



City of Clarksville

Tree Board

September 10, 2025 at 4:00 PM
City Hall
4th Floor Conference Room

MINUTES

1. Call to Order

The meeting was called to order by Breah Banks at 4:01 PM.

2. Announce Members in Attendance (Verify Quorum)

Members Present:

Breah Banks

Derek Cooke

Misty Robertson

Jody Issacs

Justin Julian

3. Adoption of Minutes

Ms. Robertson made a motion to adopt the minutes from July 9, 2025. Ms. Issacs seconded, and the motion passed.

4. Public Comments

Mr. Billy asked if the City was lacking any native trees in its parks and properties.

Michelle Rogers asked if the Tree Board would like to attend Sunday on Strawberry, as Replant Clarksville will have a table set up.

5. Old Business

A. Reflection on Mayor's Summer Night Lights

Mr. Cooke praised the Mayor's Summer Night Lights events. He stated there were a lot of questions and conversations about trees.

6. Forestry Report

A. NASA Urban Canopy Efficacy Report Out

Ms. Killebrew stated that the NASA report has not yet been published. She will share it when it is.

B. TAEP Grant progress

Ms. Killebrew mentioned that the TAEP Grant is due September 30th. It is a 50/50 match up to \$20,000.

C. TN Urban Tree Conference

The TN Urban Tree Conference is November 12-14th in Chattanooga. Ms. Killebrew asked if anyone was interested to let her know and she will sign them up.

D. Upcoming Events

i.

- Tree Seedling Giveaway for March 6, 2026
- Arbor Day in November (need a date and place)
- TN Urban Forestry Conference in Chattanooga, November 12 - 14
- Christmas Tree Chipping Event, December 26- Jan 3rd
- 2026 Middle TN Landscape Short Course - January 7-8

Ms. Killebrew said she had ordered 1,800 seedlings for next year's giveaway.

7. New Business

A. Tree Keeper Software Feedback

Ms. Banks had some questions concerning the Tree Keeper software. She stated that she couldn't see certain selected trees. She also asked if there's a way to create a tree canopy at the parks. That way, we can look at which park has the least canopy coverage to create a goal to increase the canopy there.

B. Adoption of the Clarksville Tree Board email address

The Tree Board members asked if there was a way for them to create an email where they can do business from instead of using their personal emails. Ms. Espejo said that she will look into this and report back.

C. Review Clarksville City Ordinance Chapter 17 Revisions

See attached.

8. Adjournment

Ms. Banks made a motion to adjourn. Mr. Cooke seconded, and the meeting adjourned at 4:57 PM.

Original: 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)

Revised: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; all other areas owned by the City; and trees, shrubs, and plants located on private property that constitute a hazard or public nuisance as described herein.

In addition, all tree-related standards, requirements, and restrictions referenced in this Ordinance shall be read and applied in conjunction with the City of Clarksville Zoning Ordinance, Chapter 7 – Landscaping and Screening Regulations, as may be amended from time to time.

The intent of these provisions is to guide the conservation, protection, maintenance, and establishment of trees to maximize Tree Canopy Coverage across the City and to preserve overall community forest health.

Furthermore, these provisions are established:

(a) To align with forestry policies and practices for urban areas promulgated by the Tennessee Department of Agriculture, Division of Forestry, in recognition that trees are part of both our heritage and our future, as well as an essential part of the quality of life within the City; and

(b) To maximize the environmental, ecological, and public health benefits of trees and vegetation, including but not limited to: the reduction of the urban heat island effect, sustainable management of stormwater, filtration of particulate matter from the air, restoration of atmospheric oxygen, and reduction of air pollution.

(Ord. No. 32-2009-10, 10-9-09; Ord. No. [____]-2025], [Date])

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

The provisions of this chapter are to be liberally construed to effectuate the purposes and intent expressed in this chapter, but in the event any one (1) or more provisions herein conflict with any zoning or building code ordinance or law the latter shall control.

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

Revised: Sec. 1-1702. – Construction of provisions; conflicts with zoning or building codes.

