

ORDINANCE NO. 629

**AN ORDINANCE TO AMEND TITLE 2 CHAPTER 3
- TREE ADVISORY BOARD**

WHEREAS, the City of Clinton adopted Ordinance No. 623 on October 24, 2016 in order to create a Tree Advisory Board to assist the City in the care of trees located on public property; and

WHEREAS, the City of Clinton desires to properly maintain the trees located within the City of Clinton on public property;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CLINTON, TENNESSEE:

SECTION 1. Title 2, Chapter 3 of the municipal code is amended by adding the following:

Section 2-305. Street trees to be Planted. The Tree Board shall formulate a species list of trees acceptable for planting on all City property. That list shall consist of small trees under thirty (30) feet tall, medium trees thirty (30) to fifty (50) feet tall, and large trees over fifty (50) feet in height. No species other than those included in this list may be planted on City property without application to and written permission received from the Tree Board. That species list shall be made available for reference and be called the City of Clinton Species List.

Section 2-306. Spacing. The spacing of street trees will be in accordance with the three species size classes listed in Section 2-305, and no trees may be planted closer together than the following: Small trees, twenty (20) feet; medium trees thirty (30) feet; and large trees, forty (40) feet; except in special plantings designed or approved by the Tree Board.

Section 2-307. Distance from Curb and Sidewalk. The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes listed in Section 2-305 of this ordinance, and no trees may be planted closer to any curb or sidewalk than the following: small trees, two (2) feet; medium trees, four (4) feet; and large trees, six (6) feet.

Section 2-308. Utilities. No street trees other than those species included on the small trees species list described in Section 2-305 may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground water line, sewer line, transmission line, or other utility.

Section 2-309. Public Tree Care. The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the property lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

Section 2-310. Tree Topping. It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section.

The Clinton Utilities Board and its designated representative in tree topping shall be exempt from this section.

Section 2-311. Removal of Stumps. All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

Section 2-312. Violation. The violation of any provision of this Chapter is declared to be a misdemeanor.

SECTION 2. This ordinance shall be effective upon final passage, the public welfare requiring it.

APPROVED:



Scott Burton, Mayor



Regina Ridenour, City Recorder

Passed First Reading: October 30, 2017

Passed Second Reading: November 27, 2017