GEORGIA FORESTRY COMMISSION

Tree Ordinance Development Guidebook



It's your urban forest - learn it, grow it, maintain it, enjoy it!

Tree Ordinance Development Guidebook

A guide designed to aid communities in the revision of existing or development of new tree ordinances.

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William R. Lazenby
Interim Director

Introduction

Trees provide communities with many environmental, social, and economic benefits. They filter pollutants, provide shade and homes for animals, create desirable living and working places, increase property value, attract shoppers and businesses, help control stormwater runoff and soil erosion, and decrease cooling costs. These benefits far outweigh the costs when communities manage their forests through a tree program that includes a tree ordinance.

This guidebook was designed to aid individuals that are interested in revising a current community tree ordinance or developing a new tree ordinance. Sections 2-9 will guide you through forming a tree ordinance working group, getting support, evaluating needs, defining your vision, and preparing the final draft of a tree ordinance.

The word "ordinance" is not always popular. Tree ordinances, however, are meant to help build a healthy and sustainable community forest. A tree ordinance defines how to manage and care for public and/or privately owned trees and demonstrates commitment to the community forest. Some ordinances apply only to street trees, while others apply to all public and privately owned trees. Many communities adopt tree ordinances when citizens perceive an immediate need to protect trees. Increased development activity, loss of street trees, natural disasters, or removal of historic or landmark trees are typical events which often increase awareness about the benefits of trees and lead to the development of tree protection ordinances.

Even though each community has is own conservation needs and reasons for writing or revising a tree ordinance, a natural tendency is to quickly adopt another community's ordinance as a model with the idea of fixing it later. Jump-starting the tree ordinance development process by cloning an existing ordinance, however, is seldom reflective of each community's individual needs. In some situations, this has even lengthened the tree ordinance development process. The Tree Board/ Tree Ordinance Evaluation section (10) of this workbook will enable your working group to identify your community's unique situation and current standpoint and help you get started on your tree ordinance. Sections 11 and 12 provide additional resources you may choose to review and use.

Generating a tree ordinance is a difficult process that may take months or years to accomplish. Remember that there is no substitute for community interaction and a patient, thorough approach to tree ordinance development.

Forming a Tree Ordinance Working Group

To get started on the development of a tree ordinance for your community, first assemble a working group. Your tree ordinance working group will be responsible for identifying the needs of the community with regard to trees, educating the public and gaining support, preparing the final draft of the urban tree ordinance, and presenting the ordinance to your city council. Members of your community tree board may or may not be members of your tree ordinance working group.

Invite interested individuals with different backgrounds and talents to join your working group and participate in the development of your community's tree ordinance. Bring together the minimum number of individuals needed, but get a full representation of the community. Some communities may have groups of four or five individuals, while others may have more than thirty in their working groups. Consider the following sources when looking for individuals to be a part of your working group. Note: You do not have to have a representative from each of the categories listed.

- Realtor
- Developer/builder
- Garden Club member
- Local arborist/urban forester
- Planner
- Environmental group representative
- Landscape Architect
- Forest Landowner
- Commission appointees (one per member)
- Homeowners Association member
- Individuals from businesses
- Residents
- Public works official
- Georgia Forestry Commission Forester
- Forest Products Industry Representative

Be prepared to add new members to your group throughout the process. Leaving someone out, no matter how strident your efforts, is usually inevitable.

If you have to limit the possibility of a group having too many individuals representing a particular interest group (i.e. environmentalists, developers, etc.), identify a list of professional individuals who could act in an ex-officio capacity as technical experts or consultants instead. These experts could provide answers to technical questions that will arise from time to time.

Finally, select individuals that will work hard, spend time, and be enthusiastic. A broad-based membership that represents the community will help generate support. Remember that successful groups are born out of cooperative efforts and a focused goal.

Point to Remember

It is up to your working group/ordinance board to keep the public apprised of its progress whether by newsprint, radio or public meetings. This is a great opportunity to develop public interest and educate citizens on the value of community trees. Invite a local reporter to your working group meetings.

Support Groups

The following is a partial list of groups your tree ordinance working group may find helpful in gaining support for tree ordinance adoption by the community.

Include decision-makers in the early stages of planning. Be positive, comprehensive, and business-like in your approach. If you are persistent and open in your efforts, the likelihood of gaining support will increase.

- Community Government Leaders - City Council representatives and County Commissioners are a good initial contact. The tree ordinance adoption process will go more smoothly when an elected official "champions" the ordinance. Regardless of your expertise, attend and participate in city council and other public meetings.

- Local Government Administration - Parks & Recreation, Public Works, Planning & Zoning, Development & Transportation Departments, Code Enforcement, and City and County Administration all need to be involved and know of your interests and intentions, preferably in writing. Please remember that these folks may not be able to do much to help you because of political situations within the community but it is helpful to let everyone know your intentions.

- Non-government Community Leaders - Volunteer and community service organizations, local Clean & Beautiful/Clean City groups, garden clubs, civic organizations, Chambers of Commerce, and homeowner association groups are essential. These are the citizens who have the "connections" and perhaps a shared interest in pursuing ordinance development.

- Environmental Organizations - Resource conservation groups can be a valuable source of information and may have a vested interest in tree ordinance development. Some examples of environmental organizations include Adopt-A-Stream, Riverkeepers, Land Trusts, and the Nature Conservancy.

