

**CITY OF HIGHLAND HEIGHTS, KENTUCKY
ORDINANCE NO. 02-2019**

AN ORDINANCE ESTABLISHING A TREE COMMISSION
AND GUIDELINES PERTAINING TO THE PROTECTION OF
CITY TREES.

WHEREAS, the City of Highland Heights is desirous of protecting and nourishing trees within the City for the health and welfare of its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF HIGHLAND HEIGHTS, KENTUCKY:

Section I

ESTABLISHMENT OF A TREE COMMISSION. A tree commission is hereby established, to be known as the City of Highland Heights Tree Commission. The Tree Commission shall consist of seven (7) members, who shall be appointed by the Mayor with the advice and consent of the City Council. In the event the Mayor fails to fill a vacancy on the Tree Commission within 60 days of said vacancy, the City Council shall appoint the new member.

Section II

TERMS OF OFFICE. The initial Tree Commission shall contain two members appointed for a term of one year, two members appointed for a term of two years and, three members appointed for a term of three years. Thereafter, all subsequent appointments shall be for a term of two years. Members of the Commission may be appointed for consecutive terms. All members of the Tree Commission shall serve without compensation.

Section III

VACANCIES. Any vacancy occurring by reason of death, resignation or removal of any member shall be filled for the unexpired terms of the member. The mayor may cause removal of a member of the Commission for inefficiency, neglect of duty, malfeasance, or conflict of interest. Any member of the Tree Commission removed from office by the Mayor may appeal the removal to the City Council within 30 days.

Section IV

ORGANIZATION. The Tree Commission shall organize within 30 days after the appointment of its initial total membership to adopt by-laws. The Commission shall annually elect a chairman, vice-chairman, and secretary who shall be eligible for re-election at the Commissions first meeting annually. The Tree Commission shall meet at least once quarterly and the exact time and date of said quarterly meeting may be determined by the Commission.

Section V

POWERS AND DUTIES OF TREE COMMISSION. The powers and duties of the Tree Commission shall include:

- (A) Provide public promotion and leadership in facilitating public, awareness of tree conservation, tree protection, and tree planting issues.
- (B) Landmark trees.
 - 1.) Designate and maintain records of “Landmark Trees” on city property, excluding the Nature Trail. A citizen may apply to have a tree on their property designated as a “Landmark Tree”. A tree may qualify as a landmark tree if it meets one or more of the following criteria:
 - (a) The tree species is rare.
 - (b) The tree is more than 100 years of age.
 - (c) The tree has been connected with a significant historical event.
 - (d) The tree is of an outstanding trunk diameter or drip line diameter for a tree of its species.
 - (e) The quality of the tree foliage is outstanding for a tree of its species.
 - (f) The location, shade value, fragrance, erosion control, aesthetic features or scenic enhancement of such tree is of special importance to the city.
 - 2.) All trees designated as landmark trees by the Tree Commission shall be shown on an Official City Map with appropriate code marks signifying each tree’s designation, number, species, age and periodic monitoring.
 - 3.) If the owner or owners of the property on which a landmark tree is located consent thereto, the Tree Commission may identify such tree as a landmark tree. The owner or owners may choose to have a suitable marker placed thereon. The cost of the marker shall be underwritten by the property owner.
 - 4.) Prior to the removal of any designated landmark tree, the Tree Commission may suggest alternate building areas in an effort to preserve said landmark tree. If and when any landmark tree is removed, the Tree Commission shall arrange for the necessary changes to be made to the official landmark tree inventory records and the City Map.
- (C) The Tree Commission shall prepare and submit a list of trees to the city staff suitable for planting in public right-of-way areas that are conducive to growth in the Greater Cincinnati region. All trees located on property owned by the city or on public right-of-way shall be maintained by the city. The Tree Commission may be consulted with regard to the selection, location and planting of trees that are to be placed on city property or right-of-way. When consulted, the Tree Commission shall check to ensure no underground utilities exist in the area where a tree is to be planted.

- (D) The Tree Commission shall bring to the attention of the City Staff any tree on city property that represents a threat to public safety when such tree is dead or dying and its presence would cause hardship or endanger the public or an adjoining property owner. The Tree Commission shall also notify the city when a tree on city property is diseased or infested so as to be a danger to other trees within the city. Further, the staff shall be notified by the Tree Commission when a tree is considered a hazard because it obstructs the view of motor vehicle operations or otherwise interferes with traffic or pedestrian safety. In the event the complete removal of a tree is not required, it may be pruned pursuant to the requirements contained herein.

Members of the Tree Commission will participate in the review and development of the City's Comprehensive Plan. Whenever development is to occur on city property affecting trees, members of the Tree Commission are encouraged to attend the Planning and Zoning meetings and make recommendations to the city that will minimize the impact on said trees. Tree Commission recommendations should encourage tree conservation whenever practical, or provide advice as to when tree removal is more feasible. In determining whether tree removal may be necessary, the Tree Commission should consider:

- 1.) Whether the presence of such tree would cause hardship or endanger the public or an adjoining property owner.
 - 2.) Whether such tree is located in an area to be occupied by buildings, driveways, recreation areas or other construction or within the drip line of a tree.
 - 3.) Whether such tree is located in an area to have a cut or fill of land that may be injurious or dangerous to such tree.
- (E) Any public utility serving the city with overhead services shall have the right to remove trees on city property, without the prior approval of the city, only when an emergency exists and when obtaining the prior approval of the city and/or Tree Commission is not practical. All public utilities with overhead services shall coordinate all non-emergency tree trimming activities with the city staff and/or Tree Commission that are reasonably required for the purpose of providing the appropriate utility service or to avoid danger to the public or overhead utility personnel or equipment pursuant to the requirements contained in the franchise agreements as authorized by the City Council of the city. Any other person(s) or firm, except the public utility with overhead lines having line clearing operations (tree trimming) done by them or, for them by any person(s) or firm shall first obtain written approval from the city and/or Tree Commission. Any person may appeal a decision of the Tree Commission regarding a tree removal request, to the City Council. Such appeal shall be made in writing and received by the City Clerk within the time frame for appeal as stated herein. The City Council, in the consideration of any appeal, will give much deference to the decision of the Tree Commission and will render a decision, to a large extent, based upon an examination of the minutes, records and proceedings of the Commission. The City Council shall act upon all appeals within 30 days from the date of the appeal.

Section VI

PENALTY. Any person, firm, organization, or corporation who violated any of the provisions of this chapter shall be guilty, upon conviction, of a Class B Misdemeanor in accordance with the Kentucky Revised Statutes. Each day of continuous violation with any of the provisions contained herein shall be considered a separate offense and shall be punishable accordingly.

Section VII

Any Ordinances in conflict herewith are hereby repealed.

Section VIII

That this Ordinance shall be signed by the Mayor, attested by the City Clerk/Treasurer and recorded. Same shall be in effect at the earliest time provided by law.

First reading this 19th day of February, 2019.

Passed on 2nd reading this 5th day of March 2019.



MAYOR GREGORY V. MEYERS

ATTEST:



JEANNE PETTIT
CITY CLERK/TREASURER

Ord19.02