(2) Applicability. A contribution may be made to the Tree Bank by any Applicant or property Owner responsible for replacing removed trees, with City approval.

(3) Authority. Utilization of the Tree Bank requires the City's approval.

(a) Proposed use of the Tree Bank shall be detailed by the Applicant (refer to 13-402(6)).

(b) City shall review the proposed Tree Bank contributions and related Tree Replacement submitted with the Applicant's development application(s). See I.4 Process Criteria and Application (Land Development Regulations) for complete details on applicable processes.

(c) The Natural Resources Board (NRB)<sup>1</sup> shall review proposed Tree Bank donations during the application process and provide a recommendation to the MPC for Plats or Site Plans, or to the Code Administrator for Minor Site Plans and Tree Permits.

(d) All Tree Bank contributions require Code Administrator approval concurrent with the application process for the development (refer to I.4 of the Land Development Regulations) or through the Tree Removal Permit process without a development process application (refer to I.4.S of the Land Development Regulations).

(4) Contributions. Contributions are calculated as follows:

(a) Landmark Trees. Contribution is determined by the valuation formula provided in the current edition of the Guide for Plant Appraisal, as published by Council of Tree and Landscape Appraisers (CTLA).

(b) Specimen Trees. Contribution is determined by the valuation formula provided in the current edition of the Guide for Plant Appraisal, as published by Council of Tree and Landscape Appraisers (CTLA).

(c) Standard Trees. Contribution is determined by multiplying one hundred and twenty-five dollars (\$125.00) by the DBH inches that are not to be planted on-site.

(d) Amounts. The total value of trees removed from a site shall be calculated per the specifications of this section. This total value shall be multiplied by the percentage of the tree replacement inches not physically planted on site to determine the amount of Tree Bank contribution.

(5) Exceptions. The following development conditions shall modify the final determination of the Tree Bank Contribution (TBC):

(a) If located in a Neighborhood Type IV District

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<sup>1</sup>Ord. #14-202, Feb. 2014 provides: "the Lakeland Municipal Parks and Recreation Advisory Board (PRB) shall serve as the Natural Resources Board.

(i) First acre - TBC or five thousand dollars (\$5,000.00) whichever is less.

(ii) Up to two (2) acres - TBC or twelve thousand five hundred dollars (\$12,500.00) whichever is less.

(iii) Up to three (3) acres - TBC or twenty-two thousand dollars (\$22,500.00) whichever is less.

(iv) Up to four (4) acres - TBC or thirty-five thousand dollars (\$35,000.00) whichever is less.

(v) More than four (4) acres - tree bank contribution formula.

(b) If located in a Neighborhood Type V District the tree bank contribution formula is waived and the contribution is set at five thousand dollars (\$5,000.00) per whole acre or fraction thereof.

(6) Other donations. Tree protection and establishment securities (refer to § 13-408) forfeited due to failure to comply with these provisions shall be deposited in the Tree Bank. (as added by Ord. #\_\_\_\_, Feb. 2001, and replaced by Ord. #03-36, June 2003, Ord. #04-73, Dec. 2004, and Ord. #13-197, Sept. 2013, and amended by Ord. #15-228, Nov. 2015)

**13-407. Violations.** (1) Intent. To provide the City with specific recourse, if the provisions of this Section are not adhered to.

(2) Applicability. In addition to the standards outlined in I.1.I Violations and Penalties of the Land Development Regulations, the following may be applied to Owners in violation of the provisions of this Section.

(3) Penalties. The following penalties may be applied to Owners found in violation of this Section.

(a) Revoke Permits. The City may revoke any permits until the matter is resolved.

(b) Required Tree Replacement. Illegally removed trees shall be replaced as follows.

(i) Landmark Trees shall be replaced per the replacement standards and rate defined in 13-403.

(ii) Specimen Trees shall be replaced per the replacement standards and rate defined in 13-404.

(iii) Standard Trees. shall be replaced per the replacement standards and rate defined in 13-405.

(c) Tree Bank donations (refer to 13-406) shall be made at the following rates:

(i) Landmark Trees. Contribution is determined by the valuation formula provided in the current edition of the Guide for Plant Appraisal, as published by Council of Tree and Landscape Appraisers (CTLA).

(ii) Specimen Trees. Contribution is determined by the valuation formula provided in the current edition of the Guide for

Plant Appraisal, as published by Council of Tree and Landscape Appraisers (CTLA).

