

ORDINANCE NO. 291

AN ORDINANCE OF THE TOWN OF PITTMAN CENTER, TENNESSEE TO REPLACE ORDINANCE NO. 217 IN IT'S ENTIRETY AND REPLACE WITH A NEW TREE ORDINANCE

WHEREAS, the Town of Pittman Center has been designated as a Tree City-USA for eleven years by the Arbor Day Foundation.

WHEREAS, The Town of Pittman Center wishes to make revisions to update the previous Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Town of Pittman Center Board of Mayor and Aldermen that Ordinance No. 217 is hereby repealed in it's entirety and replaced with the following:

Section 1. Definitions

Street Trees: are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying on Federal, State, County, or Town Right of Ways.

Park Trees: are herein defined as trees, shrubs, bushes, and all other woody vegetation in public parks and all areas owned by the Town.

Section 2. Creation and Establishment of a Town of Pittman Center Tree Board

There is hereby created and established a Town of Pittman Center Tree Board herein after referred to as the "Tree Board" for the Town of Pittman Center, Tennessee, which shall consist of five members who shall be appointed by the Mayor with the approval of the commission.

Section 3. Term of Office

The term of the five persons to be appointed by the Mayor shall be three years, except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any members, his successor shall be appointed for the unexpired portion of the term. The Mayor shall have the right to remove any member.

Section 4. Compensation

Members of the Tree Board shall serve without compensation.

Section 5. Duties and Responsibilities

Responsibilities:

- To develop, maintain, and facilitate a plan for the development, conservation, and care of the urban forest resources of the Town.

Qualifications:

- Resident of the Town or any professional in natural resources with an interest in and knowledge of trees and related resources and their relationship to the human and physical environment of the city.

Activities:

- Develop and /or review annually and update as necessary a long-range plan for the urban forest of the city.
- Advise the Mayor, Board of Mayor and Aldermen, and various departments on matters concerning trees and related resources.
- Advise residents on matters concerning the betterment of trees and related resources.
- Coordinate and conduct special projects for the betterment of the urban forest.

Section 6. Operation

The Tree Board shall elect its own officers and keep minutes of its proceedings. A majority of the members shall be a quorum for the transaction of business.

Section 7. Street Tree Species to be Planted

The Town of Pittman Center will refer to the following list of Native Plants. These species are considered endemic to the Town of Pittman Center and the Great Smoky Mountains National Park. No other species other than those included in this list may be planted as “street trees” without approval of the Tree Board.

Native Plant List

COMMON NAME/ SCIENTIFIC NAME

SMALL TREES

Alternate leaf dogwood	Cornus alternifolia
American holly	Ilex opaca
American, Chicksaw plum	Prunus americana, P. angustifolia
Blackhaw, Rusty blackhaw	Viburnum prunifolium, V. rufidulum
Carolina buckthorn	Rhamnus caroliniana
Carolina Silverbell	Halesia tetraptera
Flowering dogwood	Cornus florida
Fringe tree	Chionanthus virginicus

Hawthorn
Hercules club
Hoptree
Ironwood
Pawpaw
Redbud
Serviceberry
Sweetbay magnolia
Wahoo
Winged, Smooth, Staghorn sumac
Witch-hazel

Crataegus spp.
Aralia spinosa
Ptelea trifoliata
Carpinus caroliniana
Asimina triloba
Cercis canadensis
Amelanchier arborea, *A. laevis*
Magnolia virginiana
Euonymus atropurpureus
Rhus copallinum, *R. glabra*, *R. typhina*
Hamamelis virginiana

MEDIUM TREES

Hophornbeam
Persimmon
Red cedar
River birch
Sourwood
Sweet birch
Yellow wood

Ostrya virginiana
Diospyros virginiana
Juniperus virginiana
Betula nigra
Oxydendrum arboreum
Betula lenta
Cladrastis kentukea

LARGE TREES

American basswood
American beech
Black cherry
Black walnut
Blackgum
Blue ash
Bur oak
Carolina, Black willow

Tilia americana
Fagus grandifolia
Prunus serotina
Juglans nigra
Nyssa sylvatica
Fraxinus quadrangulata
Quercus macrocarpa
Salix caroliniana, *S. nigra*

Chestnut, Chinkapin oak
Cucumbertree
Eastern cottonwood
Kentucky coffeetree
Overcup, Water, Pin oak
Pignut, Shagbark, Mockernut hickory
Red maple
Red mulberry
Sassafras
Shortleaf, Virginia pine
Southern red, Post, Black oak
Sugar maple
Swamp white, Shingle oak
Sweetgum
Sycamore
Tulip poplar
White pine
White, Green ash
White, Scarlet oak
Willow, Northern Red, Shumard oak
Yellow, Ohio buckeye