If contacting the above groups and indicating your desire for a tree ordinance does not meet with much success, the perceived need may not be as great as you thought. Should this be the case, your tree ordinance working group should conduct an **education campaign** to target decision-makers within the community. Study the issues throughly and be able to articulate the facts clearly. Incorporate visual and graphic information that details the issues and the "bottom line". Impassioned pleas with little factual backup usually have limited impact upon government officials. Call in outside speakers and experts that can relate their experiences with tree ordinances to your community.

Needs Assessment and Issue Identification

Before you begin assessing the needs and identifying issues the tree ordinance will address, the members of your working group should have:

- a reasonable perspective as to the parameters of tree ordinance development (see Tree City USA Bulletin #9 for suggested sections of a tree ordinance),
- a general consensus on the importance of identifying needs and issues, and
- an agreement to maintain focus on the tree issue.

Needs Assessment

The effectiveness of a tree ordinance depends on how well it satisfies the short and long-term needs of the entire community. Examples of **short-term needs** are care of hazardous trees and raised sidewalks. Examples of **long-term needs** are making sure the right tree species is planted in the right place, adequate pruning and maintenance, protection against unwise tree removal, planting a diversity of species, and desirable landscape design. Conserving trees during land development may be a short and a long-term need.

The **first step** in the Needs Assessment process is to have an understanding of the history of your community forest. Review the goals of your community tree plan or evaluate the following before continuing:

- What is the current state of the community forest on public and private property? (needs immediate attention, hazardous, healthy, young, etc.)
- What impacts have brought the community forest to its current state?
- Are there any indicators of change? (visual, water quality, runoff, flooding)
- How have growth, development, land use and demographic changes altered the community forest from the past to the present?
- How are those effects going to change the quality of life of the community in the future?

Your **next step** is to determine the various perspectives of local players/partners regarding the future of the community forest. Even if your working group is well advised of the pulse of change within the community, asking citizens for their opinions will help ensure they have the opportunity to play a role in ordinance development. To collect this information, consider these options:

- **Hold a series of public forums for citizens** to speak briefly about their perspectives, voice their concerns about the short and long-term needs you will address, and offer needs of their own.
- **Conduct a public opinion survey** distributed to as many constituents as possible. Ask them about their perspectives on the needs of the community with respect to trees and the future of your community forest.
- **Survey your tree ordinance working group individually** concerning their perspectives on needs and related issues.

Finally, compile and prioritize the results of your survey in a needs list to help your working group focus on key issues. Consolidate the needs list into two or three priorities that easily can be addressed in the tree ordinance. Your group also may want to generate a list of topics the tree ordinance cannot or should not address.

Issue Identification

Whether you are generating a new ordinance, or revising an existing ordinance, maintain **focus** on the most relevant issues. Issues such as the need for parks or ball fields, planning and zoning for greenspace, speculative grading restrictions, landscaping for parking lots, and growth management may be brought to the table when developing or revising your ordinance. Even though these issues attract attention within the community and can easily become politicized, they may or may not be reasonable and doable through the tree ordinance. Separate out unreasonable issues, and address them through other means.

If you are developing an ordinance for the first time, keep these key issues in mind:

1. Who shall be responsible for tree protection, maintenance, removal, and replacement of public trees? Will this be assigned to the city, or delegated to property owners? Studies show it is more effective for cities or tree boards, rather than the public, to have responsibility for public trees because the public may not have current information on proper tree care.

2. What will be the role of the tree board? Will they be designated as an advisory panel, or will they have the authority to make final decisions about community trees? The role played by the tree board in your community depends on what is practical for your community.

3. What will the tree ordinance accomplish? Clearly understand and build concensus on reasonable outcomes. Sometimes this consensus forms early, sometimes not. If you are having trouble with the achievement of consensus, you may need to expand your list of issues or the size of your working group.

Point to Remember

Developing a tree ordinance is a long process and, even with exhaustive efforts to identify all the issues, it is inevitable that something will be overlooked and some earlier work will need to be revisited. It is important to remain focused – and be -persistent!

Vision, Objectives, and Mechanisms

Once the needs and issues have been identified, you can write a vision statement, define your objectives, and decide on the mechanisms through which your ordinance will be enforced.

Vision

A vision statement associated with a tree ordinance should reflect the citizen's view of how community trees affect their quality of life, perspectives about future of the forest, and how the forest will be conserved, preserved, or otherwise impacted. The vision statement is an important part of any ordinance dealing with conservation of a natural resource because it states:

- the value of the resource to the community,
- why the resource is valued by the citizens,
- the intention to protect or conserve the resource,
- and how the resource will be protected or conserved (i.e. by limiting impacts, tree planting, requiring a planning effort, etc.)

The vision statement should be firm, clear, succinct, and emphatic. The vision statement is the foundation of the document. The objectives and mechanisms to follow within the body of the ordinance have their foundation in the vision. The vision is often described as the "Findings" or "Where as" component of the ordinance.

A public statement of the value of forest to the quality of life in the community should be included in your vision statement. It is difficult to backup and/or enforce an ordinance for reducing impacts to the forest when the value has not been stated in the vision statement.

