

**ORDINANCE NO. 2160**

**ORDINANCE RE-ESTABLISHING A CITY TREE PROGRAM**

**WHEREAS**, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

**WHEREAS**, the City of Northport manages and cares for many trees on public property, and

**WHEREAS**, the City of Northport was recognized with the Tree City USA® designation for 17 years from 1990 until 2006, and

**WHEREAS**, the City of Northport desires to seek the Tree City USA® designation again both to recognize and improve the tree care program by seeking grants and other resources.

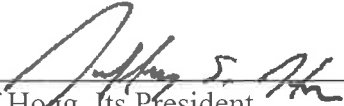
**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHPORT, ALABAMA AS FOLLOWS:**

1. The City of Northport adopts the ordinance re-establishing a City tree program, as set forth in Exhibit "A" which is attached hereto and incorporated by reference as if fully set out verbatim.
2. The City Administrator is authorized to take all actions, execute all documents, and approve all expenditures required for the implementation of this Ordinance.
3. All Ordinances, Resolutions, or parts thereof conflicting in any manner herewith are hereby repealed.

**ORDAINED** this the 7<sup>th</sup> day of November, 2022.

**CITY COUNCIL OF THE  
CITY OF NORTHPORT**

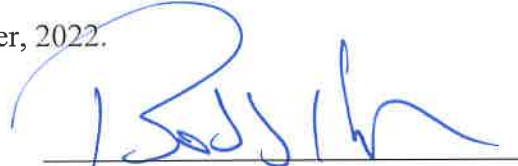
BY: \_\_\_\_\_

  
Jeff Hogg, Its President

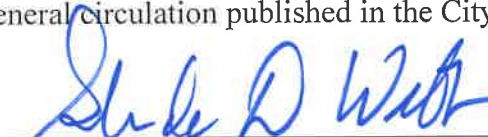
ATTEST:

  
\_\_\_\_\_  
Glenda D. Webb, City Administrator

APPROVED this the 7<sup>th</sup> day of November, 2022.

  
\_\_\_\_\_  
Bobby Herndon, Mayor

I hereby certify that the above and foregoing Ordinance was published on November 16, 2022, in the Northport Gazette, a newspaper of general circulation published in the City of Northport.

  
\_\_\_\_\_  
Glenda D. Webb, City Administrator

1st Reading: October 24, 2022  
Motion By: Hogg  
2nd Reading: November 7, 2022  
Motion By: Dykes  
Second By: Washington  
Publication: November 16, 2022

# EXHIBIT “A”

## CHAPTER 57

### ENVIRONMENT

#### ARTICLE I. City of Northport Tree Program

##### Section 1. Purpose.

To enhance the quality of life and the present and future health, safety, and welfare of all residents, to enhance property values, and to ensure proper planting and care of trees on public property, the City Council herein delegates the authority and responsibility for managing public trees, establishes practices governing the planting and care of trees on public property, and makes provision for the emergency removal of trees on private property under certain conditions.

##### Section 2. Definitions.

As used in this Article, the following words and phrases shall have the meanings indicated:

**Damage** – any injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part of the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.

**Nuisance** – any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety, and welfare.

**Parkway** – the area along a public street between the curb and the sidewalk; or if there is no curb or sidewalk, the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.

**Public property** – all grounds and rights-of-way (ROWs) owned or maintained by the City.

**Public tree** – any tree or woody vegetation on city-owned or city-maintained property or rights-of-way.

**Top or Topping** – the non-standard practice of cutting back of limbs to stubs within a tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

### Section 3. Authority and power.

- (a) **Delegation of authority and responsibility.** The Director of Public Works and/or their designee, hereinafter referred to as the “Director”, shall have full authority and responsibility to plant, prune, maintain and remove trees and woody plants growing in or upon all municipal streets, rights-of-ways, city parks, and other public property. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.
- (b) **Coordination among city departments.** All city departments will coordinate as necessary with the Director and will provide services as required to ensure compliance with this Ordinance as it relates to streets, alleys, rights-of-way, drainage, easements, and other public properties not under direct jurisdiction of the Director.
- (c) **Interference.** No person shall hinder, prevent, delay, or interfere with the Director or his agents while engaged in carrying out the execution or enforcement of this Ordinance.

