

ORDINANCE NO. 2534

**AN ORDINANCE ESTABLISHING A CITY “URBAN FOREST COMMISSION”  
RELATING TO THE PLANTING, MAINTENANCE AND REMOVAL OF TREES /  
SHRUBS WITHIN THE CITY OF ERLANGER IN PUBLIC RIGHT-OF-WAY  
ADJACENT STREET / SIDEWALKS AND PARKS.**

**WHEREAS** the City finds as public policy that trees and shrubs are an important natural resource that contributes to the aesthetic appeal and beneficial enjoyment of all lands in the City; and

**WHEREAS** trees in the city provide air, water and soil protection, filter pollutants and provide for habitat and biological diversity; and

**WHEREAS**, well selected and properly maintained trees contribute to significant increases in property values for residential, commercial and public lands; and

**WHEREAS** the City resolves to have an “Urban Forest Commission” meeting the standards of “The Tree City USA” program as sponsored by the Arbor Day Foundation.

- The City’s Urban Forest Commission will consist of five (5) members as appointed by the Mayor and approved by City Council.
- Members of the Board will serve without compensation.
- Commission members shall be appointed for three-year staggered terms. If a vacancy shall occur during the term of any member, a successor shall be appointed by the Mayor and approved by City Council.
- The Board shall annually select one of the members to serve as chair, may appoint a second member to serve as co-chair, and may appoint a third member to serve as secretary.
- The Urban Forest Commission will meet regularly at which the subject of trees, as it relates to the city, will be discussed. The Urban Forest Commission will also adopt procedures as it deems necessary for holding and conducting its regular and special meetings.
- The Commission shall act in an advisory capacity to the Public Works Department Director and shall:
  1. Coordinate and promote Arbor Day activities.
  2. Review and update a five-year plan to plant and maintain trees on City property.
  3. Support public awareness and education programs relating to trees.
  4. Review City department concerns relating to tree care.
  5. Submit an annual report of its activities to the Mayor and shared with the City Council and City Administrator.
  6. Assist with the annual application to renew the Tree City USA designation.

7. Recommend a list of tree species for planting on city property, and a list of prohibited species; and
8. Other duties that may be assigned by the Mayor.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ERLANGER, KENTON COUNTY AND THE STATE OF KENTUCKY THAT**

**SECTION ONE: Definitions**

As used in this chapter, these terms are defined as follows:

**City:** The City of Erlanger

**Urban Forest Commission:** A five (5) person board appointed by elected officials working for the betterment of a city's urban forestry through comprehensive tree planting and maintenance planning.

**Right-of Way:** The total width of a street and its easements.

**Street Trees:** "Street trees" are herein defined as trees, shrubs, bushes and all other woody vegetation on land that is within the City right-of-way be it alley, street or easement for transportation purposes.

**Park Trees:** "Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation on land owned by the City or to which the public has free access as a park and/or open space.

**Remove or Removal:** The actual removal of a tree by digging up, cutting down or the effective removal through damage.

**Tree:** A self-supporting, woody plant of a species that normally, in the area, grows at maturity to an overall height of a minimum of fifteen feet.

**Trim:** To cut a tree, shrub or bush by cutting away dead or overgrown branches or stems for the health of the plant.

**Prune:** To trim a tree, shrub or bush by cutting away dead or overgrown branches or stems for the health of the plant.

**Topping:** The severe cutting back of limbs within the crown to such a degree as to remove the normal canopy and disfigure the tree.

**Director:** City of Erlanger Public Works Department Director.

**SECTION TWO:** The City shall have the right to plant, prune, maintain and/or remove trees, plants and shrubs within rights-of-ways, parks or other public areas as necessary to insure public safety and/or to preserve or enhance the symmetry and beautification of public land.

- A) No person, firm, or corporation shall damage, remove, or cause the damage or removal of a tree on public property without written permission from the Director.
- B) No person, firm, or corporation shall attach any cable, wire, sign, or any other object to any street, park, or public tree without written permission from the Director.
- C) No person, firm, or corporation shall “top” any street, park, or public tree without written permission from the Director. Trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the determination of the Director.
- D) Any person, firm, corporation, or city department performing construction near any public tree(s) shall consult with the Director and shall employ appropriate measures to protect the tree(s), according to procedures contained in the Best Management Practices (BMPs) for [“Managing Trees During Construction”](#) published by the International Society of Arboriculture.

**SECTION THREE:** 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 FOUR:** The Urban Forest Commission shall develop and update annually a written five (5) year “tree work plan” with associated estimates of probable cost. The plan shall address species diversity, planting needs, hazardous trees and pruning, insect and disease problems, removal or disposition of trees and shrubs in parks, right-of-ways and other public lands. The plan shall also include a pattern of regular care such as routine pruning, fertilization and watering. The plan shall be presented annually to the Mayor and shared with the City Council for review, acceptance and approval.

**SECTION FIVE: Provisions Severable**

The provisions of this Ordinance are severable; and the invalidity of any provision of this Ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

**SECTION SIX: Conflicting Ordinances Repealed**

All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION SEVEN: Effective Date**

This ordinance shall be effective as soon as possible according to law.

**SECTION EIGHT: Publication**

This ordinance shall be published in summary pursuant to K.R.S. 83A.060 (9).

Adopted this 4th day of January, 2022.

First Reading- December 7, 2021

Second Reading- January 4, 2022    Votes Cast: 9 Yes, 0 No

JESSICA FETTE, MAYOR

DATE: January 4, 2022