

City of Clarksville
Tree Board Subcommittee
Tree Ordinance Review
September 6, 2024 at 4:30 PM
Montgomery County Library
350 Pageant Lane, Clarksville, TN 37040

AGENDA

1. Meeting Attendees:
2. Called to Order:
3. Review Updated Tree Board Ordinance
4. Attached: Reference List and Proposed Ordinance

Appendix A

Link-Source Description

1. Chap 17-Tree Management, City Forester, and Tree Board
https://library.municode.com/tn/clarksville/codes/code_of_ordinances?nodeId=TIT1ADOFPE_CH17TRMAFOTRB_O
- 2 Chap 7 – Landscape, Buffering and Screening Requirements
https://library.municode.com/tn/clarksville/codes/zoning_ordinance?nodeId=CH7LABUSCRE
- 3 Knoxville Forestry Ordinance
[Urban Forestry - City of Knoxville \(knoxvilletn.gov\)](http://UrbanForestry-CityofKnoxville.knoxvilletn.gov)
- 4 Chattanooga Tree Ordinance
https://library.municode.com/tn/chattanooga/codes/code_of_ordinances?nodeId=CH32STSI_ARTXIIICHTROR
- 5 Safe Streets Green Cities Good Health washington.edu
[Safe Streets :: Green Cities: Good Health \(washington.edu\)](http://SafeStreets::GreenCities:GoodHealth(washington.edu))
6. Tree Ordinances – Nashville Chapter 2.104 - URBAN FORESTER
https://library.municode.com/tn/metro_government_of_nashville_and_davidson_county/codes/code_of_ordinance_s?nodeId=CD_TIT2AD_DIVIIIIBO_CH2.104URFO
7. Chapter 2.226 - TREE REPLACEMENT AND PROTECTION ON CERTAIN METRO PROPERTIES
https://library.municode.com/tn/metro_government_of_nashville_and_davidson_county/codes/code_of_ordinance_s?nodeId=CD_TIT2AD_DIVVIOTPRPO_CH2.226TRREPRCEMEPR
8. Chapter 17.24 - LANDSCAPING, BUFFERING AND TREE REQUIREMENTS
https://library.municode.com/tn/metro_government_of_nashville_and_davidson_county/codes/code_of_ordinance_s?nodeId=CD_TIT17ZO_CH17.24LABUTRRE
9. Article X. - Tree Protection and Replacement Procedures
10. Chapter 17.24 - LANDSCAPING, BUFFERING AND TREE REQUIREMENTS
https://library.municode.com/tn/metro_government_of_nashville_and_davidson_county/codes/code_of_ordinances?nodeId=CD_TIT17ZO_CH17.40ADPR_ARTXTRPRREPR
11. [Municipal Code - Alcoa | MTAS \(tennessee.edu\)](#)
12. [Code of Ordinances | Knoxville, TN | Municode Library](#)
13. [Zoning | Johnson City, TN | Municode Library](#)
14. [Code of Ordinances | Chattanooga, TN | Municode Library](#)
15. [Code of Ordinances | Metro Government of Nashville and Davidson County, TN | Municode Library](#)
16. [Code of Ordinances | Memphis, TN | Municode Library](#)
17. [Code of Ordinances | Germantown, TN | Municode Library](#)
18. [Code of Ordinances | Columbia, SC | Municode Library](#)
19. International Society of Arboriculture (ISA) Tree Ordinance Guidelines - [International Society of Arboriculture \(isa-arbor.com\)](http://InternationalSocietyofArboriculture(isa-arbor.com))
20. Link to Folder with ordinances:
<https://drive.google.com/drive/folders/1MSO7Vs77TB229LkHusQRT5J-HSLpwAcQ?usp=sharing>
21. **Education Opportunity:** [Tree Board University](#)
22. **Nashville Tree Foundation:** [Nashville Tree Foundation](#)
23. Chapter 113 - TREE PROTECTION | Code of Ordinances | Farragut, TN | Municode Library
24. https://library.municode.com/tn/farragut/codes/code_of_ordinances?nodeId=PTIICOOR_APXFPUTRCAOR

Chapter 17 TREE MANAGEMENT, CITY FORESTER, AND TREE BOARD¹

Sec. 1-1700. Purpose. It is the purpose of this chapter to promote and protect the public health, safety, and general welfare of the public and encourage beautification, air-cooling, noise abatement, water quality, and enhance property values by providing for the regulation of the planting, maintenance, and removal of public trees within the City of Clarksville. To that end, the City government will develop and execute plans to inventory, assess and preserve the tree canopy and pursue retention wherever possible. This ordinance establishes the parameters for the management and care of all public trees and shrubs and directs the creation of a City Tree Board that will help provide guidance and administer the provisions of this chapter.