### Section 4. Tree planting and care standards.

- (a) **Standards.** All planting and maintenance of public trees shall be informed by the American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations" and tree care Best Management Practices (BMPs) published by the International Society of Arboriculture.
- (b) **Requirements of franchise utility companies.** The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards.
- (c) **Preferred species list.** The Director shall maintain an official list of desirable tree species for planting on public property in two size classes: Ornamental (20 feet or less in height at maturity) and Shade (greater than 20 feet at maturity). Trees from this approved list may be planted without special permission; other species may be planted with written approval from the Director.
- (d) **Planting distances.** The Director shall develop and maintain an official set of spacing requirements for the planting of trees on public property. No tree may be planted within the visibility triangle of a street intersection or within 10 feet of a fire hydrant.
- (e) **Planting trees under electric utility lines.** Only trees listed as Ornamental trees on the official city tree species list may be planted under or within 15 lateral feet of any overhead utility wire.

### **Section 5. Prohibition against harming public trees.**

- (a) It shall be unlawful for any person, firm, or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the Director.
- (b) It shall be unlawful for any person, firm, or corporation to attach any cable, wire, sign, or any other object to any street, park, or public tree.
- (c) It shall be unlawful for any person, firm, or corporation to “top” any public tree. 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).
- (e) Each violation of this section as determined and notified by the Director shall constitute a separate violation, punishable by fines and penalties under Section 8, in addition to mitigation values placed on the tree(s) removed or damaged in violation of this section.

### **Section 6. Adjacent owner responsibility.**

- (a) The owner of land adjacent to any city street or highway, when acting within the provisions of this Ordinance, may plant and maintain trees in the adjacent parkway area.
- (b) No property owner shall allow a tree, or other plant growing on his or her property to obstruct or interfere with pedestrians or the view of drivers, thereby creating a hazard. If an obstruction persists, the Director shall notify the property owner to prune or remove the tree or plant. If the owner fails to comply with the notice, the City may undertake the necessary work and charge the cost to the property owner.

### **Section 7. Certain trees declared a nuisance.**

- (a) Any tree, or limb thereof, on private property determined by the Director to have contracted a lethal, communicable disease or insect; to be dead or dying; to obstruct the view of traffic signs or the free passage of pedestrians or vehicles; or that threatens public health, safety, and welfare is declared a nuisance and the City may require its treatment or removal.

(b) Private property owners have the duty, at their own expense, to remove or treat nuisance trees on their property. The City may remove such trees at the owner's expense if the owner does not comply with treatment and/or removal as specified by the Director within the written notification period.

**Section 8. Violations and penalty.**

Any person found to be in violation of this chapter shall, upon conviction, be subject to the penalty provisions prescribed in section 1-6 of this Code.

**Section 9. Appeals.**

Appeals to decisions by the Director, or to penalties imposed after violations of this ordinance, shall be heard by City Council.

**Section 10. Severability.**

Should any word, sentence, clause, paragraph, or provision of this Ordinance be found to be invalid, in conflict with other ordinances, or unconstitutional, the remaining provisions of this Ordinance shall remain in full force and effect.

**DEPARTMENTAL SUMMARY OF REQUESTED ACTION  
THE NORTHPORT CITY COUNCIL AGENDA**

**AGENDA ITEM NO. 8 (a) 2**

**MEETING DATE: November 7, 2022**

**SUBJECT: 2<sup>nd</sup> Reading, Ordinance Re-Establishing a City Tree Program**

Consent Agenda

Action Agenda

Public Hearing

First Reading

Second Reading **X**

Other

**Prepared By: C. Cunningham**

**Approved By: R. Davis**

**Summary:** This Ordinance re-establishes a city tree program based on the Tree City USA® model. The City of Northport participated in the Tree City USA® program for approximately 17 years from 1990 until 2006, including receiving multiple related grants during that time period.

**Alternatives:** Deny

**Recommendation:** That you offer adopt the attached Ordinance

**Funding Source/GL Code:** Unknown at this time

City Administrator Approval: \_\_\_\_\_

**Motion for Consideration:** I move to adopt the Ordinance Re-Establishing a City Tree Program.