Sample Tree Ordinance

This ordinance shall be known and may be cited as the “\_\_\_\_\_\_\_\_\_\_\_\_\_ Tree Ordinance”.

# Purpose

The purpose of this ordinance is to establish policies, regulations, and standards for the management of public trees within the Town Limits. Public tree management shall include, but not be limited to, tree establishment, maintenance, protection, and removal.

# Objectives

The objectives of public tree management shall be to maximize the functional benefits of trees while minimizing the costs of management. The objectives of this ordinance shall be as listed below.

1. Maintain the Town’s tree canopy cover at or above its current level.
2. Maintain and improve community character.
3. Enhance the aesthetic appearance of the landscape.
4. Provide direction and support to tree management.

# Benefits of Trees

Trees provide many environmental, social, and economic benefits that include, but are not limited to, the following.

1. Trees produce oxygen and absorb carbon dioxide, thereby reducing air pollution and improving air quality.
2. Trees filter out dust, particulate matter, and airborne pollutants, thereby improving air quality.
3. Trees intercept precipitation, thereby reducing stormwater runoff and improving water quality.
4. Tree roots hold the soil, thereby reducing soil erosion and sedimentation and improving water quality.
5. Trees provide shade and cooling and provide windbreaks, thereby reducing energy usage and air conditioning and heating costs.
6. Trees provide wildlife food and habitat.
7. Trees buffer different land uses to eliminate or minimize nuisances such as dust, litter, noise, glare, signs, and unsightly buildings or parking areas.
8. Trees improve public health by reducing stress, encouraging exercise, calming traffic, decreasing illness recovery times, reducing crime and domestic violence, and improving concentration.
9. Trees attract residents, visitors, commerce and industry to the Town and increase the value and marketability of property.
10. Trees beautify the Town and protect and enhance the quality of life.

# Applicability

The provisions of this ordinance shall apply to all public trees, as described herein. Some provisions of this ordinance shall apply to trees located on private property under specific and limited circumstances.

## Public Trees

Public trees shall include all trees growing on town-owned property within the street rights-of-way, in parks, in cemeteries, around public facilities, and on all other town-maintained properties within the Town Limits.

# Administration

The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ or his/her designee shall be responsible for the administration of all provisions of this ordinance and for public tree management. The \_\_\_\_\_\_\_\_\_\_\_\_\_\_ shall be responsible for the enforcement of all provisions of this ordinance. The \_\_\_\_\_\_\_\_\_\_\_\_\_ and other departments within the Town of \_\_\_\_\_\_\_\_\_\_\_ shall support the \_\_\_\_\_\_\_\_\_\_\_ Department and the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in all tree management activities.

# Definitions

As used within this ordinance, the following terms shall have the meanings set forth in this section. The word “shall” as used in this ordinance is mandatory and not merely directory.

