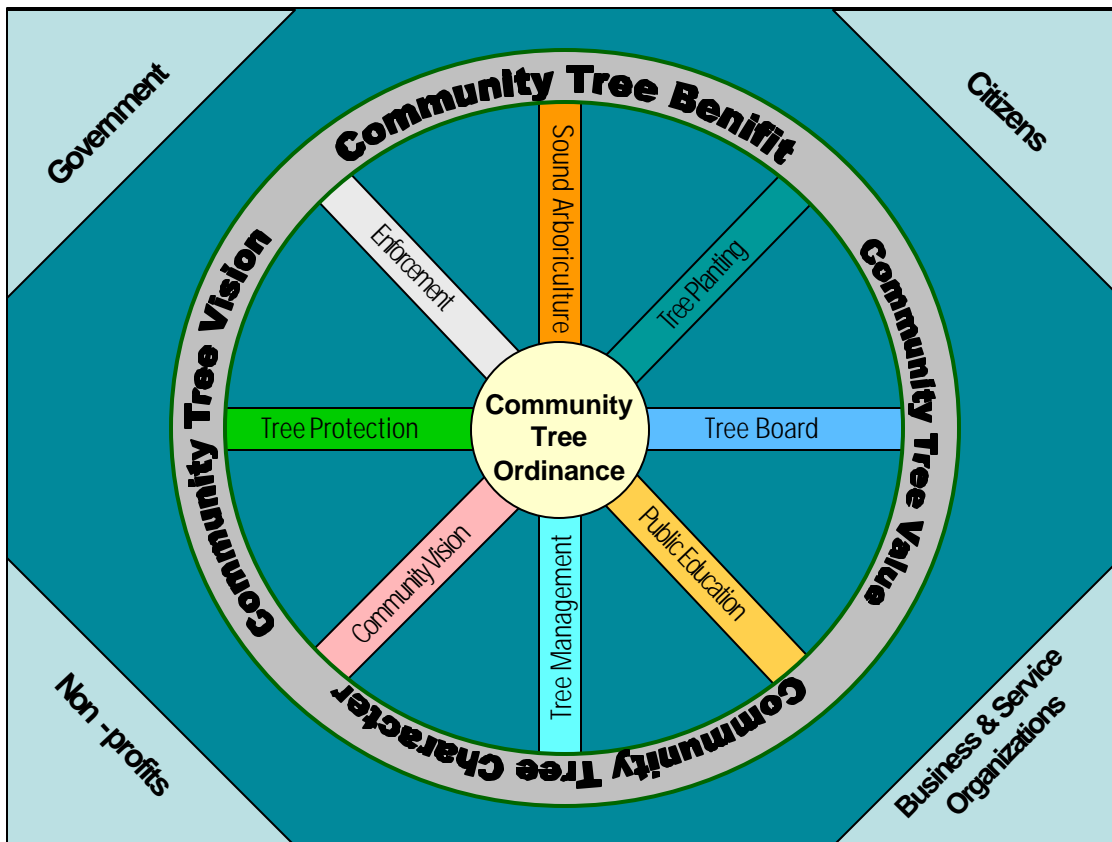




The Community Tree Ordinance

Community Tree Ordinances are guided, cooperative efforts engaging local public and private constituents in a concerted pursuit toward a community's sociological, economic, psychological and ecological enrichment. The figure below points to the relationships between the “Community Tree Ordinance” and the supporting spokes linking the contributing partners through community **Vision, Character, Value** and **Benefit**. Each connection serves to strengthen the whole in a unified, participatory effort for long term community health, safety and welfare.