The provisions of this chapter shall be liberally construed to effectuate the purposes and intent expressed herein, including but not limited to the conservation and expansion of the City's urban tree canopy. In the event any one (1) or more provisions of this chapter conflict with the zoning ordinance (see Chapter 7 – *Landscaping and Screening Regulations, Clarksville Zoning Ordinance*) or with applicable building code provisions or state or federal law, the Zoning Ordinance shall control.

(Ord. No. 32-2009-10, 10-9-09; Ord. No. [__]-2025], [Date])

Original: Sec. 1-1703. - Definitions.

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.

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. A woody plant, usually with multiple stems capable of growing to a height of up to fifteen (15) feet.

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.

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)

Revised: Sec. 1-1703. – Definitions.

For purposes of this chapter, the following words, terms, and phrases shall have the meanings ascribed to them below. Where not otherwise defined, terms shall be interpreted consistent with their ordinary meaning and may be cross-referenced with the City of Clarksville Zoning Ordinance, *Chapter 7 – Landscaping and Screening Regulations*. In the event of a conflict, the Zoning Ordinance definition shall control.

Certified Arborist. An individual currently certified by the International Society of Arboriculture (ISA) who has demonstrated knowledge and competency in the science and practice of arboriculture.

City Forester. A professional employed by the City who is responsible for developing, administering, and overseeing the City's urban forestry program, including the planting, maintenance, conservation, and removal of trees; conducting public education and outreach; and consulting with contractors, utilities, organizations, and private citizens on tree-related matters.

City Public Tree. A tree intended to be conserved and maintained by the City within areas under City ownership or control, including but not limited to: parks, greenways, public building grounds, golf courses, medians, and other publicly accessible lands.

Crown Spread. The horizontal width of a tree's crown measured from the outermost point of a branch tip on one side of the tree, through the trunk, to the opposite branch tip. "Average crown spread" may be determined by taking multiple spread measurements (e.g., maximum and minimum) and averaging them.

Drip Line. The area directly under the outer circumference of the crown spread, defined by the ground projection of the farthest lateral extent of the tree's branches.

Hazard or Nuisance Tree. A tree with structural defects, advanced decline, or disease infestation that presents a likelihood of partial or whole failure, endangering persons, property, utilities, public infrastructure, or other trees and vegetation. This includes trees identified by the City Forester as posing a risk to public health, safety, or welfare.

Landmark Tree. A tree or group of trees recognized as a unique community resource or asset due to its rarity, size, age, cultural significance, association with a historic event or person, or exceptional contribution to scenic character. A Landmark Tree must measure at least thirty (30) inches diameter at breast height (DBH) or equal 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. The selective pruning or removal of tree limbs and branches necessary to maintain safe operation of overhead utility lines or facilities located within a public utility right-of-way or easement, carried out in accordance with ANSI A300 standards and best management practices for utility arboriculture.

Private Owner. A person, corporation, partnership, association, or other non-governmental entity holding title to private land within the City.

Private Tree. Any tree wholly located on private property and not maintained or controlled by the City.

Public Area. Land owned, leased, or otherwise controlled by the City that provides access to the general public, including but not limited to parks, rights-of-way, medians, and public facilities.

Public Nuisance. Any tree or woody plant that: (a) exhibits disease, pest infestation, or significant decay; (b) obstructs pedestrian or vehicular passage in public rights-of-way; (c) interferes with the visibility of streetlights, traffic signals, regulatory signs, or public safety equipment; or (d) otherwise poses a threat to public health, safety, or welfare as identified by the City Forester.

Public Utility. A publicly or privately owned utility company or governmental entity that provides essential services including, but not limited to, electric, water, sewer, gas, or communications, authorized to operate within the City.

Selective Pruning. The targeted removal of damaged, diseased, or weak plant material to improve structure, health, and safety, following industry standards (ANSI A300).

Shrub. A multi-stemmed, woody plant that typically matures at less than fifteen (15) feet in height, consistent with landscape material definitions in the City Zoning Ordinance, Chapter 7.

Street Tree. Any tree located within a public street right-of-way, including the planting strip, median, or other City-controlled streetscape areas adjacent to private property.

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. Topping is prohibited as a maintenance practice except where required for public safety in emergency circumstances.

