

CITY OF ANCHORAGE

ORDINANCE NO. 3, SERIES 1995

**AN ORDINANCE AMENDING ORDINANCE NO. 11,
SERIES 1991, AN ORDINANCE RELATING TO TREE PROTECTION,
PRESERVATION, AND PLANTING, AND REQUIRING A PERFORMANCE BOND.**

WHEREAS, the Anchorage Tree Protection and Preservation Ordinance ("the Ordinance") provides that as a condition of a permit for the removal of trees, or approval of a tree preservation plan in conjunction with new construction and development, an applicant can be required to replace the trees being removed; and,

WHEREAS, the Ordinance additionally provides that the planting of additional trees may be required in conjunction with certain new construction and development; and,

WHEREAS, the remedies available to the City in the Ordinance provide only for civil penalties for those who violate its requirements; and,

WHEREAS, there is no bonding requirement in the Ordinance to ensure compliance with tree replacement and planting requirements; and,

WHEREAS, it is the primary intent of the Counsel to preserve the City's urban forest through the replacement of trees, as opposed to the extraction of civil penalties;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ANCHORAGE AS
FOLLOWS:**

1 . that Ordinance No. 11, Series 1991, Section 7, be amended to read as follows:

7. Reforestation.

a. Replacement of Trees. As a condition of the granting of a permit or the approval of a Tree Preservation Plan, the applicant shall be required to replace each tree being removed, as shall all owner occupants who remove trees pursuant to the provisions of Section 4 of this Ordinance. Each replacement tree shall be one and one-half (1-1/2) inches in caliper or diameter and shall be nursery grade or better, and shall not be removed by any person without a permit to do so, pursuant to the provisions of Section 4, Sub-section (a) of this Ordinance.

b. As an alternative to one for one replacement of trees, a property owner may elect to replace trees at a ratio of one replacement tree for each three trees removed, provided that the tree species shall be selected from a list, maintained by the City Clerk, of trees approved by the City Forester for use under the replacement ratio option, and each tree planted pursuant to this provision shall be of a height or trunk caliper specified on the list for that species.

c. New Construction. To compensate for the adverse environmental impact of additional development within the City, including but not limited to such factors as added impervious surface, additional vehicle exhaust, and reduced photosynthetic surface area, the City Forester shall, as a condition of approval of Tree Preservation Plans submitted for the construction of new structures, require the planting of

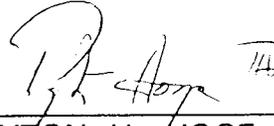
sufficient trees, in addition to trees required to be planted pursuant to Sub-sections (a) or (b) herein, as are necessary to increase the total density on the site to an average of two trees per five thousand square feet of lot size. The City Forester shall specify that a portion of the trees planted pursuant to this provision, not to exceed one-third of the total, be of a canopy tree species. New trees required to be planted by this provision shall be of a minimum of one and one-half inches in caliper, and shall not be removed by any person without a permit to do so pursuant to the provisions of Section 4 Sub-section (a) of this Ordinance.

d. Time for Replacement. All replacement trees required to be planted forester the terms of a Tree Preservation Plan, tree removal permit or by an owner-occupant who has removed trees pursuant to Section 4 of this Ordinance shall be planted within twelve (12) months of the date of approval of the plan or permit, or of notification submitted pursuant to Section 5 of this Ordinance. Any unfulfilled obligation to plant trees under this provision shall attach to the real property to which the obligation relates and shall run with the land.

