

LUDLOW ORDINANCE NO. 2025-14

AN ORDINANCE OF THE CITY OF LUDLOW, IN KENTON COUNTY, KENTUCKY, ADDING SECTION 97 TO THE CITY'S CODE OF ORDINANCES TO ESTABLISH STANDARDS FOR MAINTAINING THE CITY'S TREES AND ESTABLISHING PENALTIES FOR DAMAGING CITY TREES

WHEREAS, the City of Ludlow owns a number of trees on City property, the maintenance of which is the City's responsibility; and

WHEREAS, there currently exists no guidance for the Public Works Department by which they may maintain those trees; and

WHEREAS, the Ludlow City Council desires to promote and foster the preservation, growth, and planting of trees within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF LUDLOW, IN KENTON COUNTY, KENTUCKY, AS FOLLOWS:

SECTION I

That the Ludlow City Council hereby approves and adopts the text amendments to Chapter 97 of City's Code of Ordinances, which are attached as **Exhibit A** and are incorporated by reference herein. The Ludlow City Council finds that the text amendments are necessary to promote the planting and maintenance of trees in the City, are in the best interest of the City.

SECTION II

All ordinances in conflict with this ordinance shall be, and hereby are, repealed to the extent of said conflict.

SECTION III

If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this ordinance are severable.

SECTION IV

That this ordinance shall become effective upon its passage and shall be published under KRS 83A.060 (9) and other applicable law. The ordinance may be published in summary.

Passed by the City Council this _____ day of _____, 2025.

CITY OF LUDLOW, KENTUCKY

Sarah Thompson, Mayor

ATTEST: _____
Laurie Sparks, City Clerk

FIRST READING: _____

SECOND READING: _____

PUBLICATION: _____

EXHIBIT A

Proposed Text Amendments to the City of Ludlow's Code of Ordinances

Words to be deleted are [~~struck through~~] – Words to be added are **underlined**.

CHAPTER 97: TREES

Section

97.01 Definitions

97.02 Applicability

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97.04 Maintenance of trees

97.05 Permission required for certain actions

97.06 Damage to trees in public right-of-way

97.07 Removal of trees on public property

97.08 Private tree planting on public property

97.09 Incentives

97.10 Prohibition on invasive species

97.11 Construction of streets and sidewalks

97.12 Tree inventory

97.99 Penalty

§ 97.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“CITY.” City of Ludlow, Kentucky (including any of its officers, employees, or designated representatives).

“CITY TREE.” A tree located on property owned by the City or located on public right-of-way.

“TREE.” Any living, self-supporting woody or fibrous plant, usually having a single woody trunk, and having a diameter of not less than two inches measured at a point four feet above the ground.

§ 97.02 APPLICABILITY

(A) The provisions of this chapter shall apply to all trees, shrubs, and other vegetation located upon City owned or controlled property or public right-of-way.

§ 97.03 NOTICE OF REMOVAL.

(A) Any public utility serving the City with overhead services shall have the right to remove City trees, without prior approval of the City, only when an emergency exists and when obtaining the prior approval of the City is not practical. All public utilities with overhead services shall coordinate all non-emergency tree trimming activities with the City staff that are reasonably required for the purpose of providing the appropriate utility service or to avoid danger to the public or overhead utility personnel or equipment pursuant to the requirements contained in the franchise agreements as authorized by the City Council. Any other person or firm, except the public utility with

overhead lines having line clearing operations (tree trimming) done by them or for them by any person or firm shall first obtain written approval from the City.

§ 97.04 MAINTENANCE OF TREES.

All City trees located on property owned by the City on public right-of-way of the City shall become the responsibility of the City for maintenance, pruning and removal of dangerous trees. Removed trees will be replaced by site appropriate trees where possible in accordance with the City Approved Tree List.

Penalty, see § 97.99

§ 97.05 PERMISSION REQUIRED FOR CERTAIN ACTIONS.

(A) It shall be unlawful to commit any of the following acts with respect to City trees without the prior written permission of the City.

(1) Cut, prune, break, injure, alter, or remove any tree; or cut, unduly disturb, or interfere in any way with any root of a tree or trees.

(2) Fasten any object, rope, wire, sign, insulator, or other device to a tree or trees.

(3) Install, remove, or injure any guard or device placed to protect trees.

(4) Close or obstruct any open spaces provided about the base of a tree or trees to permit the access of air, water, and fertilizer to the roots of such tree or trees.

(5) Cut any roots within ten feet of any trunk or any roots four inches or more in diameter except in accordance with the City Sidewalk Plan.

(B) No person shall operate, place, or maintain, within the drip line of any City tree, any machinery, equipment, heavy object, stone, rocks, cement, earth, soil or other substance which may harmfully affect such City tree by preventing the access of water or air to the roots of such tree or excavate around to remove earth from or cause any water to flow upon the roots of any tree without the prior written permission of the City.

