

CHAPTER 5. TREE AND LANDSCAPE ORDINANCE

DIVISION 1. GENERAL

Sec. 13-500. Title.

This chapter shall be known and may be cited as the Landscape Ordinance. The Town of Walden's unique physical and aesthetic character is enhanced by the growth and maintenance of the landscape in public and private spaces; and the Board of mayor and Aldermen finds that in order to promote the public health, safety and general welfare of the Town while at the same time recognizing individual rights to develop and maintain private property in a manner which will not be prejudicial to the public interest certain regulations relating to the landscape are appropriate.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Walden, Tennessee as follows:

Sec. 13-501. Purpose.

The goals and intent of the landscape ordinance are to:

- (1) Preserve and improve the appearance and character of the Town
- (2) Provide relief from traffic, noise, heat, glare, dust, and debris
- (3) Establish and maintain healthy plants, maximum tree coverage, and species diversity.
- (4) Create transitional areas between uses or zones of different intensities
- (5) Promote the efficient and cost-effective management of the urban forest.
- (6) Foster community support for the local urban forest program and encourage good tree management on privately owned properties.

Sec. 13-502. Definitions.

1. For the purpose of this chapter, the following terms, phrases and words shall have the meanings given herein:
 - a. *Caliper* means a diameter measurement for nursery stock. For trees less than four (4) inches in diameter this measurement is made at six (6) inches above grade. For trees with a diameter above (4) inches in diameter the measurement is equal to DBH. See DBH below.
 - b. *Critical Root Zone* means the soil area below ground and the space above ground defined by the tree canopy's dripline.
 - c. *Diameter at Breast Height (DBH)* means this is a diameter measurement for existing trees. This standard of measure is made at four and one-half (4.5) feet.
 - d. *Drip Line* means the outer edge of the canopy of each individual tree.
 - e. *Heritage Tree* means any tree thirty-six (36) inches DBH and larger and/or possesses historical or cultural significance as recommended by the landscape specialist ~~and approved Walden Planning Commission or Board of Mayor and Aldermen.~~

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- f. *Highway or Street* means the entire width of every public way or right-of-way when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular or pedestrian traffic.
 - g. *Landscape plan* means a scaled drawing depicting all materials, specifications, and any other reasonable information required by the landscape specialist to evaluate permit applications.
 - h. *Landscape Specialist* means a certified arborist or other certified professional to enforce this ordinance.
 - i. *Maintenance Standards* means all landscaping must be installed according to sound horticultural practices, including soil volume and consistency, in a manner designed to encourage quick establishment and healthy growth, and per the ANSI A300 Tree Care Standards, most current edition and parts, and American Standard for Nursery Stock, current edition.
 - j. *Open Space* means intentionally undeveloped land not occupied by a structure or other impervious surface. See “*Town of Walden Design Review Standards*” for Open Space requirements.
 - k. *Park* means all Town public parks.
 - l. *Planting Strip* shall mean a continuous and composed of turf, grass, low shrubs, perennials, or ground cover plantings.
 - m. *Private Trees* shall include all proposed or existing shade and ornamental trees now or hereafter growing on private property used to meet any ~~City of Chattanooga~~ Town of Walden Landscape or Zoning ordinance or condition.
 - n. *Property Line* shall mean the outer edge of the right-of-way of a highway or street.
 - o. *Property Owner* means the owner of record or any person owning an interest in property including a lienholder.
 - p. *Protected Tree* means any public tree ~~86~~ inch DBH or greater.
 - q. *Public Trees* shall include all shade and ornamental trees now or hereafter growing on any street, park, or other public property.
 - r. *Street Trees* means trees on land lying between property lines on either side of all streets, avenues, or ways within the Town.
 - s. *Topping* means the severe cutting back of limbs or trunks within the canopy of a tree to remove the normal canopy and disfigure the tree.
 - t. *Town property* means all real property owned or leased by the Town.
 - u. *Town right-of-way* means property offered for dedication and used or accepted as public right-of-way.
 - v. *Tree* means a woody plant with a single trunk or multiple trunks that grow to a height of 15 feet or more.
 - i. *Shade Trees* shall have a minimum expected mature height of at least 35 feet and a minimum canopy spread of 20 feet. Evergreen trees can be treated as shade trees, provided they meet the minimum maturity height and canopy spread criteria.
 - ii. *Understory Trees* shall have a maximum expected mature height of 25 feet and a minimum canopy spread of 10 feet.
 - iii. *Evergreen Trees* shall have a minimum expected mature height of 15 feet and spread of 8 feet.

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- w. *Tree work* — The act of planting, pruning, trimming, fertilizing, treating, removing, or any other action upon or affecting a tree.

Sec. 13-503. Establishment of the position of Landscape Specialist.

- (a) *Appointment.* The Town administrator will appoint a landscape specialist to the extent authorized by the Board of Mayor and Aldermen. He or she shall be a person skilled and trained in the arts and sciences of municipal arboriculture. He or she shall have had at least two (2) years experience in arboriculture work or its equivalent.
- (b) *Duties and Authority.*
- (1) Enforce and administer this article.
 - (2) Have authority to regulate planting, maintenance, and removal of trees on Town-owned property to promote safety and preserve aesthetics, in accordance with maintenance standards.
 - (3) Assist in educating the community and Town departments regarding the landscape.
 - (4) Review and make recommendations on the landscape plans submitted for approval.
 - (5) Issue or deny permits for planting, maintenance, trimming or removal of trees and landscaping as authorized herein.

Sec. 13-504. Interference with Landscape Specialist.