e. Where the applicant for a permit for tree removal, or applicant for approval of a Tree Preservation Plan, will be required to replace, or in connection with Section 7(c) initially plant, more than 10 trees, the City Forester may, in his or her discretion, as a prerequisite to the granting of the permit, or approval of the Tree Preservation Plan,

require the applicant to post a cash bond in an amount not to exceed \$50 per tree for the replacement of trees under Section 7 (a) and initial planting under Section 7(c), or \$100 per tree if the applicants seeks to reduce the number of trees required by use of Section 7 (b). The bond shall be posted in cash or cash equivalent with the City Clerk. The bond shall be released by the City Clerk only upon the approval of the City Forester or his or her designee. Upon notification by the City Forester, or his or her designee, that the holder of the permit, or applicant under the Tree Preservation Plan, has failed to timely comply with the replanting, or initial planting, requirements of the permit or Tree Preservation Plan, the bond shall be forfeited to the City in an amount equivalent to the sum certified by the City Forester, or his or her designee, as being required to meet the replanting or initial planting requirements of the permit or Tree Preservation Plan. If the required bond exceeds the sum of \$10,000.00, the person posting the bond may apply for a partial release of the bond at such time as the City Forester, or his or her designee, certifies to the City Clerk that more than one half of the required replanting, both in number and value, has been fulfilled, and certifies the amount of the bond that should be released up to a maximum of 50%.

2. This Ordinance shall be effective upon its passage and publication as required by law.



PEYTON H. HOGE III, Mayor
CITY OF ANCHORAGE

DATE: 2/8/95

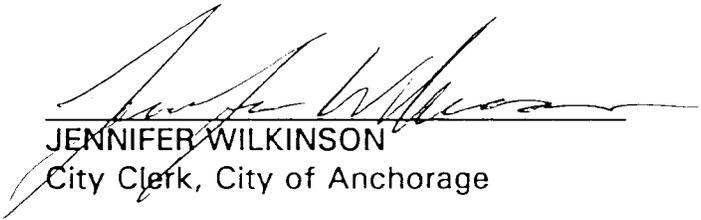
Date of First Reading:

1/9/95

Date of Second Reading:

2/6/95

I hereby certify that the within Ordinance was enacted by the City Council of Anchorage, Kentucky, by a vote of 6 YES, and 0 NO, on the 6 day of February, 1995.



JENNIFER WILKINSON

City Clerk, City of Anchorage

CITY OF ANCHORAGE

ORDINANCE NO. 11, SERIES 1991

TREE PROTECTION AND PRESERVATION ORDINANCE

TABLE OF CONTENTS

Preamble1

Section 1: Intent2

Section 2: Forestry Board2

 a. Duties2

 b. Delegation of Authority2

Section 3: Definitions3

Section 4: Application6

 a. Tree Removals6

 b. Trenching7

 c. Construction7

 d. Trimming by Utilities and Railroads9

Section 5: Procedures9

 a. Permit Applications9

 b. Owner-Occupant Notifications10

 c. Field Checks; Period of Permit Validity10

 d. Basis for Denial11

 e. Display of Permits; Inspection11

 f. Effective Date of Procedures11

Section 6: Criteria for Decisions12

 a. Tree Removals12

 b. Trenching12

c.	Tree Preservations Plans	12
d.	Denials	13
Section 7:	Reforestation	15
a.	Replacement of Trees	15
b.	Alternative Replacement Ratio	16
c.	New Construction	16
d.	Time for Replacement	17
Section 8:	Emergencies	17
Section 9:	Exemptions	18
Section 10:	Variances and Waivers	18
Section 11:	Appeal	19
Section 12:	Penalty	19
Section 13:	Compromise of Penalty	20
Section 14:	Additional Penalties	21
Section 15:	Stop Work Orders; Revocation of Permits	21
Section 16:	Tree Removal Companies; Construction Companies ...	22
Section 17:	Severability	22
Section 18:	Repealer of Previous Ordinance	22
Section 19:	Effective Date	23
Appendix A:	Schedule of Penalties	24

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**CITY OF ANCHORAGE
ORDINANCE NO. 11, SERIES 1991
TREE PROTECTION AND PRESERVATION
ORDINANCE**

**AN ORDINANCE RELATING TO THE PRESERVATION AND
PLANTING OF TREES AND IMPOSING CIVIL PENALTIES
FOR VIOLATIONS.**

WHEREAS, the City of Anchorage has previously adopted an Ordinance to preserve and protect its trees; and,

