

SPECIAL ORDINANCE #8, 2005

An Ordinance Providing for the Operation of the Beech Grove Greenscape Commission and the Preservation and Maintenance of Tree and Flora Species for the City of Beech Grove, Indiana

WHEREAS, pursuant to Resolution No. 5, 2004, the Council has established the Beech Grove Greenscape Commission;

WHEREAS, it is the intent and desire of the Council to establish specific duties and responsibilities for the Commission relating to the development and maintenance of tree and flora species for the City; and

WHEREAS, it is also the desire of the Council to establish duties of property owners and guidelines regarding the protection, removal and maintenance of trees and flora in the City, including licensing and permit matters.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEECH GROVE, INDIANA, as follows:

Section 1. Definitions

City: City shall mean any and all areas within the geographical boundaries set forth as the City of Beech Grove, Marion County, Indiana.

Flora: Flora shall mean all trees, shrubbery, ornamental grass and other plants which grow to a mature height of more than twelve (12) inches, but expressly excluding weeds and turf grasses of all types.

Street Trees: Street Trees shall mean all flora on land lying between property lines on either side of all streets, alleys, avenues and rights-of-way within the City.

Park Trees: Park Trees shall mean all flora on lands designated as Parks having individual names, and all other lands owned by the City or to which the Public has free access as a park.

Right-Of-Way Planting Strip: Right-Of-Way Planting Strip shall mean any area of soil and or grass located between public sidewalks and curbs or streets.

Section 2. Creation of the Greenscape Commission of the City of Beech Grove

Pursuant to Resolution No. 5, 2004, adopted on May 3, 2004, the Council established the Beech Grove Greenscape Commission to consist of five (5) members.

Section 3. Term of Office

Resolution No. 5, 2004 provides that the Greenscape Commission shall consist of five (5) members, citizens and residents of the City, one (1) appointed by the Common Council, one (1)

appointed by the Board of Parks and Recreation, and three (3) appointed by the Mayor, with four (4) year terms expiring on December 31, 2007 and every four (4) years thereafter. The Appointees serve at the pleasure of the appointing authority, and any vacancies are filled by the appointing authority for the remainder of the applicable term.

Section 4. Compensation

Members of the Greenscape Commission shall serve without compensation.

Section 5. Duties and Responsibilities

The Greenscape Commission shall be responsible for reviewing and providing recommendations for landscaping and green space for all property owned by the City, including the maintenance and preservation thereof, and for making monthly reports to the Council regarding such information and recommendations. It shall also be the responsibility of the Greenscape Commission to study, investigate, council and assist in the development of work plans for the Department of Public Works and the Department of Parks and Recreation in matters of care, preservation, maintenance, removal and planting of all flora on City properties. The Commission shall be required to do such other acts in furtherance of its purpose as may be requested by the Council and/or the Mayor.

Section 6. Operation of Greenscape Commission

The Greenscape Commission shall choose its own officers, make its own rules and regulations which shall be consistent with its purpose, and keep records of its proceedings. A majority of members shall be a quorum for the transaction of business.

Section 7. Approved Tree and Flora Species

The Greenscape Commission shall assist the Department of Public Works and the Department of Parks and Recreation in developing and maintaining a list of approved tree species for planting on Public lands within the City. This list of approved trees shall include three size classes based on mature height: Small (under twenty (20) feet), Medium (twenty (20) to forty (40) feet) and Large (over forty (40) feet). Efforts will be made to insure a diversity of tree species and trees with widespread disease or known problems shall be excluded. A list of tree species **not** approved for planting shall also be created.

Section 8. Spacing Restrictions

No flora shall be planted in a right-of way planting strip with a width less that forty-eight (48) inches. A permit, issued by the Department of Public Works, is required for the planting of any flora within any right-of-way planting strip greater than forty-eight (48) inches in width.

No flora shall be planted within twenty-five (25) feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No flora shall be planted within ten (10) feet of any fire hydrant.

