

**CITY OF RICHLAWN, KENTUCKY**

**ORDINANCE # 2010-01**

**TITLE: BEAUTIFICATION IN THE CITY OF RICHLAWN, KENTUCKY**

**AN ORDINANCE RELATING TO PLANTING, MAINTENANCE AND PROTECTION OF CANOPY TREES ON PROPERTY IN THE CITY OF RICHLAWN; MAINTENANCE OF THE CITY'S PUBLIC PROPERTY; AND ESTABLISHMENT OF A BEAUTIFICATION COMMITTEE, WHICH SHALL DEVELOP A PLAN FOR THE PLANTING, CARE, AND REMOVAL OF CANOPY TREES PLANTED ON PROPERTY IN THE CITY OF RICHLAWN**

**WHEREAS**, maintenance of the public property of the City of Richlawn (hereafter referred to as "City") as well as the canopy trees on private property is a valuable contribution to the City's environment and thus the welfare of its residents; and **WHEREAS**, trees provide more privacy and a sense of solitude for its residents; and **WHEREAS**, trees create a feeling of relaxation and well-being for its residents; and **WHEREAS**, trees reduce air pollution by removing carbon dioxide, dust and other pollutants from the air; and **WHEREAS**, trees reduce noise, glare, wind and soil erosion; and **WHEREAS**, trees conserve water and energy; and **WHEREAS**, trees reduce storm water runoff by capturing falling precipitation; and **WHEREAS**, trees increase the canopy and beauty of the City, protect its wildlife, and provide plant diversity; and **WHEREAS**, trees increase the property values of the property owners in the City.

**NOW, THEREFORE, BE IT ORDAINED** by the City of Richlawn, Kentucky:

**Section 1. Definitions**

- a. "Care": Pruning and maintenance of canopy trees
- b. "Streetside": Property from front elevation of house to street. For corner lots, side elevation is included.
- c. "Canopy Tree": Any streetside tree, which when mature, will provide a canopy or become part of a canopy effect as defined by the certified City Arborist.
- d. "Public Property":
  - (1.) Entrance at Heady Avenue and Shelbyville Road
  - (2.) Entrance at Ledyard Road and Hubbards Lane
  - (3.) North side of Ledyard Road
- e. "Remove" or "Removal": The actual elimination of a tree by digging up, cutting down, or effective removal as a result of damage and/or substantial pruning.
- f. "Substantial Pruning": Removal of branches representing more than 50 percent of a canopy tree's volume and including branches that are ten (10) inches or more in diameter.
- g. "Certificate of Insurance": A document that proves the recommended arborist and nursery/care company have in place general liability, automobile, and worker's

compensation insurance that shall be maintained as long as work is performed in the City. This certificate shall include a provision that states the City shall receive a thirty (30) days' notice from the insurance company if the policy is going to be cancelled or materially changed by the insurance company or the insured.

**Section 2. Creation and Establishment of a City Beautification Committee**

- a. There is hereby created and established a Beautification Committee in an advisory capacity for the City, named City of Richlawn Beautification Committee.
- b. All meetings of the Committee shall be open to the public.
- c. Membership of the Committee shall consist of a maximum of five (5) members, which shall include at least one (1) City Commissioner. They shall be appointed by the Mayor, ratified by the Commission, and shall serve without compensation.
- d. The term of the members of the Committee shall be for two (2) years with the option to be reappointed. The term of the first Committee, appointed by the mayor, shall be deemed to have begun when this ordinance is enacted. When a member's term is completed, or when a vacancy occurs during the term of any member, the Committee and/or the City Commission may compile a list of interested persons to present to the Mayor from which (s)he may select a successor(s).
- e. It shall be the responsibility of the Committee to develop, keep current, and implement a written plan for the preservation of canopy trees and the canopy effect in the City through the planting, care, and selective removal of canopy trees, and the care of the Public Property in the City. Such a plan will be presented annually to the City of Richlawn Commission in April, and, upon acceptance and approval, shall constitute the City's official comprehensive beautification plan for the next fiscal year.
- f. The Committee shall:
  - (1.) Recommend, to the City of Richlawn Commission, an arborist on a contract basis to survey all existing canopy trees and present a prioritized written report to the Committee as to recommended pruning, maintenance or removal, and recommend the canopy tree species and location for planting of new trees so as to increase the tree canopy in the City. This survey and report will be repeated every two (2) years, or as needed. Arborist shall be required to provide a current Certificate of Insurance and a Certificate of Arboriculture.
  - (2.) Determine the number of trees it shall recommend for planting, care and removal each year.
  - (3.) Recommend to the City of Richlawn Commission a company or companies to be recommended to property owners for tree purchase, planting, removal and care. Any companies so recommended shall carry a current Certificate of Insurance with the City as an additional insured as well as any property owner that uses that company.
  - (4.) Notify City property owners who qualify for a canopy tree, encourage them to plant a canopy tree and provide them with the name of the nursery/care company the Committee recommends and with whom they need to contract in order to receive any financial assistance from the City.

(5.) Notify City property owners of canopy trees needing care or removal and provide them with the name of the care/removal company the Committee recommends and with whom they need to contract in order to receive any financial assistance from the City.

g. The Committee shall choose its own officers, which shall consist of Chairperson, Secretary, Accountant to record expenditures and work under the City Treasurer, and a Tree Journalist to record the tree species and location of canopy trees planted, maintained or removed with the City support. A majority of the members shall be a quorum for the transaction of business.