Many sources of information about writing vision statements are available. Your Tree Board or working group members may have had the opportunity to participate in the process of generating a vision statement for their job or another civic organization. Ask them for assistance with this step or look in the Additional Resources section (12) of this guidebook for more information. Chapter Seven of *Tree Conservation Ordinances* might be helpful.

Objectives

Simply stated, ordinance objectives quantify the vision and define standards for accomplishment. Objectives serve as a basis for establishing "purpose and intent". For example, if the vision includes "increased forest canopy cover", then "tree-lined streets" might be one objective.

Mechanisms

Mechanisms are actions necessary to achieve objectives. The establishment of a public tree planting program would be a mechanism to accomplishing the objective of having tree-lined streets and achieving the vision of increased forest canopy cover.

Using Sample and Model Ordinances

The general tendency for a board developing a tree ordinance is to look toward other communities for ordinances already in place to see what can be learned regarding structure, procedure, and effectiveness. This is an excellent way to get a general feel for the way things can work. Some pitfalls associated with relying too heavily upon another community's ordinance are:

- assuming your community's forest resources are the same as your neighbors,
- substituting someone else's community vision for your own,
- assuming the sample ordinance is compatible with other organizational structures within your community government or that it can be made to be compatible,
- perpetuating the perspective that the way someone else does it is the way we should to do it (i.e. "If it's good enough for them, it's good enough for me."),
- modeling your ordinance after one that is not effective and efficient in application,
- modeling your ordinance after one that is not reflective of your community's unique characteristics (i.e. size, growth rate and patterns, cultural or regional perspectives),
- modeling your ordinance after one that restricts the addition of new ideas about how to impact or conserve the community forest,
- reinforcing the false impression that developing an effective ordinance can be a short-term/ short-cut process.

Many of the ordinances you read will have components that address the issues similar to the ones you are facing. Try to contact the administrators of these ordinances, a current tree board member, or someone who played a role in the development of the ordinance. Ask each of them how the ordinance functions, what problems have been identified, and what suggestions they might have regarding your efforts. Additional questions might include:

- How long did the ordinance development process take?
- Was there any opposition? How were concerns handled?
- Was the document adopted the document sought?
- How large a role did compromise play in the development process?
- How much does the ordinance cost/save the community?
- Are they happy with the document?
- Is the ordinance effective? Why? Why not?
- How are the results measured?
- Are there any revisions planned?

Although there are some pitfalls associated with using sample ordinances, they can be a valuable tool. These questions will help model or sample ordinances find their proper place within your community's ordinance development process.

Ordinance Structure

There are a variety of ordinance structures to choose from depending on your community's needs. Some ordinances have multiple sections and sub-sections dealing with different aspects of tree conservation, while others contain very simple statements. Select a format that accomplishes your vision as simply as possible. Continuity within the ordinance, compatibility with other ordinances in your community, consistency with the community vision, and political will for enforcement are the marks of a successful ordinance. Your ordinance might include the following sections:

1. **Findings**– includes a community's vision and perspective of itself with respect to the trees and other natural resources. Contains a view of the future and states the community's willingness to develop a structure to preserve, conserve, and/or move toward that view. It should include the **value of trees** and other resources to the community. This section is an important component of tree ordinances because it usually establishes the ordinance's legal authority.

2. **Purpose and intent** of the ordinance - Next to the vision, this is the most important section as it details reasons for existence of the ordinance. Should the purpose and intent of the ordinance be weak it will likely be unenforceable. This sections should be based on the objectives of the ordinance.

3. **Definitions** – includes a list and description of terms used in this ordinance and a list of those terms referenced in other ordinances such as planning and zoning or development ordinances.

4. **Administrator identification** – defines who will be responsible for enforcing the ordinance, reviewing tree protection plans, etc. This individual is usually the city or community arborist. This section also details the qualifications of the arborist and assigns the arborist the duty of developing arboricultural standards relative to tree care, protection, construction impacts, and administrative guidelines for ordinance compliance.

5. **Tree Board establishment -** this group of private citizens, usually appointed by the Council or Commission, is given the authority to review and propose revisions to the tree ordinance, provide community education related to tree conservation, plan the Arbor Day activities, and provide public forums for citizens concerned about community trees.

6. **Requirements for community departments** - requires community departments to follow the ordinance requirements for actions taken on public property.

7. **Requirements for private landowners** – requires private landowners to follow the ordinance requirements. Permits for, or restrictions on development activities, tree protection during construction, tree removal, replanting, and mitigation would be included in this section. A requirement to file tree location and assessment plans, tree protection plans, landscape plans, replanting plans, or other plans deemed necessary by the ordinance or arborist for those conducting land-disturbing activities also may be included in this section.

8. **Requirements for public land** – requires individuals in the private industry and citizens to follow the ordinance requirements for tree planting, maintenance, and activities that impact trees on public land.

9. **Provide for specimen** tree protection and specimen stand protection – lists required permits and penalties.

10. **Develop arboricultural specifications for species** and quality of trees to be planted within the community on properties governed by the tree ordinance.

11. **Define buffer requirements** for protection of root systems and specifications for acceptable noise buffers, visual buffers, and riparian buffers.

12. **Establish** penalties for violations, variance procedures, administrative and economic penalties, and mechanisms for administrative appeals.

13. **Provide for the inspection and removal** of hazardous trees as per the arborist's determination.