Tree. A woody plant having a single trunk or multiple trunks capable of growing to a mature height of at least fifteen (15) feet, consistent with the definition used in the City Zoning Ordinance, Chapter 7.

Tree Canopy Coverage. The total area of land within the city that is covered or shaded by the crowns of trees when viewed from above. This coverage includes all trees located on public and private property and contributes to urban forest health by providing environmental, aesthetic, and social benefits such as shade, air quality improvement, stormwater management, and reduction of the urban heat island effect. The measurement and preservation of tree canopy coverage shall be consistent with the goals and regulations set forth in the City of Clarksville Zoning Ordinance, Chapter 7 – Landscaping and Screening Regulations.

Utility Easement or Right-of-Way Tree. A tree that is located within a utility easement or right-of-way, within the city.

(Ord. No. 32-2009-10, 10-9-09; Ord. No. [____]-2025], [Date])

Original: Sec. 1-1704. - City forester.

There shall be a city forester who shall have the duties prescribed herein, and who 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.

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

Revised: Sec. 1-1704. – City Forester.

There shall be a City Forester, also referred to as the Urban Forester, appointed by the City, who shall be responsible for the development, administration, and oversight of the City's urban forestry program. The City Forester shall:

- (a) Provide expert advice, guidance, and consultation regarding the care, maintenance, protection, and planting of trees and other vegetation within the corporate limits of the City, including public and private properties as authorized.
- (b) Serve as a liaison to the City Tree Board and collaborate with City departments, utilities, contractors, community organizations, and citizens to promote urban forestry goals consistent with the City's comprehensive planning.
- (c) Administer and enforce provisions of this chapter, the City's Zoning Ordinance Chapter 7 – Landscaping and Screening Regulations, and other relevant ordinances related to trees and vegetation.
- (d) Oversee and coordinate tree inventory, tree canopy coverage goals, tree planting programs, hazard tree identification and removal, and public outreach and education initiatives aimed at preserving and enhancing the community forest.
- (e) Apply and promote industry best practices, including standards set forth by the International Society of Arboriculture (ISA) and the American National Standards Institute (ANSI) guidelines for tree care and pruning.
- (f) Have authority to review and approve tree-related plans, permits, and activities involving City trees, rights-of-way, easements, and other areas under City jurisdiction.
- (g) Work collaboratively with other City officials to ensure timely removal or mitigation of hazardous or nuisance trees on public property in accordance with established protocols and public safety requirements.
- (h) Recommend policies, programs, and budget allocations to the City administration and Council to support sustainable urban forest management.

(Ord. No. 32-2009-10, 10-9-09; Ord. No. [__]-2025], [Date])

Original: 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 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)

Revised: Sec. 1-1705. – Restricted Activities.

No private person, organization, entity, city department, or public utility shall plant, remove, cut, prune, or otherwise disturb any tree or part thereof located within any public right-of-way, city-owned park, utility easement, median, or other city public place without first obtaining written permission from the City Forester or their designee.

All authorized activities shall be conducted in accordance with the standards, specifications, and best industry practices set forth in this chapter, the City of Clarksville Zoning Ordinance Chapter 7 – Landscaping and Screening Regulations, and any other applicable City regulations.

Should any tree or vegetation be planted, removed, cut, or otherwise disturbed in violation of this section, the City shall have the authority to remedy the condition as necessary, including removal, replanting, or other corrective measures, at the expense of the responsible party. This authority includes but is not limited to recovering costs through appropriate legal and administrative means.

Further, when activities involve utility easements or rights-of-way, pruning and removal shall be consistent with American National Standards Institute (ANSI) A300 standards and coordinated with utility providers to balance public safety, service reliability, and urban forestry goals.

(Ord. No. 32-2009-10, 10-9-09; Ord. No. [____]-2025], [Date])

Original: 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 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.

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.

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.

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.

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

Revised: Sec. 1-1706. – Tree Planting, Spacing, Maintenance, and Removal.

