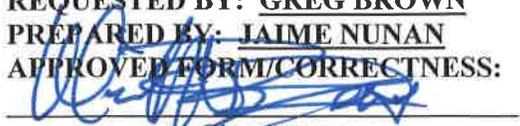


ORDINANCE

**AN ORDINANCE OF THE COUNCIL OF
THE CITY OF COOKEVILLE,
TENNESSEE, AMENDING THE
COOKEVILLE MUNICIPAL CODE TITLE
13, CHAPTER 1, SECTION 13-107,
RELATIVE TO THE TREE ORDINANCE**

ORDINANCE NUMBER: O18-12-35
REQUESTED BY: GREG BROWN
PREPARED BY: JAIME NUNAN
APPROVED FORM/CORRECTNESS:



City Attorney
PASSED 1ST READING: 12-6-18
PASSED 2ND READING: 12-20-18
MINUTE BOOK _____ PAGE _____

THE COUNCIL OF THE CITY OF COOKEVILLE, TENNESSEE HEREBY ORDAINS:

Section 1: To delete Title 13, Chapter 1, Section 13-107 in its entirety and substituting in-lieu-of thereof the following:

13-107. Tree ordinance.

The purpose of this tree ordinance is to provide a mechanism for the management of trees and woody vegetation in the City of Cookeville, Tennessee.

(1) Definitions:

- (a) "Crown spread." The distance from the ends of branches on one side of the tree, through the trunk, to the ends of the branches on the other side.
- (b) "Drip line." All points directly underneath the end of the branches.
- (c) "Large tree." A tree with a mature height of greater than 40 feet.
- (d) "Line clearance." Removal of limbs and branches growing within a set distance of electrical distribution lines.
- (e) "Private trees." A tree growing in an area owned by a private individual, business or commercial establishment, company, or industry, private institution, or other area not owned by government entities.
- (f) "Private property." Any property not owned by a government entity.
- (g) "Proper pruning method." Selective removal and thinning of the upper portions of the tree using natural target techniques, taking into account the natural structure of the tree.
- (h) "Pruning." Selective removal and thinning of the tree taking into account the shape and natural structure of the tree.
- (i) "Public property." Property owned by the community, including parks, public buildings, schools, hospitals, right-of-ways and other areas to which the public has access.
- (j) "Public tree." A tree growing on land owned by the City of Cookeville or on City of Cookeville right-of-way or other public right-of-way.
- (k) "Public utility." That section of local government in charge of supplying electricity, water, sewer and gas within the community.
- (l) "Shrub." A woody plant with a multiple stem capable of growing to a height of up to 15 feet.
- (m) "Small tree." A tree with a mature height of no more than 40 feet.
- (n) "Street tree." A tree growing within a public right-of-way along a street, in a median or in a similar area in which the public right-of-way borders areas owned by private individuals.
- (o) "Topping." Arbitrary removal of various portions of the tree, thereby leaving stubs, with no regard for the natural structure of the tree.
- (p) "Tree." A woody plant with a single trunk, or multiple trunks capable of growing to a height of 15 feet or

more, or a species of tree normally recognized by arborist as a tree.

(q) Utility Definitions:

- (i) "Electric Department." The section of local government in charge of electrical distribution and is responsible for keeping electrical distribution lines free of hazards including trees, within established boundaries set forth by ANSI (American National Standards Institute).
- (ii) "Substation." A high-voltage electric system facility. It is used to switch generators, equipment, and circuits or lines in and out of a system. It also is used to change AC voltages from one level to another, and/or change alternating current to direct current or direct current to alternating current.
- (iii) "Transmission lines." Transmit high-voltage electricity from the generation source or substation to another substation in the electric distribution system.
- (iv) "Trimming." Removal of branches and or tree sections to eliminate or decrease likelihood of trees making contact with electric lines as set forth in the latest version of the Code of Federal Regulations (CFR) and OSHA guidelines for certified electric line clearance tree workers.
- (v) "Utility tree." A tree that will contact any utility structure. A tree or shrub whose roots may disrupt underground utilities, including but not limited to electrical lines, water lines, sewer lines, gas lines, or communication lines such as fiber optic or catv lines.

(2) Administration.

(a) The City Manager or their designee shall be responsible for carrying out the tree ordinance.