Sec. 1-1701. Applicability.

The city shall have full power and authority over all trees and shrubs located within street and utility rights-of-way and easements; parks and public places of the city and all others areas owned by the city; and to trees, shrubs and plants located on private property that constitute a hazard or public nuisance as described herein.

(Ord. No. 32-2009-10, 10-9-09)

Sec. 1-1702. Provisions to be construed to effectuate purposes and intent; conflicts with zoning laws.

The provisions of this chapter are intended to be interpreted in a manner that effectively fulfills the purposes and intent stated within. However, any interpretation or enforcement of these provisions must align with and not exceed the scope of existing zoning or building code ordinances. In the event of a conflict between this chapter and any zoning or building code ordinance, the latter shall prevail.

(Ord. No. 32-2009-10, 10-9-09)

Sec. 1-1703. Definitions.

Buffer Zone: The required installation of landscaping between land uses.

Buffering: The use of landscaping (other than mere grass on flat terrain), or the use of landscaping with berms, walls, or decorative fences, that at least partially obstructs the view from the street or adjoining properties of vehicular use areas, parking lots and their parked cars, loading areas, and refuse containers.

Caliper: A standard trunk diameter measurement for nursery grown trees taken six (6) inches above the ground for up to and including four-inch caliper size, and twelve (12) inches above the ground for larger sizes.

¹Editor's note(s)—Ord. No. 32-2009-10, adopted October 9, 2009, repealed and reenacted chapter 17 in its entirety to read as herein set out. Formerly, chapter 17, §§ 1-1701—1-1714, pertained to the tree board, and derived from Ord. No. 31-2000-01, adopted October 5, 2000.

***Canopy Tree:* An evergreen or deciduous tree whose mature height is commonly expected to exceed 30 feet and is commonly expected to have a crown spread of 30 feet or more.**

Certified arborist. One who is currently certified as such by the International Society of Arboriculture.

City forester. One who is hired by the city to develop, administer and oversee the city urban forestry program, by planting, maintaining, and removing trees, and conducting community outreach activities. The city forester is available to consult with contractors, utilities, organizations, and citizens on matters involving trees.

City public tree. A tree which the city intends to conserve and maintain in an area owned by the city, including parks, the grounds of city public buildings, golf courses, and other city-owned areas to which the public have free access.

Crownsread. The distance from the ends of branches on one (1) side of a tree, along a straight line through the trunk, to the ends of the branches on the other side. Often, an "average crownsread" is determined by averaging two (2) or more crownsread measurements, such as the maximum spread along with the minimum spread.

***DBH:* Diameter-at-breast-height is the tree trunk diameter measured in inches at a height of four and one-half (4½) feet above the ground.**

Drip line. An "outline" of the crownsread, created by water droplets falling to the ground from the farthest reach of each branch from the trunk.

Hazard or nuisance tree. A tree with structural defects likely to cause failure of all or part of the tree, which could strike a "target" within the city limits, or which poses a threat to public health, welfare or safety, or to other trees or vegetation due to disease or insect infestation. A target can be a person, vehicle, structure, or place where people are likely to gather or visit regularly.

Landmark tree. An individual tree or tree group identified as a unique community asset, based on its rarity, size, age, association with an historical or significant event or person, or contribution to scenic enhancement of the city. To qualify as a "landmark tree," a tree must measure at least thirty (30) inches diameter at breast height (DBH), or at least seventy-five (75) percent of the recorded size of the state champion tree of the same species, as verified by the City Forester.

Line clearance. Removal of limbs and branches from an above ground utility easement or right-of-way.

Private owner. A private individual, or private non-governmental organization or entity.

Private tree. A tree growing in an area held by a private owner and not under the control of the city.