The requirements of this section shall govern the planting, maintenance, protection, and removal of trees located within public rights-of-way, easements, parks, and other City-owned property. These standards are adopted to:

- Protect tree health and public safety;
- Enhance community aesthetics and environmental benefits;
- Support compliance with the City's Zoning and Land Development Regulations, including Chapter 7 – Landscaping and Screening Regulations of the City of Clarksville Zoning Ordinance, as amended.

(a) Definitions.

For purposes of this section:

1. City Forester includes the designated Urban Forestry Manager or staff member assigned equivalent authority.
2. Public Tree means any tree located within public rights-of-way, parks, easements, or other City-owned lands.
3. Caliper Inch means the diameter of nursery stock trees measured at six (6) inches above grade, consistent with American Nursery Standards.

(b) Tree Species and Sizes.

1. The City Forester shall maintain and periodically update a list of approved tree species for planting on City property. Species shall be categorized into three (3) mature size classes:
 - Small Trees: mature height $\leq$ thirty (30) feet.
 - Medium Trees: mature height thirty-one (31) to forty-five (45) feet.
 - Large Trees: mature height $>$ forty-five (45) feet.
2. In preparing and updating this list, the City Forester shall consider:
 - Species diversity and resistance to disease/pests;
 - Site conditions and long-term maintenance needs;
 - Compatibility with Zoning Ordinance, 7.4 (Tree Preservation, Planting, and Maintenance Standards).

(c) Tree Maintenance.

1. The City shall maintain all public trees so as to promote health, longevity, safety, and avoidance of public nuisances.
2. Maintenance activities may include pruning, watering, fertilization, mulching, and pest/disease management.
3. All tree work shall be performed either by City staff trained in arboriculture or by contractors licensed and permitted under 1-1709 (Arborist Competency).
4. Residents and property owners may not prune, treat, or otherwise alter public trees without written approval from the City Forester.

(d) Spacing of Trees Along Streets.

1. Minimum spacing standards for public tree plantings (unless modified by the City Forester due to site conditions or professional design considerations) shall be:
 - Small Trees: thirty (30) feet.
 - Medium Trees: forty (40) feet.
 - Large Trees: fifty (50) feet.
2. Adjustments shall prioritize:
 - Public safety and traffic visibility;
 - Protection of sidewalks, curbs, and utilities;
 - Compliance with Zoning Ordinance, 7.8 (Landscaping and Screening).

(e) Distance from Curb and Sidewalk.

No tree shall be planted closer than:

- Small tree: two (2) feet;
- Medium tree: three (3) feet;
- Large tree: four (4) feet.

(f) Removal, Replanting, and Replacement.

1. No public tree shall be removed without authorization from the City Forester, except in emergency circumstances posing imminent danger to public safety.
2. Whenever a City department, utility, or contractor removes a public tree, the responsible entity shall replace such trees on a caliper-inch-for-caliper-inch basis, unless otherwise approved by the City Forester.
3. Replacement trees shall meet species and size requirements in subsection (b). If replanting in the same location is not feasible, replacement shall occur at a site designated by the City Forester.
4. The Mayor, upon recommendation of the City Forester, may waive or modify replacement requirements in cases of hardship or site infeasibility.
5. Replacement requirements shall conform with Zoning Ordinance,(Tree Replacement Standards).

(g) Tree Topping Restrictions.

1. Topping or improper pruning of public trees is prohibited, unless expressly authorized in writing by the City Forester for emergency or utility-related purposes.
2. Unauthorized topping shall require replacement of the damaged tree(s) on a caliper-inch-for-caliper-inch basis at a location designated by the City, in accordance with Zoning Ordinance.

(h) Utility Conflicts.

1. Only small tree species may be planted within ten (10) lateral feet of overhead utility lines.
2. No tree shall be planted within five (5) lateral feet of underground utilities, including water, sewer, gas, electric, or telecommunications infrastructure.
3. Plantings within City utility easements or rights-of-way are prohibited if tree growth will create a hazard or nuisance.

4. Any tree planted in violation of this subsection by a private property owner constitutes a public nuisance subject to abatement under Zoning Ordinance, (Enforcement and Penalties).

(Ord. No. 32-2009-10, 10-9-09; Ord. No. [____]-2025], [Date])

Original: 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.*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.

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.