WHEREAS, a City Forester and a Tree Committee have been appointed and have worked with the Ordinance, the residents of Anchorage, builders, and utility companies in order to carry out the intent of the Ordinance; and,

WHEREAS, the City has become more cognizant of the importance of trees to a safer and more pleasing environment through their moderating effects on sun, cold, and wind, and their reduction of air and noise pollution and control of storm water run-off and erosion; and,

WHEREAS, the City has been made aware of the many historic and specimen trees located within its boundaries; and

WHEREAS, the City Forester and Tree Committee have made recommendations to the City Council concerning changes in the Ordinance that they feel will enable the City to better carry out its original intent in the passage of the Ordinance; and,

WHEREAS, it is necessary, for purposes of simplifying and clarifying previous amendments to the Ordinance, to consolidate and recodify certain provisions of the Ordinance; and,

WHEREAS, this Ordinance is to be enacted as a replacement of Ordinance No. 5, Series 1988 and its various amendments;

NOW, THEREFORE, be it ordained by the City of Anchorage that:

1. Intent: Trees are declared to be beneficial public resources. To that end, it shall be unlawful to cut down, damage, poison, or in any other manner, destroy or cause to be destroyed any trees covered by this Ordinance, or to fail to comply with the reforestation provisions set forth therein, except in accordance with the provisions of this Ordinance.

2. Forestry Board: There is hereby established a City Forestry Board, whose members and Chairman shall be nominated by the City Forester and appointed by the Mayor for terms of one year. Members' terms may be extended from year to year by Executive Order.

a. Duties: The Forestry Board shall be responsible for supervising the City Nursery, distributing and arranging for the planting of Nursery trees, advising the Council and the Mayor on matters pertaining to the City's forest, and such other duties as may, from time to time, be assigned to it by the Mayor.

b. Delegation of Authority. The City Forester may delegate to members of the Forestry Board the authority to perform certain duties which are assigned to the Forester in the Ordinance. Any such delegation shall be in writing, a record of which shall be maintained by the City Clerk.

3. Definitions: For the purpose of this Ordinance, certain terms are defined as follows:

Bona Fide Agriculture: A land use to derive income from growing plants or trees on land, not including land used principally for another use and incidentally for growing trees or plants for income.

Caliper: See "Diameter."

Canopy Tree: Any species of tree which the City Forester designates as suitable for cultivation in the area, and which, under normal growing conditions; reaches a mature height in excess of fifty (50) feet.

City Forester: Any officer, agent, or employee of the City designated by the Mayor for the purpose of carrying out certain duties defined in this Ordinance.

Construction Machinery and Vehicles: Equipment and vehicles used in the construction of structures defined herein, or movement of earth, including but not limited to: bulldozers, cement mixers, cement trucks, backhoes, cranes, transport trucks, and vehicles, whether private or commercial.

Diameter: The diameter in inches of a tree measured at four and one-half feet above the existing grade.

Grubbing: The effective removal of understory vegetation from the site.

Historic Tree: A tree which has been found by the City Forester to be of notable historic interest to the City because of its age, type, size or historic association and has been so designated and that designation has been officially

made and promulgated as part of the official records of the city.

Land Clearing Stage: Those operations where trees and vegetation are removed and which occur previous to construction or building: e.g., including but not limited to road right of way excavation and paving, lake and drainage system excavation, utility excavation, grubbing and any other necessary clearing operations.

Protective Barrier: A physical structure limiting access to a protected area, composed of wood or other suitable materials, that assures compliance with the intent of this Ordinance. Variations of these methods may be permitted upon a written request if they satisfy the intent of this Ordinance.

Owner-Occupant: Any person who is the owner of record of a dwelling in the City, and who maintains his legal residence at said dwelling.

Remove or Removal: The actual removal of a tree by digging up, cutting down, or the effective removal through damage.

Specimen Tree: A tree that has been determined by the City Forester to be of high value because of its type, size, age or other professional criteria, and which has been so designated in the records of the City.

