

ORDINANCE
CITY OF NEW ORLEANS

CITY HALL: _____

CALENDAR NO. _____

NO. _____ **MAYOR COUNCIL SERIES**

BY: COUNCILMEMBER _____ **(BY REQUEST)**

AN ORDINANCE to amend and reordain Sections 106-211 through 106-229 of the Code of the City of New Orleans, relative to the protection of trees and other vegetation under the purview of the Department of Parks and Parkways; and otherwise to provide with respect thereto.

1 **SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY**
2 **ORDAINS,** that Sections 106-211 through 106-260 of the Code of the City of New Orleans are
3 hereby amended and reordained to read as follows:

4 **“CHAPTER 106 – PARKS AND RECREATION**

5 ***

6 **ARTICLE IV. – PROTECTION OF VEGETATION**

7 **Sec. 106-211. – Definitions**

8 Except as otherwise expressly provided in this article, the following terms and their variant
9 forms shall mean the following:

10 *Air Spade* means the use of compressed air to remove soil to expose a tree’s root structure.

11 *Arborist* means a specialist who is an expert in the care, pruning, trimming and removal of
12 trees who is currently licensed by the state of Louisiana.

13 *Caliper* means a measurement of a nursery grown tree trunk taken six inches above the ground
14 up to and including four-inch caliper size. If the caliper at six inches above the ground exceeds
15 four inches, the caliper should be measured at twelve inches above the ground.

16 *City tree* means a tree located on any city property or right-of-way.

17 *City vegetation* means shrubs, plants, or groundcover on any city property or right-of-way.

18 *Critical Root Zone or CRZ* means a measurement established based on the trunk diameter at
19 breast height. The CRZ is an equidistant circular area which has a radius calculated at one-foot to
20 every one-inch DBH or is defined as the outer edge of the dripline, whichever distance is furthest.

21 *Department* means the Department of Parks and Parkways.

22 *Diameter at breast height or DBH* means the method used to measure caliper by the timber
23 industry, which is taken approximately four and one-half feet high on the trunk of a tree above the
24 ground line.

25 *Director* means the Director of the Department of Parks and Parkways.

26 *Drip line* means the vertical line extending from the outermost portion of the tree canopy to
27 the ground.

28 *Sidewalk Bridging* means a method of installing a walkway over root systems without
29 excavation.

30 *Tree Protection Zone or TPZ* means an area containing roots that are critical for a tree's health
31 and survival.

32 *Tree Topping* means the removal of a tree's top, large branches or trunk.

33 *Trenching* means the mechanical excavation of a narrow area of ground, commonly used in
34 the repair or installation of utilities.

35 *Tunnel and Bore* means the use of machinery to displace soil within the CRZ.

36 *Utility Arborist* means a specialist in the care of trees located along utility rights-of-way who
37 is currently licensed by the state of Louisiana.

38 **Sec. 106-212. - Protection of trees and vegetation on city property.**

39 (a) Only arborists with prior written approval from the department may perform work on city
40 trees.

41 (b) No person is permitted to remove, cut, disturb, or interfere in any way with any city tree
42 without prior written approval from the department.

43 (c) Vehicles and heavy equipment are prohibited from working within the CRZ of a city tree
44 or on city vegetation without prior written approval from the department.

45 (d) No equipment or vehicles may be cleaned, repaired, or stored on any city property within
46 the CRZ of a city tree or on city vegetation.

47 (e) Excavation and fill greater than two inches in depth within the CRZ of a city tree is
48 prohibited.

49 (f) Placement of decorations, string lights, wires, ropes, signs, posters, barricades, or other
50 fixtures on city trees is prohibited unless prior written approval is received from the
51 department.

52 (g) Placement of any sign, stationary or mobile, streamer, poster, bill, or other advertisement
53 anywhere on city property, neutral ground, park, place, triangle, or sidewalk is prohibited
54 unless prior written approval is received from the department.

55 (h) The attachment or installation of any electrical wire, cable, utilities, insulator, or any
56 device to any city tree is prohibited.

57 (i) Injury to city trees, including the misuse or removal of any device placed to protect any
58 tree, is prohibited.

59 (j) Placement of building materials, debris, or any other material within the CRZ of a city
60 tree or on city vegetation is prohibited.

61 (k) Dumping of grass clippings, tree trimmings, rocks or refuse of any nature on city property
62 is prohibited.

63 (l) Paving or placing of gravel or other such material under a city tree canopy or within four
64 feet of the trunk, whichever is greater, is prohibited.

65 (m) Dumping, pouring, or spilling of oil, concrete mix, salt or salt water or other substances
66 upon any city tree, or within its CRZ, is prohibited.

67 (n) Any person who injures, damages, or destroys any city tree or city vegetation shall
68 promptly notify the department of such fact and that person shall, within such reasonable time
69 as specified by the department, repair or replace such damaged city tree or city vegetation to
70 the satisfaction of the department, in addition to any applicable penalties outlined herein.

71 (o) The use of any chemicals, insecticides, or oils, or the application of whitewash or paint to
72 any city tree or city vegetation is prohibited.

73 **Sec. 106-213. - Tree protection near construction work.**

74 (a) Any construction work that occurs within the CRZ of a city tree requires the presence of
75 an arborist to ensure that correct arboreal practices are followed.

76 (b) Prior to the commencement of construction, and with the prior written approval of the
77 department, an arborist must identify each city tree that will require trimming to clear for
78 construction.

