Tree Ordinances & Your Community
WHAT IS A TREE ORDINANCE?

An ordinance is a law enacted by a governmental body to establish standards and actions within the community.

A tree ordinance is a law enacted by a governmental body to establish standards and actions within a community for the care, protection and planting of trees within the community. These trees may be located on public and/or private property.

WHY ARE TREE ORDINANCES IMPORTANT?

Trees are a community asset. They improve our air, water and land quality by virtue of their biological functions. Trees provide aesthetic value to our community—by increasing our property values and improving our quality of life. Trees are long-lived and their services and value improve with age. They, like other infrastructure within our community, require protection and care. Trees are part of our green infrastructure that protects our quality of life.

Green Infrastructure is the interconnected network of natural systems that provide life support functions. Example: streams, trees, plants, soils, air.

Grey Infrastructure is the network of artificial systems that transport water, waste, chemicals, and pollutants—often directing these materials to green infrastructure. Example: roads, sewers, water mains.

DOES EVERY COMMUNITY HAVE A TREE ORDINANCE?

Communities have ordinances or regulations to protect public property and facilities. This should include an ordinance to protect one of the most important infrastructure components—trees. Community values are reflected in the type of ordinances they have.
WHAT IS IN A TREE ORDINANCE?

1. An ordinance needs to be easily understood and consistent. Wording needs to be accurate and express the legal concepts you wish to convey, but wording should not be too difficult for your constituents to understand.

2. Have a **Purpose Statement**. Typically, the ordinance starts with a Purpose Statement. The Purpose Statement should include why you have this ordinance. Explain the reasons why this ordinance is important to your community. For example:

   *The purpose of this Ordinance is to preserve, protect, replace and properly maintain trees within the Community on public and private property, because trees are an important part of the Community infrastructure, similar to waterlines, storm water systems and roadways. Examples of how trees provide services to our Community include:*

   1. Trees improve air quality by absorbing carbon dioxide, filtering out pollutants and providing oxygen.
   2. Trees buffer and screen against noise pollution.
   3. Trees preserve and enhance the physical and aesthetic environment.
   4. Trees reduce energy consumption, saving public resources.
   5. Trees increase property values.
   6. Trees reduce costs associated with gray infrastructure.
   7. Trees absorb and intercept stormwater and help to reduce flooding.
   8. Trees provide habitat for wildlife and food for birds and insects.
   9. Trees improve physical and psychological health and social behavior.

3. Provide clear **Definitions**. Terms that are unique to this ordinance need to be clearly defined to protect the community and the reader from confusion. For instance:

   *Certified Arborist -
   Conservancy Area -
   Deciduous Tree -
   Diversity -
   Drip Line -
   Easement -
   Evergreen Tree -
   Forestry Department -
   Green Infrastructure -
   Hazard -
   Invasive Species -
   Line of Sight Obstruction- 
   Native Species -
   Parkway -
   Permit -
   Pruning -
   Right-of-way -
   Transplanting -
   Tree Removal -*

   Source: wfrc.org
4. After the Statement of Purpose, provide details that support that purpose. The Ordinance can be broken down into sub-sections that address specific community needs. Think of the ordinance in the format of an outline:

I. Community Tree Ordinance
   A. Tree Protection
      1. Tree Management Plan
         a. Green Infrastructure and Tree Benefits
         b. Historic and/or Landmark Trees
         c. Tree Disasters and Risk Response Plan
         d. Species and Age Diversity
         e. Management Specifications\(^*\)
            i. Planting
            ii. Pruning
            iii. Watering
            iv. Mulching
            v. Treatment
            vi. Risk Assessment
      2. Qualifications of Staff and/or Contractors
         a. Arborist Certification
         b. Arborist Licensing
      3. Tree Board or Commission
         a. Mission of the Board or Commission
         b. Authority
         c. Staff assigned to work with the Board or Commission
      4. Public and Private Property Trees
         a. Construction and Building Activity
         b. Diseases and Hazard Trees
         c. Historic or Landmark Trees
         d. Permit Requirements
   B. Landscaping and Development Tree and Shrub Planting Requirements
      1. Species Diversity
         a. Screening Requirements
         b. Deciduous Requirements
      2. Planting and Maintenance Specifications
         a. Performance Requirements
      3. Density
      4. Required Replacements for Removals or Losses

Each of these sub-sections should be headed by a **Statement of Intent** and should outline the regulation in sufficient detail for the reader to understand. Be sure to include any exceptions pertinent to each sub-section.