Structure: Buildings that have roofs supported by columns or walls for the shelter or enclosure of persons,

animals, materials or property of any kind. The term structure shall also include anything constructed or erected that requires the use of ground locations, including but not limited to: inground swimming pools, decks and patios, streets and roadways, driveways, parking areas, tennis courts, signs, stables, other out buildings and polls fifteen (15) feet or more in height (See Ordinance No. 10, Series 1986).

Transplant: The digging up by a property owner of a tree from one place on his property and the planting of the same tree in another place on the same property.

Tree: Any self-supporting, woody plant of a species which normally, in the area, grows at maturity to an overall height of a minimum of fifteen feet.

Trench or Trenching: A narrow cut in the ground exceeding twelve (12) feet in length and of such depth as to affect any tree roots in the area of the trench.

Unreasonable Burden. Any cost or consequence of compliance with the terms and provisions of this Ordinance that is found by the City Forester to be unreasonable when compared to the cost or consequences of actions that would be taken if such terms and provisions did not exist.

Utilities: Public utility, commercial, and private lines and pipelines, including, but not limited to: overhead electric wires, television and communication cables, guy wires, underground water, gas, sewer drainage, communication and power lines and pipelines.

4. Application: The terms and provisions of this article shall apply to real property as follows:

a. Tree Removals.

(1) On any land, it shall be unlawful for any person other than an owner-occupant residing on that land to remove or cause to be removed any tree with a trunk diameter of three (3) inches or more or any tree planted pursuant to the provisions of section 7 of this Ordinance without first having obtained a permit to do so in accordance with the procedures set forth in Section 5 of the Ordinance.

(2) No owner-occupant shall remove or cause to be removed any tree(s) on land on which that owneroccupant's dwelling is located, without first providing written notice of his intention to do so according to procedures set forth in Section 5 of this Ordinance. No specimen or historic trees or trees planted pursuant to Section 7 of this Ordinance shall be removed or caused to be removed by an owner-occupant without a permit.

(3) The replacement requirements of Section 7 of this Ordinance shall apply to all trees removed pursuant to this provision, unless varied by the City Forester in accordance with the provisions of section 10 of the Ordinance. No trees shall be removed under this provision on property for which a Tree Preservation Plan

is required pursuant to the provisions of Sub-section (c) herein.

b. Trenching. On any land it shall be unlawful for any person, whether in conjunction with new construction, utility construction, or otherwise, to trench or permit trenching without first obtaining a permit, or an approved Tree Preservation Plan pursuant to the provisions of Subsection (c) herein.

c. Construction:

(1) Tree Preservation Plans: Any plat presented to the City of Anchorage for the purpose of obtaining a Zoning Compliance Certificate must be accompanied by a Tree Preservation Plan ("Plan") that shall include a statement that the party seeking the certificate is aware of this ordinance and summarizing the party's plans for compliance with the Ordinance. The Tree Preservation Plan shall be prepared according to guidelines and procedures established by the City Forester, and in accordance with the criteria for approval set forth in Section 6 of this Ordinance, and shall be approved by the City Forester prior to the issuance of a Zoning Compliance Certificate.

(2) On any land it shall be unlawful, prior to or during construction of any structures, for any person to place solvents, building materials, construction machinery, construction vehicles, or soil deposits in any

location other than a location specified on an approved Tree Preservation Plan, or to engage in any other practices that have a potential for causing root or trunk injury, including, but not limited to: excavating, building, trenching, grading, tree removal, grubbing, filling, stringing of overhead or underground utilities, land clearing or other land alteration, except in accordance with the terms and provisions of an approved Tree Preservation Plan. During construction, no attachments or wires shall be attached to any trees designated for protection under such Plans.

