



The Framework of Community Tree Ordinances

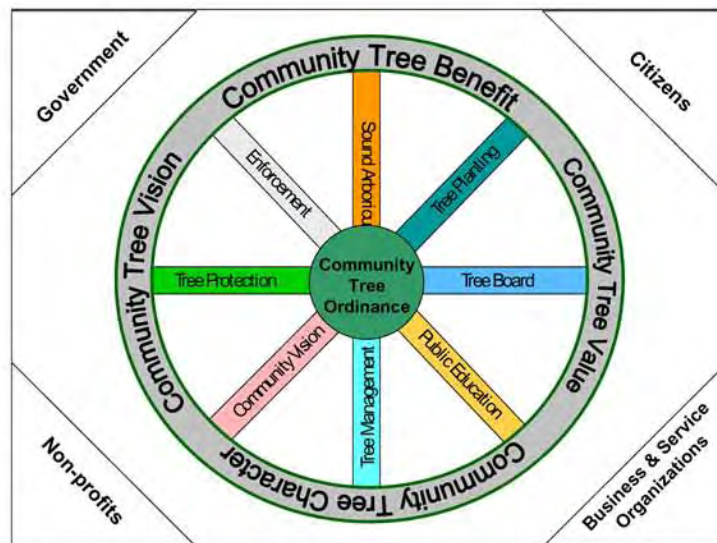
Community tree ordinances are developed through guided, cooperative efforts that engage public and private constituents in pursuit of a focused vision and standard of what they want and need from their community forest.

Tree Ordinances are a communities' best way to plan for growth with trees in mind. For example, if a communities' landscape has a high percentage of impervious surfaces such as parking lots, the community can require shade tree planting in parking lots through the tree ordinance. The inclusion of trees in the parking lot will reduce the urban heat island and increase business in the business district.

The figure below demonstrates the relationship between a community tree ordinance (the center of the wheel) and how a well-planned ordinance can become a reality in meeting the overall needs of a community.

The spokes on the wheel (sound arboriculture, tree planting, a tree board, public education, tree management, community vision, tree protection, and enforcement) are needed to create a community vision for trees so that the community can receive all the benefits that trees provide (health, viability, economics, diversity, aesthetics, etc.). These make up the outside of the wheel.

The contributing partners (shown in the corners of the diagram) should participate in the tree ordinance process because each will be affected by such an ordinance. Essentially, each participant adds dimension in developing the ordinance's Vision, Benefit, Value and Character. Each connection serves to strengthen the whole in a unified, participatory effort for long term community health, safety and welfare.



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Tree Ordinances – A Basic Start

The following sample tree ordinance is provided as a tool to help communities develop the initial stages of tree protection ordinances. It provides one example of basic document formatting and verbiage. As a starting point, such an ordinance serves as the baseline for communities to build an ongoing process for community tree care and tree conservation.

For more information and to see other styles and methods of tree ordinance development, refer to the Tree Ordinance Development Guidebook by the Georgia Forestry Commission.

Sample Tree Ordinance

AN ORDINANCE ESTABLISHING THE REGULATION OF THE PLANTING, REMOVAL AND MANAGEMENT OF SHADE AND ORNAMENTAL TREES ON PUBLIC PROPERTY AND RIGHTS OF WAY IN THE COUNTY/CITY:

PURPOSE: The purpose of this ordinance to provide for the protection, management, removal and replacement of trees on public property and public rights- of-way.

WHEREAS, the health, safety and general welfare of the public and the conservation and protection of the natural resources of the County/City and their values necessitate the implementation of regulations to guide the planting, maintenance and removal of shade and ornamental trees on public property and rights-of-way within the County/City and

WHEREAS, high growth areas, where natural green spaces are diminishing, have fewer trees remaining to transform the carbon dioxide of ever increasing, harmful vehicular and industrial emissions into oxygen, resulting in severe air quality degradation and

WHEREAS, the removal of forest canopy from urban areas of the state and its replacement with more intensive land uses exacts real costs upon the infrastructure which must be borne by all citizens of the community and

WHEREAS, community forests function to the benefit of the local citizenry as a part of the public infrastructure as much as streets, utilities, stormwater management structures, and sewers, and integrated forest canopies reduce the costs of maintenance of other co-located parts of the urban infrastructure and

WHEREAS, well-managed urban forest resources increase in value and provide benefits to all the citizens of the community with respect to air quality, water quality, stormwater management, temperature amelioration, community aesthetics and general quality of life and, healthy community forests increase local commercial and residential property values and

WHEREAS, these benefits are crucial to the long-term health, benefit, welfare, and safety of the citizens of the community and

