

CHAPTER 24

TREE ORDINANCE*

Section 24-1. Definitions.

Street Trees: “*Street Trees*” defined as trees, shrubs, bushes and all other woody vegetation on land lying between sidewalks and curbs on either side of all streets, avenues or ways within the City. Where there is no sidewalk, this applies to all woody vegetation immediately lining the City thoroughfares.

Park Trees: “*Park Trees*” are herein defined as 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.

Source: Ordinance No. 1253-1995, § 1, 1-17-95

Section 24-2. Creation and Establishment of a City Tree Board.

There is hereby created and established a City Tree Board for the City of Laurel, Mississippi, which shall consist of nine (9) members, citizens and residents of Jones County, who shall be appointed by the Mayor with the approval of the Council. One (1) member shall be appointed from each ward and two (1) members shall be appointed at large.

Source: Ordinance No. 1253-1995, § 2, 1-17-95; Ordinance No. 1309-1997, §24-2,12-2-97

Section 24-3. Term of Office.

The term of nine (9) persons to be appointed by the Mayor shall be three (3) members for one (1) year and three (3) members for two (2) years and three (3) members for three (3) years. After the initial terms, all members shall be appointed for a three (3) year term. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

Source: Ordinance No. 1253-1995, § 3, 1-17-95

***Editor’s Note** --- Ordinance No. 944-1981, §§ 1---20, adopted December 8, 1981, did not specify manner of codification, but was included herein as Ch. 24, §§ 24-1---24-20, at the editor’s discretion.

Section 24-4. Compensation.

Members of the Board shall serve without compensation.

Source: Ordinance No. 1253-1995, § 4, 1-1-7-95

Section 24-5. Duties and Responsibilities.

It shall be the responsibility of the Board to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, 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 of Laurel, Mississippi. The Board, when requested by the City Council, shall consider, investigate, make finding reports and recommendations on any special matter or question coming within the scope of its work.

Source: Ordinance No. 1253-1995, § 5, 1-17-95

Section 24-6. Operation.

The 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. October shall be the beginning of the fiscal year. Each Board member shall be allowed three (3) absences per year.

Source: Ordinance No. 1253-1995, § 6, 1-17-95; Ordinance No. 1309-1997, § 24-6, 12-2-97

Section 24-7. Spacing.

No trees may be planted closer together than the following:

Small Trees – 15-20 feet; *Medium Trees* – 35-40 feet; and *Large Trees* – 40-50 feet; except in special planting designed or approved by a licensed horticulturist and approved by the City Tree Board.

Source: Ordinance No. 1253-1995, § 7, 1-17-95; Ordinance No. 1309-1997, § 24-7, 12-2-97

Section 24-8. Distance from Curb and Sidewalk.

No trees may be planted closer to any curb or sidewalk than the following:

Small Trees - 2 feet; *Medium Trees* - 3 feet; and *Large Trees* - 4 feet.

Source: Ordinance No. 1253-1995, § 8, 1-17-95

Section 24-9. Distance from Street Corners and Fireplugs.

No *Street Tree* shall be planted closer than twenty-five (25) feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No *Street Tree* shall be planted closer than ten (10) feet of any fireplug.

Source: Ordinance No. 1253-1995, § 9, 1-17-95

Section 24-10. Utilities.

No *Street Trees* other than *Small Trees* may be planted under or within ten (10) lateral feet of any overhead utility wire, or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

Source: Ordinance No. 1253-1995, § 10, 1-17-95

Section 24-11. Public Tree Care.

The City shall have the right, but not the responsibility 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 insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The City Tree Board may, but is not obligated to, remove 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 sewer, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. Nothing herein shall obligate said Board or the City to search for and locate said unsafe trees and it shall have no liability for any act or failure to act thereon.

This Section does not prohibit the planting of *Street Trees* by adjacent property owners providing that the selection and location of said trees is in accordance with this Ordinance.