- (i) Creation and establishment of a City Tree Board. There is hereby created and established a City Tree Board for the City of Cookeville, which shall consist of thirteen members, five members at large who are citizens and residents of this City and who shall be appointed by the Mayor with the approval of the Cookeville City Council, and eight standing members of the board which shall include the City of Cookeville Public Works Director or their designee; the City of Cookeville Leisure Services Director or their designee; the City of Cookeville Codes Director or their designee; the City of Cookeville Electric Director or their designee; City of Cookeville Planning Director or their designee; the City of Cookeville Urban Forester; a representative from the Tennessee Tech University School of Agriculture; and a representative from the local office of the State Division of Forestry.
- (ii) Term of office. The term of the five persons to be appointed by the Mayor shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two 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. Tree Board members may be reappointed without limit when their term expires. Tree Board members may only serve two successive terms in the same elected office.
- (iii) Standing members may assign a designee to attend and vote on their behalf.
- (iv) Compensation. Members of the board shall serve without compensation.
- (v) Duties and responsibilities. The duties of the Tree Board shall include, but not be limited to the following:
 - (A) Prepare a tree ordinance for the community.
 - (B) Develop, review as necessary and recommend policies to carry out the intent of this ordinance.
 - (C) Assist in coordinating tree-related activities.
 - (D) Coordinate publicity concerning trees and tree programs.
 - (E) Conduct an Arbor Day ceremony.
 - (F) Provide tree information to the community.
 - (G) Maintain a recommended tree list for the community.
 - (H) Recognize groups and individuals completing tree projects.
 - (I) Coordinate donations of trees or money to purchase trees.
 - (J) Perform other tree related duties and opportunities that arise from time to time.
- (vi) Operation. The board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.
- (vii) Review of City Council. The City Council shall have the right to review the conduct and acts of the City Tree Board. Any person may appeal any ruling of the Tree Board to the City Council if the appeal is filed with the City Clerk within 15 days of the action by the Tree Board. The City Council will

hear the appeal at the next regularly scheduled City Council meeting that is scheduled to be held at least 10 days after the lodging of the appeal. The City Council, in its sole discretion, may reschedule the appeal. The City Council will hear the appeal and may take any action it deems appropriate based on the facts and law regarding the case. The decision of the City Council is final.

- (viii) The Tree Board, with the approval of the City Manager, shall appoint an individual to make initial decisions regarding the cutting, trimming and pruning of trees or shrubs. This persons decision is final unless appealed to the Tree Board or unless the cutting, pruning or trimming is a matter of public safety that must be done immediately.

(3) Tree planting.

- (a) 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 recommended by the Tree Board.
- (b) Planting of trees on private property is encouraged, especially in areas where the public may have any extraordinary interest. The Tree Board will provide information about species, planting techniques, and placement guidelines when requested by residents.
- (c) Planted or naturally established seedlings near existing objects. Small tree species may not be established within 8 feet of an imaginary line drawn between utility poles or over underground utilities. Large tree species may not be established within 13 feet of an imaginary line drawn between utility poles or over underground utilities. For street tree establishment, no tree or shrub may be established closer than 10 feet to a fire hydrant, utility pole, or street light. Establishment of trees and/or shrubs adjacent to roadway intersections including driveways or streets is restricted to provide a safe clear distance to prevent visual impairment or obstructions and shall comply with sections 204 and 208 of the Cookeville Zoning Code. When planting between sidewalks and curbs, 6 feet between curb and sidewalk is the minimum distance required for small tree species, and 10 feet for large tree species.

(4) Tree care.

