

CHAPTER 99: TREE PRESERVATION

Section

General Provisions

99.01 Definitions

City Tree Board

99.10 Creation

99.11 Term of office

99.12 Compensation

99.13 Operation

99.14 Duties and responsibilities

99.15 Interference with City Tree Board

99.16 Review by city council

Requirements

99.20 Street tree species to be planted

99.21 Spacing

99.22 Distance from curb; sidewalk; power lines

99.23 Distance from street corners, fireplugs

99.24 Public tree care

99.25 Tree topping prohibited

99.26 Pruning; corner clearance

99.27 Dead, diseased tree removal on private property

99.99 Penalty

GENERAL PROVISIONS

§ 99.01 DEFINITIONS.

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

“STREET TREES.” Trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or alley ways within the city.

“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.

(Ord. 570, passed 1-10-95)

CITY TREE BOARD

§ 99.10 CREATION.

There is hereby created and established a City Tree Board for the city which shall consist of five (5) members, who shall be appointed by

1995 S-12

63

the Mayor with the approval of the City Council.
(Ord. 570, passed 1-10-95)

§ 99.11 TERM OF OFFICE.

The term of the five (5) persons to be appointed by the Mayor shall be three (3) years except that the term of two (2) of the members appointed to the first Board shall be for only one (1) year, and the term of two (2) members of the first Board shall be for two (2) years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.
(Ord. 570, passed 1-10-95)

§ 99.12 COMPENSATION.

Members of the Board shall serve without compensation.
(Ord. 570, passed 1-10-95)

§ 99.13 OPERATION.

The Board shall choose its own officers and keep minutes of its meetings. A majority of the members shall be a quorum for the transaction of business.
(Ord. 570, passed 1-10-95)

§ 99.14 DUTIES AND RESPONSIBILITIES.

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, along streets, and in other public areas. The 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.
(Ord. 570, passed 1-10-95)

§ 99.15 INTERFERENCE WITH CITY TREE BOARD.

It shall be unlawful for any person to prevent, delay or interfere with the city Forester or any city personnel while they are engaged 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. 570, passed 1-10-95)

§ 99.16 REVIEW BY CITY COUNCIL.

The City Council shall have the right to review the decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Council who may hear the matter and make the final decision.
(Ord. 570, passed 1-10-95)

REQUIREMENTS

§ 99.20 STREET TREE SPECIES TO BE PLANTED.

The Tree Board will formulate an official street tree species list for the city. The list of allowable species shall be broken down into categories of small, medium, and large trees.

(Ord. 570, passed 1-10-95)

§ 99.21 SPACING.

The spacing of street trees will be in accordance with the three species classes referred to in § 99.20 of this chapter and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet, except in special plantings approved by the city Forester.

(Ord. 570, passed 1-10-95)

§ 99.22 DISTANCE FROM CURB, SIDEWALK, AND POWER LINES.

The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes listed in Section 7 of this ordinance, and no trees may be planted closer to any curb or sidewalk than the following: small trees, 2 feet; medium trees, 3 feet; and large trees, 4 feet. Only small trees can be planted within 15 feet of power lines.

(Ord. 570, passed 1-10-95)

§ 99.23 DISTANCE FROM STREET CORNERS AND FIREPLUGS.

No street tree shall be planted closer than 20 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted closer than 10 feet of any fireplug.

(Ord. 570, passed 1-10-95)

§ 99.24 PUBLIC TREE CARE.

The city shall plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares, general utility easements and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds in accordance with the approved. The city, in accordance with the Plan and in coordination with the city Forester, may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements.

(Ord. 570, passed 1-10-95)

It shall be unlawful for any person or firm to cut any street tree, park tree, or other tree on public property.
(Ord. 570, passed 1-10-95)

§ 99.26 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 (8') 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. It shall be the duty of the City Forester of the City of Bardstown or other responsible officer designated by the Mayor to notify the owner of any real estate within the city of a condition which constitutes a menace to the safety of the public, directing the property owner to comply with this subsection. Said notice shall contain a provision for the property owner to abate the menace within five (5) days unless the menace constitutes an immediate danger to the health and well being of the public. If the menace constitutes an immediate danger, the owner shall abate the danger within twenty-four (24) hours of receipt of the notice. Notice shall be served upon owners by certified mail, but if the whereabouts of the owner is unknown and cannot be ascertained in the exercise of reasonable diligence, the city Forester shall make an affidavit to that effect and the serving of notice shall be made by publication in a newspaper of general circulation for two (2) consecutive issues. If the owner so served does not abate the menace within the prescribed amount of time, 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 visibility of any traffic control device or sign.

(Ord. 570, passed 1-10-95)

§ 99.27 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 with the city when such trees constitute a hazard to life and public property. The city Forester will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

(Ord. 570, passed 1-10-95)

§ 99.99 PENALTY.

Any person violating any provision of this ordinance shall, upon conviction, be guilty of a Class B misdemeanor.

(Ord. 570, passed 1-10-95)