14. **Repeal conflicting provisions** of a previously established tree ordinance. This section is sometimes called "conflicts and severability". It repeals conflicts with previous ordinances, or other ordinances such as zoning ordinances, and keeps the ordinance intact if any section of the ordinance is "severed" because of a constitutional/court ruling.

15. **Effective date** for the tree ordinance.

Every ordinance is as unique as the community and can range from simple to more involved. Simple ordinances include restrictions on impacts to public land only, while more involved ordinances include restrictions to public and private property. Sections in your ordinance might address very specific issues and perspectives within your community, or may be more generalized. Neither the simple approach nor the more involved approach is more typical or effective. The key is to have continuity within the ordinance, compatibility with other ordinances, agreement with the community vision, and political will for enforcement.

Developing a Draft

Compile your tree ordinance notes and folders. Before writing the first draft, put together an **outline**. Include the components your working group would like the ordinance to contain (See Structure, Section 7). Attach thoughts and perspectives about how the mission of each component should be accomplished. Next, seek the advice of a technical expert (an ordinance board member, someone with ordinance writing experience, your community attorney, an urban forester, or perhaps a consultant) who can structure the wording of the tree ordinance to match other ordinances in your community.

Your working group should review the first draft individually. Later, with the entire group convened, you should review the draft together. Try not to get caught up in word-smithing the document too early. Proper presentation of general perspectives, consistency across the document, and compatibility with the vision are preliminary points to review. Have the community's attorney review the early document for consistency – do not worry about the detail of finer legal issues yet.

After the third round of reviews, forward copies to the planning, zoning, and development departments to make sure the mechanisms your working group has developed to accomplish its vision are compatible. Maintain consistency with other department's verbiage, standards, and procedures. Once these needed changes have been incorporated, send it back to the legal department for review.

Your working group should now have a document that is still rough but relatively complete. This is a good time to take an opportunity to solicit public comments and forward copies to the community council, commission, and/or administrators. Be prepared for questions. Should you offer the document for review in a public forum, try not to answer too many questions immediately. Allow time to hear as many public comments as needed. Record public comments and review them with your ordinance board members and public officials. Begin the review process again.

The continual comment-revise-review process may seem tedious. There are cases in which it has taken many years to develop a workable document or revise an existing ordinance. There are also other cases, however, in which the development and adoption of an ordinance was very quick.

The Final Document

The final document will need to be altered, challenged, and revised many times before it is sent to the Council for approval. Once approved, the tree ordinance should be continually reviewed and modified by the tree board and arborist to better suit the needs of the community. Create opportunities for members of the community to provide feedback on the ordinance. Always provide electronic and hard copies for public review. Monitor or measure how the objectives are being accomplished. Communicate your successes.

It is important for citizens and politicians to be involved in the tree ordinance process. Active promotion of the tree ordinance will not only help the approval process go smoothly, it will educate the public about the value of their community's forest and address the future of their community's character.

Point to Remember

Ask neighboring tree board members to come to one of your meetings and address your City Council if they have a successful tree ordinance in place.

Tree Board/Tree Ordinance Evaluation

This evaluation was designed to help your Tree Board and working group members understand the relevant issues and questions that need to be answered before writing a tree ordinance. This Evaluation was intended to help groups start thinking about their community's current situation and future needs. Before discussing the evaluation as a group, you may want to allow each group member an opportunity to complete the evaluation individually.

1. The major tree issues becoming relevant in my community are related to:	**Yes**	**No**	**Unsure**
- commercial development,			
- residential development,			
- larger, older, specimen, historic tree preservation within the community,			
- speculative grading,			
- impacts and stress on trees caused by construction,			
- impacts to vegetated buffers,			
- impacts to riparian buffers,			
- changing forestry canopy cover,			
- planning & development,			
- greenspace/openspace development,			
- pruning and care of public trees,			
- public tree planting,			
- landscaping,			
- road construction,			
- timber harvesting,			
- parking lots			
- other _____			

2. Current Tree Ordinance	**Yes**	**No**	**Unsure**	**Issue Unclear**
I would like to generate an entirely new tree ordinance.				
I would like the current tree ordinance provisions affecting public property to remain intact.				
I would like the current tree ordinance provisions affecting public property to remain with modification.				

3. Large Tree Removal (Specimen Trees)				
I would like to preserve large trees within the city.				
I would like to limit the removal of large trees on new commercial development (redevelopment) sites.				
I would like to limit the removal of large trees on new single-family residential development sites.				
I would like to limit the removal of large trees on new multi-family development sites.				

4. <u>Large Tree Replacement</u> (Specimen Trees)	**Yes**	**No**	**Unsure**	**Issue Unclear**
I would like to require the replacement of large trees within the city when removed for any reason.				
I would like to require the replacement of large trees within the city when removed for new commercial development (redevelopment).				
I would like to require the replacement of large trees within the city when removed for single family residential development.				
I would like to require the replacement of large trees within the city when removed for multi-family residential development.				

5. <u>Tree Planting</u>				
I would like trees to be planted on new commercial development sites as a matter of requirement.				
I would like trees to be planted on new single-family residential development sites as a matter of requirement.				
I would like trees to be planted on new multi-family residential development sites as a matter of requirement.				

