



Chapter 14 KNOXVILLE TREE PROTECTION ORDINANCE

Chapter 14 - HORTICULTURE

- ❖ Cross references--Animals, Ch. 5; buildings and building regulations, Ch. 6; garbage, trash and refuse, Ch. 13; parks and recreation, Ch. 20; streets and sidewalks, Ch. 23; waterways, Ch. 27; subdivision regulations, App. A.
 - ❖ State law reference--Authority to acquire lands for forestry purposes, T.C.A. § 11-23-101.
-

ARTICLE I. In General

Sections 14-1-25. Reserved.

ARTICLE II. Tree Protection

Section 14-26. Title of article.
Section 14-27. Purpose and intent of article.
Section 14-28. Definition.
Section 14-29. Applicability of article.
Section 14-30. Waiver of requirements during emergencies.
Section 14-31. Penalty for violation of article.
Section 14-32. Appeals.
Section 14-33. Site plan.
Section 14-34. Destruction or removal of trees.
Section 14-35. Protection of trees of historical or botanical importance.
Section 14-36. Planting of trees.
Section 14-37. Maintenance and replacement of existing trees.
Sections 14-38-50. Reserved.

ARTICLE III. Trees on Public Property

Section 14-51. Short title.
Section 14-52. Purpose and intent.
Section 14-53. Definitions.
Section 14-54. Creation and duties of the tree board.
Section 14-55. Appropriate species list.
Section 14-56. Spacing and location of trees on municipal properties.
Section 14-57. Municipal tree care.
Section 14-58. Emergencies.
Section 14-59. Exemptions.
Section 14-60. Penalty.



ARTICLE I. IN GENERAL

Sections 14-1--14-25. Reserved.

ARTICLE II. TREE PROTECTION

Section 14-26. Title of article.

This article may be known as the Tree Protection Ordinance of the City of Knoxville.
(Code 1962, § 22-1)

Section 14-27. Purpose and intent of article.

The purpose and intent of this article is to encourage the preservation and protection of trees within the city because of the unique benefits they provide the community in assisting the natural control of solar heat, soil conservation, flood control, air pollution and noise; in providing a haven for community wildlife; and in providing citizens with psychological relief from the increasing complexities of the manmade urban environment. It is not intended to be punitive nor to cause hardships on those individuals and concerns exercising reasonable care and diligence to protect trees. (Code 1962, § 22-2)

Section 14-28. Definition.

For the purposes of this article, the word "tree" shall mean any woody plant which:

- (1) Has a trunk six (6) inches or more in diameter at one (1) foot above the ground; or
- (2) Is of a horticultural variety or is highly ornamental, such as a dogwood, redbud, crabapple, sourwood, flowering cherry or peach, southern magnolia, holly or any like or similar plant, and has a trunk diameter of three (3) inches or more at one (1) foot above the ground. (Code 1962, § 22-3)

Cross reference--Definitions and rules of construction generally, § 1-2.

Section 14-29. Applicability of article.

- (a) This article shall apply to all real property within the city, including all commercial, industrial, business or multifamily and subdivision property, with the following exceptions:
 - (1) It shall not apply to any parcel of land used for a single-family dwelling or duplex.
 - (2) It shall not apply to the approaches (clear zones) to any airports located in the city limits, to the easements or rights-of-way of utility companies, or to federal, state or local governments.
 - (3) It shall not apply to containerized trees or nursery stock trees for resale in commercial nurseries or garden centers.



- (b) Trees being provided on the site in compliance with other regulations may be used for compliance with this article where minimum size and species standards are maintained.

(Code 1962, § 22-4)

Section 14-30. Waiver of requirements during emergencies.

In case of emergencies such as windstorms, ice storms or other disasters, the requirements of this article may be waived by the city horticulturist during emergency periods so as not to hamper private and public work to restore order in the city. (Code 1962, § 22-9)

Section 14-31. Penalty for violation of article.

Any person violating any provisions of this article shall be punished as provided in section 1-9. (Code 1962, § 22-10)

Section 14-32. Appeals.

Except as otherwise provided, appeals from decisions of the city horticulturist under this article shall be to the courts of record by petition setting forth that such decision is illegal in whole or in part and specifying the grounds of the illegality. Such petition shall be filed within sixty (60) days after the receipt of the city horticulturist's decision. (Code 1962, § 22-11)

Section 14-33. Site plan.

- (a) Where no building permit or subdivision approval is required for activities regulated under this article, the developer shall submit a site plan to the city horticulturist. The plan shall generally locate groups of trees and the predominant species in those areas to be cleared of trees.
- (b) Where application for a building permit or preliminary subdivision plat is required by the city, a site plan locating trees to be retained or provided, and their species, shall be submitted with such application for review by the city horticulturist. Such plan shall be approved unless notice to the contrary is given within ten (10) working days of the application. In the event of disapproval, the reasons for such disapproval shall be reported in writing to the applicant. (Code 1962, § 22-8)

Section 14-34. Destruction or removal of trees.

