

ORDINANCE No. _____

An ordinance amending the existing Tree Ordinance of the City of Oxford, pertaining to the planting, removal and/or pruning of trees on municipal and private property; requiring permits related thereto; establishment of a Tree Board and prescribing its functions and duties; and prescribing penalties for violation thereof and for related purposes.

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMAN OF THE CITY OF OXFORD, MISSISSIPPI:

That Chapter 25, Article III, Sections 25-39 through 25-50 of the Code of Ordinances of the City of Oxford, Mississippi are hereby repealed.

That a new Chapter 25, Article III, of the Code of Ordinances of the City of Oxford, 1 Mississippi, is hereby adopted to read as follows:

ARTICLE III. TREE ORDINANCE

Sec. 25-39. Title and Objectives.

(a) This Article shall be known as, and hereinafter referred to, as the City of Oxford Tree Ordinance.

(b) It is recognized that the preservation of trees enhances the natural scenic beauty, sustains the long term potential increase in property values which encourages quality development, aids in tempering the effect of extreme temperatures, helps to reduce air and noise pollution, furnishes habitat for wildlife and gives Oxford an identity and quality that enhances the environment for all residents and the business community and improves the attractiveness of the City to visitors.

(c) Based on the above stated reasons, the City of Oxford adopts this Ordinance for the preservation of the community's biological resources, including its trees. Furthermore, the City finds that:

(1) The policies of the City are to protect existing woodlands and their associated vegetation, protect important groves of trees, preserve riparian habitat, encourage the planting of native species and avoid the cutting of mature trees.

(2) In order to implement these policies and to promote the public health, safety and welfare, it is necessary to adopt this Ordinance to protect existing trees and compensate the public when a protected tree is destroyed or removed in a manner that is not in compliance with the provisions of this Ordinance.

(3) The rights of individuals to maintain and develop their private property in a manner that is not contrary to the public health, safety and welfare shall be preserved.

Sec. 20. Definitions.

(a) For the purpose of this ordinance, the following terms, phrases and words shall have meanings as hereinafter defined:

(1) City - The City of Oxford, Mississippi.

(2) Code Enforcement Officer - The City of Oxford Code Enforcement Officer

assigned to enforcement of the Tree Ordinance.

(3) Department- Any of the several departmental divisions of the City of Oxford, Mississippi.

(4) DBH (Diameter Breast Height) - The diameter of any tree measured four and one-half feet above ground line.

(5) Dripline - A vertical line extending from the outermost edge of the tree canopy to the ground.

(6) Historic Tree - A tree of notable historic interest and value due to its association with the history of Oxford, Lafayette County or the University of Mississippi.

(7) Person - Any individual, group, company, firm, corporation, partnership, association, society or any other combination of human beings, whether legal or natural, excluding any utility company or department of the City of Oxford.

(8) Specimen Tree - A tree of extremely high value due to its species, size, age or other relevant criteria.

(9) Superintendent - The City of Oxford Superintendent of Buildings and Grounds.

(10) Tree - Any self-supporting, woody perennial plant, normally having one main trunk, of at least fifteen feet at maturity.

(11) Utility - Any public or private utility company owning and/or maintaining utility lines for the transmission of electricity, water, sewage, gas, telephone, television and the like.

Sec. .25-41. Tree Board Established.

(a) There is hereby created a Tree Board consisting of five members appointed by the Mayor and Board of Aldermen. All members shall be residents of the City of Oxford. To the extent practicable, two members shall be professionals in related fields such as arborists, horticulturalists, foresters, landscape architects, or other persons knowledgeable in the area of urban forestry. The County Agent and the County Forester may serve as advisory, non-voting members of the Tree Board.

(b) Members of the Tree Board shall serve a four year term. Vacancies shall be filled by appointment for the remaining unexpired term. Members shall serve without compensation. Provided, however, that the Mayor and Board of Aldermen may, if prior approval has been obtained, pay certain expenses incurred by the Tree Board.