No person shall hinder, prevent, delay, or interfere with the landscape specialist or his or her assistants while engaged in administration or enforcement of this article, if nothing herein shall be construed to prohibit the pursuit of any remedy, legal or equitable, in any court of competent jurisdiction for the protection of property rights by any party. In lieu of the penalty established herein upon approval of the Board of Mayor and Aldermen, the Town attorney is authorized to bring suit for injunctive relief in the event any person violates this section.

Sec. 13-505. Right to Appeal.

Any person aggrieved by any action or decision by the landscape specialist, the town ~~manager-administrator~~ or his/her agents pursuant to this chapter shall have the right to an appeal to the ~~town planning commission~~ Board of Zoning Appeals; provided a written request is filed within thirty (30) days of the action upon which the appeal is based. The town planning commission may hear the matter and make the final decision or grant a reasonable variance that generally complies with the intent of this chapter.

Sec. 13-506. Legality of article and parts thereof.

Should any section, clause, or provisions of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

DIVISION 2. LANDSCAPE

Sec. 13-507. Applicability.

(1) The requirements of this Division shall apply to:

- (a) All New Public/Private Development in all commercial (C-1), industrial (LM-1), and town-center zones (TC-R & TC-MU)
- (b) Existing Public/Private Developments in all commercial (C-1), industrial (LM-1), and town-center zones (TC-R & TC-MU)

(1) For existing developments and parking facilities, expansion in gross floor area (GFA) or parking spaces will trigger landscaping requirements based on the scope of work proposed as established below.

- (a) Increases GFA or parking spaces by more than 10%, but no more than 25%, then the entire property shall comply with the parkingstreet trees and the parking lot interior landscape requirements
- (b) Increases GFA or parking spaces more than 25%, then the entire property shall meet all of the landscape ordinance requirements.

(2) Landscaping requirements shall not prevent an existing manufacturing facility from expanding.

(2) This shall exclude all lots used for single family and two-family dwellings.

Sec. 13-508. Plant Material and Landscape Plan.

(1) Plant Material Quality and Installation Size

- (a) The use of regionally native plants, as currently listed by the USDA Plant Profile for each species, is preferred and encouraged. Plant material shall consist of 80% native plant species. This shall include hybrid varieties of native species.
- (b) Invasive exotic plant species, as currently listed by the Tennessee Invasive Plant Council, are prohibited. Suggestion: provide list in appendix
- (c) All landscaping must be installed according to sound horticultural practices, including soil volume and consistency, in a manner designed to encourage quick establishment and healthy growth, and per the ANSI A300 Tree Care Standards, most current edition and parts, and American Standard for Nursery Stock, current edition.
- (d) Shade Trees shall be installed at a minimum caliper of 2-1/2 inches as measured from 6 inches above grade level.
- (e) Understory Trees shall be installed at a minimum caliper of 2 inches as measured at 6 inches above grade level from the base of the tree.
- (f) Evergreen Trees shall be installed at a minimum height of 5-6 feet.
- (g) Shrubs shall be installed at a minimum of 3-gallon containers.
- (h) All required plantings within *Division 2. Landscape* shall meet the quality and installation size requirements as specified in this section.

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- (2) Landscape Plan contents. A landscape plan shall be required and submitted to the landscape specialist for approval for any applicable development. The landscape plan must follow the ANSI standards. The landscape plan shall include the following:

- (a) date, graphic scale, north arrow, title and name of owner, and the phone number of the person or firm responsible for the planting plan
- (b) boundary lines and lot dimensions;
- (c) number of trees and/or shrubs to be planted;
- (d) location, installation size, species, cultivar or variety of each tree and/or shrub;
- (e) location of all proposed structures, paved surfaces, curbs and/or edge of roadway(s);
- (f) existing and proposed utility lines, and easements;
- (g) existing and proposed contours at two foot intervals;
- (h) spacing between trees and shrubs used for screening;
- (i) existing protected trees or natural areas; and
- (j) zone of the subject property and the zone of abutting lots.

Sec. 13-509. Street Trees.

- (1) Trees shall be used as a design element to provide visual identity to a development, provide comfort for pedestrians, naturally calm traffic, and reinforce the overall street hierarchy.
- (2) Trees shall be planted within the planting strip of the public R.O.W. at a minimum ratio of 1 tree per 35 linear feet of right-of-way frontage.
- (3) Trees shall be free of branches to a height of seven (7) to nine (9) feet. Trees shall not be planted within the sight triangle. See Appendix A, Figure 3 for the Sight Triangle Diagram.
- (4) Trees should be selected to achieve a uniform streetscape, provide a broad canopy, prevent sidewalk damage, and conserve water. Species with severe limb drop, heavy fruit or nut crops, invasive root systems, or allergen production should be avoided. Suggestion: In Appendix, make note of which shade trees meet these requirements.
- (5) Trees shall be planted per Town of Walden Tree Planting detail per Appendix A, Figure 2.
- (6) Exception: Where overhead power lines encroach into the planting strip strip, understory trees can be substituted for shade trees, provided they meet the requirements and specifications of the utility provider. See Sec. 13-502 and Sec. 13-508 for definitions and plant installation sizes.

Sec. 13-510. Parking Lot Landscape.

