

ORDINANCE 2020 - 11

AN ORDINANCE TO AMEND TITLE XV, CHAPTER 151, OF THE TOWN OF COLLIERVILLE CODE OF ORDINANCES BY AMENDING §151.003 AND § 151.265 THROUGH § 151.273 RELATED TO TREE PROTECTION, GRADING, AND LANDSCAPING.

WHEREAS, the Board of Mayor and Aldermen has identified a need to update and revise the Town's zoning regulations as it relates to Tree Protection, Grading, and Landscaping; and,

WHEREAS, the Board of Mayor and Aldermen intends to help the community to be more effective at preserving and expanding existing tree canopy cover while also recognizing regulatory constraints in State Law and from a 1999 lawsuit about the Town's tree ordinance; and,

WHEREAS, the Board of Mayor and Aldermen intends to improve oversight of existing tree removal from properties over one acre in size outside of the site plan and/or subdivision process; and,

WHEREAS, the Board of Mayor and Aldermen intends to establish both a minimum tree density requirement that would apply to all development types and an incentive for saving large (i.e. specimen) trees; and,

WHEREAS, the Board of Mayor and Aldermen intends codify tree preservation and landscaping practices of the Town used over the past two decades; and,

WHEREAS, the Collierville Planning Commission reviewed the proposed amendment at the regular meeting held on April 6, 2021, and made a recommendation to the Board of Mayor and Aldermen to approve the proposed amendments; and,

WHEREAS, a public hearing before the Board of Mayor and Aldermen was held on May 24, 2021, pursuant to notice thereof published in a newspaper of general circulation within the community on April 29, 2021.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN FOR THE TOWN OF COLLIERVILLE, TENNESSEE, THAT:

Section 1. §151.003, Definitions, is hereby amended as depicted in Attachment A.

Section 2. §151.265 through § 151.273, Tree Protection and Grading, is hereby amended as depicted in Attachment B.

Section 3. BE IT FURTHER ORDAINED that this ordinance shall become effective on Third and Final Reading, in accordance with the Charter of the Town of Collierville, the public welfare requiring it.

**Passed First Reading: April 26, 2021**

**Passed Second Reading: May 24, 2021**

**Passed Third Reading: December 13, 2021**

  
Stan Joyner, Mayor

  
Lynn Carmack, Town Clerk

**NOTE:**

New text to be added is in **bold underlined** print.

Text to be deleted is ~~struck through~~.

Caliper - A method of measuring the diameter of the trunk of a tree for the purpose of determining size. The caliper of a mature, established tree is measured at diameter at breast height (DBH). The caliper of a young, nursery-grown tree is taken at six inches above the soil. If the caliper of the nursery-grown tree exceeds four inches, then the tree is measured at 12 inches above the soil.

Canopy Tree - A tree that has an expected height at maturity greater than 40 feet and which produces significant shade because it has a crown that is oval, round, vase-shaped, or umbrella-shaped.

Certified Arborist - A certified arborist shall mean any International Society of Arboriculture (ISA) Certified Arborist, ISA Board Certified Master Arborist, or current member of the American Society of Consulting Arborists.

Critical Root Zone (CRZ) - A circular area measured outward from a tree trunk, representing the essential area of the roots that must be maintained for the tree's survival. The CRZ is measured one foot of radial distance for every inch of tree at diameter at breast height, with a minimum of ten feet.

Diameter at Breast Height (DBH) - The measurement of the diameter of a tree trunk taken at a height of 4.5 feet above the ground. Trees with multiple trunks should be treated as multiple trees and the DBH for each trunk added to aggregate diameter measurement.

Landscape Plan - Separate sheets of a submittal for a site plan or subdivision infrastructure construction plan application that show how the development is designed to meet tree protection, planting, buffering, and screening requirements.

Specimen Tree - Any canopy tree with a diameter of 24 inches or greater measured at diameter breast height (DBH).

Street Tree - A tree planted or existing within the planting strip or along either side of a public or private street or internal drive or within a required Front Yard Open Space Buffer behind the sidewalk.

Tree Pit - Pervious areas within a sidewalk, plaza, or other impervious surface that have been designated for the growth of street tree roots. Tree pits may or may not be covered by a grate or other protective device.

Tree Save Area - The portion of a development site or lot located under existing tree canopy that is to be retained during the development or grading process.

Tree Topping - Removal of entire branches, leaves, and/or trunk from the top of a tree.