(c) Members of the Tree Board may elect their own officers which may include a chairman vice-chairman and secretary. Meetings of the Tree Board shall be held as determined by the Tree Board. A majority of the members present shall constitute a quorum. Records of attendance and all matters before the board shall be maintained.

(d) The Tree Board shall prepare a Comprehensive Tree Plan for the care, preservation, planting, and replanting of trees along municipal streets, parks or upon other municipal property. Such plan may also include the designation of an official city tree. The Tree Board may also prepare, as part of the Comprehensive Tree Plan, an inventory of historic and specimen trees situated upon public or private property, as hereinafter provided. The Comprehensive Tree Plan shall be reviewed annually and updated as necessary. The Comprehensive Tree Plan shall be presented annually to the Mayor and Board of Aldermen at a regularly scheduled meeting in April.

(e) The Tree Board, when requested by the Mayor and Board of Aldermen, shall consider, investigate, make findings, report and recommend upon any matter within the scope of its jurisdiction.

Sec. 25-42. Administration and Enforcement.

(a) As a matter of public policy, the City of Oxford favors the preservation of large, mature trees. Large, mature trees are a vital component of the beauty, charm and character of the City of Oxford. Mature trees also enhance the quality of life for all who live and work in the City. Once destroyed, a mature tree is virtually irreplaceable for the present generation of the citizens of the City. Therefore, to the extent possible, healthy, mature trees should be preserved.

(b) The City of Oxford Superintendent of Buildings and Grounds shall act in a non-voting, advisory capacity to the Tree Board in all matters upon which said board has jurisdiction.

The Code Enforcement Officer, consultation with the Superintendent, shall have the authority to enforce and administer all rules, regulations or provisions contained herein.

(c) Decisions or determinations made by the Code Enforcement Officer, in consultation with the Superintendent, shall be presented to the Tree Board in a monthly report. The monthly report shall include all permits and other actions taken by the Code Enforcement Officer and^s or the Superintendent relating to trees on municipal property, and shall include justification for the removal of any tree. Any person aggrieved by the decision of the Code Enforcement Officer may appeal such decision to the Mayor and Board of Aldermen who shall make a final determination of the matter. Appeals from the decision of the Mayor and Board of Aldermen shall be as provided by law.

Sec. 25-43. Trees on Municipal Property.

(a) The City of Oxford has exclusive jurisdiction over all trees existing or to be planted upon street right-of-ways, city parks or other municipal property. The City has authority to plant, prune, spray, Treat, preserve tree situated upon municipal property in accordance with this Ordinance and to remove trees situated upon such property in accordance with Section 25-45. The Tree Board is hereby delegated, in an advisory capacity, joint-authority with the City over trees situated upon municipal property as expressed in 25-41(d).

Sec. 25-44. Planting, Pruning, Treating, and Excavating Tندر Trees On Municipal Property; Protective Fencing To Be Installed Around Municipal Trees Adjacent to Construction Sites.

(a) It shall be unlawful for any person, upon any municipal property, to prune, spray, treat, preserve or plant any tree, or excavate underneath the dripline of any tree without having obtained a tree permit from the Code Enforcement Officer. For purposes of this section, the dripline shall be defined as follows:

For a tree with a DBH of _____ inches,	The dripline is any area within _____ feet of the trunk of the tree.
1 – 5 inches	5 feet
6 – 15 inches	12 feet
More than 15 inches	20 feet

(b) Prior to any construction project, the owner or his agent must install and maintain four, foot high protective fencing around the dripline of any trees situated upon adjacent municipal property, The Code Enforcement Officer shall inspect and approve the fencing and its location prior to the issuance of an erosion control/grading permit. During construction, the Code Enforcement Officer may periodically inspect the fencing to insure that it is properly maintained.