79 (c) Cutting, trimming, removing, spraying, treating, or planting any city tree or city vegetation
80 without prior written approval by the department is prohibited.

81 (d) The contractor shall be responsible for damage to all city trees and city vegetation and
82 shall be liable to the city, for either compensation or tree replacement, as determined by the
83 department.

84 (e) When an approved construction plan specifies for the removal of city trees or city
85 vegetation, the owner, contractor, or agency authorizing the work shall compensate the city
86 prior to beginning construction.

87 (f) If it is found that city trees or vegetation must be removed to complete a project and the
88 department agrees to the removal, the trees or vegetation shall be transplanted to adjacent city
89 property if possible and shall meet all additional department planting specifications, including
90 one year of watering. If it is not possible to transplant the plant materials the city shall be
91 compensated for the city trees or city vegetation.

92 (1) Compensation may include replacement planting on the city portion of the
93 construction site or on nearby city property. The minimum rate of replacement shall be

94 one caliper inch of replacement tree for each inch of DBH as assigned by the project
95 survey or department.

96 (2) If it is not possible to plant a replacement tree on the city property portion of the
97 construction site or on nearby city property, the city may accept a monetary amount
98 equal to the replacement cost of the tree based upon current market conditions and the
99 DBH, condition, and height of the tree to be removed.

100 (g) Installation of tree protection fencing is required around all city trees prior to construction
101 and shall stay in place for the duration of construction.

102 (1) Tree protection fencing shall include a wood or chain link barricade at least five
103 feet high along the CRZ and shall avoid damaging trees and plant materials unless an
104 alternative tree protection method is approved in writing from the department.

105 (2) The removal of tree protection fencing during construction is prohibited.

106 (3) The contractor or property owner shall contact the department for an inspection of
107 the tree protection fencing prior to the commencement of any site work, including
108 demolition or clearing.

109 (4) Tree protection fencing shall carry durable signs designating the area as "Tree
110 protection zone. No entry unless authorized by the Department of Parks and Parkways".
111 Such signs shall be spaced around the perimeter of all tree protection zones with a
112 maximum spacing of 25 feet. Signs shall be a minimum eight inches by ten inches in
113 size and shall be firmly affixed to the tree protection fence.

114 (h) Signs, barricades, equipment, or materials shall not be attached to city trees or plant
115 materials. “Overhead Clearance” signs may be loosely attached using a rope or chain when
116 approved by the department.

117 (i) If a route for machinery is required through a grove of city trees, the department may allow
118 a temporary pathway through the grove. Such a pathway shall be as narrow as practical,
119 temporarily covered with 8 inches of wood chips and a layer of plywood and enclosed by
120 protective fencing on both sides.

121 (j) When construction work is taking place within the CRZ of a city tree, including sidewalk,
122 drainage work, utility work, or planting, all work shall be completed without the use of heavy
123 equipment and must receive prior approval from the department.

124 (1) Use of an air spade, hand-digging, or similar technology may be required to reveal
125 the roots for preventative pruning by an arborist under the supervision of department.

126 (2) Alternative means for utility installation, such as tunnelling and boring, may be
127 required where deemed necessary by the department.

128 (3) Alternative paving methods such as sidewalk bridging, flexible paving, ADA
129 compliant gravel, and other technologies may be required as deemed appropriate by the
130 department.

131 (k) The department may order additional tree protection measures if site conditions warrant
132 them.

133 (l) Each city tree shall be irrigated at least two times per week for the period of April through
134 October over the duration of the project.

135 (m) Trenching within the CRZ of any city tree is prohibited. If work within the area within
136 the CRZ cannot be avoided, the department may grant permission for the work and shall
137 require the use of boring or air spade equipment to tunnel beneath the CRZ. The minimum
138 depth for boring is 30 inches and tunneling shall be located as far from the trunk as possible.

139 **Sec. 106-214. – Bond of contractors.**

140 Contractors and others doing work on a neutral ground, either for excavations or other
141 projects shall, at the director’s written request, give bond to the department to guarantee the
142 payment of all costs for repairing any settlement or other damage or deterioration that shall take
143 place in such neutral ground as a result of the project undertaken by them.

144 **Sec. 106-215. – Public utilities.**

145 (a) Public utility companies shall submit, subject to approval by the department, an annual
146 trim plan by January 31 of each year to the department.

147 (b) Utility contractors shall abide by the requirements set forth in the Louisiana Revised
148 Statutes Chapter 24: Horticulture, and the Louisiana Administrative Code 7: XXIX.117 (H).

149 (c) Only utility arborists shall execute the removal of trees or portions of trees along utility
150 rights-of-way.

151 (d) Except for trees being removed, utility arborists shall not use climbing irons except in
152 locations where other practical means of tree trimming are not available or as provided by the
153 Louisiana Administrative Code.

154 (e) Utility arborists shall carry insurance as provided by the Louisiana Administrative Code.

155 (f) Utility arborists shall prominently display their license during all work.

156 (g) Treatment recommendations and pruning practices shall meet the standards outlined in
157 the latest edition of the International Society of Arboriculture *Certification Manual and Best*
158 *Management Practices—Utility Pruning of Trees*.

159 (h) In an emergency, public utility companies may perform minimum pruning or digging
160 measures without a permit only to a degree necessary to restore or to avoid the loss of service
161 or to abate imminent endangerment to human life in accordance with the provisions herein.
162 The department shall be notified of the emergency work in a timely manner.