Public area. Land that is owned, leased or controlled by the city to which the general public has access.

Public nuisance. Any woody plant (tree or shrub) which: has an infectious disease or severe insect problem; hollow trunk or limb(s); presents a hindrance to vehicular or pedestrian passage; obstructs the view of street lights, traffic lights or signs; or poses a safety or health hazard to residents, pedestrians, vehicles, or other property, to include utilities.

Public utility. That operating segment of local government, whether a part of city government or not, which has monopoly control of a specific utility system within the borders of the city.

Selective pruning. Selective removal of damaged, diseased or dead plant material, or thinning of trees using best industry practices for removal of twig, branch or limb at a point where the tree is likely to form a callus to seal the cut.

Shrub, large: An upright plant growing ten (10) feet to twenty (20) feet in height at maturity planted for ornamental or screening purposes.

Shrub, medium: A plant growing five (5) feet to nine (9) feet in height at maturity planted for ornamental or screening purposes.

Shrub, small: A plant growing to less than five (5) feet in height at maturity planted for ornamental or screening purposes.

Specimen tree: A particularly impressive or unusual example of a species due to its size, shade, shape, age, or any other trait that, in the opinion of the professional responsible for preparing the tree preservation/removal plan, epitomizes the character of the species.

The term "tree" includes, but is not necessarily limited to, the following:

Any nonhazardous tree which has a particularly uncommon or widely valued characteristic and which has a DBH of more than 24 inches;

Any nonhazardous tree which has been declared as rare or endangered by an agency of the state or federal government and which is protected by the laws of the state or the laws of the United States; and/or

Any tree which is associated with a historic event or historic structure or is otherwise commonly recognized within the community to have historical significance.

Where a tree is questionable as to whether it is a specimen, a written determination shall be made by the town administrator or his designee in consultation with a certified arborist or forestry professional.

Street tree. A tree growing within a public right-of-way along a street, in a median or in a similar area where the public right-of-way borders areas held by private owners.

Topping. The severe, non-selective cutting or heading back of limbs to stubs which are two (2) inches or more in diameter, within the tree's crown area to such a degree as to remove more than twenty-five (25) percent of the tree crown, and disfigure the tree.

Tree. A woody plant with a single trunk, or multiple trunks, capable of growing to a height of fifteen (15) feet or more.

Tree is hereby defined as any self-supporting woody perennial plant, having one to several main stem[s] (trunk) and many lateral branches, extensive root system, and at maturity normally attaining a trunk diameter greater than three inches at any point and a canopy height greater than 15 feet. Each category of tree should be planted in the appropriate space and environment.

A. *Large tree* is a tree generally expected to reach a height in excess of 50 feet at maturity.

B. *Medium tree* is a tree generally expected to reach a height between 25 and 50 feet at maturity.

C. **Small tree** is a tree generally expected to reach a height between 15 and 25 feet at maturity.

Utility easement or right-of-way tree. A tree that is growing within any utility easement or right-of-way, within the city.

(Ord. No. 32-2009-10, 10-9-09)

Sec. 1-1704. City forester.

The City Forester is tasked with performing professional forestry and environmental stewardship, long range planning and duties prescribed herein. The City Forester shall provide advice regarding trees and other plants within the corporate limits of the city and provide guidance and direction to the city departments regarding same, and serve as liaison for the city tree board.

The City Forester will lead all tree protection initiatives, including coordinating recovery efforts, creating public communications, and answering general questions from the public regarding urban forestry goals, programs and issues. Specified duties and responsibilities include but are not limited to the following:

- The City Forester will supervise forestry staff.
- Coordinate vendor and City staff lead removal program within City parks, public open spaces and other areas as assigned. Provides guidance and training to field staff on matters related to arboriculture.
- Create regular public communication about tree preservation initiatives and other similar items.
- Perform code enforcement activities related to trees and landscape on public and private property.
- Serve as the primary reviewer of landscape plans for new developments to ensure plans are compliant with local, state, and federal regulations.
- Engage in-field inspections to ensure landscape plan compliance and other related compliance issues.
- Answer questions and provides general forestry, and environmental-related information to the public and the development community via phone, email & in person, interpreting overall plans, City projects, and ordinances.
- Maintain and administer the City's Forest Preservation Management Plan for forest preservation lands.
- Create, maintain, and administer an inventory of all trees within public land in the city.
- Conduct research on and provides mitigation recommendations for various invasive species.
- Work with various volunteer groups to coordinate environmental-based projects.
- Prepare and administer grants for forestry and environmental-based initiatives.
- Participate in the City's master planning initiatives.
- Attend and participate in professional development workshops and conferences to keep abreast of trends and developments in the field of forestry, as well as related fields.