- (1) Interior Landscape
 - (a) No parking space shall be more than 80-60 ft. from a shade tree.
 - (b) The ends of interior parking bays with a minimum of 12 spaces shall be bordered with landscape islands.
 - (c) The ends of perimeter parking bays shall be bordered by landscape peninsulas.
 - (d) Each landscape island should contain a minimum of one (1) shade tree
 - (e) At least 50% of the paved surface area within parking lots shall be shaded by tree canopies within 15 years of acquisition of planting. Canopy coverage shall be measured at the drip line.
 - (2) Perimeter Screening
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- (a) Surface parking lots shall be screened from view of all streets, other than alleys.
 - (b) There shall be a five (5) foot wide perimeter planting strip along all edges of parking that front a public R.O.W.
 - (c) Screening shall have a minimum height of three (3) feet and a maximum height of four (4) feet above adjacent grade.
 - (d) Screening shall consist of one or a combination of the following:
 - (1) a compact row of native evergreen shrubs spaced to ensure enclosure at maturity;
 - (2) an architecturally compatible opaque wall or fence
 - (e) Vegetation shall not extend into the sight triangle of any street or driveway intersection. See Appendix A, Figure 3 for Sight Triangle Diagram

Sec. 13-511. Buffers and Screening.

(1) Buffer Yard

- (a) Any property zoned C-1 Commercial, I-1 Light Industrial, or TC-MU Town Center Mixed Use commercial or industrial zoned development that abuts a residentially zoned property or a property with a residential use shall provide a vegetated buffer along adjoining property lines.
- (b) Where a zone has a setback that is a smaller dimension than that of the buffer yard, the buffer yard dimension controls.
- (c) Buffer yards shall be on the commercial or industrial zoned property and shall be a minimum of fifteen (15) feet wide.
- (d) Buffer shall consist of a staggered row of evergreen trees. Rows spaced a maximum of seven (7) feet apart and the trees shall be spaced a maximum of eight (8) feet on-center.
- (e) Evergreen trees shall achieve a minimum height of fifteen (15) feet within four (4) years of installation.
- (f) Buffer yards must be reserved for planting material and screening as required by this section. No parking spaces, loading spaces, refuse containers, or storage areas are permitted within the required buffer yard.

(2) Utility and Dumpster Screening

- (a) All outdoor equipment, such as heating, cooling, and ventilation systems, utility meters and panels, shall be placed on the rear-facing side of the roof, in the rear or side of the building, or otherwise visually screened from the street. In no case shall mechanical equipment be allowed along street frontage(s). Mechanical equipment on the roof shall be screened from abutting streets with parapets or other types of visual screening.
- (b) For multi-family residential developments, refuse storage shall be located to the rear or side of buildings and screened on at least three sides from public view by a wall of sufficient height to screen the container(s) or evergreen shrubs that provide year round coverage.

Sec. 13-512. Foundation Plantings.

- (1) Building foundation landscaping is required on lots containing non-residential and high-density multi-family or single-family attached residential development. ~~s~~Shrubs shall be placed around the facades facing rights-of-way.
- (2) In order to reduce risk from wildfire, foundation plantings shall be a minimum of five (5) feet from the structure.
- (3) Foundation planting beds shall be a minimum of a three (3) foot wide along the entire length of facades facing rights-of-way, except where walkways and driveways are located.
- (4) Plantings shall achieve 80% of the total length of the building façade(s) facing rights-of-way and shall consist of 50% evergreen plant material.

Staff note: Firewise guidelines generally discourage evergreen plantings near the home.

DIVISION 3. TREE PROTECTION

Sec. 13-513. Public Tree Care.

(1) *Town authority on public grounds and Town right-of-way.* The Town has the right to plant, prune, maintain, and remove trees, plants, branches, and shrubs and supervise the same on all Town property and Town rights-of-way, as it may deem necessary or desirable, to promote public safety or to prevent interference with the use of the Town rights-of-way. The Town may delegate such authority as deemed necessary.

(2) *Private planting on Town property and Town right-of-way.* The planting of trees on Town property by people other than Town personnel may be permitted if in compliance with Sec. 13-509. Street Trees. These trees are then property of the Town.

(3) *Damage.* Unless specifically authorized by the landscape specialist, no person shall:

- (a) Damage, cut, carve, transplant, or remove any Town-owned street tree.
- (b) Attach advertising posters or other material that may be harmful to any public tree.

(4) *Topping.* It shall be unlawful for any person to top any public tree on Town property. Trees severely damaged by storms or other causes, or trees under or around utility wires or other obstructions where other pruning practices are impractical are exempted from this provision.

(5) *Maintenance Standards.* Any pruning, and other tree maintenance practices performed on a public tree shall conform to the current edition of American National Standards Institute ANSI A-300 and the current ISA Companion booklet: Best Management Practices — Tree Pruning.

(6) *Stumps.* All stumps of removed City-Town-owned 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.

(7) *Construction Protection.*

- (a) Trees shall be protected from damage by any excavation or construction of any building, structure, ditches, tunnels or street work. Tree protection shall be installed for the following:

Any protected tree located in town right-of-way or other publicly owned property near any excavation or construction of any building, structure, or street work and/or;

All private trees used to meet any ordinance or code condition near any excavation or construction of any building, structure, or street work.

- (b) Tree protection shall consist of a fence, frame or box not less than four feet high; see Appendix A, Figure 1 "Tree Protection Detail". All equipment and building material, dirt or other debris shall be kept

outside the barrier, provided that upon good cause shown the landscape specialist may alter or waive the requirements set forth in this subsection at their discretion.

- (c) Tree protection shall be installed in accordance with the following measures (see Appendix A, Figure 1 "Tree Protection Detail"):
 - a) Heritage Trees 36 inch DBH and above shall be protected at the dripline.
 - b) Protected trees under 36 inch DBH shall be protected at the critical root zone.
- (d) No person shall deposit, place, store or maintain upon any Town property any stone, brick sand, concrete or other materials which will impede the free passage of water, air and fertilizer to the roots of any public tree growing therein, without first notifying the landscape specialist and receiving approval.
- (d) All work performed by public and private utilities or by their contractors, agents, or employees, which install or maintain overhead and underground utilities (including, but not limited to, cable television installations, telephone service, gas service, water and septic service) shall be performed in accordance with maintenance standards set out herein.