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| Certified Arborist | An individual who has passed the International Society of Arboriculture’s Certified Arborist examination, is designated as a Certified Arborist by said organization, and maintains such designation through attending at least 30 hours of qualifying continuing education within each three-year period certification period. |
| Critical Root Zone | A more or less circular area on the ground equivalent to a circle around the trunk with a radius equivalent to 1 foot for every 1 inch in DBH. |
| Crown | The upper portion of a tree that contains the large scaffold limbs, branches, twigs, and leaves. |
| DBH | Diameter of the tree trunk at breast height, 4.5 feet above the ground. |
| Dripline | A vertical line that extends down at the point of the greatest extent of the tree’s branches. |
| Establishment | The selection, placement, planting, and maintenance of new trees in the landscape. The minimum period of time required for establishing trees is generally considered to be three (3) years. |
| Hazard Tree | A hazard tree is one that is at risk for failure, either whole or in part, with the part large enough to cause damage, and there exists within the falling distance of the tree or tree part a target, such as people, buildings, vehicles, utility lines or hardscape. |
| Lions Tail Pruning | An improper pruning method that removes most of the interior branches of a tree, leaving foliage concentrated at the tips of branches and greatly increasing the likelihood of branch failure or uprooting. |
| Maintenance | Routine, periodic, or occasional activities directed at maintaining or improving a tree’s health and condition. Maintenance activities include but are not limited to mulching, pruning, irrigation, fertilization, pest control, cabling and bracing, and lightning protection system installation. |
| Protection | The active or passive protection of a tree’s roots, trunk, and crown for the purpose of avoiding damage to these living structures and maintaining tree health and structural integrity. |
| Pruning | The deliberate removal of tree branches for a specific purpose, i.e. young tree training, deadwood removal, utility line, traffic, or pedestrian clearance, or correcting structural defects. |
| Removal | The cutting of a tree at ground line to remove the tree’s trunk and crown. The tree stump and roots may or may not be removed along with the trunk and crown. |
| Risk Assessment | A determination made by a qualified tree risk assessor, having earned such qualification through the International Society of Arboriculture, of the degree of risk a tree or tree part poses to people, property, or activities that may be disrupted by the tree’s failure. |
| Roots | The below ground portion of a tree that includes large, woody support roots and small, non-woody, fibrous “feeder” roots. Roots are generally located within the top 18 inches of soil and extend out from the trunk two (2) to three (3) times the width of the crown. |
| Topping | The improper removal of tree limbs with cuts made between nodes; also known as “tipping”, “heading”, and “shearing”. |
| Tree | A woody perennial plant, generally with a single trunk but sometimes with multiple trunks, with the potential to attain a mature size of at least 3 inches in trunk diameter at 4.5 feet above the ground and a height of at least 15 feet, with the exception of certain dwarf trees such as some varieties of Japanese maple.  Small Tree: A tree with a normal mature height of less than 25 feet.  Medium Tree: A tree with a normal mature height of 25 to 50 feet.  Large Tree: A tree with a normal mature height of over 50 feet. |
| Trunk | The main woody stem of a tree that supports the crown and functions in the transport of water, nutrients, and carbohydrates from the crown to the roots and the roots to the crown. |

# Tree Board

## Name

A tree board shall be created and shall be known as the “\_\_\_\_\_\_\_\_\_\_ Tree Board”.

## Members

The Tree Board shall have five (5) members, citizens and residents of the Town, who shall be appointed by the Mayor and approved by the Mayor and Town Council. One (1) advisory, non-voting member shall be appointed in addition to the five (5) members. The Tree Board shall include a professional forester or arborist. An unlimited number of ex-officio members shall be invited by the Tree Board to serve in a non-voting capacity.

## Quorum

A quorum shall consist of three (3) voting members. The Tree Board shall take no action in the absence of a quorum.

## Compensation

Tree Board members shall serve without compensation. The Town, upon receipt of appropriate receipts and documentation, shall reimburse reasonable expenses incurred by members and approved by the Committee.

## Term of Office

The term of office for Tree Board members shall be at the pleasure of the Town Council. Members may serve no more than two terms.

## Officers, Regulations, and Proceedings

The Tree Board shall elect a Chairman, a vice-chairman, and secretary. The Tree Board shall make its own rules and regulations above and beyond those listed herein, shall keep minutes of its meetings, shall keep records of its activities through correspondence, photographs, articles, and written summaries.

### Chairman

The chairman shall be elected by members of the Tree Board and shall serve a term of one (1) year. The chairman shall be responsible for setting each meeting’s agenda and for conducting the meetings.

## Vice Chairman

The vice-chairman shall be elected by the members of the Tree Board and shall serve a term of one (1) year. In the absence of the Chairman, the Vice-Chairman shall carry out the responsibilities of the Chairman.

### Secretary

The Secretary shall be elected by the members of the Tree Board and shall serve a term of one (1) year. Treasurer

## Responsibilities Generally

The responsibilities of the Tree Board shall include, but not be limited to, the following.

