

CITY OF WELLINGTON, KENTUCKY
ORDINANCE NO 4 SERIES 2025-2026

AN ORDINANCE REGULATING THE PLANTING, REMOVAL AND PRUNING OF TREES AND
OTHER PLANTS

WHEREAS, the Mayor and Commissioners of the City of Wellington, Kentucky, have the to enact Ordinances relating to the City pursuant to KRS 82.082, and

WHEREAS, the Mayor and Commissioners of the City of Wellington, Kentucky, desire to insure the health, safety, conservation, and protection of the city's natural resources, and

WHEREAS, a well-managed community forest functions to the benefit of the community as an integral component of the public infrastructure, and provides benefits to all community citizens with respect to air quality, stormwater management, temperature ameliorations, property values, community aesthetics and general quality of life,

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

SECTION 1. PURPOSE

1.1 The City Commission of the City of Wellington finds and declares that the purpose of this ordinance is to:

- (1) provide for the protection and management of the city's urban forest,
- (2) promote the use of trees in the conservation of energy, the reduction of noise pollution, and the mitigation of air quality degradation,
- (3) promote the use of trees in the protection and enhancement of property values and the general quality of life in the city.

1.2 Accordingly, the City Commission of the City of Wellington finds it necessary to implement regulations that protect existing trees, aesthetics, ambiance, property values, and the health, safety and welfare of its citizens.

1.3 The definition of right of way shall be considered the area of land between the street and sidewalk.

SECTION 2. CITY OF WELLINGTON TREE PROGRAM

2.1 Participation Requirements

- (1) Residents who wish to participate in the City of Wellington Tree Program must complete and submit the official Tree Request Form to the City of Wellington.
- (2) Residents may select from an approved list of trees provided by the designated nursery or organization contracted by the City of Wellington to perform the planting.

2.2 Program Fee

- (1) A one-time, non-refundable fee shall be paid by the resident to assist with the costs of planting the tree.

2.3 Warranty and Homeowner Responsibility

- (1) If a warranty is applicable, coverage shall be void if the homeowner fails to adequately water the tree, or if the tree suffers damage caused by the homeowner, including but not limited to lawnmower, vehicle, or equipment impact.

2.4 Availability

- (1) Trees provided through the City Tree Program shall be distributed on a first-come, first-served basis.
- (2) The program shall close once the maximum number of trees for the year has been allocated.

SECTION 3. TREE PLANTING

3.1 Applicability

- (1) The provisions of Sections 3–12 of this Ordinance apply to any resident or property owner who plants, removes, prunes, or maintains trees.

3.2 Permit Requirement

- (1) No person shall plant, or cause to be planted, any tree within a public or utility right of way without first obtaining a permit from the City of Wellington. Applicants must submit a permit application to the City of Wellington in order to ensure compliance with relevant guidelines pertaining to this ordinance.
- (2) Approved trees will be specified in the permit.

3.3 Penalties

- (1) Any person found in violation of this Ordinance shall be subject to removal of the improperly planted tree(s) at the owner's expense and may be liable for any damages caused. Additional penalties may be imposed as provided by local law.

SECTION 4. TREE REMOVAL

4.1 Removal

- (1) Any property owner or person intending to remove from the front or side right of way abutting the property a tree (or trees) greater than or equal to fifteen (15) feet in height, or any tree (or trees) of any height that is a replacement for a former right of way tree that had itself been subject to the replacement requirements of this ordinance, shall comply with the following:

4.2 Post-Removal Requirements

(1) Unless otherwise specified, the following requirements shall be met immediately after the removal of any tree (or trees) in right of ways, at the property owner's expense:

- (a) All debris related to tree and tree stump removal shall be removed.
- (b) All tree stumps greater than or equal to six (6) inches in diameter shall be completely ground out. Tree stumps less than six (6) inches in diameter shall be removed or cut to ground level.
- (c) A hole left by the stump removal shall be filled in with sufficient topsoil to restore the grading and drainage of the area.

(2) Unless otherwise specified, the following requirements shall be met within 120 days of the removal of any tree (or trees) in right of ways, at the property owner's expense:

- (a) If the tree stump is removed from a lawn area, the part of the lawn where the stump was removed shall be reseeded or otherwise replanted.

