ORDINANCE # 2013-23
INTRODUCED BY Alexius
DATE INTRODUCED 10/1/13
ITEM NUMBER 2013-10-01
PUBLIC HEARING 1 11/5/13
ADOPTED/TABLED 11/5/13 (as amended)
EFFECTIVE 2 11/22/13
BOOK # PAGE #
RECORDATION #
AMENDED BY ORDINANCE #
DATE AMENDED

ADOPTION

INTRODUCTION

AMENDED

CITY OF COVINGTON
ORDINANCE NUMBER 2013-23

AN ORDINANCE OF THE CITY OF COVINGTON AMENDING THE FOLLOWING PROVISIONS OF THE COVINGTON CODE OF ORDINANCES: CHAPTER 102 VEGETATION, ARTICLE II. TREES ON PUBLIC PROPERTY

WHEREAS, certain amendments have been suggested to the chapter of the Code addressing trees on public property; and

WHEREAS, the Covington City Council deems these amendments appropriate to protect the health, safety and welfare of the citizens of Covington; and

WHEREAS, the City Council has held its public hearing in accordance with law,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Covington, at its regular session convened, that Chapter 102 Vegetation, Article II. Trees on Public Property, shall be amended to read as follows:

Division 1. Generally

Sec. 102-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board means the city tree board.

Park trees means trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

Street trees means trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the city.

Sec. 102-32. Tree species to be planted.

~~The city tree board develops and maintains a list of desirable trees for planting along streets in three size classes based on mature height: small (under 20 feet); medium (20 to 40 feet); and large (over 40 feet). Lists of trees not suitable for planting will also be created by the tree board.~~

The city tree board develops and maintains a list of recommended trees for planting on public property, including along streets and in parks, in two size classes based on mature height of approximately less than 30 feet and over 30 feet, as well as a list of trees not suitable for planting.

Sec. 102-33. Tree board approval for plantings on public property.

All proposed plantings on public property must be approved by the city tree board. All trees must be selected from the city's recommended tree list as set forth in Appendix B, Sec. 4.213, of this Code. An application for planting on public

property must be submitted to the city tree board. The application is available from the city council clerk at city hall. The petitioner shall submit the following: Drawing or survey depicting size, type and location of all trees and other planted materials. The drawing or survey should also indicate the location of all overhead ~~utilities~~ utility wires or any recorded utility rights-of-way and should in no way conflict with any existing or future work associated with Public Works. Proper distance of trees from road edge to prevent any type interference must be maintained.

All approved planting shall be installed in a sound, workmanlike manner and according to accepted good planting procedures. All plant material shall be certified disease and insect-free.

Sec. 102-34. Utilities.

~~No street trees other than those species listed as small trees in section 102-32 may be planted under or within ten feet of any overhead utility wire and/or any recorded utility right-of-way of a greater width.~~

No trees may be planted under or within 10 feet of any overhead utility wire or underground utility line, within 15 feet of a utility pole and/or recorded utility right-of-way of a greater width. Before performing any digging or excavation work, contact should be made with Louisiana One Call (1-800-272-3020) to have all underground utility lines marked.

Tree limbs that grow near high voltage overhead utility lines shall be maintained clear of such lines by the appropriate utility company in compliance with any applicable franchise agreements. A utility tree trimming work plan must be reviewed by a designee appointed by the mayor prior to any trimming by the utility company.

Sec. 102-35. Public tree care.

(a) The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(b) The city ~~tree board~~ may remove, ~~or~~ cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect, or other pest. ~~This section does not prohibit the planting of street trees by adjacent property owners provided that the selection and location of such trees is in accordance with sections 102-32 through 102-34.~~

Sec. 102-36. Tree topping.

It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs ~~to shrubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.~~ within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, will be exempted from this section.

Sec. 102-37. Pruning, corner clearance.

Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not severely obstruct the view

of any street intersection and so that there shall be a clear space of 13 feet above street surface or eight feet above the sidewalk surface. Such owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with visibility of any traffic control device or sign or sight triangle at intersections. ~~Tree limbs that grow near high voltage electrical conductors shall be maintained clear of such conductors by the electric utility company in compliance with any applicable franchise agreements. A utility tree trimming policy must be reviewed by the utility company and city tree board prior to any trimming by the utility company.~~

Sec. 102-38. Dead or diseased tree removal on private property.