163 (1) All pruning or digging within the root system of a tree or shrub shall be done in
164 accordance with the rules of good arboricultural practice as set forth in the publication
165 *Tree Care Operations--Tree, Shrub and Other Woody Plant Maintenance--Standard*
166 *Practices*, latest edition document number A300, published by the American National
167 Standards Institute.

168 (2) Any emergency work must be subsequently brought up to appropriate standards to
169 the greatest extent possible, as determined by the department. Such remedial work shall
170 commence as soon as possible.

171 (i) When the department undertakes the removal or trimming of trees for the benefit of a utility
172 company, the department may charge the utility company at rates to be determined by the
173 department.

174 **Sec. 106-216. – Written permission required.**

175 (a) No tree, shrub or plant shall be planted on city property by any person without the prior
176 written permission of the department.

177 (b) Any tree, shrub or plant planted in any city property may be removed by the department
178 at the expense of the responsible party.

179 (c) Each tree, plant, shrub, or other vegetation planted on city property shall become the
180 property of the city.

181 (d) No tree shall be removed from city property without the prior written permission of the
182 department.

183 (e) No tree located on city property shall be cut, pruned, or treated without the prior written
184 permission of the department.

185 (f) Written permission must be attained for the temporary use of city property under the
186 jurisdiction of the department, including but not limited to neutral grounds, rights-of-way, and
187 parks.

188 (g) The department shall keep a record of all permitted city tree maintenance, removals, and
189 plantings. These records shall be made available to the public.

190 **Sec. 106-217. – Maintenance.**

191 All permitted planting on city property must meet maintenance standards as set forth by the
192 department.

193 (a) The permittee shall be responsible for the maintenance, repair, and replacement of all
194 landscape materials that are installed as part of a permit. Maintenance includes, but is not

195 limited to: mulching, weeding, irrigating, fertilizing, pruning, and replacement of dead or
196 dying plants.

197 (b) All plant materials and planted areas must be tended to and maintained in a healthy
198 growing condition and kept free of refuse and debris. Plant materials that exhibit evidence of
199 pests, disease, or damage must be appropriately treated and dead plants must be replaced.

200 (c) Care shall be taken to protect all trees and landscape materials while performing routine
201 maintenance operations such as grass cutting and trenching.

202 (d) Tree topping is prohibited.

203 (e) The department may require that the permittee allow the city to treat trees or shrubs
204 suffering from transmittable diseases or infestation of pests. If the disease or pests warrant
205 drastic action to curb the spread to healthy trees or shrubs, or if the tree represents a public
206 hazard, on the advice of the department, the permittee may be required to allow the city, or
207 its agent, to treat or remove the tree.

208 (f) Clear sight lines must be maintained at a minimum height of six feet for a minimum
209 distance of 25 feet from all intersections.

210 (g) Watering shall be sufficient to maintain vigorous and healthy plant growth and shall occur
211 a minimum of two times per week during the months of March through October and one time
212 per week during the remainder of the year.

213 **Sec. 106-218. - Request for pruning.**

214 Requests may be made to the department in writing for the cutting, pruning, or removal of
215 a city tree adjoining, adjacent to, or abutting private property.

216 (a) If it is found that a city tree substantially causes loss, damage, or deprivation of the
217 lawful use of such property, then the department may cut, prune, or remove such tree.

218 (b) Requests for the cutting, pruning, or removal of a city tree performed at the applicant's
219 expense, rather than by the department, shall receive prior written permission.

220 (c) All such requests for cutting, pruning, or removal of city trees shall be completed by
221 arborists, pursuant to the following provisions:

222 (1) Such requests shall provide the department at least ten working days advance notice
223 of the date and time contemplated for such work.

224 (2) No cutting, pruning, or removal of a city tree shall be done without written
225 permission from the department.

226 (3) In no instance shall a city tree be cut, pruned, or removed contrary to the expressed
227 stipulations of the department, nor shall work commence prior to receiving written
228 permission from the department.

229 (4) The department further reserves the right and authority to inspect the work in
230 progress and to require such work comply with standards for arboricultural work as
231 well as all applicable ordinances and policy decisions of the department.

232 (d) No party shall be permitted to personally cut, trim, or remove any city tree adjoining,
233 adjacent to, or abutting their property without prior written permission from the
234 department.

235 **Sec. 106-219. – Enforcement.**

236 (a) Any person or entity who violates this article shall be subject to penalties in accordance
237 with Section 1-13 of this Code. Each day that such violation exists shall constitute a separate
238 and distinct offense.

239 (b) The department shall issue a stop work order when work is being done in violation of this
240 article, without approval, or if determined by the department to be hazardous.

241 (c) Willful destruction of city trees shall render the party responsible liable for the actual cost
242 of replacement. The responsible party shall replace the damaged tree(s) with a specimen(s) of
243 equal size and caliper, as approved by the department, including a one-year watering contract
244 and a five-year warranty. If in kind replacement is not possible, the difference in cost shall be
245 met through additional financial penalties that match the monetary value of the destroyed tree
246 or with the planting of additional city trees.

247 (1) The Cost of Replacement Method as established by the department and the current
248 edition of the *Guide for Plant Appraisal*, published by the Council of Tree and
249 Landscape Appraisers, shall form the basis of calculating monetary damages due for
250 damage or destruction to the tree.

251 (d) If a person or entity who causes damage to a city tree or other plant on city property fails
252 or refuses to repair or replace the damaged or destroyed trees or other vegetation within a
253 reasonable time, the department shall perform the necessary repair or replacement and the
254 cost of this work shall be recovered from the person or entity responsible for the damage or
255 destruction.