Understory Tree - A small to medium-sized tree, growing 15 to 40 feet at maturity and often used for aesthetic purposes. Ornamental trees are typically considered understory trees.

Viable Tree - An existing healthy tree located on a development site or lot that has a high probability for continued life following the completion of development.

**NOTE:**

New text to be added is in **bold underlined** print.

Text to be deleted is ~~struck through~~.

TREE PROTECTION, **LANDSCAPING**, AND GRADING

§ 151.265 PURPOSE AND INTENT.

(A) The purpose and intent of this subchapter is to promote the health, safety and public welfare of the inhabitants of the Town of Collierville **by preserving or increasing the tree canopy coverage within the community and consistent with forestry policy and practice for urban areas promulgated by the Division of Forestry of the State of Tennessee.** This subchapter is based on the premises that trees are part of our heritage and our future and that they are an essential part of the quality of life within the Town.

(B) The standards herein are established in order to create greater human comfort by providing shade, to cool the air and otherwise temper the effects of summer heat, to restore oxygen to the atmosphere, to reduce glare and noise levels, to promote clean air quality by increasing dust infiltration, to improve surface drainage and minimize flooding, to ensure that activities in one area do not adversely affect activities within adjacent areas, to emphasize the importance of trees as a visual screen, to beautify and enhance improved and undeveloped land, to maintain the ambience of the Town and to ensure that tree planting and removal does not reduce property values, all of which aide in protecting the health, safety and general welfare of the Town.

(C) **The standards herein are established in order to provide proper oversight for land development and construction activities, as they are a primary source of stormwater pollution, and can cause significant environmental damage to the streams and waterways of the Town if not properly managed. This subchapter shall apply to all public as well as private developments to include developers, builders and/or owners of real property involved with the erection, repair, alteration or removal of any building or structure, as well as the grading in anticipation of such development. Exclusions to this subchapter are homeowners of an existing single family residence on parcels of land within an approved and recorded subdivision.**

§ 151.266 ADMINISTRATION.

(A) This subchapter shall be administered by the Development Director. The Development Director shall be supported by other departments and divisions within the Town.

(B) Specific areas of responsibility are assigned as follows.

(1) ~~Department of Development Services~~ **Building and Codes Division.**

(a) Provide overall enforcement of this section through the Building Official.

(b) Provide inspection of tree planting requirements in new residential areas.

(2) Planning and Engineering Divisions.

(a) Review development plans in accordance with the provisions of this section as a part of the review process of site ~~development~~ plans, **Grading Permits, Preliminary Plats, and Subdivision Infrastructure Construction Plans.**

(b) Provide inspection of development sites to ensure compliance with grading, **landscaping,** and tree protection requirements.

(C) Planning Commission, **Historic District Commission,** and Design Review Commission review development plans for conformance ~~of with~~ this subchapter, **as applicable.**

§ 151.267 PROTECTION OF EXISTING TREE **CANOPY** COVER.

(A) **Exemptions. The following tree removal activities are exempt from this Section:**

(1) **The tree proposed for removal is:**

(a) **located on a residential lot of one acre or less; or**

(b) **associated with agricultural purposes and/or uses pursuant to Tenn. Code Ann. § 6-54-126.**

- (2) Removal of trees that are determined to be unhealthy by the Development Director or with written verification of the tree's condition as dead, dying, or structurally unsound as prepared by a certified arborist;
- (3) Removal of trees that are determined by the Development Director to be nuisance trees or a threat to an existing structure, underground utility, or public safety;
- (4) The tree encroaches into established utility easements;
- (5) Damage will result to utilities or structures from tree roots if the tree is not removed;
- (6) Removal of trees listed in the current edition of Invasive Exotic Pest Plants, published by the Tennessee Exotic Pest Plant Council;
- (7) Removal of trees on Town-owned land or within public right-of-way performed by the Town or its authorized agent;
- (8) Removal of a tree is necessary to access a site and no alternative exists for relocating such access, as determined by the Development Director;
- (9) The Development Director makes an exception in extraordinary circumstances, such as weather-related emergencies, natural disasters, or similar occurrences. The Development Director may impose conditions as he/she determines are necessary to ensure compliance with this Section.

**(B) Tree Removal. Existing trees on a lot shall not be removed or disturbed unless trees are removed from a lot:**

- (1) in accordance with an approved Site Plan, Preliminary Subdivision Plat, or Subdivision Infrastructure Construction Plan; or
- (2) pursuant to a Grading Permit approved by the Planning Commission.