(8) *Minimum clearances.*

- (a) Where trees are present, it shall be the duty of any person owning or occupying real property to prune such trees in a manner that they do not obstruct or shade streetlights, obstruct the view of traffic signs or signals, obstruct the view of any street intersection, or otherwise endanger the public.
- (b) Where overhead power or an electrical hazard is present, it shall be the duty of the person owning or occupying said property to contact the appropriate utility supplier to request the pruning required herein.
- (c) The minimum clearance of any overhanging tree shall be eight vertical feet over a sidewalk and fifteen vertical feet over any street.
- (d) No street trees shall be planted closer than twenty (20) feet to any overhead electrical or telephone wires unless specifically approved by the landscape specialist and utility provider as a low growth variety suitable for such location. Property owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public.
- (e) No public tree shall be planted closer than ten linear feet to any fire hydrant. All public trees shall be planted in a manner consistent with the policies and requirements of all utility providers and in accordance with any duly recorded utility easements.

Sec. 13-514. Public Tree Planting.

- (f) The landscape specialist will review the landscape plans of new developments subdivisions, -commercial, industrial, mixed-use, multi-family developments and shall require the planting of trees in conformity with Sec. 13-509. Street Trees for any of the Town properties and/or right(s)-of-way directly abutting the subject property. The developer shall be responsible for the cost of installation and for the maintenance of required public tree plantings in perpetuity. Maintenance costs include irrigation and/or water supply as needed for tree(s) survival and the replacement of dead and dying trees. If the developer sells the property, then the new owner will be deemed to have assumed responsibility for maintaining all plantings.

Sec. 13-515. Private Tree Care.

- (1) Maintenance and Removal
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(a) In accordance with Section 13-513, the landscape specialist shall have the right to order or cause the removal or pruning of any tree and/or shrub on private property that constitutes any hazard to the safety of pedestrians or vehicular traffic.

(b) In the event the owner fails to comply with an order to remove the tree, and if public safety considerations require immediate removal, the Town may elect to remove said tree, and charge removal costs to the owner of the property in accordance with the law.

(c) Unless such tree poses an immediate hazard to public safety, the property owner and any party in interest may be ordered in writing by the landscape specialist to remove the tree.

(d) All required trees and shrubs per Town ordinances, codes, and/or conditions shall be maintained and replaced as necessary if removed, damaged or dead.

(e) In accordance with Sec. 13-510, at least 50% of the paved surface area within parking lots shall be shaded by tree canopies within 15 years of acquisition of planting. Unless such tree poses an immediate hazard to public safety, trees planted to provide required canopy coverage shall not be pruned, topped, or removed without written consent from the landscape specialist.

(2) Construction Protection.

- (a) Trees shall be protected from damage by any excavation or construction of any building, structure, ditches, tunnels or street work. Tree protection shall be installed for the following:

Any protected tree located in town right-of-way or other publicly owned property near any excavation or construction of any building, structure, or street work and/or;

All private trees used to meet any ordinance or code condition near any excavation or construction of any building, structure, or street work.

- (b) Tree protection shall consist of a fence, frame or box not less than four feet high; see Appendix A, Figure 1 "Tree Protection Detail". All equipment and building material, dirt or other debris shall be kept outside the barrier, provided that upon good cause shown the landscape specialist may alter or waive the requirements set forth in this subsection at their discretion.

- (c) Tree protection shall be installed in accordance with the following measures (see Appendix A, Figure 1 "Tree Protection Detail"):

a) Heritage Trees 36 inch DBH and above shall be protected at the dripline.

b) Protected trees under 36 inch DBH shall be protected at the critical root zone.

- (d) No person shall deposit, place, store or maintain upon any Town property any stone, brick sand, concrete or other materials which will impede the free passage of water, air and fertilizer to the roots of any public tree growing therein, without first notifying the landscape specialist and receiving approval.

Sec. 13-516. Private Tree Planting.

- (1) The landscape specialist shall review the landscape plans of new developments to ensure compliance with the Tree and Landscape Ordinance and any other applicable ordinance, code, and/or condition. The property owner shall be responsible for all cost(s) of all material and labor pertaining to the installation and maintenance of required plantings. If the property owner on record of a building and land development permit sells the property, then the new owner will be deemed to have assumed responsibility for maintaining all plantings.

DIVISION 4. TREE WORK PERMIT

Sec. 13-517. General.

- (1) Except as provided herein, no person, firm/company or town department shall perform any tree work, construction, and/or land disturbing activities within the dripline of any tree on any Town property or Town right-of-way without first filing an application and procuring a written permit from the Town.
- (2) An application for a permit must be filed with the Town not less than 30 days in advance of the time the work is to be performed. A permit fee may be established by resolution of the Board of Mayor and Aldermen.
- (3) Any permit granted shall be signed by the landscape specialist, issued by the Town, and contain a definite date of expiration, and the work shall be completed in the time allowed on the permit and in the manner as therein described. Any permit shall be void if its terms are violated.
- (4) Within five days of completion of the permitted work, the permittee shall notify the landscape specialist who shall make a final inspection.
- (5) A permit application may be waived in the event of any emergency that could endanger public safety or cause damage or loss of property.

Sec. 13-518. Permit.