(3) In any allowance of green space or open space under innovative zoning permits, the developer shall be responsible for the appearance and maintenance of the open space or green space, including removal of litter or maintenance of trees, until such time as the open space is turned over to the property owners or owners' association, expressly set up for the maintenance of the green space. After it is turned over to the owners or owners' association, they shall be responsible for the maintenance of the open space. The open space must be kept free of litter, construction debris and, where specified by the City Forester, fallen trees. The city engineer or zoning officer will inspect the open space, and give notice to the appropriate parties (developers or owners) of any violation. If the

violation is not corrected within thirty (30) days, fine will be levied as provided for in this Ordinance until the situation is remedied.

d. Trimming by Utilities and Railroads. It shall be unlawful for any utility or railroad to trim any tree, whether or not located along the right of way, without first meeting with the City Forester, and obtaining a permit for the proposed trimming. Trimming performed pursuant to such permits shall be done in a manner determined by the City Forester to be least detrimental to the health of the tree, where consistent with the requirements of the appropriate safety or electric code then in effect in the Commonwealth of Kentucky. At no time shall any employee, agent, contractor or subcontractor for any utility or railroad, during the process of construction or maintenance of utility lines, or the trimming of trees, use climbers or any other sharpened instrument for the purpose of aiding said individual in the climbing of a tree.

5. Procedures.

a. Applications for tree removal, railroad or utility trimming, and trenching permits and for Approvals of Tree Preservation Plans shall be submitted to the City Clerk in accordance with procedures established by the City Forester.

b. Notifications by owner-occupants of their intention to remove trees shall be submitted in writing to the

City Clerk in accordance with procedures established by the City Forester. If the notification is sent by mail, it shall be deemed as received by the City on the third calendar day after the date it is postmarked. Such procedures shall include a waiting period, not to exceed ten (10) days following notification and prior to removal of the tree (s). During the waiting period, the City Forester may require a field check to determine whether the removal will have an adverse impact according to the criteria set forth in Section 6 of this Ordinance, and may issue an Order preventing the removal of the tree(s) upon such a determination, or if he concludes that he lacks sufficient information to make a determination. Such Order of the City Forester shall be effective upon its delivery to the owner-occupant's residence, and acceptance by any person of suitable age and discretion who normally resides at the residence, or if no one of suitable age is present, three (3) days after the notice is mailed to the owner-occupant by certified mail, return receipt requested.

c. Prior to the approval of any plan or permit or the issuance of any order preventing a tree removal, the City Forester shall complete a field check. All permits shall be issued for a period of sixty (60) days by the City Forester. Approved Tree Preservation Plans shall be valid for a period of one (1) year, and may be extended by the City Forester for an additional period of time on a case by case basis.

d. Basis for Denial. The City Forester, upon a determination that an application is to be denied, or an Order preventing tree removal is to be issued, shall state the basis for such denial or order specifically and shall notify the applicant of the criteria upon which said denial is predicated.

e. Display of Permits; Inspection. Holders of permits issued pursuant to this provision shall prominently display on the site the permit issued. Such permit shall be displayed continuously while trees are being removed or work being done as authorized on the permit, and for ten (10) days thereafter. As a condition for the issuance of the permit, the applicant shall agree in writing to entry onto his premises by representatives of the City and all law enforcement officers to inspect the work and the permit at any time, and such entry shall be lawful. Failure to allow such entry shall be unlawful, shall constitute a violation of this ordinance, and shall constitute failure to display the permit as required under this section.

f. Any procedure established by the City Forester pursuant to this provision shall be implemented upon its publication but shall be submitted to the City Council for its approval or amendment at the next regularly scheduled Council Meeting. Copies of such procedures shall be made available without charge by the City Clerk.

6. Criteria for Decisions. Upon receiving the field inspection report and any requested recommendations concerning an application, the City Forester shall issue a permit, or approve a Tree Preservation Plan, if the relevant criteria set forth herein are met, and provided that none of the conditions set forth under Sub-section (d) exist:

a. Tree Removals.

(1) The tree unreasonably restricts the economic enjoyment of the property and cannot be relocated on the site because of age, type or size of the tree, or

(2) The tree is diseased, injured, judged to be structurally unsound, interferes with existing utility service, or creates unsafe vision clearance for pedestrian or vehicular traffic.

b. Trenching.