- (a) Right to Inspect. Authorized City of Cookeville officials, including, but not limited to the person designated in subsection (2)(a)(viii) above, have the authority to enter onto property whereon is located a tree, shrub, or plant that is reasonably suspected to be a public hazard/nuisance.
- (b) Tree topping of all public trees is prohibited, except as the first stage of tree removal and topping of private trees is strongly discouraged.
- (c) Tree maintenance may include pruning, fertilizing, watering, insect and disease control or other tree care activities. The City shall take responsibility for those maintenance activities needed to keep the public trees reasonably healthy and minimize the risk that hazard trees could cause to residents and visitors of the City. Determination of maintenance needs will be made by the Tree Board and a recommendation will be made to the City Manager. Tree care may be accomplished by trained City personnel or by contract with qualified commercial tree care companies.
- (d) Care and maintenance of private trees are encouraged to minimize safety hazards to people and the health risk to other trees in the community. The Tree Board will provide information in a timely manner to residents about all aspects of tree care including the latest techniques and procedures currently being practiced.
- (e) Tree pruning in the vicinity of power lines shall be undertaken by the public utility to assure the supply of electricity to its customers. Drop crotch pruning and pruning to laterals are the required methods. Where practicable, the utility shall undertake a program of replacing removed trees with appropriate replacement tree species or cultivars recommended by the Tree Board.
- (f) The standard tree pruning method will be branch collar pruning as opposed to stubs or flush cuts. Large limbs and branches will be pre-cut (3-cut method) to prevent excessive peeling of the bark, followed by cutting the remaining stub.
- (g) Grade changes and trenching within the crown spread of public trees should be conducted in such a way as to minimize root system damage. Owners of private trees are encouraged to consult the Tree Board before proceeding with these activities.

(h) The Cookeville Tree Board will recommend to the City of Cookeville areas that need to be pruned along streets and sidewalks.

(5) Tree Removal.

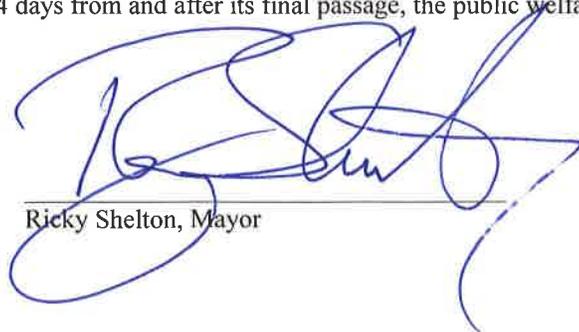
- (a) The City of Cookeville retains the right to remove, trim, or prune trees, plants, and shrubs located on public or private property that may be necessary to ensure public safety as follows: Any tree or shrub on private property when it interferes with the visibility of any traffic control device or sign; interferes with public sidewalk; interferes with electric lines/right-of-way; or interferes with any underground utility/public utility service; or obstructs the view of any street intersection shall be declared a public nuisance, and the City may remove, trim or prune as necessary. If the tree is in the public right-of-way; on public property; electric right-of-way, or underground utility right-of-way, the appropriate governmental department will be contacted with the recommendation that the tree, plant or shrub be removed or trimmed or pruned as necessary.
- (b) If the authorized representative of the Tree Board, designated in (2)(a)(viii) above, recommends that a tree on private property be removed, upon receipt of notice to remove a tree, the owner may appeal the decision within 15 days (or next meeting, whichever comes last) to the Tree Board. The City Tree Board does not have the authority to order the removal of the tree or to cause the tree, shrub or bush to be removed, trimmed or pruned. However, the City of Cookeville retains the right to cut, trim, or prune as herein provided.
- (c) Tree removal to ground level is considered part of the tree removal process (0 to 6 inches from the soil is considered ground level).
- (d) Sprout control following tree removal will be accomplished by mechanical or chemical means. Any chemical used in sprout control shall be registered and used according to the manufacturer's specifications.

(6) Protection of existing trees. 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. However, the private property owner has the right to remove any trees the owner may desire on the owner's privately owned property, as long as the removal does not conflict with section 208 of the Cookeville Zoning Code.

(7) Emergencies. In case of emergency or natural disasters such as windstorm, ice storm or such other events that jeopardize public safety, the requirements of this chapter shall be waived so as not to hamper private and public work to abate the emergency conditions within the City.

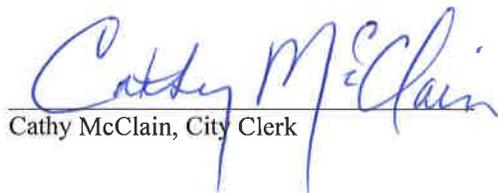
(1970 Code, § 8-411)

Section 2. This ordinance shall take effect 14 days from and after its final passage, the public welfare requiring it.



Ricky Shelton, Mayor

ATTEST:



Cathy McClain, City Clerk