256 (e) The department may require the person or entity responsible for damage to a city tree hire
257 an arborist to perform remediation work including, but not limited to: root pruning, termite

258 treatment, mulching, irrigation, vertical mulching, radial aeration, mycorrhizal fungal
259 inoculate, or growth regulation.

260 (f) In addition to any fine or penalty imposed by this article, the city may seek all available
261 relief in a court of competent jurisdiction to enjoin any violation.

262 **Sec. 106-220. – Department not to be interfered with.**

263 No person shall prevent, delay, or interfere with the department in the planting, pruning, spraying,
264 or removal of a city tree or city vegetation, or in the removal of stone, cement, or other substances
265 about the trunk of a city tree.

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS _____

PRESIDENT OF THE COUNCIL

DELIVERED TO THE MAYOR ON _____

APPROVED:

DISAPPROVED: _____

MAYOR

RETURNED BY THE MAYOR ON _____ **AT** _____

CLERK OF COUNCIL

ROLL CALL VOTE:

YEAS:

NAYS:

ABSENT:

RECUSED

REDLINED VERSION

CHAPTER 106 – PARKS AND RECREATION

ARTICLE IV. – PROTECTION OF VEGETATION

Sec. 106-211. – Definitions.

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

Except as otherwise expressly provided in this article, the following terms and their variant forms shall mean the following:

Air Spade means the use of compressed air to remove soil to expose a tree's root structure.

Arborist means a specialist who is an expert in the care, pruning, trimming and removal of trees that is currently licensed by the state of Louisiana.

Caliper means a measurement of a nursery grown tree trunk taken six inches above the ground up to and including four-inch caliper size. If the caliper at six inches above the ground exceeds four inches, the caliper should be measured at twelve inches above the ground.

City tree means a tree located on city property.

City vegetation means shrubs, plants, on groundcover on any city property or right-of-way.

Critical Root Zone or CRZ means a measurement established based on the trunk diameter at breast height. The CRZ is an equidistant circular area which has a radius calculated at one-foot to every one-inch DBH or is defined as the outer edge of the dripline, whichever distance is furthest.

Department means the Department of Parks and Parkways.

Diameter at breast height or DBH means the method used to measure caliper by the timber industry, which is taken approximately four and one-half feet high on the trunk of a tree above the ground line.

Director means the Director of the Department of Parks and Parkways.

Drip line means the vertical line extending from the outermost portion of the tree canopy to the ground.

Sidewalk Bridging means a method of installing a walkway over root systems without excavation.

Tree Protection Zone or TPZ means an area containing roots that are critical for a tree's health and survival.

Tree Topping means the removal of a tree's top, large branches and/or trunk.

Trenching means the mechanical excavation of a narrow area of ground, commonly used in the repair or installation of utilities.

Tunnel and Bore means the use of machinery to displace soil within the CRZ.

Utility Arborist means a specialist in the care of trees located along utility rights of way that is currently licensed by the state of Louisiana.

Sec. 106-212. - ~~Cutting, spraying, etc., trees in public places prohibited.~~

Protection of trees and vegetation on city property.

No person shall:

(a) Only arborists with prior written approval from the department may perform work on city trees.

(b) No person is permitted to remove, cut, disturb, or interfere in any way with any city tree without prior approval by the department.

(c) Vehicles and heavy equipment are prohibited from working within the CRZ of a city tree or on city vegetation without prior written approval from the department.

(d) No equipment or vehicles may be cleaned, repaired, or stored on any city property within the CRZ of a city tree or on city vegetation.

(e) Excavation and fill greater than two inches in depth within the CRZ of a city tree is prohibited.

(f) Placement of decorations, string lights, wire, rope, signs, posters, barricades, or other fixtures on city trees is prohibited unless prior written approval is received from the department.

(g) Placement of any sign, stationary or mobile, streamer, poster, bill, or other advertisement anywhere on city property, neutral ground, park, place, triangle, or sidewalk is prohibited unless prior written approval is received from the department.

(h) The attachment or installation of any electrical wire, cable, utilities, insulator, or any device to any city tree is prohibited.

(i) Injury to city trees, including the misuse or removal of any device placed to protect any tree, is prohibited.

(j) Placement of building materials, debris, or any other material within the CRZ of a city tree or on city vegetation is prohibited.

(k) Dumping of grass clippings, tree trimmings, rocks or refuse of any nature on city property is prohibited.

(l) Paving or placing of gravel or other such material under a city tree canopy or within four feet of the trunk, whichever is greater, is prohibited.

(m) Dumping, pouring, or spilling of oil, concrete mix, salt or salt water or other substances upon any city tree, or within its CRZ, is prohibited.

(n) Any person who injures, damages, or destroys any city tree or city vegetation shall promptly notify the department of such fact and that person shall, within such reasonable time as specified by the department, repair or replace such damaged city tree or city vegetation to the satisfaction of the department, in addition to any applicable penalties outlined herein.

~~(1) ——— Cut, prune, break, climb, injure or remove any living tree in a public highway, neutral ground, park, place, triangle or sidewalk;~~

~~(2) ——— Cut, disturb or interfere in any way with the roots of any tree on a public highway, neutral ground, park, place, triangle or sidewalk;~~

~~(3) (o) Spray with~~ The use of any chemicals, insecticides, or other oils; or the application of whitewash any tree or paint to any city tree or city vegetation in a public highway, neutral ground, park, place, triangle, or sidewalk; is prohibited.