(1) The trench is required for the installation or maintenance of utility, septic field, or irrigation service, or for such other purposes as are necessary to the economic enjoyment of the property, and

(2) The trench is located in a manner designed to minimize damage to tree roots.

c. Tree Preservation Plans. Tree Preservation Plans shall be approved if they are prepared in accordance with generally accepted urban forest preservation principles and provided that they fulfill the following requirements:

(1) All tree removals and trenches specified on the Plan shall meet the criteria set forth in Subsections (b) and (c) herein.

(2) The Plan provides for: (a) suitable protective barriers to be erected for all trees which are not designated for removal and that could be damaged by construction activity, which barriers shall remain in place until the completion of all construction and grading; (b) specified locations for ingress, egress, operation and parking of all construction vehicles and equipment as defined in Section 3 of this Ordinance, and for storage of solvents, hazardous materials, and soil and material stockpiles, and (c) specified locations for all clearing, grubbing, grading and excavation.

d. Denials. In considering applications and notifications submitted pursuant to this Ordinance, the City Forester shall evaluate the potential for adverse impact in the following areas on the urban and natural environment and shall issue an Order denying the application or preventing the proposed tree removal if one or more of the following conditions exist:

(1) Ground and Surface Water Stabilization: The proposed action will substantially alter the water table adversely with regard to water assimilation by vegetation, transpiration, and the evaporation potential of associated soils and bodies of water.

(2) Water Quality or Aquifer Recharge. The proposed action will substantially lessen the potential for natural assimilation of nutrients, chemical pollutants, heavy metals, silt and other noxious substances from ground and surface waters.

(3) Ecological Impacts. The proposed action will have a substantial adverse impact upon existing biological and ecological systems, or microclimatic conditions that directly affect these systems, or will create conditions that may adversely affect the dynamic equilibrium of associated systems.

(4) Noise Pollution. The proposed action will significantly increase ambient noise levels to the degree that a nuisance is anticipated to occur or that a violation of the city's noise control ordinance is anticipated to occur.

(5) Air Movement. The proposed action will significantly reduce the ability of the existing vegetation to reduce wind velocities to the degree that a nuisance is likely to occur.

(6) Air Quality. The proposed action will significantly affect the natural clearing of the atmosphere by vegetation through particulate matter interception or the release of oxygen to the atmosphere as a byproduct of photosynthesis.

(7) Wildlife Habitat. The proposed action will significantly reduce available habitat for wildlife existence and reproduction or result in the emigration of wildlife from adjacent or associated ecosystems.

(8) Aesthetic Degradation. The proposed action will have an adverse effect on property values in the neighborhood where the applicant's property is located, or the proposed action will adversely affect a specimen or historic tree which is not, at the time of the application, hazardous, dead, diseased, injured, or judged to be structurally unsound, or does not interfere with existing utility service or create unsafe vision clearance for pedestrian or vehicular traffic.

7. Reforestation.

a. Replacement of Trees. As a condition of the granting of a permit or the approval of a Tree Preservation Plan, the applicant shall be required to replace each tree being removed, as shall all owner-occupants who remove trees pursuant to the provisions of Section 4 of this Ordinance. Each replacement tree shall be one and one-half (1-1/2) inches in caliper or diameter and shall be nursery grade or better, and shall not be removed by any person without a permit to do so, pursuant to the provisions of Section 4, Sub-section (a) of this Ordinance.

b. As an alternative to one for one replacement of trees, a property owner may elect to replace trees at a ratio

of one replacement tree for each three trees removed, provided that the tree species shall be selected from a list, maintained by the City Clerk, of trees approved by the City Forester for use under the replacement ratio option, and each tree planted pursuant to this provision shall be of a height or trunk caliper specified on the list for that species.