1. Advise the town in all tree-related matters.
2. Serve as a source of information about proper tree maintenance techniques and community tree management policies.
3. Make recommendations for public tree establishment, maintenance, protection, and removal.
4. Provide input to the \_\_\_\_\_\_\_\_\_\_\_ Department for the development of annual work plans and long-range planning.
5. Investigate and apply for donations and grant funding from public and private sources for community forestry-related projects.
6. Provide regular community tree care educational programs and information about the value of trees and proper tree maintenance to Town staff and citizens.
7. Review the Tree Ordinance and provide recommendations for changes to the Mayor and Town Council at least every two (2) years.
8. Promote and support the Tree City USA program.
9. Prepare an annual report to the City Council that includes the past year’s accomplishments and planned activities.

## Meetings

The Tree Board shall meet at least quarterly. Special meetings may be held in addition to the regular quarterly meetings. At least seven (7) days public notice shall be given in the local newspaper prior to each regularly scheduled or special meeting. Members absent for more than three (3) consecutive meetings or more than one-third (1/3) of the regularly scheduled meetings per year may be replaced by recommendation of the Tree Board to the Mayor and Town Council. The Secretary shall advise the Mayor and Town Council of any members recommended to be replaced or any member who has resigned and ask the Mayor and Town Council to appoint a new member to fill the unexpired term of the vacating member.

## Subcommittees

The Tree Board may, at its discretion, create sub-committees to assist in conducting its business. The members of these committees may or may not be members of the Tree Board.

# Tree City USA

The Town of \_\_\_\_\_\_\_\_\_\_\_ shall maintain Tree City USA status and submit an application for this designation each year by \_\_\_\_\_\_\_\_\_ to the Georgia Forestry Commission and the National Arbor Day Foundation. To maintain eligibility for this program, the Town shall meet the following criteria.

1. Hold an annual Arbor Day Celebration. An Arbor Day Proclamation shall be created and included as part of the celebration.
2. Have a tree ordinance. The tree ordinance shall be reviewed, and revised if necessary, at least once every two (2) years.
3. Have an active Tree Committee, appointed by the Mayor and Council, responsible for advising the Town on tree-related matters.
4. Spend at least $2 per capita on public tree management, including planning, education, tree establishment, maintenance, protection, and removal, and any and all other maintenance or management activities.

# Tree Inventory

The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, or someone designated, shall maintain a current inventory of all public trees. The inventory data gathered and recorded for each tree shall include, at a minimum, the following information.

1. Location (address or latitude/longitude coordinates)
2. Tree species
3. DBH
4. Condition
5. Maintenance needs

# Annual Work Plan

The \_\_\_\_\_\_\_\_\_\_\_\_ Department shall develop an annual work plan for the management of public trees utilizing the tree inventory information and input from the Tree Board. The work plan shall contain the following plans and schedules.

1. Tree planting
2. New tree maintenance including mulching, irrigation, and young tree training pruning
3. Tree pruning
4. Tree mulching
5. Tree removal

# Public Tree Maintenance Standards

The Town shall have the right and responsibility to establish, maintain, protect, and remove trees located on public property. Public tree maintenance standards shall be developed and made a part of this ordinance and shall include, at a minimum, standards for tree establishment, maintenance (to include pruning, mulching, fertilization, irrigation, and pest control), protection, and removal. These standards shall incorporate the current version of the following professional standards from the American National Standards Institute. Any tree maintenance contracted by the Town of \_\_\_\_\_\_\_\_\_\_\_ shall be under the supervision of an ISA certified arborist.

1. ANSI Z60.1 American National Standard for Nursery Stock
2. ANSI Z133.1 American National Standard for Arboricultural Operations – Pruning, Repairing, Maintaining, and Removing Trees, and Cutting Brush—Safety Requirements
3. ANSI A300 American National Standard for Tree Care Operations – Trees, Brush, and Other Woody Plant Maintenance—Standard Practices

## Establishment

### Tree Quality

Trees planted on Town property shall be good quality and have the following characteristics.

1. Have healthy roots, trunk, and crown
2. Be free from stem encircling and stem girdling roots
3. Have a form characteristic of the species, but otherwise with a straight trunk and without co-dominant stems and included bark
4. Have well-spaced branches
5. Be free from insects, diseases, and mechanical injuries

### Tree Placement

Trees shall be planted in locations that meet the following criteria.