~~(4) ——— Place any wire, rope, sign, poster, barricade or other fixture on a tree or tree guard in a public highway, neutral ground, park, place, triangle or sidewalk;~~

~~(5) Injure, misuse or remove any device placed to protect any tree on a public highway, neutral ground, park, place, triangle or sidewalk;~~

~~(6) Place any sign, stationary or mobile, streamer, poster, bill or other advertisement anywhere on a public highway, neutral ground, park, place, triangle or sidewalk.~~

Sec. 106-213. - Tree protection near construction work.

(a) Any construction work that occurs within the CRZ of a city tree requires the presence of an arborist to ensure that correct arboreal practices are followed.

(b) Prior to the commencement of construction, and with the prior written approval of the department, an arborist must identify each city tree that will require trimming to clear for construction.

(c) Cutting, trimming, removing, spraying, treating, or planting any city tree or city vegetation without prior approval by the department is prohibited.

(d) The contractor shall be responsible for damage to all city trees and city vegetation and shall be liable to the city, for either compensation or tree replacement as determined by the department.

(e) When an approved construction plan specifies for the removal of city trees or city vegetation the owner, contractor, or agency authorizing the work shall compensate the city prior to beginning construction.

(f) If it is found that city trees or vegetation must be removed to complete a project and the department agrees to the removal, the trees or vegetation shall be transplanted to adjacent city property if possible and shall meet all additional department planting specifications, including one

year of watering. If it is not possible to transplant the plant materials the city shall be compensated for the city trees or city vegetation.

(1) Compensation may include replacement planting on the city portion of the construction site or on nearby city owned property. The minimum rate of replacement shall be one caliper inch of replacement tree for each inch of DBH as assigned by the project survey or department.

(2) If it is not possible to plant a replacement tree on the city property portion of the construction site or on nearby city property, the city may accept a monetary amount equal to the replacement cost of the tree based upon current market conditions and the DBH, condition, and height of the tree to be removed.

(g) Installation of tree protection fencing is required around all city trees prior to construction and shall stay in place for the duration of construction.

(1) Tree protection fencing shall include a wood or chain link barricade of at least five feet high along the CRZ and shall avoid damaging trees and plant materials unless an alternative tree protection method is approved in writing from the department.

2) The removal of tree protection fencing during construction is prohibited.

3) The contractor or property owner shall contact the department for an inspection of the tree protection fencing prior to the commencement of any site work, including demolition or clearing.

4) Tree protection fencing shall carry durable signs designating the area as "Tree protection zone. No entry unless authorized by the Department of Parks and Parkways". Such

signs shall be spaced around the perimeter of all tree protection zones with a maximum spacing of 25 feet. Signs shall be a minimum eight inches by ten inches in size and shall be firmly affixed to the tree protection fence.

(h) Signs, barricades, equipment, or materials shall not be attached to city trees or plant materials. “Overhead Clearance” signs may be loosely attached using a rope or chain when approved by the department.

(i) If a route for machinery is required through a grove of city trees, the department may allow a temporary pathway through the grove. Such a pathway shall be as narrow as practical, temporarily covered with 8 inches of wood chips and a layer of plywood and enclosed by protective fencing on both sides.

(j) When construction work is taking place within the CRZ of a city tree, including sidewalk, drainage work, utility work, or planting, all work shall be completed without the use of heavy equipment and must receive prior approval from the department.

1) Use of an air spade, hand-digging, or similar technology may be required to reveal the roots for preventative pruning by an arborist under the supervision of department.

2) Alternative means for utility installation, such as tunnelling and boring, may be required where deemed necessary by the department.

3) Alternative paving methods such as sidewalk bridging, flexible paving, ADA compliant gravel and other technologies may be required as deemed appropriate by the department.

(k) The department may order additional tree protection measures if site conditions warrant them.

(l) Each city tree shall be irrigated at least two times per week for the period of April through October over the duration of the project.

(m) Trenching within the CRZ of any city tree is prohibited. If work within the area within the CRZ cannot be avoided, the department may grant permission for the work and shall require the use of boring or air spade equipment to tunnel beneath the CRZ. The minimum depth for boring is 30 inches and tunneling shall be located as far from the trunk as possible.

Sec. 106-~~219~~214. – Bond of contractors ~~to secure repairs for settlement of ground, etc.~~

Contractors and others doing work on a neutral ground, either for excavations or other projects for which permission has been granted shall, at the director's written request, give bond to the ~~D~~department of Parks and Parkways to guarantee the payment of all costs for repairing any settlement or other damage or deterioration that shall take place in such neutral ground as a result of the project undertaken by them.

Sec. 106-~~215~~. Animals, use of vehicles.

~~No person shall:~~

~~(1) — Ride horseback or drive cattle on neutral ground or fasten any animal to a tree in a public highway, neutral ground, park, public place, triangle or sidewalk in the city;~~

~~(2) — Cause any animal to stand so that such animal can injure a tree;~~

~~(3) — Drive a vehicle across neutral grounds, a park or a public place;~~

~~(4) — Park a car, truck or other equipment on neutral grounds, a park or a public place or store equipment on neutral grounds, a park or a public place;~~

~~(5) — Park cars or other vehicles on the sidewalk, including the strip between the property line and the street curbing, without written permission of the parkway and park commission;~~

~~(6) — Play a game on neutral grounds unless designated as a playground by the parkway and park commission.~~

~~Sec. 106-216. Paving near trees forbidden.~~

~~No person shall pave or place clam shells, gravel or other such material on a sidewalk within 24 inches of any tree, so as to impede the free passage of water and air to any tree, shrub or plant.~~

