

CHAPTER 3

TREE ORDINANCE

SECTION

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13-301. Tree ordinance. The purpose of this chapter is to provide a mechanism for the management of trees and woody vegetation in the City of Morristown, Tennessee. (Ord. #2639, July 1991)

13-302. Definitions.

- (1) "Tree" - a woody plant with a single trunk, or multiple trunk capable of growing to a height greater than 15 feet.
- (2) "Shrub" - a woody plant with a multiple stem capable of growing to a height of up to 15 feet.
- (3) "Public tree" - a tree growing in an area owned by the community, including parks, public buildings, schools, hospitals, and other areas to which the public has free access.
- (4) "Private tree" - a tree growing in an area owned by a private individual, business or commercial establishment, company, or industry, private institution, or other areas not owned by government entities.
- (5) "Street tree" - a tree growing within a public right-of-way along a street, in a median or in a similar area in which the public right-of-way borders areas owned by private individuals.
- (6) "Public utility" - that section of local government in charge of electrical distribution in the community and having responsibility for keeping distribution lines free of hazards, including trees.
- (7) "Utility tree" - a tree that will contact any utility structure.
- (8) "Pruning" - selective removal and thinning of the upper portions of the tree taking into account the shape and natural structure of the tree.
- (9) "Proper pruning method" - selective removal and thinning of the upper portion of the tree using natural target techniques, taking into account the natural structure of the tree.
- (10) "Topping" - arbitrary removal of various portions of the tree, thereby leaving stubs, with no regard for the natural structure of the tree.
- (11) "Crownsprad" - the distance from the ends of branches on one side of the tree, through the trunk, to the ends of the branches on the other side.

- (12) "Drip line" - all points directly underneath the end of the branches.
- (13) "Lane clearance" - removal of the limbs and branches growing within a set distance of electrical distribution lines. (Ord. #2639, July 1991)

13-303. Administration. (1) The city manager shall be responsible for carrying out this chapter.

(a) Creation and establishment of a city tree board. There is hereby created and established a city tree board for the City of Morristown, which shall consist of eleven members, five members at large who are citizens and residents of this city and who shall be appointed by the mayor with the approval of the city council, and six standing members of the board which shall include the Morristown Public Works Director, Morristown Utility Board Representative, a representative from local office of State Division of Forestry, a representative from State Soil Conservation Service, a representative from Keep America Beautiful and a member of the Morristown city council.

(b) Term of office. The term of the five persons to be appointed by the mayor shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term. No member shall serve more than two successive terms.

(c) Compensation. Members of the board shall serve without compensation.

(d) Duties and responsibilities. The duties of the tree board shall include, but not be limited to the following:

- (i) Develop and review, as necessary, recommend policies to carry out the intent of this chapter;
- (ii) Assist in coordinating tree-related activities;
- (iii) Coordinate publicity concerning trees and tree programs;
- (iv) Provide tree information to the community;
- (v) Maintain a recommended tree list for the community;
- (vi) Recognize groups and individuals completing tree projects;
- (vii) Coordinate donations of trees or money to purchase trees;
- (viii) Hear citizen concerns regarding tree problems during scheduled meetings;
- (ix) Perform other tree related duties and opportunities that arise from time to time.

(e) Operation. The board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

(f) Review of city council. The city council shall have the right to review the conduct and acts of the city tree board. Any person may appeal from any ruling of the city tree board to the city council who may hear the matter and make final a decision. (Ord. #2639, July 1991)

13-304. Tree planting. (1) Tree planting shall be undertaken by the city on all public areas in a systematic manner to assure diversity of age classes and species. Areas to be planted, density, appropriate species, and other aspects of the planting function shall be recommended by the tree board.

(2) Planting of trees on private property is encouraged, especially in areas where the public may have any extraordinary interest. The tree board will provide information about species, planting techniques, and placement guidelines when requested by residents.

(3) Planted or natural established seedlings near existing objects. Small tree species may not be established within 8 feet of an imaginary line drawn between utility poles or over underground utilities. Large tree species may not be established within 13 feet of an imaginary line drawn between utility poles or over underground utilities.

For street tree establishment, no tree or shrub may be established closer than 10 feet to a fire hydrant, utility pole, or street light. Establishment of trees and/or shrubs adjacent to roadway, intersections including driveways or streets is restricted to provide a safe clear distance to prevent visual impairment or obstructions. When planting between sidewalks and curbs, 6 feet between curb and sidewalk is the minimum distance required for small tree species, and 10 feet for large species. (Ord. #2639, July 1991)

13-305. Tree care. (1) Tree topping of all public trees is prohibited, except as the first stage of tree removal, and topping of private trees is strongly discouraged.

(2) Tree maintenance may include pruning, fertilizing, watering, insect and diseases control or other tree care activities. The city shall take responsibility for those maintenance activities needed to keep the public trees reasonably healthy and minimize the risk of hazard trees could cause to residents and visitors of the city. Determination of maintenance needs shall be made by the tree board and a recommendation will be made to the city manager. Tree care may be accomplished by trained city personnel or by contract with qualified commercial tree care companies.

(3) Care and maintenance of private trees are encouraged to minimize safety hazards to people and the health risk to other trees in the community. The tree board will provide information in a timely manner to residents about

all aspects of tree care including the latest techniques and procedures currently being practiced.

(4) Tree pruning in the vicinity of power lines shall be undertaken by the public utility to assure the supply of electricity to its customers. Drop crotch pruning and pruning to laterals are the required methods. Where practicable, the utility shall undertake a program of replacing removed trees with appropriate replacement tree species or cultivars recommended by the tree board.

(5) The standard tree pruning method will be branch collar pruning as opposed to stubs or flush cuts. Large limbs and branches will be pre-cut (3-cut method) to prevent excessive peeling of the bark, followed by cutting the remaining curb.

(6) Grade changes and trenching within the crown spread (ends of branches) of public trees should be conducted in such a way as to minimize root system damage. Owners of private trees are encouraged to consult the tree board before proceeding with these activities.

(7) The Morristown Tree Board will recommend to the City of Morristown areas that need to be pruned along streets and sidewalks. (Ord. #2639, July 1991)

13-306. Tree removal. (1) Dead, diseased, and dying trees that pose a safety or health risk to residents, utility lines, service lines or to other trees shall be removed in a timely manner. This section will apply to both public and private trees. The tree board will make the risk determination. If the tree is on private property, the city will serve notice of said risk and specify a reasonable time for said removal to be accomplished by the owner. If the tree is on public property, the appropriate governmental department will be contacted with the recommendation that the tree be removed.

(2) Upon receipt of notice to remove a tree, the owner may appeal the decision within 15 days (or next meeting) to the tree board.

(3) Tree removal to ground level is considered part of the tree removable process (0 to 6 inches from the soil is considered ground level).

(4) Sprout control following tree removal will be accomplished by mechanical or chemical means. Any chemical used in sprout control shall be registered and used according to the manufacturers specifications. (Ord. #2639, July 1991)

13-307. Protection of existing trees. As it pertains to commercial and residential development, the city maintains that it is in the best interest of all concerned to save as many existing trees as practical. (Ord. #2639, July 1991)