(iii) Standard Trees. Contribution is determined by multiplying one hundred and twenty-five dollars (\$125.00) per DBH inches removed,

(d) Administrative Fees. (i) Landmark Tree violations shall pay a five thousand dollars (\$5,000.00) administrative fee per tree.

(ii) Specimen Tree violations shall pay a four thousand dollar (\$4,000.00) administrative fee per tree.

(iii) Standard Tree violations shall pay a two thousand dollar (\$2,000.00) administrative fee per tree.

(e) Required Replacement. Imposition of any penalty for a violation of this subsection shall not be construed as a waiver of the right of the City to collect from the defendant the cost of tree work done by the City which the defendant was required but failed to act upon. (as added by Ord. #\_\_\_\_, Feb. 2001, and replaced by Ord. #03-36, June 2003, Ord. #04-73, Dec. 2004, and Ord. #13-197, Sept. 2013)

**13-408. Tree Protection Security.** (1) Intent. To ensure that trees designated to be protected during site development are appropriately managed.

(2) Applicability. Security is required under the following circumstances.

(a) For those receiving Plat, construction plans, or Site Plan approvals (refer to I.4.C-E and J-K of the Land Development Regulations) or other development or building permits that have Landmark, Specimen, and/or Standard trees designated to be protected during site development activities.

(b) For those receiving Minor Site Plan approvals that have Landmark trees designated to be protected during site development activities.

(3) Tree Protection Security. Security requires an escrow deposit, or irrevocable letter of credit in an amount equal to the cost of replacing the trees designated as to be protected (using the Council of Tree and Landscape Appraiser's or similar City approved organization's tree appraisal estimates) and associated labor.

(a) When the project involves a development agreement (refer to I.5.A of the Land Development Regulations), this requirement shall be included in this agreement; a separate security is not required.

(b) Security shall be held for two (2) years from the date of receipt of the Certificate of Compliance (I.4.R of the Land Development Regulations) or certificate of completion, unless violations of the Tree Protection Plan (refer to 13-402(6)) or the standards outlined in 13-409 were cited. If violations were found, the security shall be held for a period of five (5) years.

(c) Security may be released at the end of time periods established in 13-408(3)(b) only if the tree(s) are not dead, partially dead, or if none of the following is visible:

- (i) Undersized leafing.
- (ii) No new growth.
- (iii) Wilting or browning of leaves.
- (iv) Signs of insects, disease, or pests. (as added by Ord. #\_\_\_\_, Feb. 2001, and replaced by Ord. #03-36, June 2003, and Ord. #04-73, Dec. 2004)

**13-409. Tree Protection During Construction.** (1) Intent. Protection measures shall be undertaken to preserve designated trees and stands during site development and construction.

(2) Applicability. On all Lots in all Zoning Districts, trees determined to be preserved, shall be protected utilizing the provisions outlined herein. The tree and/or any Critical Root Zone of a protected tree on adjacent lots shall be protected.

(3) Tree Protection Plan. An approved Tree Protection Plan, detailing which of the following protection methods shall be utilized, is required prior to commencing any site clearing or disturbance activities (refer to 13-402(7)).

(4) Prohibited Activities. Within protection areas, the following activities shall be prohibited:

- (a) Vehicle traffic or parking.
- (b) Materials or equipment storage.
- (c) Soil disturbance.
- (d) Soil excavation.
- (e) Removal of topsoil.
- (f) Trenching.
- (g) Soil fill.
- (h) Change in soil pH.
- (i) Change in soil drainage.
- (j) Equipment washouts or disposal (including concrete).
- (k) Fires.
- (l) Chemical or trash disposal.
- (m) Other activities harmful to the trees as determined by the

Code Administrator.

(5) Special Treatment. To ensure the health of certain preserved trees, unique care may be required for protected trees during a site disturbance.

- (a) Triggers for special treatment.
  - (i) All Landmark Trees shall be under the care of a certified arborist or forester.
  - (ii) City may require special treatment for Specimen Trees as a condition of approving the Tree Protection Plan (refer to 13-402(7)).

(iii) During the site disturbance or construction activity, the City may required special treatment if:

(A) A violation of the tree protection standards is found.

(B) A preserved tree, regardless of classification, is found to be stressed or in poor health.