(c) Any tree to be planted upon municipal property shall be a minimum of six feet in height and one and one-half inches in diameter (measured six inches from the base) for medium and large trees and four feet in height for small trees. Such trees should be in accordance with the Master List shown in Section 25-49.

(d) No trees, other than those listed as "small trees" shall be planted directly underneath or within ten lateral feet of any overhead utility line; "medium trees" shall be planted ten lateral feet or more from any overhead utility line; and "large trees" shall be planted twenty lateral feet or more from such utility line. Provided, however, that replacement trees may be planted closer to overhead utility lines if deemed appropriate or necessary by the Superintendent

(e) Spacing of trees shall be as approved by the Superintendent in accordance with the following minimum standards: small trees- twenty feet apart; medium trees- thirty feet apart; large

trees- forty feet apart. Small trees may be planted between large trees or medium trees as understory trees. The minimum distance trees shall be planted from existing or proposed curblines and shall be as follows: small trees - three feet; medium trees - four feet; large trees - five feet The Superintendent shall have the authority, at his discretion, to waive or vary the spacing requirements. No tree shall be planted closer than ten feet from any fire hydrant.

(f) No tree planting area shall be less than five feet wide and contain less than twenty-five square feet of pervious area for small trees; fifty square feet for medium trees; and sixty square feet for large trees. The Superintendent shall have the authority, at his discretion, to waive or vary the Planting area requirements. Trees shall not be planted which would, in the judgment of the Superintendent, obstruct visibility at intersections, after consideration of existing or proposed buildings, traffic signals and other traffic control devices.

(g) Any person, utility or department excavating underneath the dripline of any tree, after receiving prior written authorization from the Code Enforcement Officer, shall exercise care to undertake the excavation necessary and cause the minimum damage to roots of the tree. Persons, utilities or departments shall, prior to such authorized excavation consider all alternatives available to avoid damage to the tree and a permit may be denied on the basis that other alternatives are available. As a condition of granting such a permit, the City may require that either the Code Enforcement Officer or Superintendent be present on site during the excavation. No excavation shall be undertaken by any persons, utility or department underneath the dripline of any tree designated as a historic or specimen tree in the Comprehensive Tree Plan, as adopted by the Mayor and Board of Aldermen,, without approval of the Tree Board.

(g) Application for a tree permit.

- (1) A written application for a tree permit shall include the following information:
 - (A) The number, species and DBH of trees to be pruned, sprayed, treated, preserved or planted.
 - (B) The species, DBH and condition of all trees on public property, within thirty feet of the tree(s) to be pruned, sprayed, treated, preserved or planted.

(2) The Code Enforcement Officer may, at his discretion, require that the following information also be provided along with the written application for a tree permit:

- (A) A scale drawing showing existing and/or proposed trees, curbs, sidewalks, pavement, underground utilities and other permanent features.
- (B) Planting details for new trees and information regarding water and maintenance.
- (C) Other information determined by the Code Enforcement Officer to be appropriate or necessary for issuance of a tree permit.

Sec. 25-45. Removal of Trees On Municipal Property and Preservation of Trees on Construction, Projects on Municipal Property.

(a) It shall be unlawful for any person, utility or department to remove any tree from municipal property without having first obtained a tree permit therefore. Provided, however, that no such permit shall be required for municipal construction projects approved by the Mayor and Board of Aldermen. Such construction projects shall include a tree planting plan or contain an allowance for tree planting as a part of the construction documents for such project. Prior to commencement of any construction project on municipal property, the Superintendent shall review the status of trees on the property, as well as any plans for planting or removal of trees from the property, and shall

make recommendations for the retention, preservation, removal and replanting of Trees on the property_ Four-foot high protective fencing shall be installed and maintained around the dripline of any trees on tie construction site which are to be preserved. Such fencing shall be inspected and approved by the Superintendent. During construction; the Superintendent may visit the site periodically to; insure that the protective fencing is properly maintained.