WHEREAS, this tree protection law is one part of a dedicated and integrated planning process dealing with land use, impacts of impervious surface, urban hydrology and water quality, air quality, soil erosion, transportation, noise abatement, and wildlife habitat and

WHEREAS, The board of commissioners/city council finds that it is in the best interest of the public to provide standards and requirements for the conservation, protection and replacement of trees on public property for the purpose of making this county/city a more attractive and healthier living environment;

NOW, THEREFORE, be it ordained by the County Commissioners/City Council the Code of Ordinances be amended to add this Article “Care, Placement and Protection of Trees on Public Property and County/City Rights-of-Way” as follows:

Section I. Definitions

Administrator: The acting County/City Arborist or his designee who is responsible for the administration of the provisions of this ordinance.

Critical Root Zone: That area of tree roots around the tree measured to be no less than 1.5 ft. in radius for every inch of trunk diameter measured 4 ft. above the ground.

Street Trees: Street trees are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or rights-of-way within the County/City or lying within all rights-of-way of all streets, avenues, or ways within the County/City.

Topping: Topping is defined as the severe cutting back of tree limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

Park and Public Trees and Landscape: Park and Public trees are herein defined as trees, shrubs, bushes and all other vegetation in public parks and on public property at public facilities, and all area owned by the city, or to which the public has free access.

Section II. Public Tree Protection and Care

1. Except as hereinafter provided, no person except a public utility shall cut, prune, injure or remove any living tree on or in a public highway, right-of-way, neutral ground, public park, public place, triangle, sidewalk, or other public property; or cut or disturb or interfere in any way with the roots of any tree on public property; or spray with any chemical insecticide or herbicide or other oils or whitewash any tree on public property; or place any wire, rope, sign, poster, barricade, or other fixture on a tree or tree guard on public property; or injure, misuse or remove any device placed to protect any such tree;

(a) No person shall pile building material or other material, about any tree, plant or shrub in a street in any manner that will in any way injure such tree, plant or shrub.

(b) No person shall pave or place gravel, soil or other such material within twelve (12) ft. of any tree on public property, unless approved by the county/city administrator.

(c) No person shall dump, pour or spill any oil, herbicide, insecticide or other deleterious matter upon any tree or tree space in any street or within the critical root zone of any tree, or

keep or maintain upon any street, any receptacle from which oil or herbicide, pesticide or other deleterious matter leaks or drips, or said material onto any parking or concrete gutter so as to injure any tree on any public property.

(d) No person shall use the rights-of-way, parks, sidewalks, or public places to dump grass clippings, tree trimmings, rocks or refuse of any nature.

(e) No person shall decorate a public tree or place advertising matter, posters or political placards on trees or in public properties.

Section III. Notification and Penalties

(a) Any person who shall injure, damage or destroy any public tree situated upon the public right-of-way of any street, alley, sidewalk, park or other public property within the county/city shall promptly notify the County/City Administrator of such fact and shall, within such reasonable time as specified by the County/City Administrator, repair or replace the same to the satisfaction of the County/City Administrator.

(b) Should the person fail or refuse to repair or replace the damaged or destroyed trees or plants within such reasonable time, the County/City Administrator shall do or cause to be done the necessary repairing or replacement, and the costs of this work shall be recovered from the person responsible for the damage or destruction by, a proper action of law. In any such action, "The Guide for Establishing Values of Trees and Other Plants," published by the Council of Trees and Landscape Appraisers, current edition, shall form the basis for establishing any monetary damages due for damage or destruction to the tree. In addition, the County/City may recover for any other damages or losses to which it is entitled by law.

Section IV. County/City Requirements

The County/City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the rights-of-way of all streets, parks, squares, and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. All tree work taking place on public property being conducted by contractors, sub-contractors, or county/city employees will conform to International Society of Arboriculture and ANSI 300 and Z-133 arboricultural standards for tree work.

Additionally:

It shall be unlawful as a normal practice for any person, firm, or government entity/department to top any street tree, park tree, or other tree on public property. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this provision of this ordinance by receipt of written notification from the Administrator for each instance allowing such actions.

It shall be unlawful for any entity, utility, citizen, tree care company or government to trench, cut, grade, clear, or fill within the critical root zone of any public tree without the expressed written consent of the Administrator.

Section V. Duties of the Administrator

It shall be the expressed duty of the Administrator, when necessary, to issue permits, inspect tree work, require certain tree work to be preformed, and enforce provisions of this ordinance.

Section VI. Private Landowner Responsibilities and Rights

Every owner of any tree overhanging any street or right of way within the city shall prune the branches so that such branches shall not substantially obstruct the view of any street intersection and so that there shall be a clear space of thirteen (13) ft. above street surface or eight (8) ft. above the sidewalk surface. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs that constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with visibility of any traffic control device or sign or line of sight.