(b) Requirements. All treatments shall be submitted for consideration of approval by the City. A certified arborist or forester shall perform the following.

(i) Visually inspect trees and perform any testing required.

(ii) Develop special treatment based upon conditions of the tree.

(iii) Conduct inspections to monitor treatment progress.

(6) Protection Methods During Construction. Protective barriers are required to prevent tree injuries caused by soil compaction, unnecessary cutting of roots, fire, tree damage caused by heavy equipment, carelessness with tools or girding with guy wires and injury caused by solvents, paints, oils, or other chemicals.

(a) Protect the Critical Root Zone. Enclose preserved trees in designated tree protection areas, noting location on the Tree Protection Plan, with standard orange barricade fencing or comparable fencing material approved by the Code Administrator.

(i) Such fencing shall be at least four feet (4') in height and supported by metal channel posts spaced a maximum of ten feet (10') on center.

(ii) Fencing shall be placed around all trees to be preserved.

(iii) Barrier shall be easily visible to equipment operators.

(iv) Hand tools only shall be utilized to remove brush or weeds within the barrier.

(b) Sediment and Siltation. In addition to the protection fencing, filter fabric fence, silt fence, or heavy duty silt fence (Type C per the Tennessee Department of Environment and Conservation) may be required along the limits of grading to protect the areas of tree preservation from sediment and siltation.

(c) Bark Protection. Tree trunks within fifteen feet (15') of a building site or access road shall be wrapped with sections of protection fencing or boards wired together.

(i) No nails or spikes shall be driven into preserved trees.

(ii) No preserved trees shall be used for signs, fencing, roping, or cables.

(d) Watering. Regular watering may be required.

(e) **Mulch.** Critical Root Zone shall be mulched with a minimum of three (3) and a maximum of eight inches (8") of organic mulch material such as pine, straw, wood chips, tree leaves, or compost.

(f) **Construction Dust.** Tree Leaves shall be kept free of construction dust to prevent dessication.

(g) **Felled Trees.** Trees to be removed from the site shall be felled away from Protection Zones (refer to II.12 for Subdivisions or III.9 for site developments of the Land Development Regulations) and shall not damage any trees to be retained.

(7) **Grade Changes.** Grading in and around the Critical Root Zone of a tree shall adhere to the following.

(a) Grading within the Critical Root Zone of Landmark and Specimen Trees are prohibited.

(b) Grading along the perimeter of the Critical Root Zone for Landmark and Specimen Trees may occur providing the following parameters.

(i) **Raising of Grade.** Up to a three feet (3') change is permitted along the perimeter of a tree's Critical Root Zone provided that an aeration system and retaining wall are installed.

(ii) **Lowering of Grade.** Grade shall not be lowered more than two feet (2') along the Critical Root Zone's perimeter. Terracing away from the Critical Root Zone is permitted at increments of two feet (2').

(iii) **Positive Drainage.** Significant changes in drainage shall be rectified by cutting Swales or other means previously approved in the Tree Protection Plan (refer to 13-402(7)).

(iv) **Fine Grading.** All fine grading within the Critical Root Zone shall be done by hand.

(c) Grading within and around the Critical Root Zone of a Standard Tree is permitted with the following requirements.

(i) Avoid grade changes within the Critical Root Zone if alternatives are feasible.

(ii) Grading is prohibited within the fifty percent (50%) of the Critical Root Zone adjacent to the protected tree's trunk or half of the radius of the Critical Root Zone measured from the trunk.

(iii) **Grade Change.** Up to one foot (1') of change, raising or lowering, is permitted in the outer Critical Root Zone.

(iv) **Positive Drainage.** Significant changes in drainage within and along the Critical Root Zone shall be rectified by cutting Swales or other means previously approved in the Tree Protection Plan (refer to 13-402(7)).

(8) **Excavation.** Excavation is not permitted within the Critical Root Zone of Landmark and Specimen Trees. For all other trees, minimize the

damage by limiting excavation and providing proper root care after any excavation.

(a) Utility Easements shall not be routed within the Critical Root Zone of a tree unless otherwise approved because:

(i) No other route is practical.

(ii) Tunnelling under the roots with a power-driven soil augur is impractical or financially infeasible in relation to the value of the tree.

(b) Root Protection. When excavating in the Critical Root Zone, the following cautionary steps shall be taken.