- (1) *Application contents.* The application for a planting permit shall state:
 - (a) The number of trees and/or shrubs to be planted, removed and/or requiring maintenance;
 - (b) The location, grade, species, cultivar or variety of each tree and/or shrub;
 - (c) The method of planting, of maintenance and/or removal; and
 - (d) Such other reasonable information as the landscape specialist shall find reasonably necessary for a fair determination of whether a permit should be issued.
- (2) *Tree Work Plan contents.* A plan shall be required and submitted to the landscape specialist for approval for any proposed tree work on public property. The planting plan must follow the ANSI standards. The planting plan shall include the following:
 - (a) date, graphic scale, north arrow, title and name of owner, and the phone number of the person or firm responsible for the planting plan
 - (b) boundary lines and lot dimensions;
 - (c) The number of trees and/or shrubs to be planted, removed and/or requiring maintenance;
 - (d) The location, installation size, species, cultivar or variety of each tree and/or shrub;
 - (e) location of all proposed structures, paved surfaces, curbs and/or edge of roadway(s);
 - (f) existing and proposed utility lines, and easements; and
 - (g) existing protected trees or natural areas
- (3) *Improper planting.* Any tree and/or shrub planted in a manner in conflict with the provisions of this section shall be subject to removal at the sole expense of the person performing the improper planting.

(4) *Removal and Replacement.*

(a) Wherever it is necessary for the Town to remove a tree or trees from a planting strip in connection with the paving of a sidewalk, or the paving or widening of the portion of a street or highway used for vehicular traffic, the Town may replant such trees or replace them.

(b) No person or property owner shall remove a tree from the Town property or Town right-of-way for any reason without first filing an application and procuring a permit from the Town. The person or property owner shall bear the cost of removal and replacement of all trees removed.

(5) *Permit denial.* Tree work permits may be denied if the application for tree work is not complete, or if it is found that the tree work would conflict with any part of this article, or that the proposed tree work would endanger public safety, or interfere with the use of the Town property by the Town.

DIVISION 5. ENFORCEMENT

Sec. 13-519. Violation and Penalty.

(1) *Violation Notice.* Upon ascertaining a violation of the provisions of this ordinance, the landscape specialist shall cause to be served upon the offender a written notice to of violation which shall:

(i) describe the conditions constituting a violation under this ordinance and;

(ii) state that the violation may be abated by the Town at the expense of the offender at the expiration of fourteen (14) days from the date of such notice if the condition is not corrected by the offender. If, at the expiration of fourteen (14) days from the date of said notice to abate, the condition constituting a violation has not been corrected, then such condition may be corrected by the Town at the expense of the offender under the directions of the landscape specialist. The Town has the option to have a lien on the property upon which such violation is located to secure the amount expended for the correction of such violation.