1. At least 30 feet from street intersections.
2. At least 25 feet from stop signs and light poles.
3. At least 15 feet from driveways, utility poles, fire hydrants, and mailboxes.
4. At least 2.5 feet from the curb and sidewalks.
5. Only small trees shall be planted beneath or within 20 feet of overhead utility lines.
6. Small trees shall be planted no closer than 10 feet to a building.
7. No medium tree shall be planted closer than 20 feet to overhead electrical power lines or 20 feet to a building.
8. No large tree shall be planted closer than 30 feet to overhead electrical power lines or 30 feet to a building.

The Tree Board may approve other tree placement designs in public spaces that do not meet the above criteria, such as a planned streetscape design.

### Spacing Between Trees

For all street tree plantings, except for special planting plans approved by the Tree Board, the following minimum planting distances shall be required.

1. Small trees shall be planted at least 25 feet apart.
2. Medium trees shall be planted at least 35 feet apart.
3. Large trees shall be planted at least 50 feet apart.

### Open Soil Surface Area

Trees shall have a minimum of 16 square feet of open soil surface area when planted in tree wells or concrete cutouts. Otherwise, trees shall have the minimum open soil surface areas listed below.

1. Small trees – 16 square feet (4 feet x 4 feet).
2. Medium trees – 64 square feet (10 feet x 10 feet).
3. Large trees – 200 square feet (14 feet x 14 feet).

### Utility Locates

No street tree other than those species as listed as small maturing trees may be planted under or within twenty (20) lateral feet of any overhead utility wire, or over or within ten (10) lateral fee of any underground water line, sewer line, transmission line or other utility. The party excavating the planting hole shall be responsible for insuring that all underground utilities have been located and marked prior to any excavation.

### City Tree Planting Permit

A Town Tree Planting Permit shall be required for anyone to plant trees on public property. On State Highway rights-of-way, any necessary encroachment permit shall also be obtained from the state Department of Transportation (see Sec. 12.1.8). The \_\_\_\_\_\_\_\_\_\_\_ shall be responsible for issuing Town Tree Planting Permits. Applications for Town Tree Planting Permits shall include, at a minimum, the following information.

1. Application date
2. Name and contact information of applicant
3. Address where the tree is to be planted
4. Tree species and variety to be planted
5. Caliper size of tree (diameter of trunk measured at 6 inches above the ground line)
6. Exact location of planting site and description, including the presence of overhead or underground utility lines
7. Three-year maintenance plan and schedule

### State Encroachment Permit *(Insert current GADOT requirements for planting on state highway rights of way).*

## Maintenance

### Pruning

1. Public trees

Tree pruning shall be done on a routine basis to provide pedestrian, traffic, sign, light, and signal clearance, to reduce conflicts with buildings and infrastructure, to improve tree structure, form, and health, and to remove dead, diseased, dying and otherwise objectionable branches over two (2) inches in diameter. Tree pruning shall be done in accordance with current professional standards (ANSI A300) and published Best Management Practices from the International Society of Arboriculture. The following clearances shall be maintained through routine pruning.

1. Seven (7) feet above sidewalks and walkways.
2. Twelve (12) feet above residential streets.
3. Sixteen (16) feet above major thoroughfares.
4. Newly planted trees

Newly planted trees shall be inspected during the summer months at one (1), two (2), and three (3) years after planting and pruned if necessary to improve their structure and health.

1. Private trees

The Town shall have the right to prune trees on private property to provide clearance over public sidewalks and roadways, to improve visibility of signs, signals, and lights, and to reduce hazards. Pruning shall comply with current national standards (ANSI A300) and Best Management Practices published by the International Society of Arboriculture.

1. Utility line clearance pruning

All pruning completed for the purpose of utility line clearance shall be done in accordance with current professional standards (ANSI A300) and shall be supervised by a Certified Arborist.