6. <u>Tree Planting Regimes (scheduled replanting, species, design, etc.)</u>				
I would like tree planting regimes to be uniform across all types of developments.				
I would like the tree planting regimes to be different for different types of development sites (i.e. commercial different from single-family residential different from multi-family residential).				
I would like to require a minimum amount of planting space per site or per acre for commercial development sites.				
I would like to require a minimum amount of planting space per site or per acre for multi-family residential development sites.				
I would like to require a minimum amount of planting space per site or per acre for single family residential development sites.				
I would like number of trees to be planted on new development sites to be based upon the number or size of trees removed.				
I would like the number of trees to be planted on new development sites to be based upon a specific minimum number of trees per acre of site area.				
I would like number of trees to be planted on new development sites to be based upon the amount of available planting space after the building and hardscape is installed.				

7. **Arboricultural Specifications**	Yes	No	Unsure	Issue Unclear
I would like to require a minimum amount of planting area (space) per tree planted, depending upon the mature size of the tree.				
I would like to require that trees conform to some arboricultural standards for size, quality and health if they are being planted to satisfy the tree ordinance specifications.				
I would like to require that trees be selected from a predetermined species list if they are being planted in the city to satisfy the tree ordinance specifications.				
I would like to require that tree companies performing tree work within the city have a specific license, bonding or certification.				
I would like the tree ordinance to reference technical specifications and standards for development near trees.				
I would like the tree ordinance technical specifications and standards to be regularly maintained, altered, and updated by a qualified party.				

8. **Enforcement**				
I would like the tree ordinance to be enforced in-house with existing personnel.				
I would like the tree ordinance to be enforced by a "qualified" person.				
I would like the tree ordinance to be enforced by the department that reviews development plans.				
I would like the tree ordinance to be enforced by the department that conducts on-site inspections.				
I would like the tree ordinance to require an existing tree assessment plan be submitted to the city prior to clearing and grading permits being issued.				
I would like the tree ordinance to require all development sites to provide a tree save and replanting plan according to the ordinance standards of practice.				
I would like to establish and define a tree bank within the ordinance so those trees, which cannot be planted as required by the tree ordinance, can be planted on other public property.				
I would like the tree ordinance to provide for the issuance of stop work orders to be issued for tree ordinance violations.				
I would like the tree ordinance to provide for variance procedures.				
I would like the departments within the city to be responsible for complying with the tree ordinance.				
I would like the tree ordinance to give the Tree Board responsibility for reviewing and providing suggestions for amending the tree ordinance.				

9. Penalties	**Yes**	**No**	**Unsure**	**Issue Unclear**
I would like the tree ordinance to specify administrative penalties for non-compliance with the tree ordinance.				
I would like penalties associated with the non-compliance with tree ordinance to be monetary.				
I would like penalties associated with the non-compliance with tree ordinance to be criminal.				
10. Tree Protection				
I would like the tree ordinance to provide for protection for existing trees during construction on commercial sites.				
I would like the tree ordinance to set construction activity limits around trees on development and construction sites.				
I would like the tree ordinance to provide for protection for existing trees during construction on single family residential sites.				
I would like the tree ordinance to provide for protection for existing trees during construction on multi-family residential sites.				
I would like the tree ordinance to require private owners to be responsible for public right-of-way maintenance of their trees.				
I would like the tree ordinance to provide a mechanism for identification of public nuisance and hazard trees.				
I would like the tree ordinance to provide specifications for buffer zones and screening requirements.				
11. Specimen Trees				
I believe that the tree ordinance should provide protection for specimen trees based on size.				
I believe that the tree ordinance should provide protection for specimen trees based on character or historic significance.				
I would like the tree ordinance to require that a written permit be issued by the city to allow for the removal of a specimen tree.				
12. Purpose and Intent				
I would like the tree ordinance Purpose and Intent to discuss:				
- environmental values of trees,				
- economic values of trees,				
- quality of life provided by trees,				
- character of community provided by trees,				
- health, welfare, public good,				
- the need for balance in our community,				
- the need to conserve our tree canopy as a matter of practice,				
- other _____				

13. **Zoning & Planning Issues:**	Yes	No	Unsure	Issue Unclear
My community has a formalized zoning program in place.	_____	_____	_____	_____
My community has a formal zoning and/or planning department that reviews plans and conducts site inspections.	_____	_____	_____	_____
My community has the following zoning categories:	_____	_____	_____	_____
- commercial	_____	_____	_____	_____
- heavy industrial	_____	_____	_____	_____
- light industrial	_____	_____	_____	_____
- office	_____	_____	_____	_____
- multi-family residential (apartments)	_____	_____	_____	_____
- single family residential	_____	_____	_____	_____
- agricultural	_____	_____	_____	_____
- recreation	_____	_____	_____	_____
- other _____	_____	_____	_____	_____

Comments:

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USDA Forest Service
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Web Site www.urbanforestrysouth.org

TREE ORDINANCE - RESOURCE LIST

Publications, Web Sites, Research, Conferences and Contacts

January 2002

Listed below are resources that can be used to help a community develop a tree ordinance – this is not a comprehensive list. However, it is very important that a tree ordinance meet the needs of the community that it is being written for. Beware of copying an ordinance that was successful in one community because your community probably has different needs and therefore requires a different type of ordinance.