(Ord. No. 32-2009-10, 10-9-09)

Sec. 1-1705. Restricted activities.

No private person, organization, or entity, or city department or utility, shall plant, remove, cut or disturb any tree, or part thereof, on any street, or within any city public park, right-of-way or other city public place, without first obtaining permission **(in writing)** from the city forester. The person, organization, or entity receiving such permission shall abide by the standards set forth in this chapter. The city shall have the authority to remedy any such condition created in violation hereof by the removal, re-planting or other correction as required at the expense of the party who caused said condition.

(Ord. No. 32-2009-10, 10-9-09)

Sec. 1-1706. Tree planting, spacing, maintenance, and removal.

The following requirements, prohibitions, and/or restrictions are and shall be effective from and after the date of adoption of Ordinance No. 31-2000-01, as amended from time to time.

- a. *Tree species and sizes.* The city forester shall maintain a list of desirable tree species for planting on city property in three (3) size classes; small, medium, and large. Trees and shrubs listed on the Evasive Species List will not be planted within the city limits. Both tree lists are available online at the Clarksville City Forester's Webpage. **Trees listed as small shall have a mature height of thirty (30) feet or less. Medium trees shall have a mature height of thirty (30) feet to forty-five (45) feet, and large trees shall be those with a mature height of more than forty-five (45) feet. Trees to be planted shall be free of insects and diseases, mechanical injuries, have reasonably straight trunks with a strong leader branch, and shall meet the standards of ANSI Z60.1, Nursery Stock, current edition. Balled and burlapped trees shall be required where bare root trees cannot be handled and stored properly prior to planting.**
- b. *Maintenance.* The city shall take responsibility for those maintenance activities necessary to keep city public trees reasonably healthy and to minimize the risk from hazardous or nuisance trees. Determination of maintenance needs will be made by the city forester. Tree care may be accomplished by trained city personnel or by contract with qualified, licensed, commercial tree care specialists. Tree maintenance may include pruning, fertilizing, watering, and insect and disease control.

The following guidelines shall apply as to maintenance of trees:

- (1) Tree maintenance may include pruning, fertilizing, watering, insect and disease control or other tree care activities and shall be in accordance with ANSI Z133.1 Safety Requirements, current edition and ANSI A300, all parts, current editions. The city, developers or property owner associations, as stated in section 2-210, shall take responsibility for those maintenance activities needed to keep the public trees reasonably healthy and minimize the risk of hazard trees could cause to residents and visitors of the city.**
- (2) Care and maintenance of private trees are encouraged to minimize safety hazards to people and the health risk to other trees in the community.**
- (3) The practice of tree topping is prohibited on all public trees. Proper pruning with branch removal at branch or trunk junctures is the best practice for limb removal.**
- (4) Trees growing along side streets and sidewalks shall be pruned to keep the public access free of limbs to a height of eight feet for sidewalks and 12 feet for streets.**
- (5) Pruning shall be in accordance with the standards of ANSI A300 (Part 1) Pruning, current edition.**
- (6) Fertilization shall be in accordance with the standards of ANSI A300 (Part 2) Fertilization, current edition. Fertilization of trees will be accomplished when the tree commission, assigned staff-person, or responsible department head determines a tree is deficient in nutrients. Determination is made by leaf**

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(Supp. No. 103)

color or size, twig growth, soil test, or other diagnostic methods. Fertilizer will be applied on the soil surface at the appropriate time of year.

(7) Extensive root system damage to public trees is prohibited. Grade changes and trenching within the critical root zone is prohibited without permission of the tree commission or assigned staff-person.

