

COMMONWEALTH OF KENTUCKY  
CITY OF LONDON

AN ORDINANCE SUMMARIZING ORDINANCE NO. 932 ENTITLED "AN ORDINANCE RELATING TO THE PROTECTION OF TREES ON PUBLIC PROPERTY WHICH SERVE THE PUBLIC INTEREST BY PROVIDING OXYGEN, STABILIZATION OF THE SOIL, PREVENTION OF EROSION, SHELTER FOR WILDLIFE, CONSERVATION OF ENERGY BY PROVIDING SHADE, FILTERING AIR AND ADDING TO THE BEAUTY OF THE CITY OF LONDON."

London City Ordinance No. 932 is an Ordinance recognizing the value and attributes of trees on public property and dealing in particular with "street trees", and "park trees", defining each.

This Ordinance creates and establishes a City Tree Board consisting of 15 persons, five of which are appointed for a three (3) year term; five appointed for a two (2) year term and five appointed for one (1) year. These members serve without compensation and it is their responsibility to develop and administer a plan for the care, pruning, planning and removal of trees and shrubs in parks, along the street and other public areas in the City of London. The plan is to be presented annually to the City Council and with the Council's approval and acceptance, would constitute an Official Tree Plan for the City of London. The City Council may request that the Board investigate, make findings and recommendations to the City Council. The Board elects its own officers, makes its own rules and regulations and keeps a journal of its findings. The Tree Board will form an official "Street Tree Species List" for the City of London and the list will state allowable species and categories of size. No other species of trees are allowed to be planted as street trees without the prior written permission of the City Tree Board.

The Ordinance designates spacing based on the size of trees, distance from curbs and sidewalks, from street corners and fire hydrants, and the care expected of the public trees. The Ordinance also outlines a method for topping trees and specific designations for street corner clearances of trees.

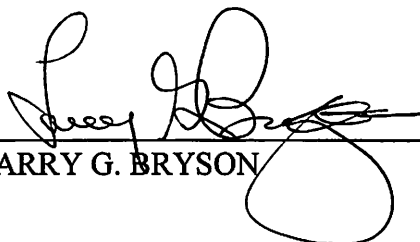
The Ordinance provides the City with the right to cause the removal of any dead or diseased trees on private property that constitutes a hazard to life or property or harbors insects or disease that pose a potential threat.

The Ordinance makes it illegal for any person to interfere with the City Tree Board or its agents while they are engaging in activity authorized by the Ordinance. It is required that any person who intends to prune, treat or remove a city or park tree which is on public property to do so applying for and obtaining a license, the cost of which is Twenty-Five Dollars (\$25.00). There is a requirement that before the license is issued, the applicant must first file evidence of liability insurance with minimal dollar

requirements being made in the Ordinance. It should be noted that this Ordinance only relates to trees on city owned property.

The City Council reserves the right to review the decisions of the City Tree Board and any person aggrieved by the City Tree Board may appeal to the City Council, who would conduct a hearing and make a final decision. Any person violating the Ordinance would be subject to a criminal fine not to exceed Five Hundred Dollars (\$500.00).

The above is a true and correct summary of City Ordinance No. 932 which is certified by the undersigned, Larry G. Bryson who further certifies that is he authorized to practice law in the Commonwealth of Kentucky.

  
LARRY G. BRYSON

COMMONWEALTH OF KENTUCKY  
CITY OF LONDON  
ORDINANCE NO. 932

AN ORDINANCE RELATING TO THE PROTECTION OF TREES ON PUBLIC PROPERTY WHICH SERVE THE PUBLIC INTEREST BY PROVIDING OXYGEN, STABILIZATION OF THE SOIL, PREVENTION OF EROSION, SHELTER FOR WILDLIFE, CONSERVATION OF ENERGY BY PROVIDING SHADE, FILTERING AIR, AND ADDING TO THE BEAUTY OF THE CITY OF LONDON.