**(C) Tree Survey/Conceptual Tree Preservation & Protection Plan: As part of the application required for a Grading Permit, Site Plan, Preliminary Plat, or Subdivision Infrastructure Construction Plans, the applicant shall submit a Tree Preservation Plan with the following information:**

- (1) Current aerial photo depicting existing tree canopy cover and percent of site under existing tree cover with linework showing the extent of tree canopy cover;
- (2) Tree Save Area(s) with acreage labeled for each noncontiguous area;
- (3) The exact location, health, and size of all specimen trees and whether they will be preserved or removed; and
- (4) Existing trees to be counted towards meeting the minimum tree planting requirements of the Zoning Ordinance.

The plan shall also illustrate utilities, rights-of-way, easements and grading contour lines. When new trees are required to meet the minimum tree planting requirements of the Zoning Ordinance, a landscaping plan shall be provided pursuant to §151.311 Site Plan Review. This plan must indicate the location, species, and size of new trees and existing trees to be preserved.

**(D) Tree Protection During Construction: All specimen trees in a tree protection zone, the perimeter of tree save areas, or trees to be counted towards the tree density requirement, shall remain in place from the time of the Preconstruction Meeting until the Final Subdivision Plat is recorded. The "Critical Root Zone (CRZ)" of such trees shall be protected. A Preconstruction Meeting shall not be held until the tree protection fencing is in place and field-verified by staff.**

~~(A) In all developments due regard shall be shown for landmarks and similar community assets which, if preserved, will add attractiveness and value to the property, as well as reflect the Town's commitment to trees. This includes the preservation of existing trees whenever practical and the judicious planting of new tree materials.~~

~~\_\_\_\_\_ (B) \_\_\_\_\_ No trees shall be removed from any development unless the trees are within a dedicated street right-of-way, within a recorded utility or drainage easement or are required to be removed in accordance with grading plans approved by the Town's development staff.~~

~~\_\_\_\_\_ (C) \_\_\_\_\_ Residential: within any Tree Protection Zone, no existing trees eight inches in diameter at a point four and one-half feet above the ground level shall be removed. A Tree Protection Zone being any distance beyond ten feet from the foundation of a residence for the front and rear yards.~~

~~\_\_\_\_\_ (D) \_\_\_\_\_ Adequate protection shall be given to trees to be preserved on a construction site and shall follow guidelines referenced in the Town of Collierville Urban Forestry Plan.~~

~~\_\_\_\_\_ (1) \_\_\_\_\_ Grading, filling and trenching should be adjusted to reduce root or soil compaction.~~

~~\_\_\_\_\_ (2) \_\_\_\_\_ Prior to any tree removal or commencement of construction all trees on public or private construction sites that are scheduled for preservation shall be flagged by a colored ribbon and be guarded by a temporary barrier and shall remain until completion of work. The temporary barrier shall be placed a minimum of three feet high and shall protect as much as possible the drip-line of any protected tree or cluster of trees.~~

~~\_\_\_\_\_ (3) \_\_\_\_\_ No materials, trailers, vehicles, equipment or chemicals shall be stored, operated or dumped within the protected area.~~

~~\_\_\_\_\_ (4) \_\_\_\_\_ When removing branches from protected trees to clear for construction or pruning to restore the nature shape of the tree, the guidelines of the National Arborist Association Pruning Standards shall be followed. Protected trees shall be pruned, sprayed and fertilized as necessary to compensate for any loss of roots and to stimulate root growth and prevent disease. Any damage to tree crowns or root systems shall be repaired immediately after damage occurs.~~

§ 151.268 ~~TREE~~ PLANTING SPECIFICATIONS.

**(A) Landscape Plan: A landscape plan that demonstrates how vegetation will be planted on a development site shall be submitted as a part of a Site Plan or Subdivision Infrastructure Construction Plan application in accordance with the requirements established by the checklist, details, notes, and charts posted on the Town website. Additional landscape plantings may be required by the Stormwater Management Ordinance.**

**(B) Review for Compliance: Review for compliance with this Chapter shall occur at the time of submittal of a Site Plan, Preliminary Plat, or Subdivision Infrastructure Construction Plan.**

**(C) Minimum Landscape Surface Area: Development sites and lots shall have a minimum pervious area acreage according to the applicable design guidelines for that area of Town.**

**(D) Buffer Yards: Development sites and lots shall provide Front Yard Open Space Buffers and Landscape Buffers Between Adjacent Properties according to the applicable design guidelines for that area of Town.**