(e) Topping and lion's tail pruning

The topping (internodal pruning, also known as heading) or lion's tail pruning ( of any publicly owned tree shall not be permitted under any circumstances. The Town may, at its discretion, require that any party topping public trees pay a penalty in an amount up to but no greater than the appraised value of the tree prior to topping.

### Mulching

All newly planted trees shall be mulched with leaves, aged wood chips, pine straw, or other good quality organic mulch during the establishment period—the first three (3) years after planting. Mulch shall be applied in an even layer, 3-4 inches deep, out to the dripline of the tree. All trees shall be mulched where practical, as far out towards the dripline as possible. Mulch shall be kept at least 6 inches away from the tree trunk to avoid creating favorable conditions for insect, disease, or rodent infestation.

### Fertilization

Fertilization may be done where and when a soil or foliar test indicates a nutrient deficiency. Fertilization shall be done according to current professional standards (ANSI A300) and Best Management Practices published by the International Society of Arboriculture.

### Watering

Watering shall be done for all newly planted trees during the months of May through October at least once per week during periods of drought or low rainfall, up to an amount of 1 inch of water per week.

### Pest Control

When public trees are found to have insect or disease infestations that pose a major threat to surrounding trees, they shall be effectively treated or removed by the Town. Spraying of insecticides, fungicides, or herbicides shall be done only for the control of specific insects, diseases, or weeds with the proper materials in the necessary strength and applied at the proper time to obtain the desired control. General spraying for insect, disease, and weed control shall be discouraged.

## Protection

During the installation, repair, alteration, or removal of any building, house, structure, utility line, or hardscape, or the conduct of a public event or gathering, any person, firm, or corporation in charge of such work or event shall protect the roots, trunk, and crown of adjacent public trees from harmful activities to prevent injury to such trees. The minimum radius of the root protection zone should be equal to one (1) foot per inch (dbh) of the affected tree(s).

### Activities Harmful to Trees

Activities harmful to trees shall include, but are not limited to, trenching, grading, grubbing, soil backfill or sedimentation, soil cuts, soil compaction from equipment, vehicle, or pedestrian traffic, soil compaction from materials storage, soil contamination from equipment maintenance and washouts, changes in water drainage, fire, trunk wounds, limb wounds, improper pruning (including topping), and broken branches. These activities are common during infrastructure installation or repair, building or facility construction, and public events or gatherings.

### Tree Protection Fencing and Other Protection Measures

Except in the case of public events and gatherings, tree protection fencing, consisting of sturdy material at least four (4) feet high, shall be erected at the critical root zone prior to the commencement of any harmful activity by the individual in charge of that activity, and shall remain in place until the activity is completed. Other protection measures may include tunneling, trunk wraps, mulching, or irrigation. Tree protection practices shall follow Best Management Practices published by the International Society of Arboriculture.

## Removal

### Citizen Requests

A tree removal permit shall be required for anyone wishing to remove a tree on public property. The removal of trees on public property shall be the responsibility of the \_\_\_\_\_\_\_\_ Department. The \_\_\_\_\_\_\_\_\_ Department or Tree Board may charge the cost of the removal of trees in response to citizen requests, upon recommendation, to the citizen requesting the removal. The Tree Board is vested with the authority to and reserves the right to reject any and all permit requests submitted as deemed appropriate by the Tree Board.

### Tree Removal Permit

A permit shall be required for any party, except for Town personnel and those acting at the expressed request or direction of the Town, to remove any tree located on public property. The \_\_\_\_\_\_\_\_\_\_\_shall issue the Tree Removal Permit. The application for a tree removal permit shall be submitted to the \_\_\_\_\_\_\_\_\_\_ at least ten (10) days prior to a regularly scheduled Tree Board meeting. The Tree Board shall rule on the application and notify the \_\_\_\_\_\_\_\_\_\_\_\_ and the applicant of the results of the ruling within three (3) days after the meeting. The application for a Tree Removal Permit must include, at a minimum, the following information.