PUBLICATIONS

***A Guide for Municipal Tree Commission*,** 1996. Pennsylvania Forestry Association. 48 p.

- This publication contains a chapter on enacting a tree ordinance.
- For a copy of the publication contact: Pennsylvania Forestry Association, 56 East Main Street; Mechanicsburg, PA 17055

Abbey, B. 1998. ***U.S. Landscape Ordinances: An Annotated Reference Handbook***. New York: John Wiley and Sons, Inc. 438 p.

- Good resource that compares landscape ordinances.
- The index can be used to find examples of ordinances that address specific topics, such as historical trees, critical root zones,…
- Includes definitions for a variety of terms used in ordinances
- For a copy of the publication call John Wiley and Sons at 800-225-5945

Bernhardt, E.A. and Swiecki, T.J. 1991. ***Guidelines for Developing and Evaluating Tree Ordinances*,** California Depart of Forestry and Fire Protection, Urban Forestry Program, 76 p.

- For a copy, visit this web site: http://www.isa-arbor.com/tree-ord/

Coughlin, R.E., Mendes, D.C. and Strong, A.L., 1988. ***Local programs in the United States for preventing the destruction of trees on private land.*** Landscape and Urban Planning 15(1/2):165-171.

- Discusses the adoption of municipal ordinances regulating the removal of trees on private property in the U.S.

Duerkson, C. 1993. ***Tree conservation ordinances.*** PAS 446. Chicago, IL: American Planning Association. 107 pp.

- This is a great resources for developing a tree conservation ordinance. "This report shows how to establish the value of trees and how to craft an ordinance to protect them. It explores the politics and practice of tree conservation. It also looks at the legal tests and

pitfalls associated with such protection efforts."
- For a copy of the publication contact: (cost $32.00) American Planning Association, Planners Book Service, 122 South Michigan Ave., Ste 1600, Chicago, IL 60603-6107, Phone 312/786-6344; Fax 312/431-3985; Email BookService@planning.org

Fazio, J. R. [date unknown]. ***How to Write a Municipal Tree Ordinance.*** Tree City USA Bulletin No. 9. Nebraska City, NE: National Arbor Day Foundation.

Fulton County Tree Preservation Ordinance-Administrative Guidelines for Tree Protection and Landscaping. 1992. Fulton County, Georgia.
- Tree Preservation Ordinance written by Sandy Springs Clean and Beautiful. 1985. Administrative Guidelines written by Edward A. Macie, Fulton County Arborist.
- For a copy of the publication contact: Morgan Ellington, Fulton County, Phone 404/ 730-7530

Guide to Writing a Landscape Ordinance. 1993. 1st edition. Baton Rouge, LA: Louisiana State University School of Landscape Architecture.
- For a copy of the publication contact: The Louisiana Association of Nurserymen, 4560 Essen Lane; Baton Rouge, LA 70809, Phone 504/766-3471

Hoefer, P., 1990. ***Developing a Tree Ordinance***. In: Rodbell, P.D., ed. Proceedings of the Fourth Urban Forestry Conference, St. Louis, Oct. 1989. Washington, D.C. American Forestry Association. pp. 222-223.

Hoefer, P.J., Himelick, E.B., and DeVoto, D.F. 1990. ***Municipal Tree Ordinance Manual.*** Urbana, IL: International Society of Arboriculture. 42 pp.
- Prepared in cooperation with the Municipal Arborists and Urban Foresters Society. The purpose of this manual is to be a guide for preparing new, or revising old, municipal tree ordinances.
- For a copy of the publication contact: International Society of Arboriculture, PO Box 3129; Champaign, IL 61874-9902, Phone 217/355-9411, web site http://www.isa-arbor.com

Hunt, C.M. and Terzi, K., 1992. ***Tree Ordinances and Policy***. In: Ascerno, M. et al. Urban and community forestry: A guide for the Northeast and Midwest United States. U.S. Forest Service, Northeastern Area State and Private Forestry. 2 pp.

Macie, E. 1990. ***Characteristics of a Model Tree Protection and Landscaping Ordinance.*** In: Rodbell, P.D., ed. Proceedings of the Fourth Urban Forestry Conference, St. Louis, Oct., 1989. Washington, DC, American Forestry Association. pp. 224-226.

Martz, Wendelyn; Morris, Marya. 1990. ***Preparing a Landscape Ordinance.*** PAS 431. Chicago, IL; American Planning Association. 26 pp.
- This publication shows how to prepare a landscape ordinance that uses standards for spacing, location, size, and species that are appropriate for your geographic location and community character. It also explains how to use landscaping to deal with common land-use problems and suggests ways to administer a landscape ordinance.
- For a copy of the publication contact (cost is $28.00): American Planning Association, Planners Book Service, 122 South Michigan Ave., Ste 1600; Chicago, IL 60603-6107, Phone 312/786-6344, Fax 312/431-3985, Email BookService@planning.org

Siems, C. 1990. ***Tree Protection Ordinances: A Chance for Education, Communication and Cooperation.*** In: Stiegler, J.E., ed. Community tree preservation: $$$ and sense for our community trees. Proceedings Minnesota Society of Arboriculture Fall Conference, 11th, Duluth, 1990. Minnesota Society of Arboriculture, pp. 21-24.

- Presents a regional perspective on the issue of tree ordinances.

Spitzer, H.A. 1987. ***Oak Tree Ordinances***. In: Proceedings of the Symposium on Multiple-Use Management of California's Hardwood Resources, San Luis Obispo, CA, No. 1986. U.S. Forest Service, General Technical Report PSW 100. pp148-150.