Source: Ordinance No. 1253-1995, § 11, 1-17-95

Section 24-12. Tree Topping.

It shall be unlawful as a normal practice for any person, firm, or City Department to top

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any *Street Tree*, *Park Tree*, or other tree on public property. *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. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this Ordinance at the determination of the City Tree Board, except in the event of an emergency.

Source: Ordinance No. 1253-1995, § 12, 1-17-95

Section 24-13. 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 obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet (8') above the surface of the street or sidewalk. Said owner 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 the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

Source: Ordinance No. 1253-1995, § 13, 1-17-95

Section 24-14. 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 and property, or harbor insects or disease which constitutes a potential threat to other trees within the City. The City Horticulturist, or other City employee working with the City Tree Board, will request in writing to the owners of such trees that they remove them, with a copy to be maintained in the records of the City Tree Board and with a copy to be sent to the City Council. Said notice shall identify the tree or trees to be removed. After ten (10) working days, if the owner fails to comply with said request, an employee of the City may issue a Municipal Offense Ticket to said owners for failure to remove said trees which will require them to appear and respond to the Environmental Court for the City of Laurel. The City has no responsibility or obligation to act concerning trees on private property and has no liability for failure to act concerning trees on private property.

Source: Ordinance No. 1253-1995, § 14, 1-17-95; Ordinance No. 1309-1997, § 24-14, 12-2-97

Section 24-15. Removal of Stumps.

All stumps of *Street* and *Park Trees* shall be removed below the surface of the ground with a minimum of six inches (6") so that the top of the stump shall not project above the surface of the ground.

Source: Ordinance No. 1253-1995, § 15, 1-17-95

Section 24-16. Interference with City Tree Board.

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 any of the *Street Trees*, *Park Trees* or trees on private grounds as stated in Section 24-14, and authorized in this Ordinance.

Source: Ordinance No. 1253-1995, § 16, 1-17-95

Section 24-17. Horticulturist Licensed and Insured.

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* within the City without first applying for and procuring a license. The license fee shall be Twenty-five Dollars (\$25.00) annually. No license fee shall be required of any public service company or City employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of One Hundred Thousand Dollars (\$100,000.00) for bodily injury and One Hundred Thousand Dollars (\$100,000.00) property damage indemnifying the City of any person injured or damaged resulting from the pursuit of such endeavors as herein described.

Source: Ordinance No. 1253-1995, § 17, 1-17-95

Section 24-18. Review by City Council

The City Council shall have the right to review the conduct acts and divisions of the City Tree Board. Any person may appeal any ruling or order of the City Tree Board to the City Council who may hear the matter and make the final decision.

Source: Ordinance No. 1253-1995, § 18, 1-17-95

Section 24-19. Penalty.

Any person violating any provision of this Ordinance may be charged with a violation by the City before the Environmental Court. Upon conviction or a plea of guilty, said Court shall have broad discretion in fashioning a remedy against the guilty party. Where a City tree has been destroyed by the guilty party, the Court may either require that party to reimburse the City the value of the tree or trees destroyed or be subject to a fine not to exceed Two Hundred Fifty Dollars (\$250.00) or in the discretion of the Court, both. In the event of violation of § 24-14, the Court may order the City to remove the tree from the property of the guilty party at the cost of the guilty party or be subject to a fine, or, in the discretion of the Court, both.

Source: Ordinance No. 1253-1995, § 19, 1-17-95; Ordinance No. 1309-1997, § 24-19, 12-2-97

Section 24-20. Public Damage to City Trees.

- A. Signs, fliers, posters shall not be attached to any City tree by any method including but not limited to nails, staples, tacks, tape, wire, roper or cord.
- B. There shall be no vehicle parked on the roots of any City trees.

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- C. For violation of this section the party may be charged with destroying a City tree and subject to fines or penalties as outlined in Section 24-19.

Source: Ordinance No. 1309-1997, § 24-20, 12-2-97

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