The city shall have the right to cause the removal of any dead or diseased trees on private property within the city when such trees constitute a hazard to life, public safety, utilities and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The city ~~tree board~~ will notify in writing the owners of such trees. Removal shall be done by such owners at their own expense with ~~60~~ 10 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal on the owners' property tax notices.

Sec. 102-39. Removal of stumps.

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.

Sec. 102-40. Interference with ~~tree board.~~ city tree maintenance.

It shall be unlawful for any person to prevent, delay or interfere with the city ~~tree board,~~ or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any ~~street trees, or park trees.~~ trees on public property.

Sec. 102-41. Permit and bond.

It shall be unlawful for any person or firm to engage in ~~the business or occupation of~~ pruning, treating~~,~~ or removing ~~street or park~~ trees on public property within the city without first applying for and procuring a permit. The permit fee shall be $25.00 ~~annually~~ to be paid in advance; provided, however, that no permit shall be required of any public service company including electric utilities and their agents and contractors or city employees doing such work in the pursuit of their public service endeavors. Before any permit shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of $300,000.00 for bodily injury and $100,000.00 for property damage and indemnifying the city ~~or~~ for any person injured or damaged resulting from the pursuit of such endeavors as described in this section. In addition, each applicant shall provide evidence of a valid business/occupational license.

Sec. 102-42. Tree board actions; review by city council.

The city council shall have the right to review the conduct, acts, and decisions of the city tree board. Any person may appeal ~~from any ruling or order~~ any recommendation of the city tree board to the city council, ~~who~~ which may hear the matter and make final decisions.

Sec. 102-43. Penalty for violation of article.

Any person violating any provision of this article shall be subject to the penalty provisions of section 1-8 of this Code.

Secs. 102-44--102-60. Reserved.

DIVISION 2. TREE BOARD*

Sec. 102-61. Creation and establishment.

There is hereby created and established the city tree board, which shall consist of five members, citizens, and residents of this city~~,~~ (Exception: A nonresident arborist may serve), who shall be appointed by the mayor (three appointments) and ~~councilman~~ councilmen at large (two appointments) with the approval of the city council.

Sec. 102-62. Term of office.

The term of the five persons to be appointed by the mayor and ~~councilman~~ councilmen at large shall be three years except that the term of two of the members appointed to the first city tree board shall be for only one year and the term of two members of the first city tree board shall be for two years. If a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

Sec. 102-63. Compensation.

Members of the city tree board shall serve without compensation.

Sec. 102-64. Duties and responsibilities.

(a) It shall be the responsibility of the city tree board to ~~study, investigate,~~ counsel the city with regard to the ~~and develop and/or update annually, and administer a written plan for the care,~~ preservation, pruning, planting~~,~~ and replanting~~, removal or disposition~~ of trees and shrubs in parks, along streets, and in other public areas. ~~Such plan will be presented annually to the city council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the city.~~

(b) The board, when requested by the city council, mayor or city department heads, shall consider, investigate, ~~make finding,~~ report and recommend upon any special matter or question ~~coming~~ within the scope of its work.

Sec. 102-65. Operation.

The city tree 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.

Secs. 102-66--102-90. Reserved.

BE IT FURTHER ORDAINED that all other sections of Chapter 102 Vegetation, shall remain the same and in full force.

BE IT FURTHER ORDAINED that if any provision of this ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this ordinance are hereby declared to be severable.

WHEREUPON, this ordinance having been submitted in writing, having been read by title and adopted at a public meeting of the City Council of the City of Covington, State of Louisiana, was then submitted to an official vote as a whole, the vote thereon being as follows:

MOVED FOR ADOPTION as amended by O'Keefe, seconded by Rolling.

YEAS: 7 **ABSENT:** 0

NAYS: 0 **ABSTAIN:** 0

PASSED AND ADOPTED this 5th day of November, 2013.

Lee S. Alexius
LEE S. ALEXIUS
COUNCIL PRESIDENT

Bonnie D. Champagne
BONNIE D. CHAMPAGNE
CLERK TO THE COUNCIL

Presented to the Mayor this 6th day of November, 2013, at 2:30 o'clock P.M.

Bonnie D. Champagne
BONNIE D. CHAMPAGNE
CLERK TO THE COUNCIL

Approved ✓ or Vetoed ___ by the Mayor on this 7th day of November, 2013.

MICHAEL B. COOPER
MAYOR

Received from the Mayor on the 7th day of November, 2013, at 10:30 o'clock A.M.

Bonnie D. Champagne
BONNIE D. CHAMPAGNE
CLERK TO THE COUNCIL