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

Revised: Sec. 1-1707. - Tree Protection.

a. Construction.

The City Forester shall review all city-funded construction projects that may damage or require removal of one (1) or more city public trees greater than four (4) inches diameter at breast height (DBH). Where construction activities present a risk to trees or their root systems, a Tree Protection Plan shall be prepared and approved by the City Forester.

The plan shall include protective measures consistent with the Clarksville Zoning Ordinance, Article 7 (Landscaping and Buffering Requirements). Measures may include, but are not limited to:

1. Installing barriers around the tree's critical root zone,
2. Preventing siltation or soil compaction near tree flares,
3. Locating utilities outside the root zone,
4. Specifying tunneling or directional boring methods under or near root zones to avoid root damage.

b. Removal.

The City Forester shall be notified prior to the removal of any city public tree by any city department or utility. Notice shall be given with reasonable lead time to permit site inspection and identification of alternatives to preserve surrounding trees. Where removal is unavoidable, the responsible agency or utility shall replace such trees consistent with Clarksville Zoning Ordinance, Article x, x.x.x

Additionally, all stumps shall be removed to a depth of not less than twelve (12) inches below grade, in compliance with the standards of this chapter.

c. Abuse or Mutilation.

This section applies to all public trees and designated landmark trees under the City Code. Unless authorized by the City Forester, no person, organization, or entity shall:

- Damage, cut, carve, transplant, or remove any tree;
- Attach ropes, wires, signs, nails, advertising, or any contrivances to a tree;
- Allow harmful liquids, chemicals, asphalt, or impervious materials to come into contact with a tree or its root zone;
- Set fire to any portion of a tree;
- Cause grading changes around or under such trees;
- Store construction materials or debris directly on or above the root zone.

Violations will be enforced pursuant to Clarksville Zoning Ordinance.

d. Tunneling.

Where construction or utility work requires excavation within the critical root zone of a city tree eighteen (18) inches DBH or greater, tunneling or directional boring shall be employed to maintain tree stability. Notification to the City Forester is required prior to excavation. The Forester shall determine the acceptable depth, direction, and method of tunneling in accordance with Critical Root Zone Protection of the Clarksville Zoning Ordinance.

Original: 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.

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)

Revised: Sec. 1-1708. – Permits.

a. Permit requirement and exemptions.

The City Forester, his/her designated agent, or a contractor hired by the City who has been granted written authorization from the City Forester to perform arboreal work may do so without obtaining a tree work permit.

All other persons, organizations, or entities performing arboreal work on behalf of 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 in those public areas.

All individuals and firms conducting tree care or removal activities for compensation on city public trees shall be required to have either:

1. a valid permit issued under this section; or
2. written authorization from the City Forester.

Such permit or written authorization must be present on-site during all such work, and compliance shall be consistent with Clarksville Zoning Ordinance.

Original: Sec. 1-1709. - Arborist competency.

Through testing, the city forester shall determine the tree care competency of potential contractors prior to award of 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)

Revised: Sec. 1-1709. – Arborist Competency.

a. Competency determination.

The City Forester shall evaluate the tree care competency of all potential contractors prior to awarding contracts for tree planting, maintenance, removal, or related services affecting city public trees. Competency may be established through a tree care competency test administered or approved by the City Forester.

b. Substitution of credentials.

Proof of current certification by the International Society of Arboriculture (ISA) as a Certified Arborist shall be considered an acceptable substitute for the required competency test. Additional professional certifications, licenses, or continuing education credentials may also be accepted at the discretion of the City Forester, provided they meet or exceed the minimum competency standards outlined in the Clarksville Zoning Ordinance.

c. Revocation of competency status.

For just cause, including but not limited to unsafe practices, repeated violations, or failure to comply with arboricultural standards adopted by the City, the City Forester may revoke the competency status of any individual or firm previously approved under this chapter.

Such revocation may also serve as grounds for suspension or denial of permits or contracts under Clarksville Zoning Ordinance (Tree Protection Enforcement and Penalties).

Original: Sec. 1-1710. - Enforcement.

The city department of building and codes shall have the power to 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)

Revised: Sec. 1-1710. – Enforcement.

a. Enforcement authority.