**(E) Overall Required Plantings: The overall required tree plantings for Site Plans and Subdivision Infrastructure Construction Plans shall be calculated by multiplying the net site acreage by the formulas listed below.**

<u>Use</u>	<u>Number of Trees Required per Net Acre</u> [1][2][3][4]
<u>Single Family Detached Residential Uses (not within a Planned Development)</u>	<u>8</u>
<u>Single Family Detached Residential Uses (within a</u>	<u>12</u>

<b>Planned Development)</b>	
<b>Industrial Uses</b>	<b>17</b>
<b>Other Nonresidential Uses (i.e. Retail, Office, or Institutional)</b>	<b>20</b>
<b>Attached Residential Uses</b>	<b>22</b>
<b>Senior Housing Uses</b>	<b>22</b>

[1] For determining the net acreage of a site for calculating the Overall Required Plantings, portions of lots used for athletic fields, golf courses, cemeteries, agricultural uses, bodies of water, dedication of right-of-way for streets shown on the Major Road Plan, portions of a property zoned CB: Central Business, and other uses where new trees and shrubs are not appropriate, are excluded from the area to be planted.

[2] Any trees contained within residential lots, open space set-asides, parking areas, buffers, front yard open spaces, or street trees, may be counted toward the overall required plantings, provided that they are at least two (2) inches in caliper and depicted on a landscaping plan. In some cases, these plantings may exceed the minimum quantity of Overall Required Plantings; however, all plantings within this Chapter are required.

[3] Existing viable trees meeting the minimum size requirements for new plantings, and that are protected by appropriate tree protection fencing, may be credited towards the required number of trees, with Specimen Trees being counted as the equivalent of three (3) new trees.

[4] With the Development Agreement, applicants may pay into the Town's Tree Bank for up to 50% of the applicable Overall Required Plantings. Such sites are required to comply with the applicable design guidelines even if a payment is to be made into the Tree Bank for a portion of the required tree plantings.

- (F) Lot Trees: Single-family detached, duplex, or townhouse residential lots shall provide trees of at least two (2) inches in caliper as follows, with the minimum number of trees required noted on the Final Subdivision Plat.

<b>Lot Width (in feet)</b>	<b>Number of Trees Required [1][2]</b>
<b>40 or less</b>	<b>none</b>
<b>41-80</b>	<b>1</b>
<b>81 or more</b>	<b>2</b>

[1] Homebuyers not desiring trees shall be permitted to submit a waiver request in writing to the Building Department; provided, however, that the Town of Collierville shall not be obligated to grant such a waiver.

[2] Existing viable trees may be counted towards this requirement.

- (G) Plant Selections. New plantings shall comply with the standards in Appendix III: Plant Selections, of the Collierville Design Guidelines.

- (H) Minimum Plant Size Requirements at Installation. New plantings shall comply with the standards in Appendix III: Plant Selections, of the Collierville Design Guidelines.

(I) Tree Bank

- (1) Purpose. The Tree Bank shall be a fund to receive:

- a) Cash contributions for trees required by § 151.268 (E), Overall Required Plantings;
- b) Charitable contributions given to the Town for planting trees; and

c) Civil penalties received for the illegal cutting or damage of trees.

(2) Use of Funds. Tree bank funds shall be used solely for purchasing, installing, and replacing trees, or maintenance of trees during their first five years after planting, on public lands such as parks, public open spaces, at community and civic facilities, and within public rights-of-way.

(3) Procedure for Tree Bank Requests

- a) An applicant shall submit a written request to use the Tree Bank for a portion of any required tree plantings.
- b) The Development Department shall determine the eligibility and extent of contributions during the Site Plan or Subdivision Infrastructure Construction Plan review and shall forward the request to the Board of Mayor and Aldermen for approval with the Development Agreement.
- c) If the Board of Mayor and Aldermen does not approve the contribution to the Tree Bank, a revised landscape plan shall be submitted to the Development Department for approval.
- d) The applicant shall provide the cash contribution payment in the form of a cashier's check payable to Town of Collierville prior to recording of the Final Plat and/or issuance of a Building Permit.

(4) Procedure for Refunds from the Tree Bank

- a) An applicant may submit a written request to the Development Department for a refund from a payment into the Tree Bank if a post-development survey demonstrates that additional trees were saved during the construction process than originally depicted on the approved construction drawings.
- b) The Development Director shall determine the eligibility of the trees claimed for credit and the extent of the refund based on the applicable Overall Required Plantings. Only existing viable trees meeting the minimum size requirements for new plantings, and protected by appropriate tree protection fencing during construction, may be credited towards the required number of trees.
- c) The refund request shall be forwarded to the Board of Mayor and Aldermen for approval as an amendment to the Development Agreement.

