

TOWN OF FLOYD TREE ORDINANCE

Adopted the 6th day of November, 2003.

Be it ordained by the Town Council of the Town of Floyd, Virginia.

Section 21.1 Definitions

Street trees: "Street trees" are herein defined as trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways with the Town.

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 Town, or to which the public has free access as a park.

Section 21.2 Creation and Establishment of the Town Tree Board.

There is hereby created and established a Town Tree Board for the Town of Floyd, Virginia which shall consist of five members, citizens and residents of this town, who shall be appointed by the Mayor with the approval of the Commission.

Section 21.3 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 the two members of the first board shall be for two years. 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.

Section 21.4 Compensation.

Members of the Board shall serve with compensation.

Section 21.5. Duties and Responsibilities.

It shall be the responsibility of the Board to study, investigate, council 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 Town Council and upon their acceptance and approval shall constitute the official comprehensive town tree plan for the Town of Floyd, Virginia. The Board, when requested by the Town Council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within scope of its work.

Section 21.6. 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.

Section 21.7 Street Tree Species to be Planted.

The following list constitutes the official Street Tree species for Town of Floyd, Virginia. No species other than those included in this list may be planted as Street Trees without written permission of the Town Tree Board.

****Please Note:** The species offered below are size-class example only and may not be suitable for planting in your area. Please check with local sources to develop a species list for your area or other trees approved by the Floyd Tree Board.

- Small Trees: Apricot, Crabapple, Golden Rain Tree, Hawthorne (sp.), Bradford Pear, Redbud, Soapberry, Japanese Lilac Tree, Flowering Peach, Purple leaf Plum, Serviceberry.
- Medium Trees: Green Ash, Hackberry, Honey Locust (thornless), Linden or Basswood (sp.), Red Mulberry (fruitless, male), English Oak, Red Oak, Japanese Pagoda Tree, Pecan, River Birch, Osageorange (male, thornless), Persimmon, White Poplar, Sassafras.
- Large Trees: Kentucky Coffee Tree, Silver Maple, Sugar Maple, Bur Oak, Sycamore, London Sycamore, Cottonwood (cottonless, male).

Section 21-8. Spacing.

The spacing of Street Trees will be in accordance with the three species size classes listed in Section 21-7 of this ordinance, and no trees may be planted closer together than the following: Small trees, 30 feet; Medium Trees, 40 feet; and Large Trees, 50 feet; except in special plantings designed or approved by a landscape architect.

Section 21.9. 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 intersecting curbs and curb lines. No Street Tree shall be planted closer than 10 feet of any fireplug.

Section 21-10. Utilities.

No Street Trees other than those species listed as Small Trees in Section 21-7 of this ordinance may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

Section 21-11. Public Tree Care.

The Town of Floyd 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 insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The Town 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, or other public improvements, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection of said trees is in accordance with Section 21-7 through 11 of this ordinance.

Section 21-12. Tree Topping.

It shall be unlawful as a normal practice for any person, firm, or city department to top 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 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 Town Tree Board.

Section 21-13. Pruning, Corner Clearance.

Every owner of any tree overhanging any street or right-of-way within the Town of Floyd 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 owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs, which constitute a menace to the safety of the public. 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 streetlight or interferes with the visibility of any traffic control device or sign.

Section 21-14. Dead or Diseased Tree Removal on Private Property.

The Town shall have the right to request the removal of any dead or diseased trees on private property within the Town, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the town. The Town Tree Board will notify, in writing, the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of the owners to comply with such provisions, the Town shall have the authority to remove such trees and charge the cost of removal on the owners' property tax notice.

Section 21-15. Removal of Stumps.

All stumps of street and park trees shall be removed below the surface of the ground so that the tip of the stump shall not project above the surface of the ground.

Section 21-16. Interference with Town Tree Board.

It shall be unlawful for any person to prevent, delay or interfere with the Town Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any Street Trees, Park Trees, or trees on private grounds, as authorized in this Ordinance.

Section 21-17. Arborists License and Bond.

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 Town without first applying for and procuring a license. No license shall be required of any 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 \$50,000 for bodily injury and \$100,000 property damage indemnifying the Town or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

Section 21-18. Review by Town Council.

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

Section 21-19. Penalty.

Any person violating any provision of this ordinance shall be, upon conviction or plea of guilty, subject to a fine not to exceed \$500.00.