- "In 1982, Los Angeles County established an Oak Tree Ordinance to control native oak tree removal in all the unincorporated portions of the County."

Tereshkovich, G., 1990. ***Texas Municipal Tree and Landscape Ordinances***. Journal of Arboriculture 16(3):62-65.

- Survey of municipalities and they asked if they had tree ordinances

Tschantz; Sacamano, P. 1994. **Municipal Tree Management in the United States**. Savoy, IL: International Society of Arboriculture.

Weber, C.C., 1989. ***Developing a Successful Tree Ordinance.*** In: Moll, G. and Ebenreck, S., eds. Shading our cities: A resource guide for urban and community forests. Washington, DC, Island Press. pp. 142-147.

WEB SITES RELATED TO TREE ORDINANCES

http://www.urbanforestrysouth.usda.gov/ordinances/index.htm

The USDA Forest Service, Southern Region, has an "Urban Tree Ordinance Index" which contains several examples of existing ordinances, which can be downloaded, for communities in the south.

http://www.design.lsu.edu/greenlaws

Louisiana State University School of Landscape Architecture Ordinance web site

http://www.cwp.org/

The Center for Watershed Protection web site has a section on "model ordinances" for several different types of ordinances.

http://www.isa-arbor.com/tree-ord/

The International Society of Arboriculture's web site has a section on "Guidelines for Developing and Evaluating Tree Ordinances"

http://www.forestresources.org

"The Forest Resources Association recently unveil its web-based Pro-Active Forest Resource Guide, intended to assist loggers and foresters in influencing public policy. The site provides tips on influencing state and federal legislative and regulatory processes, working with the media, taking advantage of public speaking opportunities, organizing forestry tours, and building effective coalitions. The site also provides an extensive catalogue of educational resources."

http://www.ag.iastate.edu/departments/forestry/ext/treord.html

City Tree Ordinances, Iowa State University Forestry Extension

RESEARCH

Research Project: Alabama Tree Ordinances, Protection and Preservation on Construction Sites, March 1997
Contact: Brenda Allen, Auburn University, – School of Forestry, Auburn, AL 36849-5122, Phone 334-844-1066, email allenbm@auburn.edu

Research Project: Assessing Impacts of Residential Community Ordinances on New Urban Landscape Vegetation Patterns
Contact: Chris Martin and Kathleen A. Petersen, Arizona State University, Tempe, AZ
Miscellaneous Information: Received a $5,000 grant for this project from ISA Research Trust John Duling Grant Program in 2000.

Research Project: Input of Community Demographics on Municipal Tree Ordinances
Contact: Shawn Dickerson (graduate student), Southern Illinois University, Dept of Forestry, Carbondale, IL, E-mail shawnd@SIU.EDU; John Groninger, or Andrew Carver
Abstract: "Municipal tree ordinances are commonly used as tools to facilitate municipal tree management to meet the needs of a community. This study compares municipal tree ordinance provisions and demographics of 160 Illinois communities that were at one time, or are presently, Tree City USA communities. Data were entered into a geographic information system and analyzed using appropriate statistical analysis. Ordinance provisions compared in this study included authorization of public tree management, ordinance enforcement, permit and penalty regulations, removal of public nuisances by landowners, protection of trees, and planting, maintenance, and removal requirements. Ordinances were compared on the basis of time since last amended, and community demographics, including communing population, average income, average education, percent unemployment, ratio of males to females, and percent of ethnic composition. Correlations were observed between specific ordinance provisions. This study will describe the current state of municipal tree ordinances in Illinois and provide information to aid in the development of future ordinances specific to the demographics of a community.

Research Project: Forest Regulatory-related Ordinances
Contact: Jonathan Spink (graduate student), Virginia Tech, 304 Cheatham Hall, Blacksburg, VA 24061-0324 Phone 540-231-9929, Fax 540-231-3698, email jspink@vt.edu
Information: This research study will attempt to determine the proliferations of such laws as well as look into demographic correlations. Will be looking at timber harvesting, environmental protection, tree protection ordinances and other ordinances.

Research Project: County-by-county Review of Ordinances
Contact: Dale Green, University of Georgia, School of Forest Resources, Athens, GA 30602 Phone 706-542-6652 or e-mail greene@smokey.forestry.uga.edu
Information: This research was a county-by-county review of ordinances modifying, constraining or preventing logging (traditional forest management not development cutting).

Research Project: Tree Ordinances Can Help Lower Electric Bills
Contact: Ryan Jensen, University of Florida, Dissertation Project; Michael Binford, Univ Of Florida Associate Professor, Geography.
Information: Univ of FL geography researchers used a "new method to compare the tree canopy in Gainesville, which has a strict tree ordinance, with nearby Ocala, which has a looser law. …It concluded that Gainesville's canopy is more than twice as thick as Ocala's – and that the canopy's added shared is the likely reason that Gainesville residents spend an average of $126 less than their Ocala counterparts for power bills each year….The study compared tree canopies in both cities through satellite and land based observations combined with computer analysis."