The City Department of Building and Codes shall have primary authority to enforce the provisions of this chapter, in coordination with the City Forester. Enforcement authority shall include, but is not limited to:

1. Issuing notices of violation for any failure to comply with this chapter;
2. Issuing stop-work orders where continued activity is likely to cause damage to city public trees, landmark trees, or their root systems in violation of this chapter or related standards;
3. Requiring corrective actions, including replanting, replacement, or remediation measures as provided in Clarksville Zoning Ordinance;
4. Referring unresolved violations to municipal code enforcement and pursuing penalties under the existing Clarksville Zoning Ordinance.

b. Penalties.

Any person, firm, or entity that fails to comply with the requirements of this chapter shall be subject to the remedies and penalties , including fines, permit revocation, denial of future permits, and requirements for tree replacement or restoration.

c. Coordination of enforcement.

The City Forester shall serve in an advisory and inspection role to Building and Codes in enforcing this chapter, ensuring that violations are documented according to the arboricultural standards of practice and requirements of the Clarksville Zoning Ordinance.

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

a. Violations.

Any person, 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)

Revised: Sec. 1-1711. – Penalties, Claims, and Appeals.

a. *Violations.*

Any person, organization, or entity who violates any provision of this chapter—including, but not limited to, failure to comply with any notice or order issued under this chapter—shall, upon being found in violation, be subject to a civil penalty not to exceed the maximum allowable under Tennessee law, for each separate violation.

Each day that a violation continues shall constitute a separate and distinct offense, consistent with Clarksville Zoning Ordinance.

b. *Recovery of costs – damage to city vegetation.*

Any person, organization, or entity who intentionally or negligently causes injury, mutilation, or death of a city public tree, shrub, or other plant located on city-owned property, in violation of this chapter, shall be liable for:

1. The cost of repair or replacement; or
2. The appraised dollar value of the lost tree, shrub, or plant.

The value shall be determined using 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, or its successor standards.

Where replacement is required, the number, size, and species of replacement trees shall be consistent with Clarksville Zoning Ordinance.

c. *Recovery of costs for abatement of nuisances.*

If a public nuisance or hazardous condition on private property is not abated by the date specified in an official notice, the City Department of Building and Codes is authorized to abate the nuisance or hazard.

1. The reasonable cost of such abatement shall be certified and filed as a lien against the property where the nuisance was located.
2. In addition, and to the extent permitted by state law, the City may pursue civil action to recover costs of abatement, consistent with Clarksville Zoning Ordinance.

d. *Appeals.*

Any private citizen or property owner aggrieved by an action, decision, or enforcement taken pursuant to this chapter shall have the right to appeal to the City Tree Board, provided a written request is filed with the Department of Building and Codes within ten (10) working days of the decision or action being appealed.

The Tree Board shall have the authority to:

1. Review the appeal in light of arboricultural best practices and zoning regulations;
2. Grant variances or exceptions to the provisions of this chapter where the characteristics of plant material, topography, or construction warrant relief, provided such variance does not materially alter the intent of this chapter or conflict with Clarksville Zoning Ordinance, Article 7 (Landscaping and Buffering Requirements).

Original: 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)

Revised: Sec. 1-1712. – Tree Board Created.

a. Establishment. There is hereby created a Tree Board for the City of Clarksville for the purpose of administering and advising on the provisions of this chapter, including but not limited to oversight of the Landmark Tree Program, enforcement support, review of appeals as provided herein, and such other duties and responsibilities as may be assigned by ordinance or resolution.

b. All tree-related standards, requirements, and restrictions set forth in this chapter shall be read and applied in conjunction with the City of Clarksville Zoning Ordinance, Chapter 7 – Landscaping and Screening Regulations, as amended from time to time.

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

Revised: Sec. 1-1713. – Tree Board: Composition, Terms, Vacancies, Qualifications, and Removal

(a) Composition and Appointment

The Tree Board shall consist of seven (7) voting members, each appointed by the Mayor. The City Forester shall serve as a non-voting ex officio member. Representatives from the City of Clarksville Parks & Recreation, Streets Department, Buildings & Codes Office, Gas & Water and CDE Lightband are encouraged to serve as non-voting advisory members.