- (a) Clearing and grading work. Where a building permit or subdivision approval has not been issued, the destruction, within any five-year period, of more than twenty-five (25) percent of the trees on any one (1) parcel of nonexempt land, without the prior approval of the city horticulturist, shall be prohibited.
- (b) Land development and new construction. Where a building permit for new construction or subdivision approval is required, a minimum of six (6) trees per acre shall be retained on the site unless because of cut or fill work such trees cannot be saved.
(Code 1962, § 22-5(a), (b))



Section 14-35. Protection of trees of historical or botanical importance.

- (a) No living tree within the city with a trunk diameter of twenty (20) inches or more at one (1) foot above the ground which is located within one hundred fifty (150) feet of any building built in or before the year 1860 shall be cut or otherwise substantially altered by pruning, trimming or otherwise cutting more than twenty (20) percent of the woody area of such tree without first obtaining a permit from the city horticulturist.
- (b) Permits as noted in subsection (a) of this section shall be issued only upon a satisfactory showing that the tree in question is not of such historical or botanical importance that the public interest would be served through the preservation of such tree.
- (c) If the city horticulturist fails to issue a permit as provided in this section within thirty (30) days of the application for the permit, such permit shall be considered to be denied. Any person denied such permit may appeal the denial directly to council by filing notice of such appeal with the city recorder within fifteen (15) days of the denial, and the appeal shall be placed upon council's agenda for consideration at the next regularly scheduled council meeting. The council shall consider the matter de novo and may uphold denial of the permit, order the permit to be issued, or order a permit under such terms and conditions as council deems appropriate considering the totality of the circumstances. (Code 1962, § 22-5(c))

Section 14-36. Planting of trees.

Where trees cannot be retained pursuant to this article, or do not exist on the site, they shall be provided, within twelve (12) months of construction completion, at the rate of eight (8) trees per acre, with at least one-half of the required number being species capable of attaining a height of fifty (50) feet or more at maturity. Such trees shall have a minimum trunk diameter of two (2) inches at six (6) inches above ground at planting, unless of an ornamental variety, which shall have a minimum trunk diameter of one and one-fourth (1 1/4) inches at six (6) inches above ground at planting. (Code 1962, § 22-6)

Section 14-37. Maintenance and replacement of trees.

All trees retained or provided to meet the requirements of this article shall be properly maintained to ensure their survival for a period of at least eighteen (18) months from the date of complete construction, final plat approval or planting. Any tree which fails to survive eighteen (18) months shall be replaced within twelve (12) months of loss. (Code 1962, § 22-7)

Sections 14-38--14-50. Reserved.

ARTICLE III. TREES ON PUBLIC PROPERTY

Section 14-51. Short title.

This article may be cited as the "trees on public property" ordinance.
(Ord. No. O-447-91, § 1, 10-29-91)



Section 14-52. Purpose and intent.

The purpose and intent of this article is to encourage the conservation, protection, and management of trees on public property within the city because of the unique benefits they provide the community in assisting the natural control of solar heat, soil conservation, flood control, air pollution and noise; in providing a haven for community birds and wildlife; in providing citizens with relief from aesthetic degradation of the manmade environment and in helping increase the economic appeal of a community. In furtherance of this purpose, this article also creates a city tree board to achieve the objectives of this article.

(Ord. No. O-447-91, § 2, 10-29-91)

Section 14-53. Definitions.

The following words shall have the meanings assigned to them wherever such words appear in this chapter:

(1) Tree is defined as any woody plant which:

- a) Has a trunk two (2) inches or more in diameter at one (1) foot above the ground,
or
- b) Is of a flowering or highly valuable ornamental character such as a dogwood, redbud, crabapple, sourwood, flowering cherry or peach, magnolia, holly, or any other species defined in regulations issued under this chapter and which has a trunk diameter of one and one-half (1 1/2) inches or more at six (6) inches above the ground.

(2) Trees on municipal property are defined as trees on public rights-of-way between the curb or edge of pavement and property line along the side of or in medians of all streets and avenues within the city, and trees in public parks, golf courses, and public cemeteries.

(3) Special districts are defined as those areas designated as such by the tree board and where general standards and regulations concerning trees on municipal property may be inappropriate, i.e., downtown area and historic neighborhoods.

(4) Municipal arborist shall be the person designated as such by the mayor and such person shall possess a college degree with a major in horticulture, forestry or any other related field.

(Ord. No. O-447-91, § 3, 10-29-91)

Section 14-54. Creation and duties of the tree board.