(i) Minimize the number of roots cut, especially structural roots.

(ii) Make clean cuts with proper tools and re-trim the roots after excavation.

(iii) Keep exposed roots moist by covering with burlap or similar material and watering at least once per day until trench is filled.

(iv) To minimize the time roots are exposed to the air, backfill the trench as soon as possible after excavation, leaving no pockets of air.

(v) Mix peat moss with fill soil to promote new root growth.

(9) Removal of Tree Protection. Protective fences and barriers around trees shall be removed only as the final stage of post-construction cleanup. (as added by Ord. #\_\_\_\_, Feb. 2001, and replaced by Ord. #03-36, June 2003, Ord. #04-73, Dec. 2004, and Ord. #13-197, Sept. 2013)

**13-410. Municipal Tree Management.** (1) Intent. The intent of this Section is to provide standards and protocols for municipal tree management within the City of Lakeland.

(2)

(3) Applicability. The provisions of this section, which shall be consistent with forestry policy and practice for urban areas promulgated by the Tennessee Department of Agriculture, Division of Forestry, shall be applicable to all trees located on lands for which the City has responsibility and authority for tree management, public trees, or as otherwise specified in this section.

(4) Tree Planting. No person, organization, firm, or corporation shall plant or cause to be planted any public tree without first obtaining written approval from the Arborist. Further, any planting of a public tree shall conform to and the Arborist shall base the approval or disapproval of any public tree planting request on the standards set forth in this section.

(a) Source of supply. (i) All plant materials supplied shall conform to the latest edition of the American Standard for Nursery

Stock, as approved by the American National Standards Institute, Inc.

(ii) All trees may be inspected and approved by the Arborist, or his duly authorized representative, at the source of supply prior to digging. All materials are to be of the highest quality.

(iii) All plant materials shall have been grown under climatic conditions similar to those in the City.

(iv) All plants shall be typical of their species or variety and shall have a sufficient normal growth of spread and height. They shall be sound, healthy and vigorous, well-branched and densely foliated when in leaf. They shall be free of disease, insect pests and larvae. They shall have healthy, well-developed root systems. One (1) sided plants or plants taken from tightly planted nursery rows will be rejected.

(b) Inspection. (i) All plant material may be inspected and approved by the Arborist, or his duly authorized representative, prior to digging. Inspection and approval by the Arborist, or his duly authorized representative, at the source of supply does not abdicate the right of the Arborist to reject any materials after they have been delivered to the site. A final determination of acceptability of the material will be made at the time of delivery. The city will notify the nursery either by phone or in writing no more than five (5) days after delivery of all materials not acceptable to the Arborist

(ii) Plant material certificates of inspection, where required by federal, state or other governmental agencies, are to accompany all shipments.

(c) Planting. (i) All trees planted on public property shall be of a kind (species) referenced on the city's recommended Tree Species Selection List, on file with the City.

(ii) To curtail the spread of disease or insect infestation in a plant species, no more than forty percent (40%) of the trees to be planted on a site shall be of one (1) genus.

(iii) Trees should be placed in a configuration that promotes energy conservation in buildings, through the moderating effects of shade and the manipulation of air currents provided by the strategic location of trees.

(iv) Tree planting operations should be scheduled to complete the work within a time which is advantageous to the survival of the tree.

(v) Trees shall be planted in accordance with ISA Guidelines.

(d) **Tree Spacing:** The spacing of planted trees shall be in accordance with the two (2) species size classes listed in the City of Lakeland Tree Species Selection List with no trees planted closer than the following:

(i) **Understory Trees** - fifteen feet (15') apart, as measured from the center of the tree trunk.

(ii) **Overstory Trees** - thirty feet (30') apart, as measured from the center of the tree trunk.

(iii) A proposal to vary from these spacing requirements by grouping trees to achieve a special landscape effect may be approved by the Arborist.

(e) **Tree location.** (i) No overstory trees shall be planted under or within ten (10) lateral feet of any overhead utility transmission line nor within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility.

(ii) No tree shall be planted closer than ten feet (10') to a fire hydrant, utility pole or streetlight. No overstory tree shall be planted within four feet (4') of any curb or sidewalk. No tree shall be planted in such a way as to obstruct the vision within the "sight triangle" as defined in the City of Lakeland Subdivision Regulations.

