

CHAPTER 98: TREES

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§ 98.01 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY RIGHT OF WAY. Twenty-five feet from the center of the street.

PARK TREES. Trees, shrubs, bushes, and all other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

STREET TREES. Trees, shrubs, bushes and other plantings lying between the street and sidewalk within the city and/or are otherwise within the city right-of-way.
(Ord. 10-6, passed 9-1-2010)

§ 98.02 CREATION AND ESTABLISHMENT OF CITY TREE BOARD.

There is hereby created and established a City Tree Board for the City of Southgate, Kentucky which shall consist of at least five members, and not more than ten members, who shall be appointed by the Mayor with the approval of the City Council. All except one of the members shall be citizens or residents of this city. The member who is the exception shall serve in an advisory capacity and is not required to be a resident of this City. This person shall be knowledgeable of and have expertise in management of the urban forest. Members will be appointed by the Mayor with approval of the City Council.

(Ord. 10-6, passed 9-1-2010)

§ 98.03 TERM OF OFFICE.

The term of office of the persons appointed by the Mayor shall be staggered three year terms. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.

(Ord. 10-6, passed 9-1-2010)

§ 98.04 COMPENSATION.

Members of the Board shall serve without compensation.

(Ord. 10-6, passed 9-1-2010)

§ 98.05 DUTIES AND RESPONSIBILITIES.

(A) It shall be the responsibility of the Board to study, investigate, counsel, develop, and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in parks, in or about city property, and in other public areas. Such plan will be presented annually to the City Council and upon their acceptance and approval, shall constitute the official comprehensive tree plan for the City of Southgate, Kentucky.

(B) The Board, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work.

(Ord. 10-6, passed 9-1-2010)

§ 98.06 OPERATION.

The Board shall choose its own officers, make its own rules and regulations consistent with this chapter and adopted law, and keep a journal of its findings. A majority of the members shall be a quorum for the transaction of business.

(Ord. 10-6, passed 9-1-2010)

§ 98.07 STREET TREES.

(A) Street trees generally are not permitted to be planted as new plantings where they will interfere with or cause damage to city streets, sidewalks, curbs, or any public utilities. Street trees may be planted in an area with a minimum planting square footage space of four feet in width by four feet in length, and with the written approval of the Tree Board.

(B) All persons seeking to plant a street tree, as a new planting, or to replace a pre-existing street tree, must file an application to the Tree Board describing the species to be planted, the proposed location, including proximity to any street, sidewalk, curb, or public utility.

(C) The Tree Board shall formulate an official street tree species list for the City of Southgate, that will specify the types of plantings that may be permitted as street trees. This list shall be maintained at the office of the City Clerk, and may be updated from time to time if appropriate, by the Tree Board. No species other than those on said list may be planted as street trees.

(Ord. 10-6, passed 9-1-2010) Penalty, see § 98.99

§ 98.08 SPACING.

The spacing of any street tree shall be maintained at a minimum of 30 feet, except in special plantings designed by a landscape architect and submitted for approval to the Tree Board.

(Ord. 10-6, passed 9-1-2010) Penalty, see § 98.99

§ 98.09 DISTANCE FROM POWERLINES.

No street tree shall be planted within 15 feet of power lines.

(Ord. 10-6, passed 9-1-2010) Penalty, see § 98.99

§ 98.10 DISTANCE FROM STREET CORNERS AND FIREPLUGS.

No trees shall be planted closer than 20 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No tree shall be planted closer than ten feet of any fireplug.

(Ord. 10-6, passed 9-1-2010) Penalty, see § 98.99

§ 98.11 TREES AND OTHER PLANTINGS IN THE CITY RIGHT-OF-WAY MAY BE REMOVED.

(A) It is the responsibility of the property owner of the property adjacent to the street tree, or other plantings located in the city right-of-way, to maintain such in a manner that does not cause or contribute to damage to the street, sidewalk, curb or public utilities.

(B) After giving a property owner an opportunity to cure any damage or to properly prune or maintain the offending tree or planting lying in the public right-of-way, the city, through its Code Enforcement Officer, and the Code Enforcement Board may remove or cause to be removed the offending trees or plantings located in the city right-of-way.

(C) The city may recover from the property owner the costs and expenses expended by the city in removing the tree, plant, or bush. A lien for the city's expenses may be asserted against the property. (Ord. 10-6, passed 9-1-2010) Penalty, see § 98.99

§ 98.12 PUBLIC TREE CARE.

It shall be the responsibility of any owner, tenant, or other person, having charge of property within the city upon which any tree, bush, or other object is located, to remove the tree, bush or other object if it is dead. It shall further be the person's responsibility to properly trim the trees, bushes or other objects in such a manner as to prevent them from causing damage or injury to persons or property upon the public streets of the City of Southgate, Kentucky.

(Ord. 10-6, passed 9-1-2010) Penalty, see § 98.99

§ 98.13 TREE TOPPING.

It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. **TOPPING** is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy to disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempt from this chapter at the determination of the City Tree Board.

(Ord. 10-6, passed 9-1-2010) Penalty, see § 98.99

§ 98.14 PRUNING; CORNER CLEARANCE.

Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased, or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibilities with any traffic control device or sign.

(Ord. 10-6, passed 9-1-2010) Penalty, see § 98.99

§ 98.15 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY.

The city shall have the right to cause the removal of any dead or diseased trees on private property within the city when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The City Tree Board will notify in writing, the owners of such trees. Removal shall be done by the owners at their own expense within 60 days after the date of service of notice.

(Ord. 10-6, passed 9-1-2010) Penalty, see § 98.99

§ 98.16 INTERFERENCE WITH CITY TREE BOARD.

It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board or any of its agents or servants while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street tree, park trees, or trees on private grounds, as authorized in this chapter.

(Ord. 10-6, passed 9-1-2010) Penalty, see § 98.99

§ 98.17 REVIEW BY MAYOR.

The Mayor shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the Mayor who shall hear the matter and make the final decision.

(Ord. 10-6, passed 9-1-2010) Penalty, see § 98.99

§ 98.99 PENALTY.

(A) Any person violating any provision of this chapter shall be cited to Campbell County District Court. Upon conviction or a plea of guilty, they shall be subject to a fine not to exceed \$500, and shall be responsible to reimburse the city for any costs of or removal or remediation, including attorney fees and costs.

(B) The city may also cause a lien to be filed against any property found to be in violation of this chapter to recover all costs, expenses, and attorney fees incurred by the city.
(Ord. 10-6, passed 9-1-2010)