~~Sec. 106-217. Planting of trees, etc., in public places by private persons.~~

~~No shade or ornamental tree or shrub shall be planted in any of the public highways, sidewalks, streets, neutral grounds or public places of the city by any person without the written permission of the parkway and park commission and any tree, plant or shrub planted by any person shall become the property of the city or the commission may order such tree, shrub or other plant to be removed from the public highway, sidewalk or neutral ground or public places; such removal to be at the expense of the person who planted such tree or shrub.~~

~~Sec. 106-218. Protection of trees near construction work.~~

~~In the erection or repair of any building or structure, the builder, contractor or owner thereof shall place such guards around all the nearby trees belonging to the city as shall effectually prevent~~

~~injury to them and shall not place building materials or trash upon neutral grounds without the permission of the parkway and park commission.~~

Sec. 106-215. – Public utilities.

(a) Public utility companies shall submit, subject to approval by the department, an annual trim plan by January 31 of each year to the department.

(b) Utility contractors shall abide by the requirements set forth in the Louisiana Revised Statutes Chapter 24: Horticulture, and the Louisiana Administrative Code 7: XXIX.117 (H).

(c) Only utility arborists shall execute the removal of trees or portions of trees along utility rights of way.

(d) Except for trees being removed, utility arborists shall not use climbing irons except in locations where other practical means of tree trimming are not available or as provided by the Louisiana Administrative Code.

(e) Utility arborists shall carry insurance as provided by the Louisiana Administrative Code.

(f) Utility arborists shall prominently display their license during all work.

(g) Treatment recommendations and pruning practices shall meet the standards outlined in the latest edition of the International Society of Arboriculture *Certification Manual and Best Management Practices—Utility Pruning of Trees*.

(h) In an emergency, public utility companies may perform minimum pruning or digging measures without a permit only to a degree necessary to restore or to avoid the loss of service or

to abate imminent endangerment to human in accordance with the provisions herein. The department shall be notified of the emergency work in a timely manner,

(1) All pruning or digging within the root system of a tree or shrub shall be done in accordance with the rules of good arboricultural practice as set forth in the publication Tree Care Operations--Tree, Shrub and Other Woody Plant Maintenance--Standard Practices, latest edition document number A300, published by the American National Standards Institute.

(2) Any emergency work must be subsequently brought up to appropriate standards to the greatest extent possible, as determined by the department. Such remedial work shall commence as soon as possible.

(i) When the department undertakes the removal or trimming of trees for the benefit of a utility company, the department may charge the utility company at rates to be determined by the department.

Sec. 106-216. – Written permission required.

(a) No tree, shrub or plant shall be planted on city property by any person without the prior written permission of the department.

(b) Any tree, shrub or plant planted in any city property may be removed by the department at the expense of the responsible party.

(c) Each tree, plant, shrub, or other vegetation planted on city property shall become the property of the city.

(d) No tree shall be removed from city property without the prior written permission of the department.

(e) No tree located on city property shall be cut, pruned, or treated without the prior written permission of the department.

(f) Written permission must be attained for the temporary use of city property under the jurisdiction of the department, including but not limited to neutral grounds, rights-of-way, and parks.

(g) The department shall keep a record of all permitted city tree maintenance, removals, and plantings. These records shall be made available to the public.

Sec. 106-217. – Maintenance.

All permitted planting on city property must meet maintenance standards as set forth by the department.

(a) The permittee shall be responsible for the maintenance, repair, and replacement of all landscape materials that are installed as part of a permit. Maintenance includes, but is not limited to: mulching, weeding, irrigating, fertilizing, pruning and replacement of dead or dying plants.

(b) All plant materials and planted areas must be tended to and maintained in a healthy growing condition and kept free of refuse and debris. Plant materials that exhibit evidence of pests, disease, or damage must be appropriately treated, and dead plants must be replaced.

(c) Care shall be taken to protect all trees and landscape materials while performing routine maintenance operations such as grass cutting and trenching.

(d) Tree topping is prohibited.

(e) The department may require that the permittee allow the city to treat trees or shrubs suffering from transmittable diseases or infestation of pests. If the disease or pests warrant drastic action to curb the spread to healthy trees or shrubs, or if the tree represents a public hazard, on the advice of the department, the permittee may be required to allow the city, or its agent, to treat or remove the tree.

(f) Clear sight lines must be maintained at a minimum height of six feet for a minimum distance of 25 feet from all intersections.

(h) Watering shall be sufficient to maintain vigorous and healthy plant growth and shall occur a minimum of two times per week during the months of March through October and one time per week during the remainder of the year.

Sec. 106-220218. Request to ~~commission~~ for pruning, etc., of public trees and shrubs.