(iii) Trees that are to be planted shall be selected from species suitable for the proposed site conditions, including but not limited to, soil moisture, pH, and light requirements.

(5) **Tree Maintenance.** It shall be unlawful for any person, organization, firm, corporation or city department to perform maintenance as described herein on any public tree, as defined in this ordinance, in a manner inconsistent with ANSI A300 standards for tree care or in a manner that would violate the provisions of this section. Further, it shall be unlawful for any person, organization, firm, or corporation to perform maintenance as described herein on any public tree without first obtaining written authorization and approval from the Arborist. This approval or disapproval shall be based on the following standards and the ANSI A300 standards for tree care.

(a) **Topping.** The practice of tree topping, as defined in this ordinance, is prohibited on all public trees.

(b) **Pruning.** (i) Tree pruning shall be performed in a manner that protects the public. Public trees and private trees, as defined in this chapter, the branches of which suspend over public sidewalks and roadways shall be pruned by the responsible party to meet the following standards:

(A) The area above a sidewalk surface must be clear of branches for a minimum of eight feet (8').

(B) The area above a street surface must be clear of branches for a minimum of twelve feet (12').

(C) Tree branches must not obstruct the view from the roadway of any street sign or stop sign.

(D) No structure, planting or object of natural growth shall be placed or permitted to remain in such a manner as to obstruct vision within the "sight triangle," as defined in the City of Lakeland Subdivision Regulations.

(E) Trees shall be kept pruned of any dead, diseased or structurally damaged limbs or branches that could fall into the right-of-way or onto public property and thereby constitute a threat to public safety.

(ii) It shall be unlawful for any person, organization, firm, corporation, or city department to prune or cause to be pruned any public tree in a manner inconsistent with ANSI A300 standards for tree pruning.

(c) Other maintenance. Other maintenance practices on public trees, including but not limited to, mulching, watering, insect and disease control, fertilization, inoculation, and growth regulation shall be performed in a manner consistent with ISA standards or ANSI A300 standards whichever is more stringent or protective of tree health.

(6) Removal of Trees. The removal of trees within the city is deemed to sometimes be necessary to protect the safety of persons and property, to remove the risk of damage to overhead lines and obstruction of streets and to enhance the aesthetics of the city. In such cases, the provisions of this section shall apply.

(a) Hazardous public trees. The City shall, in the normal course of its duties, periodically conduct surveys to determine the location and severity of hazardous public trees. Dead, diseased or structurally damaged public trees that pose a safety or health risk to the public or to other trees shall be removed or the hazard otherwise mitigated by the City of Lakeland Natural Resources Department or Parks and Recreation Department in a timely manner. The City Manager or his designee shall evaluate the dead, diseased or structurally damaged tree as to the degree of hazard. This evaluation shall be made by using the International Society of Arboriculture (ISA) Standard Tree Condition Evaluation Guide or other comparable method. The results and an accompanying recommendation will be forwarded to the director of Natural Resources or Director of Parks and Recreation for action.

(b) Hazardous private trees. (i) When the city determines that a private tree, as defined in this chapter, is hazardous, as per the ISA Standard Tree Condition Evaluation Guide or other comparable method, and therefore should be removed, it shall provide written notice of this hazard to the party responsible for property management.

(ii) Notice sent by the City as aforesaid shall advise the responsible party to remove the hazardous tree not later than sixty (60) days from the date of the mailing of the notice except as provided in subsection (b)(iii) of this section.

(iii) In the event that the city determines that the tree poses an imminent safety hazard to the general public or adjacent properties, the notice aforesaid may establish a time requirement for removal shorter than sixty (60) days.

(iv) If the responsible party fails to remove a hazardous tree within the time specified in the written notice from the city, such failure shall constitute a violation of this division and shall be punishable in accordance with State Law and the provisions of this ordinance.

(v) If the responsible party fails to remove a hazardous tree within the time specified in the written notice from the city, and if the city determines that the hazardous tree constitutes an imminent threat to the property of others or to the general public or could result in damage to overhead lines or obstruction of streets, the city shall have the right to enter upon the property and remove the tree, and all costs incurred by the city in such regard shall be due and payable from the responsible party to the city upon demand, and, if not paid, the city shall have the right to file a notice of lien in the Register's Office of Shelby County, Tennessee and proceed to collect such costs and enforce such lien in accordance with the provision of law and consistent with the provisions of Section 13-421.1 of this chapter.