1. Application date
2. Name and contact information of applicant
3. Tree location
4. Tree species
5. Tree dbh
6. Reason for removal

The Tree Board is vested with the authority to and reserves the right to reject any and all permit requests submitted as deemed appropriate by the Tree Board.

### Permitted Reasons

Removal shall be permitted for the following reasons. Removal for other reasons may be permitted by recommendation of the Tree Board.

1. Tree is dead
2. The tree is affected by an insect or disease problem that is untreatable and results in rapidly declining tree health or a hazardous condition
3. Tree is dying due to past damage and its condition cannot be improved with standard maintenance techniques
4. Tree has an uncorrectable structural defect that results in an increased risk of whole or partial tree failure
5. Tree is reducing sight visibility and the correction of the problem will result in severe disfigurement of the tree or crown reduction below 50%
6. The tree is in a restricted growing space, is in conflict with the surrounding hardscape or infrastructure, and the conflict cannot be resolved
7. Tree is in conflict with overhead utility lines and proper pruning cannot adequately reduce the conflict without severely disfiguring the tree

### Replacement of Trees Removed

All trees removed on public property shall be replaced within two (2) years after removal. If the site where the tree was removed is not suitable for replanting, a tree shall be planted in a suitable location as close as possible to the removal location. If there is no suitable location close to the removal location, then a tree shall be planted in a planned planting location in the vicinity. The Tree Board shall assess a replacement fee of $300 per tree for each tree removed to the individual, group, or agency requesting the removal.

### Stump Removal

All stumps of street and park trees shall be removed to a depth of eight (8) inches below the surface of the ground so that the top of the stump shall not project above the surface of the ground. Sod, grass seed, or other satisfactory ground cover shall be placed and maintained on the site of the removed or ground stump. Stumps shall not be ground in cemeteries.

## Trees on Private, Commercial Property

The Town shall have the right to remove or cause to be removed trees on private commercial property that are at a high risk for failure, have insect or disease infestations that are a threat to surrounding trees, or are otherwise nuisances that threaten the health and safety of the public.

1. Written notice

Owners of premises (commercial property) where a nuisance tree is located shall be served a written notice from the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ either in person or by registered mail that action must be taken to abate the nuisance within 30 days. If after 30 days the nuisance has not been abated, the Town shall have the right to remove the tree or cause the tree to be removed, and charge the property owner with the cost of removal and all other associated costs.

# Damage to Public Trees

No person shall damage, destroy, remove, or otherwise harm a tree located on public property without a tree removal permit or the written consent of the (Tree Board or \_\_\_\_\_\_\_\_\_\_\_\_\_). The Town shall require compensation for the damage or destruction of a public tree equal to the appraised value of the tree prior to the damage or the cost of repair to the tree by an approved arborist.

## Appraised Tree Value

The appraised value of a tree shall be calculated by a Certified Arborist based on the current edition of the Guide for Plant Appraisal developed by the Council of Tree and Landscape Appraisers and published by the International Society of Arboriculture.

# Enforcement

The Town of \_\_\_\_\_\_\_\_\_\_ shall be responsible for enforcing all the provisions of this ordinance.

# Violations

Except when stated otherwise in this ordinance, any person, firm, or corporation who violates any provision of this ordinance or who fails to comply with any notice issued pursuant to provisions of this ordinance, upon being found guilty of violation, shall be subject to a fine not to exceed $\_\_\_\_\_\_\_ for each separate offense.

# Emergencies

In case of emergencies involving, but not limited to, tornadoes, windstorms, floods, hurricanes, freezes, or other natural disasters, the requirements of this ordinance may be waived by the Mayor and a quorum of four (4) Town Council members.

# Appeals

The Tree Board shall serve as the Appeals Board for the administration of this Ordinance. Requests for an appeal shall be sent to the Tree Board at least ten (10) days prior to a regularly scheduled meeting of the Board. The party requesting the Appeal shall be notified within three (3) days of the Tree Board’s ruling. Actions of the Tree Board may be appealed through the Mayor and Town Council for a final ruling.