(J) Inspections: The Development Department shall inspect the site prior to the release of any applicable surety and again, after release of the surety, to determine if the landscape material is living, healthy, installed, and/or properly maintained in accordance with the approved landscape plan and the standards contained in this Chapter.

(K) Time Limits: All landscape, including mulching and seeding, shall be completed in accordance with the approved Site Plan or Subdivision Infrastructure Construction Plan prior to issuance of a Certificate of Occupancy or recording of a Final Plat, unless an appropriate surety is in place.

(L) Extensions: The Development Director may grant extensions related to the installation of the landscape improvements due to:

- (1) Unusual environmental conditions, such as drought, ice, over-saturated soil (deep mud), or inappropriate planting season for the plant species;
- (2) The substitution or unavailability of plant species or acceptable plant size as specified on the landscape plan in cases where such materials are not commercially available within a reasonable time;
- (3) Circumstances beyond the developer's or landowner's control, such as incomplete construction or utility work to occur in a proposed landscape area within 30 days after expected site completion, provided the developer or property owner submits a letter from the utility company stating the estimated installation date; or
- (4) Other circumstance warranting an extension in the opinion of the Development Director.

**(M) Maintenance:**

- (1) The property owner, except where otherwise exempted by this ordinance, shall be responsible for the maintenance of:
  - a) All required landscape areas on the lot; and
  - b) Street trees between the curb and side walk, planted adjacent to the lot in conjunction with the development of the site, unless otherwise specified by the Town or a homeowners association.
- (2) Homeowners associations are responsible for the maintenance of open space lots, medians, and street trees located within public rights-of-way associated with the development.
- (3) Landscape areas shall be maintained in accordance with the approved landscape plan and shall present a healthy and orderly appearance free from refuse and debris.
- (4) All plant life shown on an approved landscape plan used to meet a minimum standard of this Ordinance shall be maintained thereafter in a healthy growing condition and shall be replaced if it dies, is seriously damaged, or removed. Such plants shall be replaced by the property owner within one year.
- (5) Plants shall be maintained in a way that does not obstruct sight distances at intersections of streets or internal drives or driveways, obstruct traffic signs or devices, and/or interfere with the use of sidewalks or pedestrian trails.
- (6) All required trees and shrubs used for screening purposes and buffering shall be maintained in their characteristic natural shape, and shall not be severely pruned, sheared or topped. Required trees shall not be shaped as shrubs. Trees and shrubs required by this Ordinance that have been severely pruned, sheared, topped, or any trees shaped as shrubs that no longer meet their intended function shall be considered damaged vegetation in need of replacement and shall be replaced within one year.
- (7) The Development Director shall determine the extent and timing of all other replanting requirements.



~~\_\_\_\_\_ (A) Residential subdivision development. In new residential subdivisions where front yard setbacks are void of trees, the developer/builder shall install street trees to the following specifications.~~

~~\_\_\_\_\_ (1) General. The minimum tree planting requirements within the required front yard setback shall include a deciduous tree two inch caliper measured at a point six inches above the ground level (American Association of Nursery Standards of Measurement) for every 40 feet of frontage. A maximum of two trees shall be required per lot with the actual number depending on lot width as specified on the final subdivision plan.~~

~~\_\_\_\_\_ (2) Species selection. All street trees shall be of a kind (species) referenced in the Town's Urban Forestry Plan and Design Review and Guidelines Manual. Trees scheduled for planting must be quality specimens whose physical site requirements are compatible to the intended development. When practical, builders shall confer with prospective home builders on their preference of tree specimens.~~

~~\_\_\_\_\_ (3) Installation/maintenance.~~

~~\_\_\_\_\_ (a) Residential subdivisions. All trees planted under the provisions of this subchapter must be installed within the guidelines of the International Society of Arboriculture. If a tree results in death as a result of improper installation within 60 days from the date the tree is installed, then the developer or builder will be responsible for replacement.~~

~~\_\_\_\_\_ (b) Other than single family. Tree replacement for all land uses other than single family shall be in conformance with § 151.249 and Section 2.6, Landscape, of the Design Guideline Manuals for the Town of Collierville.~~