(b) Applications for permits for tree removal shall be made to the Code Enforcement Officer as specified in this ordinance. The Code Enforcement Officer, upon receipt of a completed tree permit application, shall consult with the Superintendent and shall act upon all such applications within fourteen days. However, no tree shall be removed if the Superintendent decides that such removal is not warranted.

(c) Nothing in this section shall prohibit any person, department or utility from removing any tree in an emergency situation whereby an eminent threat to public health and safety exists.

(d) The Tree Board shall determine whether or not a replacement tree shall be planted for any tree removed, and in instance whereby a replacement tree is required, the Tree Board shall determine the species of tree(s) to be replanted.

(e) All stumps to remain shall be removed to four inches below ground line, covered with topsoil and sodded or planted with appropriate grass, depending upon the season, as directed by the Code Enforcement Officer or Superintendent.

Sec. 25-46. Exemption of Utility Companies and City Departments.

(a) Public and private utility companies and departments of the City of Oxford shall be exempt from the permit requirements permit requirements of this ordinance except in matters pertaining to removal of trees. However, public and private utilities, to the extent practical, are to operate in a manner that

favors the preservation of mature trees, including the following of excavation standards set out in this Ordinance. Furthermore, all utility companies and departments of the City shall conform to provisions for tree pruning and trimming of the American National Standards Institute (ANSI) ANSI A300-1995. Said standards, and all future amendments thereto, are hereby adopted as part of this ordinance as is expressly contained herein. A copy of said standards shall remain on file in the Office of the City Clerk.

Sec. 25-47. Trees and Shrubs on Private Property.

(a) Any tree situated on private property which overhangs municipal property and becomes a hazard or menace to the public or which interferes with any street light or traffic control device, may be pruned or removed by the City. The Code Enforcement Officer, upon notice from any city department or utility that a privately owned tree must be removed, shall notify the owner of such tree regarding such removal. Any property owner aggrieved by such determination may appeal such determination to the Mayor and Board of Aldermen as provided in this ordinance. Nothing in this section shall prohibit any person, department or utility from removing any privately owned tree in an emergency situation whereby an eminent threat to public health and safety exists.

(b) In the event a tree is removed from private property under the conditions specified above, the City shall, if requested by the property owner, replace such tree with a tree meeting the minimum size requirements of this ordinance and of a mutually agreed upon species. Tree stumps resulting from removal of trees by the City on private property shall be removed by the City as provided by this ordinance.

(c) No shrub shall be allowed to grow to such height as may interfere with visibility along or adjacent to the right-of-way line of two intersecting streets for a distance of fifty feet from

the point of intersection of such right-of-way lines. Upon receipt of notice that such impairment to visibility exists, a City official shall notes- the property owner to prune such shrubs to such height whereby visibility will no longer be impaired. In the event such shrubs are not pruned by the property owner within ten days following such notice, the City may proceed to prune such shrubs as may be required and may assess the corresponding cost of the same to the property owner.

Sec. 25-48. Historic or Specimen Trees.

(a) Trees designated as historic or specimen trees in the Comprehensive Tree Plan adopted by the Mayor and Board of Aldermen are hereby declared to be protected trees within the City of Oxford. No person, utility or department shall prune, excavate below the dripline, remove or otherwise disturb such trees without approval of the Tree Board. Historic or specimen trees situated upon private property may be designated as such by the Tree Board only after written permission has been obtained from the property owner. Nothing in this ordinance shall authorize the Tree Board, its members or its agents to enter upon private property for the purpose of examination of any tree without first obtaining permission from the property owner,

(b) It is the intent of this ordinance that the designation of “historic” or “specimen” trees by the Tree Board be extremely limited to only those trees which are, in fact, truly historic to the City of Oxford, Lafayette County or the University of Mississippi or are of such size, species, age or other relevant criteria as to qualify the tree as having extremely high value.

Sec. 25-49. Master Tree List.