(C) Subsection (B) shall not prohibit the use of decorative stones or rocks within the drip line of any City tree. The City retains the right to demand removal of decorative stones or rocks within the drip line of the City tree.

Penalty, see § 97.99

§ 97.06 DAMAGE TO TREES IN PUBLIC RIGHT-OF-WAY

(A) Any person who causes damage to any tree within the public right-of-way shall be liable for such damage and subject to penalty as set forth in § 97.99, including monetary compensation to the City for such damage or replacement cost of the same.

(B) Damage to public trees, shrubs or other vegetation is strictly prohibited and shall include, but is not limited to, any of the following causes:

(1) Construction and excavation;

(2) Mechanical damage from lawn mowers or string trimmers;

(3) Vehicular accidents;

(4) Vandalism;

(5) Root cutting, absent the written consent of the city;

(6) Adhering advertisements or electrical wiring;
and/or

(7) Introduction of any toxic substance (oil, gas, liquid dye, brine water) to the soil within the area of the dripline area.

§ 97.07 REMOVAL OF TREES ON PUBLIC PROPERTY

(A) The City is responsible for identifying trees on public property which are to be removed. The Public Works Director or designee should determine the condition of the tree by visual inspection. Trees may be removed if the Public Works Director determines that the tree suffers from any of the following defects:

(1) If the tree is dead or dying and is determined to be beyond recovery;

(2) If the tree has a cavity or decay;

(3) If the tree has a pest problem;

(4) If the tree has poor structure;

(5) If the tree is an Exotic Invasive Species;

(6) If the tree conflicts with other public infrastructure.

§ 97.08 PRIVATE TREE PLANTING ON PUBLIC PROPERTY.

(A) All private planting on the public right-of-way requires the prior written permission of the City and must be in accordance with the City Approved Tree List.

(B) Distance from curb and sidewalk. The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the city zoning code. The guidelines for distance are as follows:

(1) A setback of six inches from the curb or sidewalk;

(2) Within a four-foot by four-foot square.

(C) Distance from street corners and fireplugs. All trees shall be planted in compliance with the zoning code and are suggested to be placed at least twenty feet from any street corner, measured from the point of nearest intersecting curbs or curblines. No tree shall be planted closer than fifteen feet of any fireplug, sewer inlet, or streetlight.

Penalty, see § 97.99

§ 97.09 INCENTIVES

(A) The City will match any property owner's money, dollar for dollar, up to 20% of the total cost, not to exceed \$50, for the planting of new trees within the public right-of-way under the following terms and conditions:

(1) The property must be located within the City of Ludlow limits.

(2) The property owner, or his or her designee, must make an application to the City.

(3) The tree to be planted must be selected from the City Approved Tree List.

§ 97.10 PROHIBITION ON INVASIVE SPECIES

(A) No known invasive trees, shrubs, or other vegetation, as set forth in the Kentucky Invasive Plant Council List, including any species of bamboo, shall be planted within any public rights-of way.

(B) In the event that any invasive grows or invades upon any adjoining property or properties, the City shall notify the offending property owner of the invasion or growth and that the property owner is responsible for its removal.

(1) The property owner shall have thirty (30) days in which to undertake remedial measures or thereafter shall be considered in violation hereof and, upon citation, shall be subject to the penalty provision set forth herein.

(2) In the event the City shall be required to remove said invasive from any public rights-of way or City-owned or controlled property or easement, the property owner shall be liable to the City, upon invoice, for the cost of removal.

§ 97.11 CONSTRUCTION OF STREETS AND SIDEWALKS

(A) The construction of any public sidewalk along any street or, the constructing, opening, curbing or paving of any street requiring the consent of the City as outlined in Chapter 90, Streets and Sidewalks, shall be accomplished to the extent possible so as to preserve any trees, shrubs or other vegetation adjacent thereto, consistent with the appropriate and practical construction aspects of the public improvement.

§ 97.12 TREE INVENTORY.

(A) The Public Works Department shall periodically inventory as many City trees as allowed by time and budget, for the purpose of creating a list of City trees to be removed based on priority (the “Tree Inventory”). The tree inventory shall identify the problem(s) associated with the City tree(s) as follows:

<u>Tree Problem Key</u>	
<u>1</u>	<u>Dead or Dying</u>
<u>2</u>	<u>Cavity or Decay</u>
<u>3</u>	<u>Pest Problem</u>
<u>4</u>	<u>Poor Structure</u>
<u>5</u>	<u>Exotic Invasive Species</u>
<u>6</u>	<u>Other</u>

(B) The Public Works Department shall provide an annual update to City Council regarding the tree inventory. At the annual meeting, the City Council shall vote on what City tree(s), if any, must be removed during the following year.

§ 97.99 PENALTY.

Any person violating any provision of this chapter may be prosecuted and shall be guilty of a misdemeanor, and, upon conviction or a plea of guilty, shall be subject to a fine not to exceed \$500.