4.3 Additional Responsibilities

(1) The property owner or person removing a tree (or trees) is responsible for ensuring that the existing drainage, sidewalk, curb, or street is not disturbed or damaged in any way by such tree removal.

SECTION 5. TREE PRUNING

5.1 Tree pruning is defined as the selective trimming, cutting, or sawing of tree limbs or branches for the purpose of public safety, tree health, and/or aesthetic appearance of the tree.

5.2 All debris related to tree pruning shall be immediately removed.

5.3 No permit is required for tree pruning.

SECTION 6. DEAD AND DYING TREES

6.1 Any tree, whether growing or standing on private property or an abutting right of way, which is dead, diseased, harbors insects and presents a safety hazard, shall constitute a public menace and must be removed. Such removal must comply with all applicable provisions of this ordinance.

SECTION 7. CLEARANCE OVER STREETS AND SIDEWALKS

7.1 Trees shall not obstruct a motor vehicle's view of an intersection.

7.2 Any tree with branches overhanging the street or sidewalk shall be pruned by the resident to

a clearance of twelve (12) feet above street surface and eight (8) feet above the sidewalk surface.

SECTION 8. DAMAGE TO PUBLIC PROPERTY

8.1 Any damage to the existing drainage, curbs, sidewalks, streets or other public property occurring in the performance of any tree removal or pruning shall be properly repaired at the property owner's expense within 120 calendar days.

SECTION 9. PENALTIES

9.1 Failure to comply with any provision of this ordinance shall constitute a civil violation, and such civil violation is punishable by a fine of up to five hundred dollars (\$500.00).

9.2 The notice of penalty shall be serviced in writing via U.S. mail. The notice shall be mailed to the property owner at the last known address of the owner of property as it appears in the current tax assessment roll. Such notice shall describe in reasonable detail the civil violation allowed to occur on, in, or originate from the property, shall advise the amount of the fine, and shall demand payment within 30 days of the date of notice.

9.3 If attorneys' fees and/or costs are incurred by the City in enforcement of this ordinance, the violator shall be responsible for all attorneys' fees and/or costs.

SECTION 10. UNPAID DAMAGES AND FINES

10.1 Any unpaid damages that become a cost to the City, and/or any fines unpaid, shall become a lien against the property, and the City may also add the cost of filing and recording the liens.

SECTION 11. APPEALS

11.1 Any action taken by the City Commission to enforce this ordinance may be appealed to the City Commission by any person cited hereunder. Such appeal must be in writing, stating with specificity the grounds of the appeal. The appeal must be filed with the City Clerk or a member of the City Commission within the same time allowed for abatement or payment of fine, which shall not be less than thirty (30) days. Extensions are not allowed. Such appeal shall be heard by the City Commission within sixty (60) days of its filing. While such appeal is pending, notices of fine and/or abatement related to the specific offense for which the appeal has been filed may be held in abeyance, but only if a cash bond is posted with the City Treasurer in the amount of the fine. An aggrieved party may appeal an adverse and final written decision of the City Commission to a Kentucky court of competent jurisdiction within thirty (30) days after the final

decision has been mailed to the aggrieved party. The date of mailing shall appear on the face of the final decision, and it shall be mailed on that date.

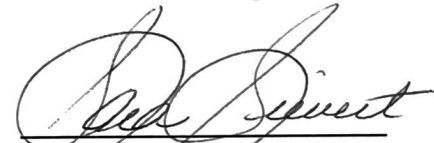
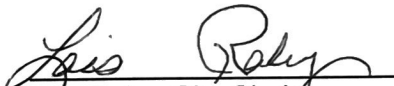
SECTION 12. SEVERABILITY

12.1 If any provision, clause, sentence, paragraph, or phrase of this ordinance or the application thereof to any person or circumstance is held, for any reason by a court of competent jurisdiction, to be invalid or unconstitutional, such decision shall not affect the validity of other provisions or applications of the provisions of this ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable. The City Commission of the City of Wellington declares that it would have passed this ordinance, and every section, subsection, sentence, and clause thereof, irrespective of the fact that any one or more sections, subsections, sentences, or clauses were to be held invalid or unconstitutional by such court.

First Reading: October 27, 2025

Second Reading: November 3, 2025

Publication: Mailing


Sara Sievert, Mayor
Lois Roby, City Clerk