Research Project: Feasibility of Planting Small, Bare Root Trees in Select Locations as an Alternative to Typical Community Tree Ordinance Planting Requirements
Contact: Don Ham, Clemson University, 864-656-2480, dham@clemson.edu
Information: National Urban and Community Forestry Advisory Council grant

OTHER INFORMATION

- The North Carolina Forestry Association assembled a committee to cooperate with the NC League of Municipalities in exploring the development of a model ordinance that will provide a balance between tree preservation benefiting municipalities and the right to practice forestry on private land within a municipalities corporate limits and extraterritorial jurisdiction.
  Contact: Barry New, NC Division of Forest Resources, phone 919-733-2162 ext 249, e-mail barry.new@ncmail.net

- ArborAtlanta has been conducting a survey of communities in the metro-Atlanta area to determine which communities have tree ordinances and arborists. A summary of the ordinances can be found at www.arboratlanta.com.
  Contact: Neil W. Norton, ArborAtlanta, web site www.arboratlanta.com

- *TreeOrd: A Tool for Tree Ordinance Development* is an interactive computer program (CD Rom) that allows communities to craft ordinances that meet specific needs. It is currently being developed with funds from the USDA Forest Service, and National Tree Trust will distribute it.
  Contact: Katie Himanga, 651-345-4976, email khimanga@mr.net

- David Stephenson sent an email to URBNRNET listserve in 11/3/98 wanting to know about historic or significant tree ordinances. He may have additional information.
  Contact: David Stephenson, South Central Region Urban Forestry Coordinator Wisconsin Department of Natural Resources, 3911 Fish Hatchery Road, Fitchburg, WI 53711
  Phone 608-275-3227 Fax 608-275-3338 Email stephd@dnr.state.wi.us

- "Chapel Hill, North Carolina has a tree protection ordinance that provides for preservation of "rare and specimen" trees during development. This includes state and national big tree champions; trees designated as historically significant by the Town Council, certain uncommon species desirable and not a threat to the local ecological balance; unique habitats for T&E wildlife species; trees over 36" DBH (rare), over 24" DBH (specimen); and certain designated species of trees over 12" DBH (specimen) or 18" DBH (rare)."
  Contact: Curtis Brooks, Landscape Architect/Urban Forester for Chapel Hill or Joy Cowan, Landscape Designer. Phone 919-968-2796 or 968-200 ext 200. Email cbrooks@town.ci.chapel-hill.nc.us

    - There is visualization software that can demonstrate different amounts of tree canopy cover at a plan view (looking down on a site) versus looking at a buffer strip section (looking at ground level at the side of a site.) For example, ESRI Eagle Point Software, and LandCadd

CONFERENCES & WORKSHOPS

- ***Your Town, A Seminar on Tree and Landscape Ordinances***
  This conference was in Tampa and Fort Lauderdale, FL in March 2000.
  Featured speakers include Prof. Buck Abbey of Louisiana State University, Prof Ed Gilman of the University of Florida, Prof William Chaney Perdue University, Ann Bidlingmaier of Florida State University, Joseph Samnik Consulting Arborist and Richard Clark of the Florida Department of Agriculture and Consumer Services.
  Contact: 727-786-8128

- ***Tree Ordinance Development***
  The Georgia Forestry Commission and Georgia Urban Forest Council have jointly held workshops on tree ordinance development.
  Contact: Joe Burgess, 770528-3195

- ***Landscape Ordinance Conference- Landscape Laws that Work***
  This was a conference held in Columbus, Ohio on June 9, 1999. This one-day conference brought together municipal officials to examine the ways in which municipalities across the nation are planning, writing and implementing landscape codes to manage urban and suburban development. Speakers include author of the book U.S. Landscape Ordinances, Prof. Buck Abbey, ASLA of Louisiana State University. Other speaker include tree law attorney Victor Murello, planner Mary Newcomb, City Councilman John Reiner, Mayor Marsha Hall and James McGregor. The conference was sponsored by the State of Ohio, Department of Natural Resources and the Ohio Nursery and Landscape Association.
  Contact: 614-899-1195.

- ***Presentation Title: Keeping Cities Green: An Evaluation of Tree Preservation Regulations***
  Presenter: Claude Thompson, ASLA, AICP, Planning Director, City of Wylie, Texas
  Abstract from National Arbor Day Foundation Brochure: "Tree preservation is complex, involving several issues, such as the environment and private property rights. Claude will give a nation wide perspective on tree preservation regulations, the political implications, and the struggles to enforce them. You'll learn how this public tool can encourage the preservation of existing private trees and assure that quality development techniques are practiced somewhat equitably on all sites by all developers. He'll explain why he believes that public regulations for tree preservation should encourage the same criteria and methodologies that sensitive planners following in any project"

- **Presentation: Building Cities Green: Incentives for Builders in Tree Ordinances and Other Site Planning Issues**
  Presenter: Mark Boyce, Senior Vice President, C.P. Morgan Communities, Carmel, Indiana
  Abstract from National Arbor Day Foundation Brochure: "There are many stakeholders interested in the protection of trees and other natural resources on a construction site. Mark will discuss the potential incentives within the regulations for the builder/developer. He'll also provide a builder's view to some of the site planning issues involved in development.

OTHER CONTACTS

Dr. Buck Abbey, Louisiana State University, School of Landscape Architecture, Phone 225/388-1434 or 225/388-1475 or 225/766-0922 E-mail aaincla@aol.com

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phytosphere@phytosphere.com, web site: http://Phytosphere.com