**NOTE:**

\(^*\) Be sure to clearly identify what standard your specifications are based on, i.e. International Society of Arboriculture or American National Safety Institute
Subsection Examples:

**Section 12-15  TREE PROTECTION**  
It shall be unlawful for any person to cause any damage or injury to any trees or shrubs planted or growing in any public place, except by permission of the Community Forester. This includes any damage or injury given directly to the tree limbs, bark or roots within the **dripline**. This includes, but is not limited to:

- pruning or removal of any branches, bark, shrub or tree;
- attaching of any signs or notices or attaching of any wires or ropes to any portion of the tree;
- pouring of any chemicals or substances onto the tree or shrub or into the soil within the dripline of the tree or shrub;
- placement of any equipment or vehicles, staging of equipment or goods or compacting the soil within the dripline of any tree or shrub.

Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this article shall be subject to fines in accordance with the penalty provisions of this ordinance.

**NOTES:**

a This could also read, “except by permission of the Director of Public Works” or other community staff responsible for making these decisions.

b You may wish to provide definitions for some terms, like those underlined here.

c Typically, there is a section of the code that identifies specific fines and penalties related to each subsection of the code. Each section of the code should indicate that the ordinance will be enforced. Fines and penalties related to this ordinance should be identified and referenced by the ordinance subsection number. The section of the code related to fines and penalties should also include the community’s ability to enforce its ordinances and severability clauses.

**Section 12-16  TREE BOARD**  
The Community shall have the authority to create an advisory board known as the “Tree Board.” This Board shall consist of five members, all of whom shall be residents of the Community. In addition, the Community Forester and the Director of Public Works shall serve as ex officio members of the Board. Each member shall be appointed by the Mayor, subject to approval by the Board of Trustees.

The Board Members shall be appointed to three-year terms. Appointments shall be staggered so that no more than two members’ terms shall expire at any given time. If a Board Member does not serve the full three-year term, the Mayor shall appoint a successor to serve for the unexpired term.

**TREE BOARD MEMBER DUTIES:** The Tree Board shall have the following duties which include but are not limited to:

1. Each member shall have a thorough knowledge and understanding of the Community’s Forestry Management Plan and all ordinances and regulations related to trees within the Community.
2. The Tree Board shall work with the Community Forester and Director of Public Works to develop and oversee the implementation of the Community Forestry Management Plan, and recommend revisions to the Community Forestry Management Plan as needed, as approved by the Mayor and Board of Trustees.
3. The Tree Board shall work with the Community Forester and Director of Public Works to recommend the annual and projected five-year forestry budgets which shall include staff, materials, equipment, contracted services and other expenses related to forestry.
4. The Tree Board shall work with the Community Forester to develop and support a volunteer forestry stewardship program which will utilize trained volunteers to assist with maintenance and care of trees within the Community throughout the year.
5. The Board shall meet a minimum of six times each year and may call additional meetings as needed.
6. If any Board Member misses more than four consecutive meetings, the position shall be deemed vacant.
7. Board Members serve at the will of the Community. The Mayor and Board of Trustees reserve the right to terminate any Board Member’s terms as they deem necessary.
Other sub-sections you may wish to consider:
- Treatment or Care of Trees on Public and/or Private Property
- Hazards or Nuisances
- Use of Trees as Stormwater Fees and Credits
- Permit Process and Inspection Requirements
- Green Infrastructure Protection and/or Credits
- Planting Requirements for New Construction
- Planting and Landscaping Requirements for Teardowns or Additions
- Line-of-Sight Restrictions
- Replacement Requirements on Public and/or Private Property
- Conservancy Restoration Requirements
- Gray Infrastructure Requirements That Support Tree Health (suspended pavement, curb cuts, soil composition, minimum space for tree pits, etc.)

REVIEW AND COMPARE OTHER COMMUNITIES’ TREE ORDINANCES.

In preparation for ordinance development, look at and compare tree ordinances from other communities. Most community ordinances are available on the community’s website. Select what you need from each and put them together to create your own community tree ordinance. Be certain to have your community attorney review your draft ordinance to verify that it complies with your other community ordinances.

Once your ordinance is in a draft form, present it to your elected officials for their approval. They must vote, in a public meeting, to adopt the ordinance and the ordinance must be recorded with the County Clerk to be enforceable. It may take several drafts to come to consensus with your elected officials.

Resources:
1. ISA Guidelines for Developing Tree Ordinances
2. Arbor Day Foundation Sample City Tree Ordinance
3. Alliance for Community Trees Tree Ordinances and Design Standards: A Resource List
4. The Morton Arboretum Community Trees Program Webinar Series: Tree Ordinances and Your Community
   www.mortonarb.org/communitytreesprogram
5. The Community Trees Program communitytrees@mortonarb.org