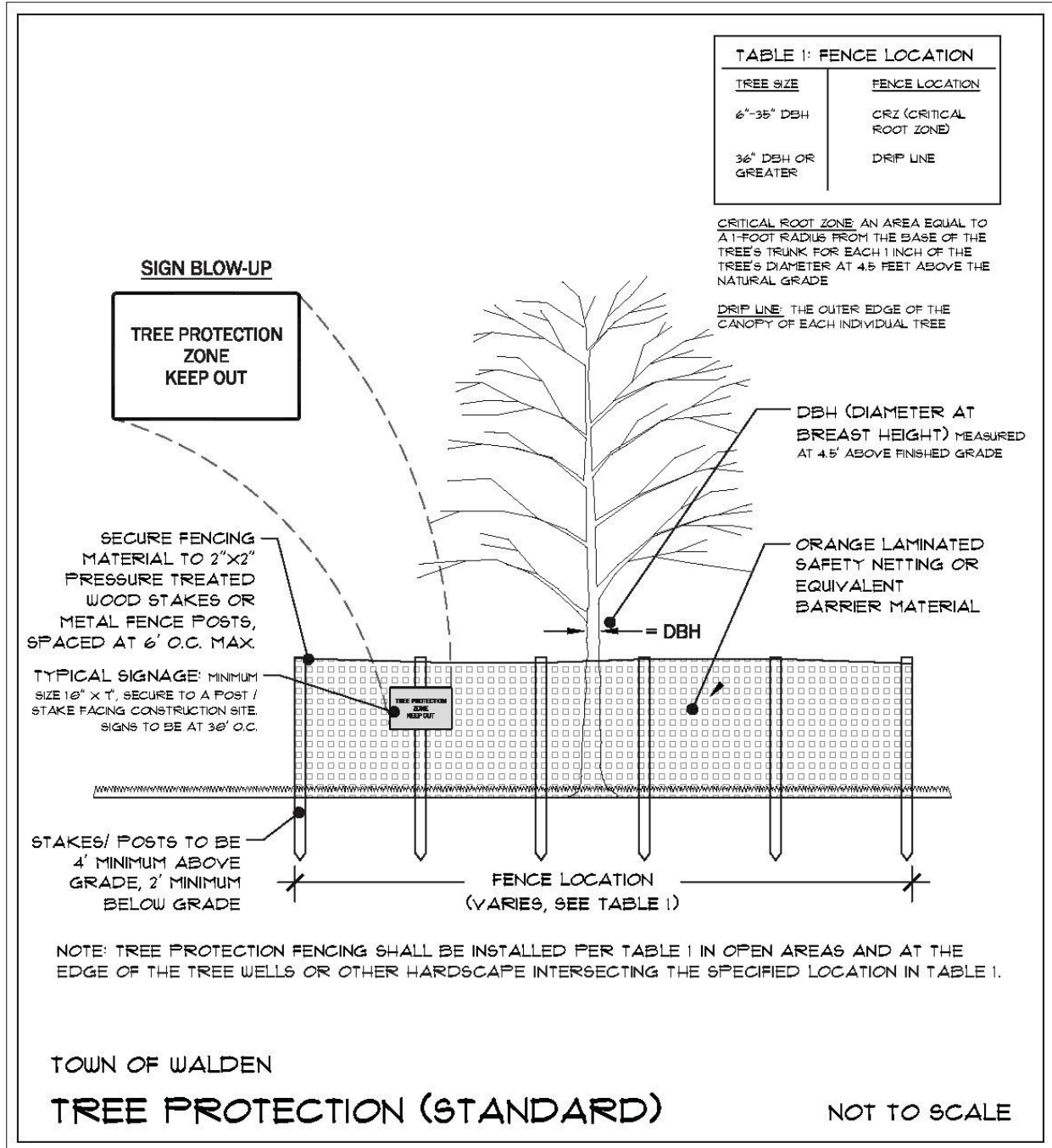
(2) *Penalties and Reimbursement*

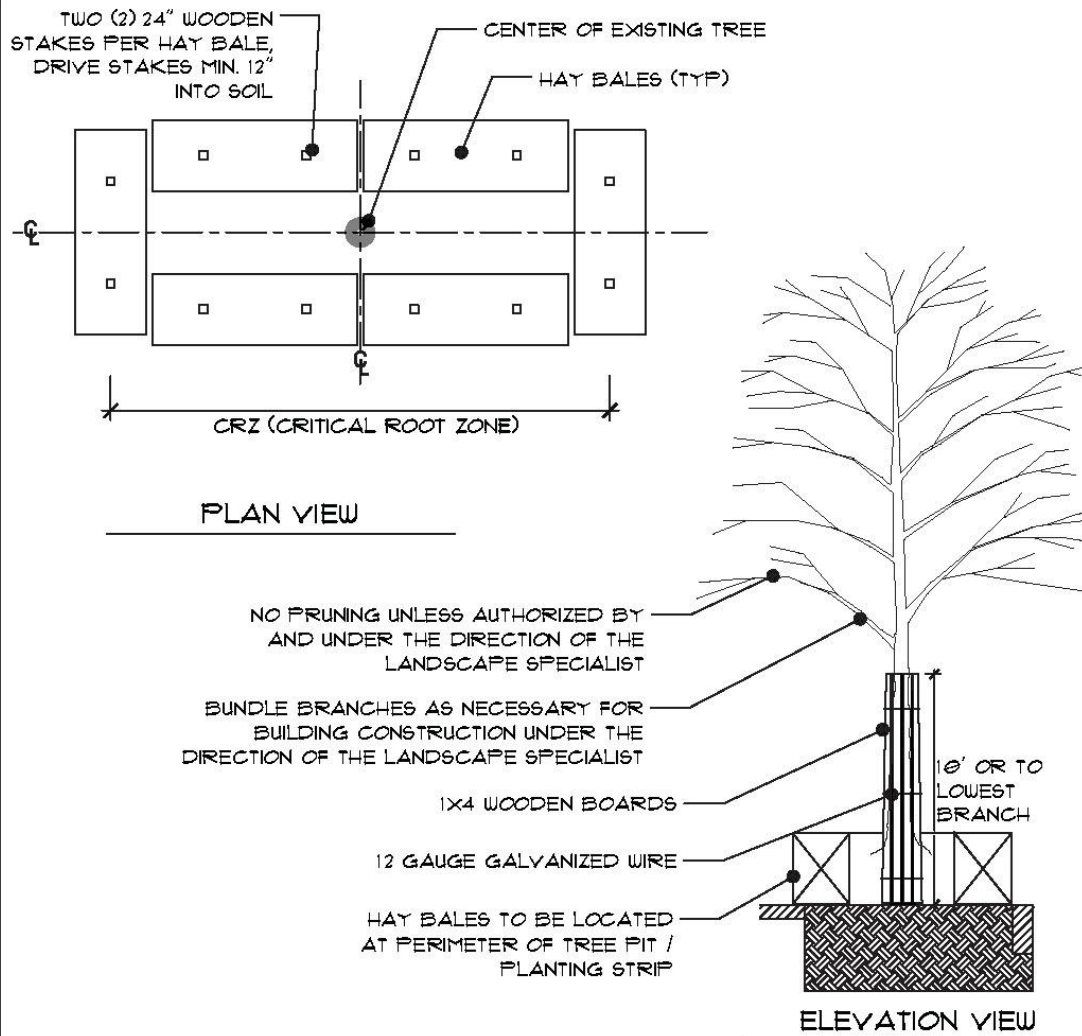
(a) Any violation of this ordinance is unlawful and shall be subject to enforcement by a civil penalty of not less than \$50.00 for each violation. Each day such violation or failure to comply continues shall constitute a separate offense. This penalty provision is non-exclusive, and the Town may seek other relief as provided by law.

(b) Any person found to be in violation of this article through the action of removing a protected tree on any Town property or any Town right-of-way shall be responsible for reimbursement to the Town for the value of the tree as described in the latest published edition of the Guide for Plant Appraisal by The Council Of Tree & Landscape Appraisers and as interpreted by the landscape specialist. In addition, any person found to be in violation of this article shall be responsible for the actual cost incurred by the Town for replacing any removed tree. The replacement tree(s) and location for planting shall be approved by the landscape specialist.