(8) Unless specifically authorized by the Tree Board, the assigned staff person, or the appropriate department head, no person shall intentionally damage, cut, carve, transplant, or remove any tree; attach any rope, wire, nails, advertising posters, or other contrivances to any tree; allow any volatile liquid or solid or impervious substance (concrete, asphalt) which is harmful to such trees and/or their root systems to come into contact with said trees; or set fire or permit any fire to burn nearby when such fire or heat thereof may injure any portion of the tree; or permit grade changes around or under trees, or permit storage of materials directly on the root zone of any public tree, as authorized in this chapter.

c. *Spacing of trees along streets in city right-of-way or easement.* In accordance with the three (3) size classes defined above, no trees may be planted closer together in city street rights-of-way or easements than the following: small trees, thirty (30) feet apart; medium trees, forty (40) feet apart; and large trees, fifty (50) feet apart. These spacing requirements may be adjusted by the city forester in those instances where plantings designed by a landscape architect or approved by the principal architect of a project do not meet these spacing requirements.

d. *Distance from curb and sidewalk.* In accordance with the three (3) tree sizes defined above, no tree may be placed in the ground closer to curbs and sidewalks than the following: small trees, two (2) feet; medium trees, three (3) feet; and large trees, four (4) feet.

e. *Removal, replanting and replacement.* Whenever a city department or utility determines that removal of a city public tree from a public area is necessary, the city department or utility causing the removal shall replant such trees, or replace them on a caliper for caliper inch basis. In the event that conditions prevent replanting in the same general area, the requirement for replanting shall be satisfied by the planting of an equivalent number of approved trees in an area specified by the city forester. The provisions of this subsection may be waived or modified by the mayor.

f. *Topping restrictions.* No city department or utility shall top any tree on city owned property, without approval of the city forester. Should unauthorized topping of a city public tree be done in violation of this chapter, the city department or utility in violation shall replant an equivalent caliper size tree or trees at a site chosen by the city forester. Tree pruning in the vicinity of power lines shall be undertaken by the public utility to assure the supply of electricity to its customers. Pruning shall be in accordance with the standards of ANSI Z133.1 Safety Requirements, current edition and ANSI A300 (Part 1) Pruning, current edition.

g. *Utilities.* No trees except those defined as small herein, whether on private or city-owned property, may be planted under, or within ten (10) lateral feet of any overhead utility wire, or within five (5) lateral feet of any underground utility, to include water, sewer, electric, telephone, or similar service. Notwithstanding the foregoing, no tree may be planted within any city right-of-way or utility easement which through future growth may become a public nuisance. A violation of this provision by a private owner shall constitute the commission of a public nuisance. Upon discovery of such planting, the city will have the authority to cause the tree to be moved or removed at the expense of the party who planted said tree.

h. *Guying Trees.* Guying of trees, while not generally recommended, may be appropriate in some situations. If trees are guyed, all guy wires shall be maintained and regularly monitored to ensure that there are no

detrimental effects to the tree. All tree stakes and guys shall be removed no later than one growing season after planting.

(Ord. No. 32-2009-10, 10-9-09)

RECOMMENDING to ADOPT the entire FARRAGUT ARTICLE 3 TREE PRESERVATION/REMOVAL PLAN SEC 113-61 through 113-69.

Chapter 113 - TREE PROTECTION | Code of Ordinances | Farragut, TN | Municode Library

Sec. 1-1707. Tree protection.

- a. *Construction.* The city forester shall review all city-funded construction projects which have the potential of damaging or removing one (1) or more city public trees of greater than four (4) inches diameter at breast height (DBH). Where such activity has the potential to damage city public trees or their roots, a tree protection plan shall be established, which has been approved by the city forester, to provide for positive methods for protecting such trees. The plan shall include but not be limited to such provisions as placing barriers around the tree root zone, preventing siltation on or around the flare of the tree, locating utilities away from the tree root zone, and/or specifying tunneling toward and under the nominal root zone.

- b. *Tree Protective Measures.* Where any tree and/or grouping of trees are to be saved, the following minimum preservation measures shall apply:

(1)Protective fencing shall be located to correspond to the existing drip line of the individual tree or clusters of trees to be protected;

(2)Protective fencing shall be at least three feet high, upright and highly visible, and shall be constructed of a durable material that will last until construction is completed. Throughout the construction process, the tree fencing shall remain undisturbed and no activity or storage of any materials or vehicles shall be permitted within the fenced area; and

(3)Where trees are to be removed, such trees shall be flagged and shall be felled away from, rather than into areas with existing trees to be preserved.