Quercus montana, *Q. muhlenbergii*
Magnolia acuminata
Populus deltoides
Gymnocladus dioicus
Quercus lyrata, *Q. nigra*, *Q. palustris*
Carya glabra, *C. ovata*, *C. tomentosa*
Acer rubrum
Morus rubra
Sassafras albidum
Pinus echinata, *P. virginiana*
Quercus falcata, *Q. stellata*, *Q. velutina*
Acer saccharum
Quercus bicolor, *Q. imbricaria*
Liquidambar styraciflua
Platanus occidentalis
Liriodendron tulipifera
Pinus strobus
Fraxinus americana, *F. pennsylvanica*
Quercus alba, *Q. coccinea*
Quercus phellos, *Q. rubra*, *Q. shumardii*
Aesculus flava, *A. glabra*

SHRUBS

American beautyberry
American snowbell
Arrow wood, Possum haw
Bladdernut
Buttonbush
Carolina, Prairie, Swamp rose
Cedarglade, Shrubby St. John's Wort

Callicarpa americana
Styrax americana
Viburnum dentatum, *V. nudum*
Staphylea trifolia
Cephalanthus occidentalis
Rosa carolina, *R. setigera*, *R. palustris*
Hypericum frondosum, *H. prolificum*

Common winterberry	<i>Ilex verticillata</i>
Coralberry	<i>Symphoricarpos orbiculatus</i>
Cumberland azalea	<i>Rhododendron cumberlandense</i>
Cumberland rosemary	<i>Conradina verticillata</i>
Elderberry	<i>Sambucus canadensis</i>
Fothergilla	<i>Fothergilla major</i>
Fragrant sumac	<i>Rhus aromatica</i>
Hazelnut	<i>Corylus americana</i>
Hearts a bustin	<i>Euonymus americanus</i>
Highbush, Lowbush blueberry	<i>Vaccinium corymbosum, V. pallidum</i>
Indigobush	<i>Amorpha fruticosa</i>
Leatherwood	<i>Dirca palustris</i>
Mapleleaf	<i>viburnum Viburnum acerifolium</i>
Mock orange	<i>Philadelphus hirsutus, P. inodorus</i>
Mountain laurel	<i>Kalmia latifolia</i>
Mountain rosebay	<i>Rhododendron catawbiense</i>
New Jersey tea	<i>Ceanothus americanus</i>
Ninebark	<i>Physocarpus opulifolius</i>
Northern, Southern bush honeysuckle	<i>Diervilla lonicera, D. sessilifolia</i>
Oakleaf hydrangea	<i>Hydrangea quercifolia</i>
Possumhaw holly	<i>Ilex decidua</i>
Red, Black chokeberry	<i>Aronia arbutifolia, A. melanocarpa</i>
Silky dogwood	<i>Cornus amomum</i>
Spicebush	<i>Lindera benzoin</i>
Sweet pepperbush	<i>Clethra alnifolia</i>
Sweet, Piedmont azalea	<i>Rhododendron arborescens, R. canescens</i>
Sweetshrub	<i>Calycanthus floridus</i>
Virginia sweetspire	<i>Itea virginica</i>
Wild hydrangea	<i>Hydrangea arborescens</i>

Section 8. Spacing

The spacing of street trees will be in accordance with the species size classes listed in Section 7 of this Ordinance.

Small Trees	30 feet
Medium Trees	40 feet
Large Trees	50 feet

Exceptions will be made for stamped planting plans designed and submitted by a landscape architect.

Section 9. Distance from Curbs and Sidewalks

The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species-size classes listed in Section 7 of this Ordinance. No trees may be planted closer to any curb or sidewalk than the following:

Medium Trees	10 feet
Large Trees	20 feet

Section 10. Distance from Street Corners and Fireplugs

No street tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersection edge of pavement. No street tree shall be planted closer than 10 feet of any fire hydrant.

Section 11. Utilities

No street trees may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 feet of any underground water line, sewer lines, transmission line, or other utility or guide wire anchor. Property owners, contractors, or other appropriate parties are required to contact Tennessee 811 to mark underground utilities prior to planting.

Section 12. Public Tree Care

The Town 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.

The 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, other public improvements, or is affected with an injurious fungus, insect, or other pest.

Section 13. Tree Topping

It shall be unlawful as a normal practice for any person, firm, or contractor to top any street tree, park tree, or other tree on public property or Town right of way. Topping is defined as the severe cutting back of limbs to stubs 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. 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. The Town is exempt from Section 13 of this Ordinance.

Section 14. Pruning and Corner Clearance

Every owner of any tree overhanging any street or right-of-way within the Town shall prune the branches so that such branches will not 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. The Town 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.

Section 15. Penalty

Any person, partnership or corporation violating the terms of this ordinance shall be assessed a fine not greater than the sum of \$50.00 per day. Each day of the violation of this ordinance shall constitute a separate and distinct offense.

Section 16. Appeals

Any person, partnership or corporation may appeal any ruling or order of the Tree Board to the Town of Pittman Center Board of Mayor and Aldermen.

Section 17. Severability

Each section, subsection, paragraph, sentence, and clause of this Ordinance, including the codes adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the Ordinance shall not affect the validity of any other portion of said Ordinance, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.


This ordinance shall take effect upon publication after its final passage in a newspaper of general circulation, the public welfare requiring it.

Approved on First Reading 1/23/20


Approved on Second Reading 2/20/20



Mayor



Town Attorney



Attest: City Administrator