(c) Authorization for public tree removal. It shall be unlawful for any person, organization, firm, or corporation to remove or cause the removal of any public tree, as defined in this ordinance, without first obtaining a tree removal permit from the Arborist. The applicant for said tree removal must apply in writing to the City stating reasons for the tree removal. Upon receipt of the application, the Arborist shall review the application and evaluate the tree in question. If the tree in question is a non-specimen tree, or is determined by the Arborist to be a hazard to public safety, the Arborist may make a decision regarding its removal. Such decision will be made within thirty (30) days of receipt of the application. If the tree in question is a specimen tree, the Arborist shall forward the removal request to the Lakeland Tree Board along with a recommendation. The Tree Board decision shall be final.

(d) Removal of stumps. All stumps of removed public trees shall be removed below the surface of the ground so that the top of the stump shall not project of the surface of the ground. Stump removal shall be performed by the responsible party in a timely manner after tree removal.

(e) **Invasive species.** Pubic trees that are listed on the Southeast Exotic Pest Plant Council's Invasive Species List, or are otherwise determined by the Arborist to be a threat to the native vegetation of the area, may be removed, or caused to be removed, by the City of Lakeland Natural Resources Department or Parks and Recreation Department. The Arborist shall make a recommendation regarding the removal of such trees to the appropriate authority.

(7) **Qualifications of Contract Tree Companies.** All tree care workers and companies hired by the City or by outside parties that perform work on public trees shall provide the City with proof of at least one ISA Certified Arborist on staff or consulting with the company or individual.

(8) **Trees of Historic or Special Significance.** A tree of significant age, size or history can constitute a unique asset to the community. The Board of Commissioners, upon the recommendation of the Tree Board, can designate a unique specimen as a Lakeland heritage tree. A public tree so designated will be given special protection and maintenance, and special recognition as the situation warrants.

(9) **Official City Tree.** It is hereby decreed that the *Quercus alba* (white oak) shall be the official city tree. This selection is made because of its history, superior form and shape, its value to wildlife, and its strength of structure and life span in our geographic area. While it is not recommended that this species be selected over other species in planting on public or private property, it is recommended that the tree be recognized as a symbol of the community. (as added by Ord. #\_\_\_, Feb. 2001, and replaced by Ord. #03-36, June 2003, Ord. #04-73, Dec. 2004, and Ord. #13-197, Sept. 2013)

**13-411. Appeal.** An appeal to the Board of Appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the Arborist based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Board of Appeals a notice of appeal, specifying the grounds thereof. The Arborist shall transmit to the Board all papers constituting the record upon which the action appealed was taken. The Board shall fix a reasonable time for the hearing of the appeal, giving public notice thereof, as well as due notice to the parties in interest, and decide the same within fifteen (15) days from the date of the hearing. Upon the hearing any person or party may appear and be heard in person or by agent or attorney.

With regards to this Ordinance, the Board of Appeals shall have the following powers:

(1) **Administrative Review.** Appeal of Decision by Arborist. To hear and decide appeals where the appellant alleges that there is error in any order, requirement, decision or change made by the Arborist or other administrative official in the refusal, carrying out or enforcement of any provision of this Ordinance.

(2) Variance from Tree Ordinance. To hear and decide applications for variance from the terms of this Ordinance, but only where by reason of exceptional narrowness, shallowness or shape of specific piece of property which at the time of adoption of this Ordinance was a lot of record; or where, by reason of exceptional topographic conditions, physiographic conditions, soil physiology, or other extraordinary or exceptional situation or conditions of a piece of property the strict application of the provisions of the Ordinance would result in exceptional difficulties or the exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without the substantial detriment to the public and without substantially impairing the intent and purpose of this Ordinance. Financial disadvantage to the property owner is no proof of hardship within the purpose of this ordinance and as further explained below. The Board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

(a) Physical or topographical conditions. The particular physical surroundings, shape, or topographic conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Ordinance were carried out.

(b) Relationship to other properties within the district. The conditions upon which the petition for variance is based would not be applicable, generally, to other property within the same district.

(c) Permitted activity. The variance will not authorize activities in a zoning district other than those permitted by this Ordinance.

(d) Financial implications. The variance is not based solely on financial returns.

(e) Self-created hardship. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this Ordinance.

