

TITLE 20**MISCELLANEOUS****CHAPTER****1. TREE BOARD.****CHAPTER 1****TREE BOARD****SECTION**

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20-101. Purpose. The purpose of this chapter is to provide a mechanism for the management of trees and woody vegetation the town. The Town of Livingston hereby establishes the Livingston Tree Board, pursuant to the requirements of the "Tree City USA" program. (Ord. #2005-6-1, __, 2005)

20-102. Definitions. (1) "Crownsread." The distance from the ends of the branches on one side of the tree, through the trunk, to the ends of the branches on the other side.

(2) "Line clearance." Removal of limbs and branches growing with a set distance of electrical distribution lines.

(3) "Private tree." 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.

(4) "Pruning." Selective removal and thinning of the upper portions of the tree using natural target techniques, taking into account the shape and natural structure of the tree.

(5) "Public tree." 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.

(6) "Public utility." That section of local government in charge of electrical distribution for the community and having responsibility for keeping distribution lines free of hazards, including trees.

(7) "Shrub." Woody plant with a multiple stem capable of growing to a height of up to fifteen feet (15').

(8) "Street tree." Tree growing within a public right-of-way along a street, in a median, or in a similar area in which the right-of-way borders areas owned by private individuals.

(9) "Topping." Arbitrary removal of various portions of the tree, thereby leaving stubs, with no regard for the natural structure of the tree.

(10) "Tree." Woody plant with a single trunk or multiple trunks capable of growing to a height of fifteen feet (15') or more. (Ord. #2005-6-1, __, 2005)

20-103. Duties and responsibilities.¹ The duties of the tree board shall include, but not be limited, to the following:

- (1) Prepare a tree plan for the community.
- (2) Coordinate tree-related activities.
- (3) Conduct an Arbor Day ceremony;
- (4) Provide tree information to the community;
- (5) Maintain a recommended tree list for the community;
- (6) Recognize groups and individuals completing tree projects;
- (7) Coordinate publicity concerning trees and tree programs;
- (8) Recognize groups and individuals completing tree projects;
- (9) Coordinate donations of trees or money to purchase trees;
- (10) Adopt rules and regulations pertaining to the tree program;
- (11) Hear citizens' concerns regarding tree problems during scheduled meetings;
- (12) Perform other tree-related duties and opportunities that arise from time to time. (Ord. #2005-6-1, __, 2005)

20-104. Tree planting. Tree planting shall be undertaken by the city on 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.

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.

(1) Grade. Trees to be planted shall be free of insects and diseases, mechanical injuries, and have reasonably straight trunks with a strong leader branch. Balled and burlapped trees shall be required where bare root trees cannot be handled and stored properly prior to planting.

(2) Planting near existing objects. Only small trees are permitted to be planted within ten feet (10') of utility lines. In street plantings, no tree may

¹Refer to Appendix C of this code.

be planted closer than ten feet (10') to a fire hydrant, or utility pole or street light, fifteen feet (15') to a driveway/street intersection, or twenty feet (20') from a street/street intersection. When planting between sidewalks and six feet (6') between curb and sidewalk is the minimum distance required from small trees, eight feet (8') for medium trees, and ten feet (10') for larger trees.

(3) Planting techniques. Holes shall be dug to give adequate room for the root system. The diameter of the hole should be at least twelve inches (12") larger than the diameter of the root ball or root system. The depth of planting should be at the same level as the tree had grown previously. Backfill should be of the same material that was removed from the hole, with no additives except low nitrogen fertilizer which may be added if the tree board deems it necessary. Trees may be guyed in windy areas or other areas where support is determined necessary by the tree board. All guy wires shall be removed within eighteen (18) months.

(4) Landscaped strips. Landscaped strips shall be a minimum of five feet (5') in width and planted with acceptable indigenous landscaping material. In addition, the trees shall be planted no greater than eighteen to twenty-five feet (18'-25') apart and at the time of planting said trees shall be at least one and three-quarters inches (1 3/4") in diameter. (Ord. #2005-6-1, __, 2005)

20-105. Tree care. The city shall take responsibility for pruning, fertilizing, watering; and insect and disease control or other tree care activities. Maintenance will be performed to keep public trees reasonably healthy and minimize the risk of hazard trees could cause to the public. Tree care may be accomplished by city personnel or by vendors.