WHEREAS, trees provide a setting with a variety of color unsurpassed in shade and hue; and,

WHEREAS, trees are an invaluable physiological counterpart to the man-made urban setting; and

WHEREAS, trees absorb a high percentage of carbon dioxide and return oxygen, a vital ingredient to life; and,

WHEREAS, trees are a valuable asset that can affect an area economically; and

WHEREAS, the City Council of the City of London has determined that the protection of trees on public property within London is not only desirable but essential to the present and future safety, and welfare of all citizens; and,

WHEREAS, the City of London recognizes that trees on public property are valuable contributors to the City's environment;

NOW, THEREFORE, be it ordained by the City Council of the City of London, Kentucky:

SECTION 1: DEFINITIONS

Street Trees: "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the City.

Park Trees: "Park trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation in public parks having individual names, and all areas owned by the City of London or which the public has free access as a park.

SECTION 2: CREATION AND ESTABLISHMENT OF A CITY TREE

BOARD

There is hereby created and established a City Tree Board for the City of London, Kentucky, which shall consist of members, citizens, and residents of the City of London, who shall be appointed by the Mayor with the approval of the City Council.

SECTION 3: TERM OF OFFICE

The term of the Fifteen (15) persons appointed by the Mayor shall be three (3) years except that the term of five (5) of the members appointed initially shall be for one (1) year, and the term of five (5) 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.

SECTION 4: COMPENSATION

Members of the Board shall serve without compensation

SECTION 5: DUTIES AND RESPONSIBILITIES

It shall be the responsibility of the Board to study, investigation, 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. Such will be presented annually to the City Council and, upon acceptance and approval, shall constitute the official comprehensive tree plan for the City of London, Kentucky. The Board, when requested by the City Council, shall consider, investigate, make findings, and recommend upon any special matter of question coming within the scope of its work.

SECTION 6: OPERATION

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

SECTION 7: STREET TREE SPECIES TO BE PLANTED

Tree Board will formulate an official Street Tree Species List for London, Kentucky. The list of allowable species shall be broken down into categories of small, medium, and large trees. No species other than those included in the list may be planted as Street Trees without written permission of the City Tree Board.

SECTION 8: SPACING

The spacing of street trees will be in accordance with the three size classes referred to in Section 7 of this ordinance, and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet.

SECTION 9: DISTANCE FROM CURB AND SIDEWALK

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three 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.

SECTION 10: DISTANCE FROM STREET CORNERS AND HYDRANTS

No street tree shall be planted closer than 20 feet to any street corner, measured from the point of nearest intersection curbs and curblines. No street trees shall be planted closer than 10 feet to any hydrant.

SECTION 11: PUBLIC TREE CARE

The City shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The City Tree Board may remove or cause or order to be removed any tree or part thereof which is an unsafe condition or which by reason of its nature is injurious due to fungus, insects, or other pests. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with Section 7 and 11.

#### SECTION 12: 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 and disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires and other obstructions where alternative pruning practices are impractical may be exempt from this ordinance at the determination of the City Tree Board.

#### SECTION 13: 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 may constitute a menace to the safety of the public 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.

#### SECTION 14: 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 potential threat to other trees within the City. The City Tree Board will determine hazardous trees which may constitute a menace to the safety of the public when it interferes with the visibility of any traffic control device, sign or street light.

#### SECTION 15: 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 trees, park trees, or trees on private grounds, as authorized in this ordinance.

#### SECTION 16: ARBORIST LICENSING AND BOND

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the City without first applying for and procuring a license. The license fee shall be \$25.00 annually in advance provided, however, that no license shall be required of any public service company or City employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$25,000 for bodily injury and \$10,000 property damage indemnifying the City or any person injured or damage resulting from the pursuit of such endeavors as herein described.


SECTION 17: REVIEW BY CITY COUNCIL

The City Council 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 City Council who may hear the matter and make the final decision.

SECTION 18: PENALTY

Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilt, subject to a fine not to exceed \$500.00.

This ordinance shall become effective upon publication.



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MAYOR KENNETH SMITH  
CITY OF LONDON, KENTUCKY

ATTESTED BY:



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CONNIE MCKNIGHT, CITY CLERK

1<sup>ST</sup> READING DATE:        SEPTEMBER 22, 1997  
2<sup>ND</sup> READING DATE:        OCTOBER 14, 1997  
PUBLICATION DATE:        October 22, 1997