~~Whenever a person owning real property in the city shall present a request in writing to the parkway and park commission for the cutting, pruning or removal of a tree or shrub on public property adjoining, adjacent to or abutting such real property, the commission or its designated employees shall investigate such requests. If it is found as a fact by the commission that such trees or shrubs substantially interfere with the lawful use of private property so as to cause loss, damage or deprivation of the lawful use of such property to the owner or tenant thereof, then employees of the commission shall cut, prune or remove such tree or shrub. If any person requesting the cutting, pruning or removal of a tree or shrub desires to have the work performed at their expense by private interests rather than by the employees of the commission, that person must first obtain permission~~

~~from the commission. All such requests for cutting, pruning or removal of public trees at private expense shall be accomplished by qualified arborists, as per the following provisions: Such requests shall give the parkway and park commission at least ten working days advance notice of the date and time contemplated for such work. No such cutting, pruning or removal of public trees shall be done without prior specific written permission of the commission or its designated employees. Such notification and permission is to be returned to the applicant by registered mail following inspection by agents of the commission, such notification and permission to be sent to the last known address of the person, firm or corporation requesting such work. All work shall be accomplished by qualified persons licensed under applicable state law. In no instance shall trees or shrubs be cut, pruned or removed contrary to the expressed stipulations of the registered letter, nor shall work commence prior to the receipt of the letter by the applicant or his agent, even should the aforementioned ten working day period expire. The parkway and park commission further reserves the right and authority to inspect the work in progress and demand such work comply with standards for arboricultural work as well as all applicable ordinances and policy decisions of the parkway commission regulating such work. All qualified persons, firms or corporations engaged to cut, prune or remove public trees or shrubs shall be lawfully licensed and bonded under applicable state law, Act 127 of 1965 as amended by Act 574 of 1974, and under the jurisdiction of the Louisiana Horticulture Commission. No person shall be permitted to personally cut, trim or remove said public tree or shrub adjoining, adjacent to or abutting their real property without such license or bond unless specifically authorized by the parkway commission in the registered permit letter. Furthermore all commercial tree surgeons doing cutting, pruning or removal of public trees shall furnish proof of a valid occupational license as issued by the department of safety and permits in addition to compliance with provisions of the state law regulating such arboricultural work. Any~~

~~applicant who is aggrieved by the refusal of the commission to cut, prune or remove such tree may appeal within 30 days from such decision to the council. The council shall review the decision of the commission and either approve, disapprove or modify it.~~

Requests may be made to the department in writing for the cutting, pruning or removal of a city tree adjoining, adjacent to, or abutting private property.

(a) If it is found that a city tree substantially causes loss, damage, or deprivation of the lawful use of such property, then the department may cut, prune, or remove such tree.

(b) Requests for the cutting, pruning, or removal of a city tree performed at the applicant's expense, rather than by the department, shall receive prior written permission.

(c) All such requests for cutting, pruning, or removal of city trees shall be accomplished by arborists, pursuant to the following provisions:

(1) Such requests shall provide the department at least ten working days advance notice of the date and time contemplated for such work.

(2) No cutting, pruning, or removal of a city tree shall be done without written permission from the department.

(3) In no instance shall a city tree be cut, pruned, or removed contrary to the expressed stipulations of the department, nor shall work commence prior to receiving written permission from the department.

(4) The department further reserves the right and authority to inspect the work in progress and to require such work comply with standards for arboricultural work as well as all applicable ordinances and policy decisions of the department.

(d) No party shall be permitted to personally cut, trim, or remove any city tree adjoining, adjacent to, or abutting their property without prior written permission from the department.

Sec. 106-213 Signs placed by governmental authority.

~~Signs designating public works, buildings, highway markers, street names, traffic signals and markers, school signs and other signs of a public and civic nature, may be placed by and with the authority of the federal, state or city government.~~

Sec. 106-214. ~~Signs placed by certain organizations.~~

~~(a) Any nongovernmental organization desiring to place a sign on property owned or operated by the department of parks and parkways shall file a sign permit on a form supplied by the department. The application shall be filed with the director of the department. Each application shall be reviewed by the department or an administrative committee established therefor as to conformity with the provisions of this section. The department or committee shall render a decision within 30 days of receipt of an application, and the applicant shall be notified in writing of the decision by registered or certified mail. If an application is denied, such correspondence shall list the reasons for denial. In such instances when denial of an application is rendered by the committee, an applicant, within 30 days of the date of denial, may appeal that decision by submitting a written request for a hearing to the director of the department. Such hearing shall be scheduled to occur within 30 days of the filing of an appeal. The director may override the~~

~~committee decision and grant a permit. Under no circumstances, however, shall any permit be issued for the placement of a sign or signs announcing a residential or commercial development, or providing directions to such a development.~~

~~(b) Only organizations or agencies serving the citizens of the parish which have been granted nonprofit status by the appropriate agencies of the state or the United States governments and are nonpolitical shall be eligible for permits for the permanent placement of signs. Any organization or agency is eligible for temporary permits not to exceed 90 days without the approval a majority vote of the parkway and park commission. The content of such signs shall be of benefit to the general public by being either directional or informational. There must be a demonstrated need to place the sign on parks and parkway owned or operated property and no other location available for the requested sign. Each application shall be considered on its potential aesthetic and functional impact on the site. All signs shall conform with sign design specifications and regulations concerning location, installation, and maintenance as may be established by the parkway and park commission. Design of freestanding temporary signs shall be approved by the superintendent. Nothing contained in this section shall supersede other ordinances or parts of ordinances with respect to the placement of signs, including but not limited to the comprehensive zoning ordinance of the city and requirements to obtain a building permit as contained in the building code of the city.~~

~~(c) Upon approval of an application, the applicant shall pay a processing fee of \$50.00 for each sign requested and approved. Should an applicant withdraw a permit request after approval has been granted the fee shall be forfeited. The fee shall be waived for a sign placement of less than seven days provided the sign is freestanding and requires no subgrade post installation.~~