Nothing in this ordinance is intended to prohibit the planting of street trees by adjacent property owners providing that the selection and location and planting of said trees is in accordance with specifications of this ordinance and with prior approval of the Administrator.

Section VII. Creation and Establishment of a County/City Tree Board

There is hereby created and established a County/City Tree Board which shall consist of ___ members, residents of this county/city, one of each who shall be appointed by the mayor/chairperson and by each commissioner/councilman. The term of the ___ board members to be appointed by the mayor and individual commissioners/council members shall be __ years except that the term of half of the members appointed to the first board shall be for only one year and the term of other half of the members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term. Members of the board shall serve without compensation (unless required by local regulation).

A. Tree Board Duties and Responsibilities

It shall be the responsibility of the Board to study and develop and update annually, specifications for the care, conservation, pruning, planting, and replanting of publicly owned trees and shrubs in parks, along streets, and in other public areas. Such information and reports will be presented annually to the County Commissioners/City Council. The Board, when requested by the City Council, shall consider, investigate, make findings, and make recommendations upon any special matter or question coming within the scope of its work.

The Board shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

B. Development of Arboricultural Specifications

The County/City Tree Board shall develop and maintain arboricultural specifications for tree care and replacement as follows:

1. A list of desirable trees for planting along streets in three size classes based on mature height: small (under 20 ft.), medium (20 to 40 ft.), and large (more than 40 ft.). The Tree Board will also create lists of trees not suitable for planting.
2. The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three (3) species size classes listed in the arboricultural specifications. No trees may be planted closer to any curb or sidewalk than the following: small trees, two (2) ft.; medium trees, four (4) ft.; and large trees, six (6) ft.
3. No street tree shall be planted within thirty-five (35) ft. of any street corner, except on city property measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted within ten (10) ft of any fire hydrant.
4. No tree, other than those particularly designated for planting under overhead lines by the Tree Board, shall be planted under or within ten (10) ft. of a line drawn vertically below any overhead utility wire or any recorded utility right-of-way of a greater width. Trees planted within twenty (20) ft. must be of a small species listed in the arboricultural specifications developed by the Tree Board.
5. The County/City Tree Board must review a utility tree trimming policy prior to any trimming by the utility company to assure current arboricultural specifications are followed.
6. All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground where necessary to provide for public safety.

C. Public Education:

It shall be the responsibility of the Tree Board to undertake a public Arbor Day planting activity and develop and/or secure and distribute tree care and tree benefit information as part of a county/city wide educational program.

Section VIII. Permit and Bond

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees or tree within a public right-of-way within the city without first applying for and procuring a permit. No permit shall be required for electric utilities and their agents and contractors or city employee doing such work in the pursuit of their public service endeavors.

Before any permit shall be issued for any tree work on public property, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$300,000 for bodily injury and \$100,000 for property damage indemnifying the city, or any person injured or damaged resulting from the pursuit of such endeavors, as herein described.

Section IX. Penalties for Violations

Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$1000.00 plus restitution for damages to public trees and property.

Section X. Emergency Action

It may become necessary, from time to time for emergency crews to prune or remove trees to provide for public safety or restore phone or electrical service. Such an action may be conducted by government, emergency or utility crews without permit so as to allow immediate action to prevent damage or correct a condition which may pose a hazard to life or property. The administrator shall be notified of any such action within 24 hours of the action being initiated, by the entity taking such action, for each instance of action.

Section XI. Indemnification

Nothing contained in this ordinance shall be deemed to impose any liability upon the city, its officers or employees, nor to relieve the owner of any private property from the duty to keep any tree, shrub or plant upon any street tree area on his property or under his control in such condition as to prevent it from constituting a hazard or an impediment to travel or vision upon any public property or right of way or public place within the city.

Section XII. Appeals

Any action of the Administrator may be appealed to and heard by the County/City Board of Appeals. An appeal must be filed within ten (___) calendar days after the decision of the Administrator. The appeal shall be in writing and shall be filed with the County/City Clerk for placement on the Board of Appeals agenda. The appeal shall clearly specify the reasons for which a hearing is requested. After a hearing, the Board of Appeals shall render its decision, which shall be final unless appealed to the city council. To be effective, an appeal to the City Council must be in writing, state the reasons for the appeal, and must be filed with the City Clerk within ten (___) calendar days after notice of the decision of the Board of Appeals is mailed to the applicant. The decision of the City Council shall be final.

Section XIII. Severability

Should any part or provision of this ordinance be declared by a court of the competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than part held to be invalid.