

Replaced  
by 02-17

ORDINANCE 97- 5

AN ORDINANCE TO PROVIDE FOR THE ORDERLY CUTTING, TOPPING AND TRIMMING OF TREES IN THE CITY OF SKY VALLEY, TO PROVIDE FOR THE SIZE OF TREES TO BE TRIMMED, TOPPED OR CUT, TO PROVIDE FOR THE PRESERVATION OF THE NATURAL BEAUTY AND RUSTIC ATMOSPHERE OF THE CITY OF SKY VALLEY, TO PROHIBIT THE UNLAWFUL CUTTING, TRIMMING OR TOPPING OF TREES, AND TO ESTABLISH GUIDELINES FOR SUCH CUTTING, TOPPING OR TRIMMING, TO ESTABLISH A TREE REMOVAL COMMITTEE, TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE, TO ESTABLISH THE EFFECTIVE DATE HEREOF AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THE PROVISIONS HEREOF.

The Council of the of Sky Valley hereby ordains:

1. The following ordinances and parts of ordinances are hereby repealed:

Ordinances 84-4, 85-4, 90-7, 93-8 and 96-12 and any other ordinances or parts of ordinances in conflict with the provisions hereof.

2. No trees measuring eight (8) inches or more in diameter at eighteen (18) inches above ground level may be cut down, removed, trimmed or topped without the written approval of the Tree Removal Committee, unless located within fifteen (15) feet of the owner's main dwelling or accessory buildings or within fifteen (15) feet of the approved site for such buildings, driveways, septic tanks or parking areas. Written approval shall be issued by any one councilperson, without approval of the Tree Removal Committee, if all the guidelines established and provided for by this ordinance are met.

3. It shall be a violation of this ordinance to top or trim trees to less than forty percent (40%) of their umbrellas or crowns (refer to tree removal guidelines).

4. It shall be unlawful from the effective date of this ordinance for any person, firm, corporation or association or their agents or employees to cut, top or trim any tree within the City of Sky Valley which is within the definition contained in section 2. above, without a permit. A violation of this provision shall be punished by a fine of \$250.00 for each tree so cut, topped or trimmed without such permit.

5. A "Tree Removal Committee" is hereby established for the purpose of carrying out the provisions of this ordinance. It shall consist of three councilpersons appointed by the President of the Council. In cases of applications for a tree cutting, removal, topping or trimming permit when the provisions and guidelines are not met, the Committee shall have authority in its discretion to approve variances in the provisions hereof. In performing its duties and considering applications for variances, the Committee should consider adjacent property the

value of the living trees desired to be removed, cut, topped or trimmed, the effect such action would have on surrounding property and other growth and vegetation as well as the appearance of the particular area and the City as a whole. The Committee may permit persons affected by granting the application to appear before it and be heard. In no case shall a lot or tract be clear cut at any time.

6. This ordinance shall not affect the covenants, restrictions or conditions contained in preexisting Deed Covenants or Subdivision Covenants, Restrictions or Conditions.

7. When a tree or trees on adjacent (adjoining) property block the primary view of a property owner, such tree or trees may be topped, trimmed, cut or removed on application by the property owner whose primary view is blocked provided the owner of the property on which such tree or trees are located gives written permission therefor, signed by him, within thirty (30) days prior to the application for such topping, trimming, cutting or removal.

8. Guidelines for tree removal, cutting, topping or trimming:

A. Clear Cutting shall only be allowed for new construction for a building foundation plus fifteen (15) feet, a driveway, septic tank or drain field. The Building Permit must be issued before clear cutting is allowed.

B. Up to one-third (1/3rd) of trees on a lot or tract over eight (8) inches in diameter may be removed once each ten (10) years, provided such removal does not create a clear-cut area.

C. Trees blocking the primary view of a property owner may be removed provided there are smaller trees within fifteen (15) feet from those removed. If there are no such smaller trees, this provision will be met if the owner removing such trees shall promptly plant ornamentals such as dogwoods to replace the trees removed.

D. Trees or limbs more than fifteen (15) feet from a dwelling or accessory building may be removed if there is reasonable cause to believe they might fall on such structures when laden with ice.

E. Dead or diseased trees may be removed if they present a problem to property or persons. If the tree or trees are in a wooded area and present no immediate problem, it is suggested that they be left for woodpeckers.

9. All debris from tree removal, cutting, topping or trimming shall be removed within thirty (30) days. The penalty for violation shall be a fine of \$100.00 per day.

10. The effective date of this ordinance shall be May 15, 1997.

SO ORDAINED, this the 15<sup>th</sup> day of May, 1997.

Approved:

James C. Johnston  
Mayor  
[Signature]  
Councilperson

Alan R. Hutchins  
President, City Council  
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Councilperson

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Councilperson

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Councilperson

Attested:

Jessie S. Henson  
City Clerk