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.

(1) Tree topping prohibited. The practice of tree topping is prohibited on all public trees and is strongly discouraged as a tree care practice for private trees. Proper pruning is the best practice for limb removal. The standard tree pruning method will be branch collar pruning as opposed to stubs or flush cuts.

(2) Fertilization. Fertilization of trees will be accomplished when the tree board determines a tree is deficient in nutrients. Determination is made by leaf color or size, twig growth, soil test, or other diagnostic methods. Fertilizer will be applied at the appropriate time of year (December-March). Fertilizer shall be applied no closer than twelve inches (12") to tree trunks and should extend beyond trees' crown driplines.

(3) Mulching. Mulch shall be applied in a four to six foot (4'-6') ring around tree trunks at a depth of two to four inches (2"-4"). Either inorganic (rock) or organic (bark chips) mulch types are acceptable.

(4) Root care. Extensive root system damage to public trees is prohibited. Grade changes and trenching within the crown spread (ends of

branches) is prohibited without permission of the tree board. Owners of private trees are encouraged to consult the tree board before proceeding with these activities.

(5) Utility lines. 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 or pruning to laterals are the required methods. Where possible, the utility companies shall undertake a program of replacing large trees with small maturing ornamental trees of the kind recommended by the tree board. (Ord. #2005-6-1, __, 2005)

20-106. Tree removal. This section will apply to both public and private trees. Trees that are dead or dying and/or pose a safety or health risk to residents or to other trees shall be removed in a timely manner. The tree board will make the risk determination, and if appropriate, will cause the tree(s) to be removed.

Upon receipt of notice to remove, the owner may appeal the decision within fifteen (15) days (or next meeting) to the board of aldermen.

Stump removal to below ground level is considered part of the tree removal process. (Ord. #2005-6-1, __, 2005)

20-107. Arborists and tree surgeons: insurance required. All individuals and firms conducting tree care and removal activities for compensation shall be required to have liability insurance. A minimum of one hundred thousand dollars (\$100,000.00) of liability insurance is required. It is also recommended that such tree care companies be certified by either the International Society of Arboriculture (ISA) or the Tree Care Industry Association (TCIA). (Ord. #2005-6-1, __, 2005)

20-108. Protection for construction and land use changes.

(1) Tree preservation. As it pertains to commercial and residential development, the city maintains that it is in the best interest of all concerned to save as many existing trees as practical. Developers/builders will develop tree impact plans prior to removal of any tree from project sites. Said plans will be submitted to the tree board for approval.

(2) Impact plans. Impact plans will include general locations of trees to be removed and areas of trees that will be retained. Plans will also indicate the general layout of roads, utilities, parking areas for vehicles, storage areas for construction material, and other items that disturb or compact the soil in tree root zones. The plan shall also include proposed grading work and subsequent erosion control measure to prevent siltation over the roots of trees that will remain. The plan will also outline additional landscape trees that need to be planted to bring the finished project up to the desired vegetation level.

(3) Tree protection zone. All trees on publicly owned property near any excavation or construction activity shall have a protection zone around it equal

to the crown spread of the tree. No building material, dirt, other debris, or any vehicles shall be allowed inside the barrier. (Ord. #2005-6-1, __, 2005)

20-109. Appeal and penalties. (1) Appeals. Any person dissatisfied with the decisions, rules, regulations, and interpretations of the tree board shall have the right to appeal to the board of aldermen. Appeals shall be within thirty (30) days and shall be made in writing.

(2) Penalties. Any person violating this chapter shall be deemed guilty of a misdemeanor, and according to the laws of the State of Tennessee shall be fined a maximum of fifty dollars (\$50.00). Each subsequent day that any violation continues unabated shall constitute a separate offense. (Ord. #2005-6-1, __, 2005)