- (a) There is hereby created and established a city tree board to protect, conserve, establish, and manage trees on public property within the city. The city tree board shall consist of eleven (11) members, seven (7) of which must be citizens and residents of the city. The four (4) remaining members may reside outside the city, but within the county. All members are to be nominated by the mayor and approved by



city council. At least three (5) of the members shall be professionals, including a landscape architect, a horticulturist or forester, and an educator. One (1) member shall be a representative of KUB. The members should include broad representation from community groups, neighborhood associations, environmental groups, builders, developers, and other civic organizations. The municipal arborist, a representative from the city engineering department, and a representative from the metropolitan planning commission shall attend meetings of the board and shall render information and advice to the board members; however, they shall have no vote in the processes thereof. Persons appointed to the board shall serve a term of four (4) years or until their successors are duly nominated and approved, with three terms expiring each year. Vacancies caused by death, resignation, or otherwise, shall be filled for the unexpired term in the same manner as original appointments are made. The members shall serve without pay.

(b) The duties of the Tree Board shall be as follows:

- (1) To study the problems and determine the needs of the city in connection with its tree program and to formulate a master street, tree plan for all municipal property.
- (2) To develop regulations relative to the type and kind of trees to be planted on any municipal property and in Special Districts, and the planting standards therefor.
- (3) To assist the properly constituted officials, as well as city council and the citizens of the city, in the dissemination of news and information regarding the selection, planting, establishment, and maintenance of trees within the corporate limits of the city and to make recommendations from time to time to the city council relative to desirable legislation concerning the tree program and activities for municipal property.
- (4) To provide regular and special meetings at which the subject of trees, insofar as it relates to the city, may be discussed by members of the tree board and, when requested by the tree board, officers and personnel of the city, and all other persons interested in the tree program.
- (5) The city tree board shall recommend for approval by the city council such rules and regulations as the board shall deem advisable and necessary in order to perform its duties as set forth herein. The board shall also adopt such procedures as it may deem necessary for holding and conducting its regular and special meetings.

(Ord. No. O-423-03, § 1, 11-25-03)

Section 14-55. Appropriate species list.

The city tree board shall formulate a species list of trees acceptable for planting on all municipal property. That list shall consist of small trees under thirty (30) feet tall, medium trees thirty (30) to sixty (60) feet tall, and large trees over sixty (60) feet in height. No species other than those



included in this list may be planted on municipal property without application to and written permission received from the city tree board. (Ord. No. O-447-91, § 5, 10-29-91)

Section 14-56. Spacing and location of trees on municipal property.

The spacing of trees on all municipal property shall be in accordance with the three (3) species size classes listed in section 14-55 of this chapter and shall be consistent with regulations set out by the city tree board. Distance from curbs, edge of pavement, sidewalks, street corners, and fire hydrants shall match the specifications developed by the city tree board and article V of the zoning ordinance. The tree board shall define where such restrictions may be relaxed or modified. (Ord. No. O-447-91, § 6, 10-29-91)

Section 14-57. Municipal tree care.

- (a) No person shall plant, spray, fertilize, prune, remove, cut above or below ground, or otherwise disturb any tree on municipal property without first filing an application and procuring a permit from the municipal arborist. Requirements for species, spacing, location and maintenance shall be made available to the public at the application filing place.
- (b) The city retains the right to remove trees, plants, and shrubs located on municipal property as may be necessary to ensure public safety. No tree larger than twenty (20) inches in diameter at one (1) foot above ground shall be removed without the written permission of the municipal arborist, unless such removal is necessary due to emergency situations or other conditions that pose a threat to public safety.
- (c) The city retains the right to prune any tree or shrub on private property when it interferes with the appropriate spread of illumination from a street light, interferes with the visibility of any traffic control device or sign, or obstructs the view of any street intersection.
- (d) It shall be unlawful as a normal practice for any person, firm, or city department to top any tree on municipal property without written approval by the municipal arborist, which approval shall be granted under rules and regulations issued pursuant to this chapter. Trees severely damaged by storms or other causes, or under such other conditions as may be prescribed in regulations issued under this chapter, shall be exempted from this prohibition. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

(Ord. No. O-447-91, § 7, 10-29-91)

Section 14-58. Emergencies.

In case of emergency such as windstorm, ice storm, natural disaster or such other events that jeopardize public safety, the requirements of this chapter shall be waived by the municipal arborist pursuant to rules and regulations issued hereunder so as not to hamper private and public work to abate the emergency conditions within the city. (Ord. No. O-447-91, § 8, 10-29-91)



Section 14-59. Exemptions.

This article shall not apply to property or operations of the city utilities board.
(Ord. No. O-447-91, § 9, 10-29-91)

Section 14-60. Penalty.

Any person violating this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than fifty dollars (\$50.00). Each subsequent day that any violation continues unabated shall constitute a separate offense.
(Ord. No. O-447-91, § 10, 10-29-91)