c. New Construction. To compensate for the adverse environmental impact of additional development within the City, including but not limited to such factors as added impervious surface, additional vehicle exhaust, and reduced photosynthetic surface area, the City Forester shall, as a condition of approval of Tree Preservation Plans submitted for the construction of new structures, require the planting of sufficient trees, in addition to trees required to be planted pursuant to Sub-sections (a) or (b) herein, as are necessary to increase the total density on the site to an average of two trees per five thousand square feet of lot size. The City Forester shall specify that a portion of the trees planted pursuant to this provision, not to exceed one-third of the total, be of a canopy tree species. New Trees required to be planted by this provision shall be of a minimum of one and one-half inches in caliper, and shall not be removed by any person without a permit to do so pursuant to the provisions of Section 4 Sub-section (a) of this ordinance.

d. Time for Replacement. All replacement trees required to be planted by the terms of a Tree Preservation

Plan, tree removal permit or by an owner-occupant who has removed trees pursuant to Section 4 of this Ordinance shall be planted within twelve (12) months of the date of approval of the plan or permit, or of notification submitted pursuant to Section 5 of this Ordinance. Any unfulfilled obligation to plant trees under this provision shall attach to the real property to which the obligation relates and shall run with the land.

8. Emergencies. In case of emergencies, such as windstorm or other disasters, the requirements of these regulations may be waived by the City Forester, upon a finding that such waiver is necessary so that public or private work to restore order in the City will not be impeded. Excavation, tree removal, tree trimming, or other work subject to the terms of this Ordinance, and which is necessary for the restoration of existing electric, water, natural gas or telephone service, or rail service, may be performed without the approval of the City Forester, provided such work is reported to the City Forester within five business days of its completion.

9. Exemptions.

a. The provisions of this Ordinance shall not apply to any land recognized by the City upon which bonafide agricultural uses, as herein defined, are being conducted.

b. Specifically exempt from the terms and provisions of this Ordinance are any trees so designated by the City Council.

c. The City Maintenance Department shall be exempt from the permit requirements of this ordinance, provided, however that no work which would otherwise require a permit or Plan pursuant to this Ordinance shall be performed by the Department, except under the direction of the City Forester.

10. Variances and Waivers of Section Requirements.

a. The City Forester may, upon appropriate application in writing, vary or waive any terms and provisions of this Ordinance, other than the provisions of Sections 12 and 13, due to unreasonable burdens in the use of any land to which the Ordinance applies.

b. Where necessary to insure that construction work may go forward without interruption, the City Forester may orally vary the terms of an approved Tree Preservation Plan if he finds that compliance with the Plan will impose an unreasonable burden, and provided that the variance shall not substantially alter the impact of construction on any trees designated for protection on the Plan, and further provided that a written amendment to the Plan shall be submitted to the City Clerk within twenty-four (24) hours of the issuance of the oral approval.

11. Appeal. Any person adversely affected by a decision of the City Forester in the enforcement or interpretation of any of the terms or provisions of this ordinance may appeal such decision to the City Council. Such appeal shall be taken by filing written notice thereof with the City Clerk within twenty (20) days after

the decision of the City Forester. The notice of appeal shall set forth in writing the reasons for the appeal and, where applicable, a drawing to scale of any alternative proposal of the applicant. The notice of appeal shall be immediately circulated by the city Clerk to all members of the Council. The appeal will be considered by the Council at its next regular meeting, or at a special meeting of which the applicant must receive a minimum of seven (7) days notice. The required notice may, at the discretion of the appellant, be waived.

12. Penalty. Any person violating any provision of this Ordinance or the terms or provisions of any order, permit or Tree Preservation Plan issued or approved pursuant thereto shall be subject to a civil penalty of not less than \$10.00 nor more than \$500.00 as set out in the schedule of penalties appearing on Appendix A to this Ordinance which is incorporated herein by reference as though fully set out herein, for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any notice of civil penalty issued by the City of Anchorage for violation of this Ordinance may be personally delivered by an officer of the Anchorage Police Department or may be mailed to the last known address of the offender by certified mail, return receipt requested. Should any person served notice for violation of this Ordinance not pay the penalty or arrange for a compromise of penalty pursuant to Section 13 of this Ordinance, within thirty (30) days of the issuance thereof, the City is empowered to bring an action in the

appropriate Court of the Commonwealth of Kentucky for enforcement of the penalty.