- b. *Removal.* The city forester shall be notified when any city public tree is proposed for removal by any city department or utility for any reason. Reasonable lead time of such notice is required so that the city forester may inspect the site and offer reasonable alternatives to possible damage to remaining trees. When a city department or utility deems that a city public tree or trees must be removed from a public area, the agency requiring the tree removal shall replace such trees as specified elsewhere in this chapter. Any and all stumps left as a result of such tree removal shall be removed to a depth of at least twelve (12) inches.

Dead trees, and dying trees on public property that pose a safety or health risk to residents or to other trees will be removed. Upon inspection by the City Forrester's Office, those trees on public property found to be dead, and those found to be dying that pose a safety or health risk to residents or other trees shall be removed within 60 days of identification.

The City Forrester's Office will, upon observing dead or dying trees on private property, will notify the landowner of such tree and encourage the landowner to remove said tree.

The city shall have the right to cause the removal of any dead, damaged, or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects and disease which constitute a potential threat to other trees within the city. The City Forrester's Office will

notify in writing the owners of such trees. Removal shall be done by said owners at their expense within 60 days after receipt of written notification. 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 to the private owner.

- c. *Abuse or mutilation.* The provisions of this section apply to all trees in public areas and to those designated as landmark trees. Unless specifically authorized by the city forester, no person, organization, or entity shall intentionally damage, cut, carve, transplant, or remove any tree; attach any rope, wire, nails, advertising posters, or other contrivances to any tree; allow any volatile liquid or solid or impervious substance (concrete, asphalt) which is harmful to such trees and/or their root systems to come into contact with said trees; or set fire to any portion of the tree; or to cause grade changes around or under such trees, or to store materials directly on the root zone of any such tree.
- d. *Tunneling.* Where new construction or maintenance work will require digging within the critical root zone of a city tree of eighteen (18) inches or more DBH, tunneling shall be used under the critical root zone so as to maintain the integrity of the tree stability. The city forester shall be notified prior to such digging, and will specify the direction and depth of tunneling.

e. *Mulching.* Mulching. Where mulching is used the following standards should be followed:

i. If mulch is being applied for the first time, apply a thin layer of around two inches and extend it to the drip line of the tree where possible. Where this is not possible, the mulch circle should extend at least halfway out the drip line and no less than 3 feet from the base of the tree. Mulch shall not be in contact with the tree trunk.

ii. Where mulch is to be added in areas that have previously been mulched, the old mulch should be evaluated to see if it needs to be removed before applying a new layer. Otherwise, it could create a layer of mulch that is too thick and adversely affect the tree. Old mulch may sometimes only need to be raked to re-establish the look and function of adding a new layer. This should be evaluated prior to adding new mulch.

iii. In general, mulch should be applied in the middle of the spring, though any time of year is possible.

(Ord. No. 32-2009-10, 10-9-09)

(Ord. No. 32-2009-10, 10-9-09)

Sec. 1-1708. Permits. Sec. 1-1708. Permits

- a. The city forester, his/her designated agent, or a contractor hired by the city and given written permission by the city forester to perform arboreal work may do so without obtaining a tree work permit. All other persons, organizations or entities doing arboreal work for the city must obtain a tree work permit prior to planting, maintaining, treating, pruning, removing, replanting, replacing or otherwise disturbing any city public tree. This provision shall not be construed to prohibit owners of property adjacent to public areas from watering, without a permit, any tree located on such public areas. All individuals and firms conducting tree care and removal activities for the city for compensation shall be required to have a valid permit or written permission from the city forester on site during such activities.
- b. Application for permits. Application for a tree work permit must be made not less than three (3) working days prior to the time the work is to be done. An application may be made by email, telephone or by fax. The person to whom the permit is to be issued shall abide by the arboricultural specifications and standards of practice. Each permit granted shall contain a definite date of expiration and a provision that the work shall be completed in the specified time allowed by the permit and in the manner therein described. A violation of any of these terms shall render the permit null and void at the time of the occurrence of the first violation.

