

CITY OF DOUGLASS HILLS
ORDINANCE NO. 7, SERIES 2024
AN ORDINANCE AMENDING THE TREE BOARD AND RELATED ORDINANCES

WHEREAS, the City of Douglass Hills, hereafter referred to as “the City,” finds as public policy that trees are an important natural resource that contributes to the aesthetic appeal and beneficial enjoyment of all lands in the City; and

WHEREAS, the City’s Tree Board has suggested changes in the City’s ordinances relating to the Tree Board and tree maintenance ordinances to better manage and enhance the tree canopy in the City of Douglass Hills,

NOW THEREFORE, be it ordained by the City of Douglass Hills:

Section 1. Codified Ordinance Section 22.102 is hereby repealed and replaced as follows:

- (A) Establishment of Tree Board:** There is hereby established a Tree Board for the City which shall consist of a chairperson and a minimum of three (3) voting members who collaborate and establish policy decisions based on majority consensus; members must be residents of the City. The members shall be appointed by the Mayor, with the consent and approval of the Council, for staggered three (3) year terms. Participation is voluntary and served without compensation. The Tree Board attempts to meet monthly and all meetings must be open and announced to the residents of the City.
- (B) City Tree Consultant:** The City shall retain the services of a Tree Consultant, who shall have extensive knowledge in matter relating to trees and horticulture, such as an arborist, forester or horticulturalist, to advise and assist the Tree Board with their duties and responsibilities described in this ordinance, with a cost and contract to be approved annually by the City as part of its normal budget cycle.
- (C) Tree Work Plan:** The Tree Board shall study, develop, update, and administer a written Tree Work Plan, cost of implementation of which shall be submitted and approved by the City Council within the approved annual City budget cycle. The plan can address species diversity, planting needs, hazardous trees, insect and disease problems, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs along streets and other public areas and a pattern of regular care such as pruning and watering. Any plan shall be presented to the City Council for their review, acceptance, and approval.
- (D) Additional Assignments:** The Tree Board may be assigned by the City Council to research, investigate, consider, and make findings and report upon any other matter in relation to trees and tree preservation.

(E) Budget: The City shall fund the Tree Work Plan or any special observance celebrations with approved annual budgeted funds allocated for the Tree Board. The cost of the City Tree Consultant shall not be included in this budget calculation.

(F) Review and Appeal: The City Council may review the conduct, acts and decisions of the Tree Board.

Section 2. Codified Ordinance Section 53.001 is hereby repealed and replaced as follows:

A. Applicability. The City of Douglass Hills owns all rights-of-way within the City that are not a Metro Louisville owned through-road or a Commonwealth of Kentucky owned highway. Certain open space areas are also owned by the City of Douglass Hills. The dedicated right of way and open space areas are shown on the record plats of the subdivision and the City of Douglass Hills has exclusive power and authority over trees and shrubs within its wholly owned rights-of-way, parks, and open space areas.

Section 3. Codified Ordinance Section 53.002 is hereby repealed and replaced as follows:

A. Street Right-of-Ways and Public Areas: The City shall have the right to plant, trim, prune, maintain and remove trees, plants and shrubs within the right-of-way of all streets and public areas, including parks and common areas, as may be necessary for public safety or to preserve or enhance the symmetry and beauty of such public ground. The City will assess the condition/damage and perform the partial or whole removal of any tree within the right-of way or public area that, due to a storm event or other natural causes, is damaged so as to block a public roadway, driveway, or sidewalk. The City will pay all costs associated with this removal. The City maintains trees planted in the street right-of-way and residents are encouraged to contact the city concerning maintenance issues. The City also reserves the right to seek the services of an outside tree consultant to determine the best tree care practices. No person shall be allowed to prune, top, or remove a tree within street right-of-ways or public areas without the consent of the Tree Board and/or the City Tree Consultant. The Tree Board and /or the City Tree Consultant may select locations in the City for planting new trees in public areas and right-of-ways.

B. Planting Guidelines: The Tree Board suggests (but are not limited to) these preferred species to be planted in the city street right-of-ways because of their vertical root growth and tolerance: Black Gum, Zelkova, Gingko (male), Alle, Yoshima Cherry, and Red Maple. The Tree Board may be consulted in order to establish the best planting practices including distances and clearances from utilities, sidewalks, fireplugs, and other potential obstructions.

C. Trees on Private Property: Property owners are responsible for removing or trimming any tree or shrub that extends over, or obstructs, any street, sidewalk, city sign or right-of-way. Property owners are also responsible for removing or trimming any diseased, dead, or dying tree or shrub limbs; which if it falls, could obstruct the right- of-way, endanger life or limb, or impact utilities. If a hazardous condition is identified, the City can consult an arbor specialist to determine whether any tree or shrub meets these hazardous criteria and issue instructions/notice for pruning or removal, which shall be scheduled within 30 days of said notice. The homeowner shall bear private property tree costs. The City reserves the right, with proper prior notice given, to take action to remove a dangerous tree which is on private property if no action is taken to abate the danger by the homeowner. When a resident chooses to remove a tree on private property, the City encourages each resident to add at least one new tree as a replacement. An intact tree canopy ensures long term sustainability by providing storm water interception, soil conservation, air quality improvement, and temperature management for home and outdoor activities.

D. Maintenance of Sidewalks and Drainage: It shall be unlawful for the owner or resident of any property abutting any public way to permit weeds or non-ornamental growth to grow or remain in the area between his or her property line and the paved portion of the street and it shall be the duty of such abutting owner, or resident, to maintain the grass in the unpaved portion of the public way adjacent to his or her property and to keep sidewalks and drainage swales adjacent to said property free from obstruction.

Section 4. This ordinance shall take effect upon its reading, adoption, and publication according to law.

First Reading: _____

Second Reading: _____

Enacted and approved this the ____ day of _____ 2024.

Mayor Bonnie Jung

ATTEST:

City Clerk Clay Porter

Those in Favor _____
Those Opposed _____

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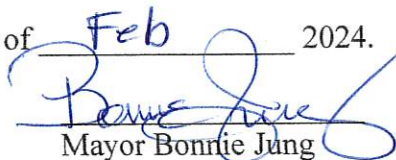
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Section 4. This ordinance shall take effect upon its reading, adoption, and publication according to law.


First Reading: 12/05/2024

Second Reading: 02/06/2025

Enacted and approved this the 6th day of Feb 2024.


Mayor Bonnie Jung

ATTEST:


City Clerk Clay Porter

Those in Favor 6
Those Opposed 0