APPENDIX A. STANDARD DETAILS

Figure 1: Tree Protection Detail





NOTE: TREE PROTECTION ALTERNATE SHALL NOT BE USED UNLESS WRITTEN APPROVAL PROVIDED BY TOWN OF WALDEN LANDSCAPE SPECIALIST

TOWN OF WALDEN

TREE PROTECTION (ALTERNATE)

NOT TO SCALE

Figure 2: Tree Planting Detail

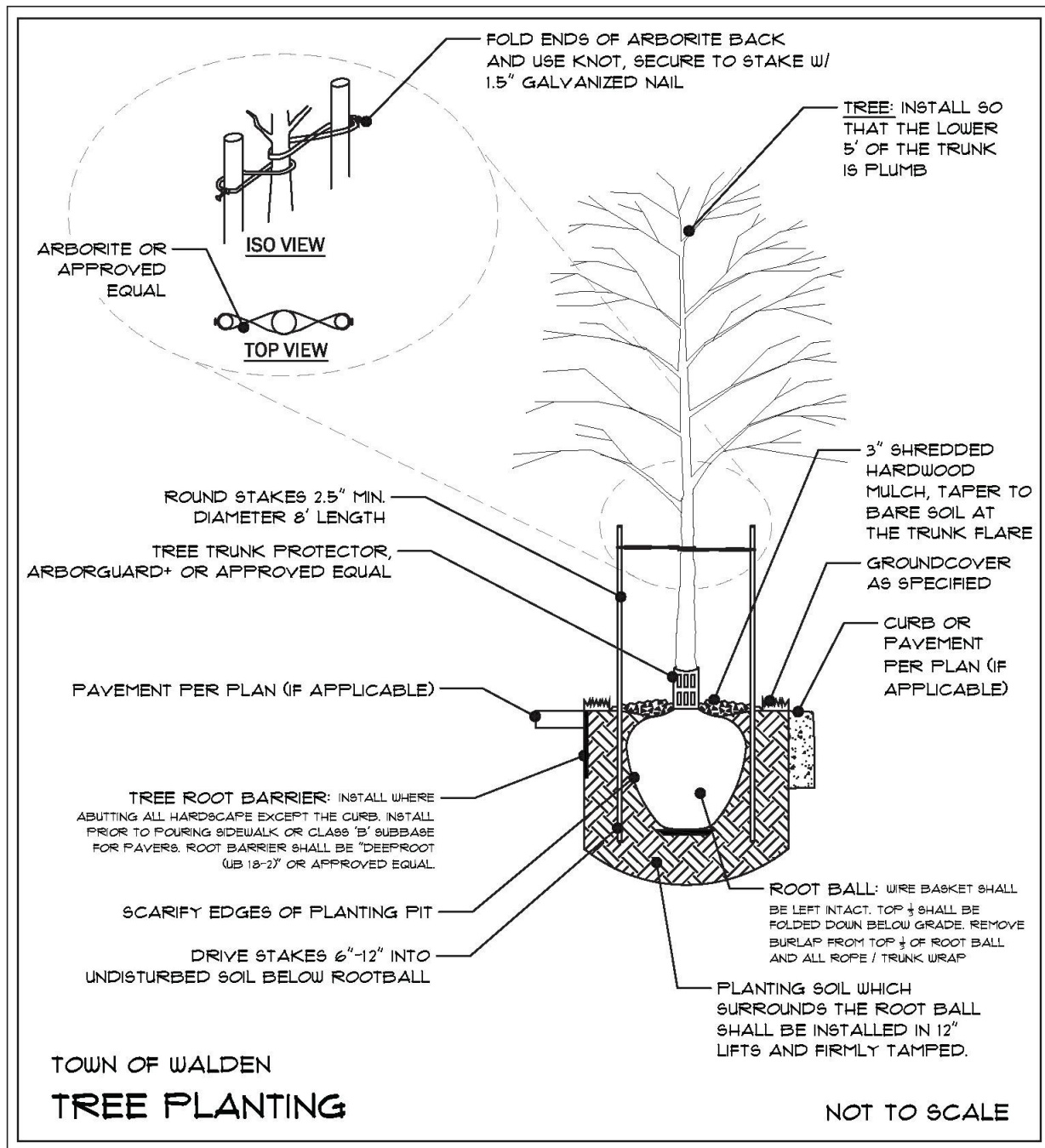
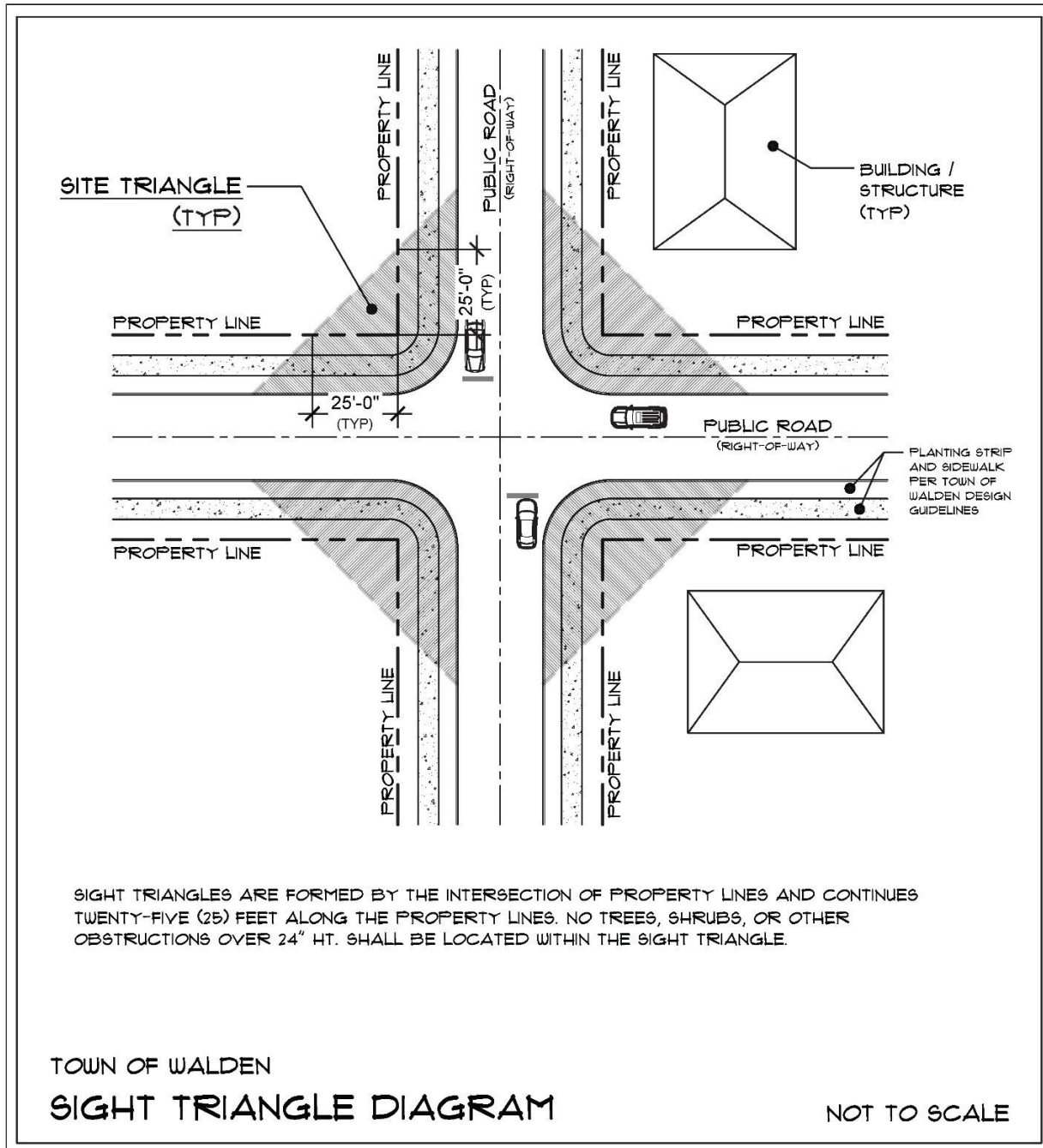