Small Trees - Up to twenty feet in height:

- (a)
- | | | | |
|-----|--------------------|-----|-------------------------|
| (1) | Japanese Red Maple | (4) | Crepe Myrtle |
| (2) | Serviceberry | (5) | Chinese Quince |
| (3) | Korean Stewartia | (6) | Chaste Tree |
| (7) | Star Magnolia | (9) | Weeping Japanese Cherry |
| (8) | Common Sassafras | | |

(b) Medium Trees - Twenty to forty feet in height:

- | | | | |
|------|----------------------|------|-------------------|
| (1) | Chinese Pistache | (12) | River Birch |
| (2) | Southern Catalpa | (13) | Common Pawpaw |
| (3) | Fringetree | (14) | Winged Sumac |
| (4) | Golden Rain Tree | (15) | Eastern Hornbeam |
| (5) | American Holly | (16) | Flowering Dogwood |
| (6) | Washington Hawthorn. | (17) | Shining Sumac |
| (7) | Sourwood | (18) | Sugarberry |
| | Bottlebrush Buckeye | (19) | Common Persimmon |
| (9) | Eastern Red Bud | (20) | Sweetbay Magnolia |
| (10) | Flowering Crabapple | (21) | Chinese Dogwood |
| (11) | Saucer Magnolia | | |

(c) Large Trees - Forty or above in height:

- | | | | |
|------|---------------------------|------|----------------------|
| (1) | Japanese Zelkova | (19) | Shagbark Hickory |
| (2) | Japanese Cryptomeria | (20) | Butternut Hickory |
| (3) | Little Leaf Linden | (21) | Red Maple |
| (4) | Eastern Red Cedar | (22) | Pond Cypress |
| (5) | Ginko | (23) | Bald Cypress |
| (6) | Yellow Poplar (Tuliptree) | (24) | Dawn Redwood |
| (7) | Willow Oak | (25) | Green Ash |
| (8) | Nut-tall Oak | (26) | Burr Oak |
| (9) | Shurnard Oak | (27) | Overcup Oak |
| (10) | Cherry Bark Oak | (28) | Southern Magnolia |
| (11) | Chestnut Oak | (29) | American Beech |
| (12) | Scarlet Oak | (30) | Black Tupelo gum |
| (13) | Post Oak | (31) | Sycamore |
| (14) | Disease Resistant Elm | | (American Planetree) |
| (15) | Sugar Maple | (32) | Southern Red Oak |
| (16) | White Oak | (33) | Water Oak |
| (17) | Mockenut Hickory | (34) | Black Walnut |
| (18) | Shellbark Hickory | (35) | Red Mulberry |

(d) The Master Tree List is a recommended list of trees suitable for planting within the City of Oxford. Other species may be planted, but consideration should be given to the suitability of such species to Oxford' s climate, the location where such trees are to be planted and the probability of survival.

Sec. 25-50. Penalties.

(a) Any person, or utility who shall violate any provision of this ordinance shall be subject, upon conviction in the City of Oxford Municipal Court, to a fine of not less than one hundred dollars (\$ 100.00) nor in excess of five hundred dollars (\$500.00). In a prosecution under this ordinance, each tree wrongfully treated shall constitute a separate offence.

Sec. 25-51. Repeal of earlier ordinances and effective date.

(a) All ordinances, or parts of ordinances, in conflict herewith, are hereby repealed. This ordinance shall take effect and be in force as provided by law.

The above ordinance having been first reduced to writing and considered at a public meeting of the governing authorities of the City of Oxford, Mississippi, on motion of Alderman

_____, seconded by Alderman _____, and the

roll being called, the same was adopted by the following vote:

Alderman Antonow	voted _____
Alderman Baker	voted _____
Alderman Devoe	voted _____
Alderman Howell	voted _____
Alderman Oliver	voted _____
Alderman Patterson	voted _____
Alderman Taylor	voted _____