The “*Starter*” Tree Ordinance for Georgia Communities

Communities are beginning to realize the many benefits trees bring to their citizens health, well being, and community’s character. Unfortunately, when it comes to providing protection for those community trees, local governments are unsure how to proceed. The Georgia Forestry Commission has crafted a “Tree Ordinance Development Guidebook” to help local communities find a path to ordinance generation. Additionally, we have developed a “Starter Ordinance” which provides examples of basic document format and verbiage similar to what might be considered when developing an ordinance for the protection of trees on public property. This is the most basic type of ordinance and is a starting point for the building of an ongoing process for community tree care and tree conservation. This ordinance is but one of many examples of tree ordinance forms. Additional sources of tree ordinance guides and forms may be found in the appendix of the “Tree Ordinance Development Guidebook”.

Starter Tree Ordinance

AN ORDINANCE AMENDING THE CODE OF ORDINANCES., REGULATING (ESTABLISHING THE REGULATION OF) THE PLANTING, MAINTENANCE AND REMOVAL OF SHADE AND ORNAMENTAL TREES ON PUBLIC AREAS IN THE CITY:

PURPOSE: The purpose of this ordinance to provide for the protection, 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 City, 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;

WHEREAS, integrated forest canopies reduce the costs of maintenance of other collocated parts of the urban infrastructure and

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

WHEREAS, 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, a 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 for the conservation, protection and replacement of

trees on public property for the purpose of making this county/city a more attractive place to live and a 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 City Rights of Ways” as follows

Section I. Definitions

Administrator: The acting County/ City Arborist or his designee shall be 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 feet 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 ways within the County / City.

Park/Public Trees: Park and Public trees are herein defined as trees, shrubs, bushes and all other woody 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 insecticides 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; or place any sign, stationary or mobile, streamer, poster, bill, or other advertisement anywhere on the public highways, neutral grounds, parks, places, triangles and sidewalks.

(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) feet of any tree on public property, unless approved by the county/city forester.

(c) No person shall dump, pour or spill any oil, herbicide, pesticide or other deleterious matter upon any tree or tree space in any street, 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 neutral grounds, parks, sidewalks, or public places to dump grass clippings, tree trimmings, rocks or refuse of airy nature.

(e) No person shall decorate a tree or shrub on any public highway, neutral ground, park, triangle, or sidewalk, either with or without lights, or place advertising matter, posters or political placards on trees or in public properties.

2. Notification and Penalties

(a) Any person who shall injure, damage or destroy any tree, shrub, vine, hedge, or other plant situated upon the public right-of-way of any street, alley, sidewalk, park or other public property within the city or parish shall promptly notify the County/ City Administrator of such fact and shall, within such reasonable time as specified by the 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 III. County/City Requirements

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, 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 ISA ANSI standards for tree work. Additionally,

It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to shrubs 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. 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 the Administrator.

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

Section IV. 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 (severely) obstruct the view of any street intersection and so that there shall be a clear space of thirteen (13) feet above street surface or eight (8) feet 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 sight.

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

Section V. 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 ___ persons to be appointed by the mayor and councilman at large shall be __ years except that the term of two of the members appointed to the first board shall be for only one year and the term of two 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.

A. Tree Board Duties and Responsibilities.

It shall be the responsibility of the Board to study and develop and/or update annually, specifications for the care, conservation, pruning, planting, replanting, of publicly owned trees and shrubs in parks, along streets, and in other public areas. Such information and reports plan will be presented annually to the City Council. **The Board**, when requested by the City Council, shall consider, investigate, make finding, report and recommend 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 City Tree Board develops and maintains 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 feet,) medium (20 to 40 feet) and large (over 40 feet). 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 Section 7 of this ordinance, and no trees may be planted closer to any curb or sidewalk than the following: small trees, two (2) feet; medium trees, three (3) feet; and large trees, four (4) feet.

3. No street tree shall be planted within thirty-five (35) feet 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) feet of any fireplug.

4. No street trees other than those species listed as small trees by the Tree Board may be planted under or within ten (10) feet of any overhead utility wire and/or any recorded utility right of way of a greater width.

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.

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

Section 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.

Emergency: An occurrence where service provided by a public utility is unexpectedly interrupted and requires the restoral of same service or requires the utility to

take immediate action to prevent damage or correct a condition which may pose a hazard to life or property.