~~(d) An applicant may be directed to remove or relocate a sign in accordance with actions of the parkways and park commission or the city council. Should revocations occur within one year of issuance of a permanent permit, the applicant shall be reimbursed the full processing fee of \$50.00; after one year no reimbursement shall be made. Should revocation occur within the period of a temporary permit, reimbursement of the full processing fee shall be made. If a sign is ordered relocated, the applicant shall bear the full cost of removal and reinstallation and the sign shall remain subject to all existing ordinances and regulations.~~

~~(e) Upon adoption of this section, any sign placed prior thereto on parkway and park owned or operated property shall be subject to the provisions of this section, and the commission or administrative committee shall either allow the sign to remain or require that it be removed. Waivers in size and color will be considered if the sign is determined to have no adverse visual impact. Sign owners shall be notified of the committee's determination and allowed 60 days to comply.~~

~~(f) The provisions of this section shall not apply to:~~

~~(1) The placement of a sign which is temporary in nature provided that:~~

~~a. There shall be only one such sign placed, limited to advertising real estate for sale or announcing an open house;~~

~~b. Such sign is displayed no longer than seven hours during any one day; and~~

~~c. The placement of such sign is limited to public property immediately abutting the subject property, except that one additional directional sign may also be placed no more than two intersections away from the advertised property; or~~

~~(2) The placement of signs for garage, moving, or rummage sales, provided that such signs are temporary in nature and are displayed for no longer than 48 hours.~~

~~(g) The provisions of this section shall not apply to public or private utility companies.~~

Sec. 106-219. – Enforcement.

(a) Any person or entity who violates this article shall be subject to penalties in accordance with Section 1-13 of this Code. Each day that such violation exists shall constitute a separate and distinct offense.

(b) The department shall issue a stop work order when work is being done in violation of this article, without approval, or if determined by the department to be hazardous.

(c) Willful destruction of city trees shall render the party responsible liable for the actual cost of replacement. The responsible party shall replace the damaged tree(s) with a specimen(s) of equal size and caliper, as approved by the department, including a one-year watering contract and a five-year warranty. If in kind replacement is not possible, the difference in cost shall be met through additional financial penalties that match the monetary value of the destroyed tree or with the planting of additional city trees.

(1) The Cost of Replacement Method as established by the department and the current edition of the *Guide for Plant Appraisal*, published by the Council of Tree and Landscape Appraisers, shall form the basis of calculating monetary damages due for damage or destruction to the tree.

(d) If a person or entity who causes damage to a city tree or other plant on public property fails or refuses to repair or replace the damaged or destroyed trees or other vegetation within a

reasonable time the department shall perform the necessary repair or replacement and the cost of this work shall be recovered from the person or entity responsible for the damage or destruction.

(e) The department may require the person or entity responsible for damage to a city tree hire an arborist to perform remediation work including, but not limited to: root pruning, termite treatment, mulching, irrigation, vertical mulching, radial aeration, mycorrhizal fungal inoculate, or growth regulation.

(f) In addition to any fine or penalty imposed by this article, the city may seek all available relief in a court of competent jurisdiction to enjoin any violation.

Sec. 106-~~229~~220. – Department not to be interfered with.

No person shall prevent, delay, or interfere with the ~~D~~department of Parks and Parkways or its employees in the planting, pruning, spraying, or removal of a city tree or city vegetation; ~~shrub or plant in a public highway, neutral ground, park, place, triangle, or sidewalk~~ or in the removal of stone, cement, or other substances about the trunk of a city tree.

Sec. 106-~~221~~. Shrubs, etc., not to be cut without consent of owner.

~~No person shall cut down, dig up or destroy any ornamental shrub, bush or plant which is in any pleasure ground flower garden, park or private property without the consent of the owner.~~

Sec. 106-~~223~~. Removal of wires, etc., when necessary to prune trees.

~~Every person having any wire charged with electricity running through a public highway, neutral ground, park, public place, triangle or sidewalk shall temporarily remove any such wire or the electricity therefrom when it shall be necessary in order to take down or prune any tree growing~~

~~in a public highway, neutral ground, park, place, triangle or sidewalk within 24 hours after the service upon the owner of such wire or his agent of a written notice to remove such wire or the electricity therefrom upon the order of the parkway and park commission.~~

~~Sec. 106-224. Charge to utilities for removing or pruning trees.~~

~~When the parkway and park commission undertakes to remove or trim trees for the benefit of a utility company the commission may charge the utility company therefor at rates to be fixed by the commission.~~

~~Sec. 106-225. Decoration of trees.~~

~~No person shall decorate a tree or shrub on any public highway, neutral ground, park, place, triangle or sidewalk, either with or without lights, unless permitted by the parkway and park commission and then only upon the assumption by such person of all responsibility for any and all damages to the tree or shrub.~~

~~Sec. 106-226. Dumping of grass clippings, etc.~~

~~No person shall use the neutral grounds, parks, sidewalks or public places to dump grass clippings, tree trimmings, rocks or refuse of any nature.~~

~~Sec. 106-227. Permit required for peddling flowers.~~

~~No itinerant peddler shall peddle or hawk azaleas, camellias or any flowers, flowering or ornamental plant or shrub within the city without first obtaining a permit from the department of safety and permits of the city. No permit shall be issued until the applicant can show a certificate~~

~~from the parkway and park commission showing that these plants and flowers were grown by the vendor or obtained in a legitimate way and are being moved and sold according to law~~

~~Sec. 106-228. Damage collected from person injuring trees, etc.~~

~~The parkway and park commission may claim and collect damages from any unauthorized person who damages or removes trees, flowers, shrubbery and other property under the care of the commission. The city shall sue for such damages when necessary.~~