

CITY OF BELLEMEADE, KY
ORDINANCE # 2022-03

AN ORDINANCE OF THE CITY OF BELLEMEADE, KENTUCKY CREATING CANOPY TREE RENEWAL FUND

WHEREAS, the City of Bellemeade and the Commission of the City of Bellemeade are authorized to adopt ordinances and resolutions necessary for the exercise of its powers and prescribe penalties for the violation of ordinances in accordance with law;

WHEREAS, the City of Bellemeade finds that canopy trees and the natural resources and processes associated therewith if preserved and maintained constitute important physical, aesthetic, recreational and economic assets to existing and future residents of the City of Bellemeade;

WHEREAS, the City of Bellemeade deems it to be in the best interests of the citizens of Bellemeade that the planting of canopy trees be encouraged for the following specific reasons:

A. Canopy trees protects public health through the absorption of air pollutants and contamination, through the reduction of excessive noise and mental and physical damage related to noise pollution, and through its cooling effect in the summer months; and

B. Trees make a positive contribution to water quality and water supply by absorbing rainfall, controlling surface water run-off, and filtering and assisting in ground water recharge; and

C. Trees are an essential component of the general welfare of the City of Bellemeade by producing play areas for children and natural beauty, recreation for all ages and an irreplaceable heritage for existing and future City residents.

NOW THEREFORE, BE IT ORDAINED, and IT HEREBY IS ORDAINED, pursuant to Kentucky law and the powers vested in the City, that the Bellemeade Canopy Tree Renewal Fund Ordinance is adopted as follows:

The Bellemeade Code of Ordinances will contain a new section 100 Entitled “CANOPY TREE RENEWAL FUND” and it will read as follows:

§100.01 – Canopy Tree Renewal Fund

The City of Bellemeade shall set aside a fund containing at least \$15,000 known as the Canopy Tree Renewal Fund.

§100.02 – Partial Reimbursement for Planting of Canopy Tree

- A. Any Bellemeade resident who buys and plants a Canopy Tree on their Bellemeade property may apply to receive a reimbursement of up to \$300 per year, per household for actual expenses incurred including purchase and planting of trees..**
- B. Reimbursement will be provided on a first come first served basis and no guarantee is made that reimbursement will be provided if the Canopy Tree Fund is exhausted. Residents are encouraged to contact the Public Lands Commissioner to inquire as to remaining funds available.**

- C. In order to receive reimbursement, the resident must:
- 1) Submit a copy of the receipt for the Canopy Tree to the City's public lands commissioner and include a photo and identification of the species of tree, address and location the tree was planted, and their name, and mailing address.
 - 2) The request for reimbursement shall be made within 45 days of purchasing the Canopy Tree.
 - 3) Be submitted with the application form found on the City of Bellemeade Website
- D. The Commissioner for Public Lands shall issue a reimbursement approval as provided in this Ordinance. The Commissioner for Public Lands shall indicate on the application form all reasons for rejection of the application. The approved or rejected application shall be emailed to the applicant and to city clerk at clerk@bellemeade-ky.gov. The clerk shall keep a copy of all such records for period of 2 years. If approved, the approved application shall state the amount of reimbursement and any explanation of the reimbursement amount if less than the amount requested. An approved reimbursement request shall also be emailed to the city treasurer who will issue the reimbursement payment.

§ 100.03 – Appeals

- A. Appeals. Any person aggrieved by the denial or restriction of a reimbursement application shall have the right to appeal the denial or restriction to the City of Bellemeade Mayor or his/her Designee and should file a written appeal with the Mayor of Bellemeade via email at mayor@bellemeade-ky.gov.
- B. Procedure. The Bellemeade City Commissioner for Public Lands shall appear and present his case and evidence as to why the application was denied or restricted. The applicant shall have the opportunity to present his case and evidence in support of the application.
- C. Standard of Review. The City of Bellemeade Mayor or his designee, shall serve as a Hearing Officer. The Hearing Officer shall enter an order providing guidance as to reimbursement criteria of this Ordinance.

§ 100.04 – Education and Development – In its sole discretion, the Commission may use the Canopy Tree Renewal Fund to offer low cost trees on a first-come, first served basis to Bellemeade residents for planting in Bellemeade. In addition, and as funds allow, the Canopy Tree Renewal Fund may provide educational materials to assist with tree planting and relocation.

§ 100.05 – Definitions

- A. *Canopy Tree*: Shall mean a tree that is at least 1 ¾" or more in diameter when measured six inches above the soil line at the time of planting with a predicted average mature height of 40' or more. All trees shall be well-branched and typical of their type. Canopy Tree includes, but is not limited to the following species of trees:
1. River Birch (*Betula nigra*)
 2. Northern Catalpa (*Catalpa speciosa*)
 3. Hackberry (*Celtis occidentalis*)

4. Ginkgo (Ginkgo biloba (male))
5. Kentucky Coffee Tree (Gymnocladus dioicus (male))
6. Tulip Poplar (Liriodendron tulipifera,
7. Sweetgum (Liquidambar styraciflua)
8. Blackgum (Nyssa sylvatica)
9. London Planetree (Platanus acerifolia)
10. White Oak (Quercus alba)
11. Chinkapin Oak (Quercus muelenbergii)
12. Bur Oak (Quercus macropcarpa)
13. Northern Red Oak (Quercus rubra)
14. Basswood Linden (Tilia americana)
15. Winged Elm (Ulmus alata)
16. Yellow Buckeye (Aesculus flava)
17. Pin Oak (Quercus Palustris)
18. Black Gum (Eucalyptus Ovata)
19. Chestnut Oak (Quercus Michauxii)
20. Willow Oak (Quercus Phellos)
21. Shingle Oak (Quercus Imbricaria)
22. Scarlet Oak (Quercus Coccinea)
23. Hickory (Carya)
24. Red Maple (Acer Rubrum)
25. American Beech (Agus Grandifolia)
26. Sassafras (Sassafras Albidum)
27. American Sycamore (Platanus Occidentalis)
28. Black Walnut (Juglans Nigra)
29. Pignut Hickory (Carya Glabra)
30. Yellow Birch (Betula Alleghaniensis)
31. Butternut (Juglans Cinerea)
32. Sugar Maple (Acer Saccharum)


B. *Canopy* Tree shall not include dogwoods, redbuds, witchhazel, serviceberry, crabapple, or other ornamental trees with a predicted average height of less than 40'.


First Reading the 14th day of March, 2022

Second Reading the 11th day of April, 2022.

Passed and approved this 11th day of July, 2022

All those voting in favor: JAMES MARTIN, HALLE BRUMLEVE, BEN ZICKEL, SANDRA WALKER
 PASSED UNANIMOUSLY


 Patricia Scott, City Clerk


 James N. Martin, Jr. Mayor