



# NEWPORT

KENTUCKY

## ***Newport Tree Ordinance Summary / Highlights*** ***June 12, 2019***

The City of Newport has had a Tree and Landscape Ordinance in place for several years. In 2018 the City hired an arborist to assist with the City's overall tree maintenance and planting programs. Following this, several recommendations were made to clarify language and update the Ordinance according to national standards and best practices in urban forestry, within the context of local need and availability of budget. Highlights of the major changes are outlined below.

**Clarification of Responsibilities.** One of the primary challenges with the existing ordinance is lack of clarity on who is responsible for street trees and tree care (adjacent property owner or City). The revised ordinance clearly defines that the city controls the right-of-way space and is responsible for the street (and park) trees and tree care and will work to care for public trees dependent on budget availability.

The City has taken a number of steps to care for trees, starting with hiring an arborist in 2018. Safety issues will be addressed across the City every year and a proactive cyclical care program has been initiated. The City has been divided into ten management zones, and each year one zone will be re-inventoried and receive any needed proactive care (pruning, etc.). If a property owner would like to plant a tree or have their tree pruned ahead of this schedule, permission can be granted for the owner to hire a contractor to do the work at their own expense.

Any planting, pruning, removal or other alteration of any kind to street and park trees requires prior permission of the City.

**Industry Standards Referenced.** In the existing ordinance, there is no reference to what is acceptable tree care versus unacceptable. The revised ordinance cites industry standards for tree care (ANSI A300 standards), and thus will always be up to date on best practices. Copies of these standards can be provided by the City upon request.

**Consequences for Loss or Damage.** In the current ordinance, there is no penalty or consequence for damage done to street and park trees, and losses in recent years have gone unchallenged. Consequently, when someone tops or removes a street tree without permission, there is no compensation for the loss of that city asset. The new ordinance includes a fine for work or removal without a permit (\$200) and compensation for the loss of that city tree/asset (\$250 per inch of trunk diameter).

**Creation of Tree Fund.** Any funds collected from the penalties described above will be collected in a designated Tree Fund that can be used for tree planting, tree care and other tree

related needs in the future. This ensures any losses, while unfortunate, equate to urban forest improvements later on down the line.

**Invasives Policy.** No invasives or bamboo can be planted on any public lands.

**Sidewalk Damage Responsibility Change.** In the current city ordinances, adjacent property owners are responsible for the repair and maintenance of their own sidewalks *unless damage is caused by tree roots*. The revised ordinance changes that responsibility to the adjacent property owner now being responsible for sidewalks without exception.

There are a large amount of sidewalks that need to be repaired (some caused by tree roots, some first damaged then exacerbated by tree roots, others not related to trees at all) that are currently not able to be repaired by the City because of lack of funding. This change in the ordinance is solely a reflection of the budget realities for the City of Newport. Until a funding source can be found or secured, repairs can't be made to sidewalks, thus the change to property owner responsibility.

**Clarification of What is Allowed on Tree Lawn.** Adjacent property owners maintain their tree lawns (the space between the sidewalk and the street), whether grass, groundcover, mulch, etc. However, there are some tree lawns or tree wells (concrete cut out for a tree) currently planted with large shrubs or with boulders or decorative chains that obstruct vehicular access and line of site for traffic. The revised ordinance restricts any plantings beyond trees in this space that is above 12" or that will cause trip hazards. Landscape features under 12" may be planted with permission from the City.

The City encourages property owners to clear their tree lawns of any shrubs but will not enforce this new requirement to existing landscaping in tree lawns and tree wells unless multiple complaints are received related to access or safety.

For more information contact the City's Arborist at [rcomte@newportky.gov](mailto:rcomte@newportky.gov).