Section 9. Utilities

No flora shall be planted under, or within ten (10) feet either side, of any overhead utility wire. No flora shall be planted within eight (8) feet of any underground utility fixture on the maintenance door side of the fixture. Selected species, approved only by a local electric utility arborist or representative, will be acceptable within these areas.

Tree limbs that grow near overhead utility lines, cables and conductors shall be maintained by the utility company or its agents. A utility tree trimming policy shall be reviewed by the utility company and the Greenscape Commission once a year.

Section 10. Public Tree Preservation and Maintenance

The Department of Public Works shall have the right to plant, prune, maintain and remove flora within the lines of all streets, alleys, avenues, rights-of-way and public lands as may be necessary to insure public safety, promote quality of life for all residents and to preserve or enhance the symmetry and beauty of all public lands.

The Greenscape Commission may remove, 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, overhead utility lines, gas lines, water lines or which is infected with any injurious fungus, insect or other pest.

Section 11. Pruning and Maintenance Standards

All tree pruning and maintenance on public lands shall conform to the "ANSI A300" standards for tree care operations. A copy of the "ANSI A300" standards shall be available to all City employees and as a matter of public record for all residents.

Section 12. Tree Topping

It shall be unlawful as a normal practice for any person, firm or City department to top a street tree, park tree or any 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 as to remove the normal canopy and disfigure the tree. Crown reduction, by a certified arborist, may be substituted, where appropriate. Trees severely damaged by storms or other causes, trees under utility wires or other obstructions where other practices are impractical may be exempted from this ordinance at the determination of the Greenscape Commission.

Section 13. Duties of Property Owners

The owner of any private property in the City which borders or lies adjacent to any public street, alley, avenue, right-of-way or park upon which any flora may be standing shall prune and maintain such flora so that no obstruction of view by vehicle or pedestrian exists and so that there shall be a clear space of eight (8) feet above sidewalk surface and fifteen (15) feet above street surface. The Greenscape Commission shall have the right to remove, cause or order the removal of any flora on private property which interferes with visibility of any traffic control device or sign or sight triangles at intersections.

Section 14. Dead or Diseased Flora on Private Property

The Greenscape Commission and or the Department of Public Works shall have the right to cause the removal of any dead or diseased flora on private property within the City, when such flora constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other flora within the City. The Department of Public Works shall notify, in writing, the property owner of record, and or the existing resident of such flora conditions. Removal shall be done by said owner, at their own expense, within sixty (60) days after the service of such notice. In the event of failure of the owner to comply with such provisions, the Department of Public Works shall have the authority to remove such flora, charge the cost of the removal to the property owner and pursue available legal collection and lien remedies to collect the cost.

Section 15. Removal of Stumps

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

Section 16. Protection of Trees and Flora

In order to maintain the overall urban forest within the City, reasonable efforts shall be made to replace trees that are removed and to protect quality trees and flora that are endangered.

Trees removed by decision of the Greenscape Commission or by natural causes shall be replaced at locations within the urban forest of the City on a one-for-one basis within one year. The location and species of any replacement tree or flora shall be determined by the Greenscape Commission.

Trees and flora of desirable species and good health shall be protected as much as possible from damage during construction, sidewalk repair, curb and street repair and utility work above and below ground and other similar activities. The zone of protection shall include the ground beneath the canopy of the tree.

Section 17. Interference with Greenscape Commission

It shall be unlawful for any person to prevent, delay or interfere with the Greenscape Commission, or its agents, while engaging in and about the inspection, maintenance, pruning, treating, planting, mulching or removing any street tree, park tree or flora on public and private lands within the City, as authorized in this ordinance.

Section 18. Licensing and Permits

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing any street tree, park tree or other flora on public lands within the City without first applying for and procuring a license. The license fee shall be \$50.00 annually in advance, payable to the City and shall be good for twelve (12) consecutive months. Before any license shall be issued, each applicant shall show evidence of possession of liability insurance with the minimum amounts as determined by the Board of Public Works for bodily injury and property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

It shall be unlawful for any person to plant any flora on or in any part of a public street, alley, avenue, right-of-way, park or any other public place within the City without the approval of the Greenscape Commission and first applying for and procuring a flora encroachment permit. There shall be no fee charged residents for this permit but species and location must be approved for issuance of permit. The Greenscape Commission shall have continuing control over any flora planted as authorized by this permit.