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- c. Notice of completion. A notice of completion shall be provided by the permit applicant within five (5) working days after completion of the work for the purpose of permitting an inspection of the work. The notice may be made by email, telephone or fax.

(Ord. No. 32-2009-10, 10-9-09)

Sec. 1-1709. Arborist competency.

The City Government will only select and contract tree care companies to perform arborist activities that have documented and filed their professional competencies and credentials with the City Forester's Office. The City Forester will maintain a list of qualified Arborists and Line Clearing specialist that meet required ISA certifications. Through testing, the city forester shall determine the tree care competency of potential contractors prior to awarding such contracts. Proof of ISA certification can be substituted for the required tree competency test. For just cause, the city forester may revoke the competency status of any individual or firm issued under authority of this chapter.

(Ord. No. 32-2009-10, 10-9-09)

Sec. 1-1710. Enforcement.

In addition to the City Forester, the city Department of Building and Codes shall have the power and will enforce the provisions of this chapter. This shall include but is not limited to the right to issue notices of violations, and notices to stop work when continuation of work is likely to cause harm in violation of the provisions of this chapter.

(Ord. No. 32-2009-10, 10-9-09)

Sec. 1-1711. Penalties, claims, and appeals.

- a. *Violations.* Any person, city agency, organization or entity who violates any provision of this chapter, to include but not limited to failing to comply with any notice issued pursuant to the provisions herein, upon being found in violation, shall be subject to a civil fine not to exceed the maximum amount allowed by law, for each separate violation. Each day during which any violation of the provisions of this chapter shall occur or continue shall be a separate violation.
- b. *Recovery of costs.* Any person, organization or entity, who shall cause any injury, mutilation, or death of a city public tree, shrub, or other plant located on city-owned property, in violation of any provision of this chapter, shall pay for the cost of repair or replacement, or the appraised dollar value of such tree, shrub, or other plant. The value of trees and shrubs shall be determined in accordance with the most recent edition of "A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs and Evergreens" as published by the International Society of Arboriculture.
- c. *Recovery of costs for abatement of nuisance.* In the event that a public nuisance or hazard on private property is not abated by the date specified in the notice to the party responsible, the city department of building and codes is authorized to cause the abatement of said public nuisance. The reasonable cost of such abatement shall be filed as a lien against the property on which the hazard or nuisance was located, and in addition thereto, to the extent permitted by general law, the city may file suit in court, as in an action to recover a debt owed the city, to recover any costs associated with said abatement.
- d. *Appeals.* Any private citizen aggrieved by any action or decision pursuant to this chapter shall have the right to an appeal to the city tree board provided a written request is filed with the city department of building and codes within ten (10) working days of the action upon which the appeal is based. The tree board shall have the authority to grant variances or exceptions to the provisions of this chapter where the particular

characteristics of the plant material and/or topography and/or construction reasonably warrants a variance or exception without materially altering the intent of this chapter.

(Ord. No. 32-2009-10, 10-9-09)

Sec. 1-1712. Tree Board created.

The tree board for the city is hereby created for the purpose of administering the provisions of this chapter regarding the landmark tree program and such other duties and responsibilities as herein provided.

(Ord. No. 32-2009-10, 10-9-09)

Sec. 1-1712.1 Procedure.

Meetings of the board shall be held at the call of the chairman/President and at other times as the Tree Board may determine. The meetings of the Tree Board shall be open to the public. The Tree Board shall adopt Roberts Rules of Order as its rules of procedure and shall keep records of the applications and the actions, which shall be public record.

Sec. 1-1713. Tree board composition; terms of office; filling vacancy.

The tree board shall be composed of seven (7) members appointed by the mayor and approved by the city council, with the terms of the members to be for three (3) years. Term appointments shall be made on a staggered three-year rotating basis, with three (3) members appointed in one (1) year, two (2) members appointed the next year, and two (2) members appointed the following year. Members may be reappointed by the mayor, and approved by the city council, to a second consecutive three-year term. The city forester shall serve as an ex officio member of the board. If a vacancy should occur within the term of any member, a successor shall be recommended by the mayor and approved by the city council for the duration of the unexpired term of that member.