~~\_\_\_\_\_ (B) Utility easement reservation.~~

~~\_\_\_\_\_ (1) No street trees other than those with a mature height of less than 25 feet shall be planted within 20 feet of any overhead utility wire.~~

~~\_\_\_\_\_ (2) No street tree shall be planted over or within ten lateral feet of any dedicated easement, including underground water line, sewer line, transmission line or other utility, excluding telephone, cable TV and individual service lines.~~

~~\_\_\_\_\_ (C) Location requirements.~~

~~\_\_\_\_\_ (1) In street plantings, no tree shall be planted closer than ten feet to a fire hydrant, utility pole or street light. No tree shall be planted within 15 feet of a driveway/street intersection or within a visibility triangle as defined under Article III A J 2 of the Town of Collierville Subdivision Regulations.~~

~~\_\_\_\_\_ (2) Trees planted adjacent to sidewalks or curbs should not be planted any closer than three feet for small trees, five feet for medium trees and seven feet for large trees.~~

#### § 151.269 GRADING PLAN PERMIT.

(A) General. It shall be unlawful to remove any tree or to commence any grading, earthmoving or changing of elevation of property without first having applied for and received a permit in accordance with the provisions of this subchapter.

(B) When required. A permit shall be required for all grading, earthmoving, changing of elevation of property or removal of ~~15% or more of~~ trees eight inches or greater in a diameter at a point four and one-half feet above the ground level that involves land development activities of one acre or more or that is related to an approved Site Plan, Preliminary Subdivision Plat, or Subdivision Infrastructure Construction Plan.

#### § 151.270 SUBMITTAL OF APPLICATION FOR PERMIT.

(A) Prior to the issuance of a permit for grading or tree removal, an applicant must submit a development plan to the ~~Planning Commission~~ Development Department with a written statement of the proposed work to be accomplished and a site plan prepared by a licensed surveyor, landscape architect, architect or engineer, which shall include:

(1) Confirmation that the application is consistent with Chapter 152: Storm Water Management Regulations; ~~The general location of tree covered areas within the site, which shall be shown on all preliminary master subdivision plans and preliminary site plans;~~

(2) The location, size and variety of all existing trees per § 151.267 (C) ~~proposed to be removed with a diameter of eight inches or greater at a point four and one-half feet above the ground level shall be included on all construction drawings and final site plans;~~

- and
- (3) The nature and extent of the proposed grading, earth-moving or change in elevation;
- runoff;
- (4) **The** applicant's plan for controlling on-site generated sedimentation, erosion and
- (5) Tree protection measures consistent with the requirements of this subchapter; **and**
- (6) The number, species, **caliper size (DBH)** and location of **any** additional trees **that** will be planted on the site **to comply with State or local stormwater regulations**;
- (B) A grading permit application shall be approved if it can be determined that:
- (1) The grading plan will be performed in accordance with good flood, erosion and sedimentation control practices and good forestry practices;
- (2) The application addresses the preservation of existing trees; **and**
- ~~(3) The application provides for sufficient and timely replanting of trees to compensate for the removal of trees and other vegetation;~~
- ~~(4)(3)~~ The applicant intends to complete **development site grading** according to a reasonable time schedule and will take steps to prevent any negative impacts resulting from the work proposed.

#### § 151.271 APPROVAL.

The Planning Commission shall review and approve or deny the application within ~~30~~ **60** working days after the day same is submitted. In the event of denial of the application, the specific reasons for denial of same shall be set forth in writing and a copy of same shall be furnished to the applicant.

#### § 151.272 RIGHT OF APPEAL.

Any dissatisfied applicant ~~shall~~ **may timely**-appeal **in writing** such denial of ~~his or her application a grading permit that is unrelated to a Site Plan, Preliminary Subdivision Plat, or Subdivision Infrastructure Construction Plan~~ to the Board of Mayor and Aldermen of the Town of Collierville within ten days after the date ~~of~~ the notice of denial **is provided** ~~and shall make written application to the Board of Mayor and Aldermen of the Town of Collierville to consider his or her application.~~

#### § 151.273 VIOLATIONS.

Any person, firm, partnership or corporation violating any of the provisions of this subchapter shall be fined no more than \$50 or the maximum amount permitted by law for each tree and a separate offense shall be deemed committed for each day of violation of this subchapter. The foregoing provisions ~~s~~ relative to a fine shall not in any way prevent the Town of Collierville from seeking injunctive relief against a violator of this subchapter, and the violation of this subchapter shall be deemed a nuisance for injunctive relief purposes.