Members of the Tree Board shall serve without compensation.

(b) Officers and Duties

At the first meeting of each calendar year, the Board shall elect from among its voting members a Chair and Vice-Chair. Officers shall serve one (1) year terms and may be re-elected.

Chair:

The Chair shall preside at all meetings, ensure compliance with adopted procedures and the Tennessee Open Meetings Act (T.C.A. 8-44-101 et seq.), serve as the primary

spokesperson, set meeting agendas in consultation with other officers, appoint committees as needed, and perform other duties as assigned by the Board.

Vice-Chair:

The Vice-Chair shall act in the absence or incapacity of the Chair and assist as needed.

(c) Qualifications

A minimum of three (3) members shall possess demonstrated knowledge or interest in arboriculture, horticulture, forestry, landscape architecture, environmental science, or related fields. Members shall comply with all applicable conflict of interest and ethics provisions as set forth in state law and city ordinances.

(d) Terms of Office

Members shall serve staggered three (3) year terms. Initial appointments shall be made so that three (3) members serve for three years, two (2) members serve for two years, and two (2) members serve for one year. Thereafter, all appointments shall be for three years. No member may serve more than two (2) consecutive full terms.

(e) Filling Vacancies

Vacancies occurring prior to the expiration of a term shall be filled by appointment of the Mayor for the remainder of the unexpired term. New appointments shall be made within three (3) months of prior member terms ending.

(f) Removal and Attendance

Any member may be removed for cause by the Mayor. Cause for removal includes, but is not limited to:

1. Failure to attend three (3) consecutive regular meetings without prior notice;
2. Violation of conflict of interest or ethics provisions;
3. Conduct detrimental to the Board's purpose or to the public interest.

Members shall be provided written notice of proposed removal and an opportunity to respond prior to final action.

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

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

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

a. Advisory Support and Urban Forest Management

The tree board shall provide advisory support and guidance to the city forester in the management, conservation, and oversight of the urban tree resources of the city. This includes developing, maintaining, and periodically updating a comprehensive urban forestry plan and assisting with strategic planning in partnership with other city entities for the city's urban forest.

b. Policy and Ordinance Recommendations

The tree board shall advise the mayor and city council on the economic, environmental, and infrastructure value of urban trees, and on policy issues involving city trees. The board shall also recommend updates to existing ordinances or propose new ordinances as needed to further the city's tree management goals.

c. Community Education and Engagement

The tree board shall promote the benefits, planting, and care of trees to the citizens of the city through an annual Arbor Day program, tree giveaways, volunteer opportunities, community partnership plantings, and other public education and outreach initiatives.

d. Advocacy and Representation

The tree board shall serve in an advocacy role as a voice for both public and private trees, representing the interests of the urban forest to the community and local government, and coordinating with other organizations or agencies involved in tree planting and care.

e. Landmark Tree Program Administration

The tree board shall administer the city landmark tree program, including the identification, recognition, and protection of significant trees within the community.

f. Appeals and Variances

The tree board may 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. Tree Planting, Maintenance, and Removal Oversight

The tree board shall assist in the coordination and practice of tree planting on public property, recommend species for planting, and assist in the development and implementation of maintenance standards, including pruning, disease management, and hazard mitigation. The board shall also review and advise on the removal of dead, diseased, or hazardous trees on public property, and give guidance on tree abatement on private property as needed.

h. Data Collection and Inventory

The tree board shall collect data on the city's tree resources or arrange for a tree inventory to be accomplished, to inform planning and management decisions.

i. Coordination of Donations and Funding

The tree board shall arrange for and coordinate donations of trees or funds for tree-related projects, and may request appropriations from the city council to support urban forestry initiatives.

j. Meetings and Reporting

The tree board shall hold regular meetings, elect its own officers, keep a record of its proceedings, and provide minutes and reports to the governing body. A majority of members shall constitute a quorum for conducting business.

k. Additional Duties

The tree board shall perform other tree-related duties and opportunities that arise from

time to time, as directed by the Mayor, iCity Council, or as identified through the board's own initiatives.