(f) Special privilege. Granting the variance will not confer on this applicant any special privilege that is denied by this Ordinance to other lands, structures, or building in the same district.

(g) Minimum variance required. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

(h) Effect on public welfare. Granting the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which property is located.

(i) Effect on adjacent properties. The variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

(j) Physiological conditions. The physical geology of or soil conditions on the site are such that the site has historically not sustained nor is capable of sustaining tree cover.

(k) Prohibited uses. Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

(3) Conditions and Restrictions by the Board of Appeals. The Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to reduce or minimize the injurious effect of such variation upon surrounding property and better carry out the general intent of this Ordinance. (as added by Ord. #\_\_\_\_, Feb. 2001, and replaced by #03-36, June 2003, Ord. #04-73, Dec. 2004, and Ord. #13-197, Sept. 2013)

**13-412. Provisions for Violating Mitigation.** (1) Any person, firm, or corporation determined by the Arborist to be in violation of any provision of this Ordinance shall be issued a notice of such violation. This notice shall include in plain language the nature of the violation and the conditions, if any, required to remedy the violation as well as a time frame for compliance. The notice shall be sent by registered or certified United States Mail, addressed to the last known address of record of the alleged violator/responsible party. The notice shall state that the responsible party is entitled to a hearing and shall contain, at a minimum, the following information:

(a) A brief statement that the responsible party is in violation of the Lakeland Municipal Code, which has been enacted under the authority of Tennessee Code Annotated, § 6-19-101, and that the violation may be remedied at the expense of the responsible party and a lien placed against the property to secure the cost of mitigation of the violation;

(b) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the City; and

(c) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

(2) If the property owner of record fails or refuses to remedy the condition within the time frame specified by the notice, the City shall cause the condition to be remedied at a cost in conformity with reasonable standards and the cost thereof shall be assessed against the owner of the property and/or prosecution in a court of competent jurisdiction. Upon filing of the notice with the office of the register of deeds in Shelby County, the mitigation costs incurred by the City shall be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, any lien of municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such

notice. (as added by Ord. #\_\_\_\_, Feb. 2001, and replaced by Ord. #03-36, June 2003, Ord. #04-73, Dec. 2004, and Ord. #13-197, Sept. 2013)

**13-413. Delay or Failure to Enforce.** Delay or failure to enforce any portion of this ordinance does not constitute a waiver of the provisions of the ordinance in favor of any party or violation. (as added by Ord. #\_\_\_\_, Feb. 2001, and replaced by Ord. #03-36, June 2003, Ord. #04-73, Dec. 2004, and Ord. #13-197, Sept. 2013)

**13-414. Interference with City Natural Resources Board.**<sup>1</sup> It shall be unlawful for any person to prevent, delay or interfere with the City Natural Resources Board, or any of its agents, while engaging in or about the planting, cultivating, mulching, pruning, spraying, or removing of any municipal trees, or trees on private grounds, as authorized by this ordinance. (as added by Ord. #\_\_\_\_, Feb. 2001, and replaced by Ord. #03-36, June 2003, Ord. #04-73, Dec. 2004, and Ord. #13-197, Sept. 2013)

**13-415. Severability.** If any section, clause, provision, or portion of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole which other provisions shall remain in full force and effect, or any part thereof, other than the part so declared to be invalid. (as added by Ord. #\_\_\_\_, Feb. 2001, and replaced by Ord. #03-36, June 2003, Ord. #04-73, Dec. 2004, and Ord. #13-197, Sept. 2013)

**13-416. Provisions of Federal and State Law Excepted.** No provision of this Ordinance shall contravene by term or application any existing or later enacted statute or regulation of the Federal or State governments, and in the event of said conflict, the provisions of the State and/or Federal regulations shall control. (as added by Ord. #\_\_\_\_, Feb. 2001, and replaced by Ord. #03-36, June 2003, Ord. #04-73, Dec. 2004, and Ord. #13-197, Sept. 2013)

**13-417. -- 13-438. [Deleted.]** (as added by Ord. #\_\_\_\_, Feb. 2001, and replaced by Ord. #03-36, June 2003, Ord. #04-73, Dec. 2004, and deleted by Ord. #13-197, Sept. 2013)

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<sup>1</sup>Ord. #14-202, Feb. 2014 provides: "the Lakeland Municipal Parks and Recreation Advisory Board (PRB) shall serve as the Natural Resources Board.