Figure 3: Sight Triangle Diagram



APPENDIX B. RECOMMENDED PLANT LIST

Staff recommendation: Mark species appropriate for street trees with an asterisk

Shade Trees:

Recommend Species

<i>Common Name</i>	<i>Scientific Name</i>
Southern Sugar Maple	Acer barbatum
Princeton American Elm	Ulmus americana
Red Maple	Acer rubrum (<i>and cultivars</i>)
Allee Elm	Ulmus parvifolia
Sugar Maple	Acer saccharum (<i>and cultivars</i>)
Athena Elm	Ulmus parvifolia
River Birch	Betula nigra
Drake Elm	Ulmus parvifolia
European Hornbeam	Carpinus betulus (<i>and cultivars</i>)
Japanese Zelkova	Zelkova serrata
American Hornbeam	Caprinus caroliniana
White Oak	Quercus alba
Katsura Tree	Cercidophyllum japonicam
Sawtooth Oak	Quercus acutissima
Yellowwood	Cladrastis kentukea
Swamp White Oak	Quercus bicolor
Ginkgo	Ginkgo biloba (<i>male</i>)
Scarlet Oak	Quercus coccinea
Seedless Honey Locust	Gleditsia triacanthos (<i>and cultivars</i>)
Overcup Oak	Quercus lyrata
Golden Raintree	Koelreuteria paniculata
Water Oak	Quercus nigra
Sweetgum	Liquidambar styraciflua
Willow Oak	Quercus phellos
Black Gum	Nyssa sylvatica
Northern Red Oak	Quercus borealis
American Hophornbeam	Ostrya virginiana
English Oak	Quercus robur
Chinese Pistache	Pistacia chinensis
Shumard Oak	Quercus shumardii
Aristocrat Pear	Pyrus calleryana 'Aristocrat'
Pin Oak	Quercus palustris
Cleveland Select Pear	Pyrus calleryana 'Cleveland Select'
Red Oak	Quercus rubra
Japanese Pogodatree	Sophora japonica
Littleleaf Linden	Tilia cordata
Dawn Redwood	Metasequoia glyptostroboides
Silver Linden	Tilia tomentosa

Understory Trees

Trident Maple	Acer buergeranum
Hedge Maple	Acer campestre
Amur Maple	Acer ginnala
Serviceberry	Amelanchier species
Flowering Dogwood	Cornus florida (<i>and cultivars</i>)
Kousa Dogwood	Cornus kousa (<i>and cultivars</i>)
Thornless Cockspur Hawthorn	Crataegus crusgalli var. inermis
Winter King Hawthorn	Crataegus viridis 'Winter King'
Sweetbay Magnolia	Magnolia virginiana
Okame Cherry	Prunus campanulata
Autumn Flowering Cherry	Prunus subhirtella var. autumnalis
Yoshino Cherry	Prunus yedoensis
Golden Raintree	Koelreuteria paniculata
Eastern Redbud	Cercis canadensis

Evergreen Trees

American Holly	Ilex opaca
Leyland Cypress	Cupressocyparis
Foster Holly	Illex attenuata 'Fosteri' leylandii
Southern Magnolia	Magnolia grandiflora
Carolina Hemlock	Tsuga caroliniana
Eastern Red Cedar	Juniperus virginiana
Canadian Hemlock	Tsuga canadensis
Atlas Cedar	Cedrus atlantica
White Pine	Pinus strobus
Deodar Cedar	Cedrus deodara
Loblolly Pine	Pinus taeda
Virginiana Pine	Pinus virginiana