The Clarksville-Montgomery County Planning Commission staff and the Clarksville Building and Codes Department are considered ex-officio Tree Board members and may serve in an advisory capacity due to their office or position.

Members of the Tree Board shall serve without compensation. One member shall be a city councilperson and one member shall be a representative of the largest electrical utility serving the City of Clarksville.

Training: Training for the Tree Board members will be made available and coordinated through the City Forester's Office. Training will be aligned to support the overall goals of the Tree Board and the City Forester.

(Ord. No. 32-2009-10, 10-9-09)

Sec. 1-1714. Tree board duties and responsibilities.

The duties and responsibilities of the city tree board shall be as follows:

- a. The tree board shall provide advisory support and guidance to the city forester in the management and oversight of the urban tree resources of the city.
- b. The tree board shall advise the mayor and city council on the economic and infrastructure value of urban trees and on policy issues involving city trees.
- c. The tree board shall promote the benefits, planting and care of trees to the citizens of Clarksville through an annual Arbor Day program and other educational opportunities.

(Supp. No. 103)

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- d. The tree board shall serve in an advocacy role as a voice for both public and private trees.
 - e. The tree board shall administer the city landmark tree program.
 - f. The tree board shall serve as an appeal board for private citizens filing an appeal of any action taken by the city pursuant to this chapter, and may grant a variance or exception in accordance with the provisions herein.
 - g. Assist in the development and support the annual goals and objectives to sustain Clarksville as a Tree City USA awardee/designee.
 - h. Assist in the development and promulgation of a recommended native tree list to the community.

(Ord. No. 32-2009-10, 10-9-09)

Sec. 1-1715. Landmark trees.

- a. The City's Landmark Tree Program is aligned with the Tennessee Urban Forestry Council's Tree Preservation and Recognition programs which consists of the following registries:

A Landmark Tree is commonly recognized as an established and familiar feature of the community, confirmed as a significant part of the community's heritage, or planted to commemorate special events or community leaders more than fifty years ago.

A Historic Tree has been a direct witness to a historic event or cultural movement significant nationally, regionally, or within the state and confirmed to date to that time.

A Heritage Tree is a fallen member of the registry whose contribution to the history and heritage of Tennessee deserves preserving.

Specimen tree: A particularly impressive or unusual example of a species due to its size, shade, shape, age, or any other trait that, in the opinion of the professional responsible for preparing the tree preservation/removal plan, epitomizes the character of the species.

- b. The city tree board shall institute a Landmark and Specimen Tree Program to preserve and protect designated trees or groups of trees that are of historical, cultural, aesthetic, or environmental significance. The program will include Specimen Trees with the objective of their potential elevation to Landmark Trees. From and after the time a tree or group of trees is designated as Specimen Tree(s) and/or Landmark Tree(s), it or they shall be subject to all rules, regulations, and/or requirements prescribed by this chapter.
- c. Landmark trees will be so designated by official action of the city tree board, who shall maintain a municipal register of landmark trees and periodically publish a list of current landmark trees for public distribution. The city forester shall make periodic surveys to locate eligible trees, and private owners will be encouraged to nominate trees or tree groups for designation. The city forester will also conduct yearly inspections of designated landmark trees, and recommend any maintenance needed to private owners, and cause maintenance to be performed on city-owned landmark trees.
- d. Specimen Trees will be identified through the same nomination and inspection process as Landmark Trees. However, Specimen Trees may not yet meet the age or historical significance criteria of Landmark Trees but are recognized for their potential to become future Landmark Trees.
- d. Landmark and Specimen trees may be identified by an appropriate marker placed nearby. Such markers will be specified by the city tree board and may be provided at no cost to the owners of the landmark trees.

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- d. No tree which is the property of a private owner may be designated a landmark tree without the express permission of the owner of such tree. Once permission is granted by the owner, the owner authorizes the City Forrester Office to access the property in order to conduct annual inventories and surveys of designated landmark trees.
 - e. Once designated as a Landmark or Specimen Tree and enrolled in the public register, a tree(s) may be removed as a landmark tree from the public register of landmark trees at the request of the property owner upon written notice to the city tree board. The Public Register will be accessible online on the Clarksville City Forrester's webpage.

(Ord. No. 32-2009-10, 10-9-09)