

ORDINANCE D _____

An ordinance to repeal Section 4110 and 4305 and to add a new article, Article 8 of Chapter 5 of Ordinance D, the 1999 Revised Frankfort Municipal Code.

THE CITY OF FRANKFORT ORDAINS:

Section 1. Sections 4410 and 4305 are repealed and a new Article 8 is added as followed:

CHAPTER 4

ARTICLE 8 Tree Management

Section 4801. Purpose and Intent. The City of Frankfort finds that trees provide many benefits to the City, including shade, increased property values, homes for wildlife, and a healthy enjoyable environment in which people can live. The City therefore determines that it is in the best interest of the City, and its citizens, that a master plan for planting and maintaining trees within the City be adopted, and that uniform laws be adopted for the purpose of regulating and providing for the planting and maintenance of trees within the City to better control problems of flooding, soil conservation, air pollution, and noise. The purpose of this ordinance is protect and encourage the protection of trees and shrubs to provide for the public health, safety, and general welfare, to promote and preserve the City's aesthetic values, and to define the powers and duties of those who administer this ordinance.

Section 4802. Definitions.

- 4802.1 The terms "public area", "street", "sidewalk", and "park" shall have the same meanings as found in Section 4101 of this Code.
- 4802.2 "Curb tree lawn" means any part of a street not covered by sidewalk or paving and lying within the right of way line.
- 4802.3 "Trees" and "Shrubs" means all woody vegetation growing in a public area or, if applicable, on private property.

Section 4803. Tree Board. There is hereby established a Tree Board for the City of Frankfort, which shall consist of three (3) citizen members, who shall be either residents or property owners in the City, a member of the City Council, and the City Superintendent.

- 4803.1 The members of the Tree Board shall be appointed by the Mayor, upon recommendation of the City Superintendent.
- 4803.2 The first three citizen (3) members of the Board shall be appointed for one (1), two (2), and three (3) year terms. Thereafter, the new member appointed annually shall be appointed for a three (3) year term. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.

problem, and the corrective measures required to be taken. These measures may include pruning, treatment, or destruction of the affected tree or trees as necessary.

4807.4 If any owner does not comply with this section, the Superintendent may issue corrective orders as provided by Section 3403. Should the owner fail to comply with this order, the City may perform the necessary work. The cost of the work may be collected by suit or any other manner provided by law.

4808. Trees and Shrubs, Public Areas.

4808.1 Except as provided in Section 4503.5, no person shall plant trees, bushes, shrubs or other plants in the public right of way without written permission of the City Superintendent. Ownership of such trees, bushes, shrubs, or other plants located in the public right of way shall remain with the City. All plantings shall conform to the community tree management program.

4809. Prohibited Acts.

4809.1 Unless written permission is given by the City Superintendent, no person shall do any of the following in any public area, including curb tree lawns or parks:

- a) Tear down, destroy, or damage any tree, shrub or plant.
- b) Fasten any sign, card, poster, wire, rope or other material to, around, or through any tree or its guard, except in emergencies such as storms or accidents, and except for any nursery tag identifying its species or care.
- c) Permit any fire to burn where such fire will injure any portion of any tree or shrub.
- d) Permit any toxic chemical to seep, drain or to be emptied on or about any tree or shrub.
- e) Deposit, store, place or maintain on any street, highway, or other public place, any stone, brick, sand, concrete, or other material which may impede free passage of water, air or fertilizer to the roots of any tree or shrub.
- f) Fail to repair or stop any leak existing or occurring in any gas pipe or main within a radius of forty (40) feet of any tree.
- g) Knowingly permit any utility or commercial electrical wires to come into contact with any tree or shrub.
- h) Allow excavations or driveways to be placed within five (5) feet of any tree. Any person making such excavations or construction shall guard any tree within six (6) feet of the excavation or construction with a substantial frame box approved by the City Superintendent. All building materials or other debris shall be kept at least four (4) feet from any tree.