13.- Compromise of Penalty. Any person who has received a notice of civil penalty for a first violation of this ordinance may apply to the City Forester to have the penalty reduced or eliminated, provided that such penalty has not been assessed under circumstances which caused it to be assessed at twice the amount shown for the violation on the schedule of penalties established pursuant to Appendix A to Section 12 of the ordinance. The City Forester may grant the application upon a showing that the person has complied with the terms of an agreement with the City Forester to plant trees in excess of the number of trees otherwise required to be planted by the terms of this Ordinance, on the property where the violation occurred, provided, however, that the actual cost of the trees and the planting thereof shall not be less than 75% of the amount of the total penalty. The number, type, size and planting time and location of trees planted under agreements reached pursuant to this provision shall be determined by the City Forester. Where the City Forester determines that it is not practical or desirable to plant trees pursuant to this provision on the property where the violation occurred, the City Forester may authorize the planting of some or all of the trees on property within the City owned by any governmental entity, with the permission of the entity.

14. Additional Penalties. In addition to the penalties provided herein, the City or any resident of the City shall be

entitled to seek injunctive relief through the courts of the Commonwealth in order that the intent of this ordinance may be carried out. The City may also seek to recover a civil penalty through such civil action equal to the total value of those trees illegally damaged or removed.

15. Stop Work Orders; Withholding or Revoking of Building and Zoning Compliance Certificate. The City may withhold the issuance of Building and Zoning Compliance Certificate until such time as the necessary permits or approvals have been obtained under the terms of this Ordinance. In the event that the holder of a Building and Zoning Compliance Certificate shall violate the terms of this Ordinance, the Anchorage Police Department shall issue a Stop Work Order at the site and all work shall cease until the violation is corrected. In the event that the violation remains uncorrected for a period of three (3) days, the Building and Zoning Compliance Certificate shall be revoked and notice of the revocation shall be immediately transmitted to the Jefferson County Office of Building Inspection. No person who has failed to pay a fine or civil penalty levied pursuant to this ordinance shall be entitled to receive a Building and Zoning Compliance Certificate from the City of Anchorage.

16. Tree Removal Companies; Construction Companies. All provisions of this Ordinance shall apply to any person removing trees on behalf of any other person, including all tree removal, construction companies or persons in the business of removing trees or constructing. It shall be unlawful for any person or company to

remove or cause to be removed any tree, or undertake any work for which a permit is required pursuant to this Ordinance, unless a valid permit therefor is in effect and is displayed.

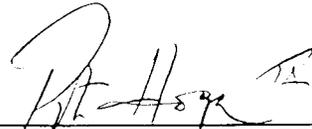
17. Severability. The provisions of this Ordinance are hereby declared to be severable and, if any section, phrase or provision shall, for any reason, be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

18. Repeal of Inconsistent Ordinances and Transition. All Ordinances or parts of Ordinances in conflict with or inconsistent with the provisions of this Ordinance, including but not limited to Ordinance No. 5, Series 1988, and its various amendments, are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance. Any Tree Preservation Plan or permit approved under a prior Ordinance shall remain in effect. The passage of this ordinance shall not impose additional requirements on anyone who already holds a permit or Tree Preservation Plan approved under a prior Ordinance; however, the enforcement of any prior approved permit or Tree Preservation Plan, and the penalties for the violation thereof, shall be in accordance with the terms of this Ordinance.

19. Effective Date. This ordinance and its amendments shall take effect upon its adoption, approval and publication as required by law.

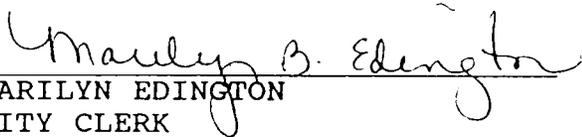
Adopted and approved this 25 day of November,

1991.



MAYOR PEYTON H. HOGE III

ATTEST:



MARILYN EDINGTON
CITY CLERK

FIRST READING:

10-28-91

SECOND READING:

11-25-91

c\JTM\1628.ORD(klc)