### **Section 3. Canopy Tree Species to be Planted**

The Committee, under advisement of the arborist, shall formulate an official Canopy Tree List for the City. A property owner who chooses not to plant a recommended canopy species or chooses a location other than that which was recommended by the arborist and without the written permission of the Committee will not receive financial assistance from the City. The canopy trees shall be planted no closer than twenty-one (21) feet from the center line of the road nor planted in the surface drainage ditch along the side of the road.

### **Section 4. Pruning and Removal of Obstructing Trees or Shrubs**

Every property owner shall prune or remove any tree(s) and shrubs on its property so that such tree(s) or shrubs shall not obstruct the light from any street lamp or obstruct the view of any street sign, or the view of any driver at an intersection, all as determined by the Committee. The Committee will notify, in writing, the property owner of such tree(s) or shrubs.

### **Section 5. Care and Removal of Canopy Trees Located on Property in the City**

The Committee shall, upon the recommendation of its arborist, notify, in writing, the owner of any canopy tree(s) that needs to be pruned, maintained, or removed because it presents a hazard to life and property or harbors insects or disease, which constitute a potential threat to other trees within the City. The property owner can accept or reject the recommendation. If the owner accepts, the City may offer financial assistance if proper procedural steps are followed. The owner shall contract with the care/removal company recommended by the City for the work. Care or removal shall be completed within sixty (60) days after the date of service of notice unless an extension is granted by the Committee. In cases where imminent harm exists to person(s) or property from a sudden change in the physical condition of a canopy tree(s), pruning, maintenance, or removal shall be completed in a time period recommended by the City Arborist. The City may pay 50%, but not to exceed the amount contained in the annual Beautification Budget, of the cost of the care or removal provided that the company recommended by the Committee is contracted by the owner. When the action taken is canopy tree removal, the City may pay 50%, but not to exceed the amount contained in the annual Beautification Budget, of the cost and planting of a recommended canopy tree in a location recommended by the arborist provided that the company recommended by the Committee is contracted by the owner.

**Section 6. Substantial Pruning and Removal or Planting of Canopy Trees Located on Property in the City by Property Owner**

1. Any property owner wishing to substantially prune or remove any canopy tree(s) on property in the City, or to plant a canopy tree on property in the City, and who wishes to receive financial assistance and agrees to accept the following procedures, shall deliver a written request for Canopy Tree Pruning or Removal or Planting to the Mayor or Chairperson of the Committee, stating specifically the reason(s) and the action proposed, and clearly identifying the canopy tree(s) to be affected. Approval to remove or substantially prune a canopy tree(s) with financial assistance from the City requires a written approval by the Committee, after consultation with the current City Arborist if necessary. The property owner shall be notified in writing within thirty (30) days after the date of application, by the Committee, of the status of the written request. The City may assist the property owner by paying 50%, but not to exceed the amount contained in the annual Beautification Budget, of the substantial pruning or removal cost provided a company recommended or approved by the Committee is contracted by the property owner. When the action taken is tree removal, the City may pay 50%, but not to exceed the amount contained in the annual Beautification Budget, of the cost and planting of the recommended canopy tree in a location recommended by the Committee provided the company recommended by the Committee is contracted by the property owner.

2. The following is the form for the request for Canopy Tree Pruning or Removal or Planting:

**CITY OF RICHLAWN  
CANOPY TREE PRUNING OR REMOVAL OR PLANTING**

**Substantial pruning or removal or planting of canopy trees located in the City of Richlawn is controlled by City Ordinance #2010-01. As specified within the Ordinance, approval for the substantial pruning or removal or planting of canopy trees with City assistance must be approved by the City Beautification Committee. This completed form serves as approval or denial to substantially prune or remove or plant the specified tree(s) only.**

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Substantial Pruning** \_\_\_\_\_ **Removal** \_\_\_\_\_ **Planting** \_\_\_\_\_

**Reason(s) for Substantial Pruning, Removal or Planting:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Location and Species of Tree:** \_\_\_\_\_

**Printed Name of Property Owner(s):** \_\_\_\_\_

**Signature of Property Owner(s):** \_\_\_\_\_

**Received by:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Action Taken: Approved** \_\_\_\_\_ **Denied** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Conditions Attached:** \_\_\_\_\_

Amount of City Assistance: \_\_\_\_\_

Reasons for Denial: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Committee Chair: \_\_\_\_\_ Date of Inspection: \_\_\_\_\_

**Section 7. City Beautification Committee Funding**

The City may annually budget money to support the Beautification Program. A specific amount may be allocated to the Canopy Tree Fund and a specific amount to the Property Fund:

1. The Canopy Tree Fund may assist residents by paying 50%, but not to exceed the amount contained in the annual Beautification Budget, of the cost of the care or removal of canopy trees and 50%, but not to exceed the amount contained in the annual Beautification Budget, of the cost and planting of new canopy trees in the City. This Fund shall also cover operating expenses incurred by the Beautification Committee and the arborist.

2. The Property Fund shall cover the cost of pruning and maintenance on Public Property as defined in Section 1.

**Section 8. Review by City Commission**

The City Commission shall have the right to review the conduct, acts, and decisions of the City Beautification Committee and/or the City Arborist and the right to accept or reject them. Any resident or property owner in Richlawn may appeal, within fourteen days of that decision, any ruling or order of the Committee and/or the City Arborist to the Commission, which may hear the matter and make the final decision.

This ordinance shall take effect from and after its passage and approval by the Mayor of the City of Richlawn and publication as required by law.

Passed and approved this 18th day of January, 2010.

*Sandra M. Barta*

Mayor, City of Richlawn

*Jay Burt*

ATTEST: City Clerk

Prepared and Approved By:

*Stephen T. Porter*

Stephen T. Porter, Attorney for the City of Richlawn

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