Section 19. Duty and Enforcement of Tree and Flora Ordinance

It shall be the duty of the Director of the Department of Public Works to oversee and enforce all sections pertaining to *Street Trees* and private property flora issues as set forth within this ordinance.

It shall be the duty of the Director of the Department of Parks to oversee and enforce all sections pertaining to *Park Trees* and flora issues on other lands owned by the City as set forth within this ordinance.

Section 20. Review by Common Council

The Common Council shall have the right to review the conduct, acts and decisions of the Greenscape Commission. Any person may appeal any ruling or order of the Greenscape Commission to the Common Council who may hear the matter and make a final decision.

Section 21. Penalties

Any person or firm violating any provision of this ordinance shall be subject to a fine as follows:

1 st Offense:	\$50
2 nd Offense:	\$75
3 rd Offense:	\$100

Each offense following the 3rd offense will result in a fine of \$100 per additional offense.

Section 22. Public Information and Education

It shall be a common goal of the Greenscape Commission, the Department of Public Works, the Department of Parks and Recreation and the Common Council to provide residents of the City of Beech Grove with accurate and up to date arboricultural and horticultural educational materials to assist them with the success of this ordinance.

Information pertaining to this ordinance and locations of educational materials shall be maintained on the City of Beech Grove website.

Section 23. Emergency Management

The Greenscape Commission shall work with the Board of Public Safety, the Beech Grove Police Department and Beech Grove Fire Department to develop and maintain a twenty-four (24) hour response of contract tree crews to respond and assist Department of Public Works and Department of Parks crews in the event of storm or disaster restoration.


This ordinance shall become effective on January 1, 2006.


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Passed by the Common Council of the City of Beech Grove, Indiana this 12th day of December, 2005.

1st Reading December 5, 2005 2nd Reading December 12, 2005 3rd Reading December 12, 2005

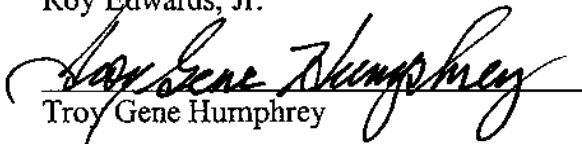
Common Council for the City of Beech Grove, Indiana

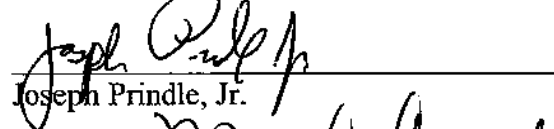

William Carpenter, III


Kathy Coates

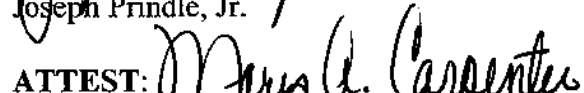
Roy Edwards, Jr.


Ingle Harris, III


Troy Gene Humphrey


Joseph Prindle, Jr.

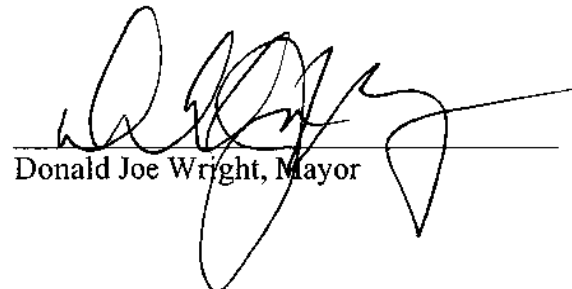
Mary Stewart

ATTEST: 
Mary A. Carpenter, Clerk-Treasurer

Presented by me to the Mayor of the City of Beech Grove, Indiana on this 12th day of December, 2005, at 7:53 P.M.


Mary A. Carpenter, Clerk-Treasurer

Approval by the Mayor of the City of Beech Grove, Indiana this 12th day of December, 2005, at 7:53 P.M.


Donald Joe Wright, Mayor