



Community Trees

Tree Ordinances for Iowa Communities

Why Have a Tree Ordinance

Tree ordinances reflect the value of a community and the worth of a community's trees or "urban forest." A tree ordinance encourages tree planting and care for beautification, air cooling and purification, noise abatement, property value enhancement, wildlife habitat, and other benefits within the community.

For a successful, long-term shade or community forestry program, Iowa communities should develop a tree ordinance. An ordinance is simply legal provisions adopted by the local or community government to provide authority, define responsibility, offer guidance to residents, and establish minimum standards for a community's tree program. A community's tree ordinance should be developed for that particular community. Fill-in-the-blank documents or ordinances copied from other communities may be useful, but the ordinance should be designed for the individual community's policies, needs, and values. The ordinance is only a tool; develop it so that it is useful for the specific community.

Tree ordinances should be developed in the early stages of a community's tree program. An ordinance establishes a community tree program independent of political variation, budget restrictions, or public opinion. The ordinance assigns responsibility for program direction through establishment of a recognized tree board. The tree ordinance also provides a legal framework for dealing with the public and the opportunity to regulate tree planting and care practices.

Many communities in Iowa have existing tree ordinances. Some may be current and workable for the community; however, many are outdated and no longer functional. As the community becomes involved in tree planting and management, existing ordinances should be reviewed and revised following the standards outlined in this publication.

How to Develop a Tree Ordinance

Committee development of tree ordinances is most common. Select committee members from a broad array of community and tree interests.

Committee members could include the city attorney, members of the park board, tree board, city council, street department, utility company representative, nursery representative, tree care provider, and others that work with or have an interest in trees in the community.

Each individual will have different ideas. Input from a variety of people will result in a more balanced ordinance. In addition, a broad, well-balanced ordinance will have a better chance of passage by the community government. Committees function best with some specified structure and working groups. For most communities, the tree board representative may function best as the committee chairperson and liaison to the community government.

After the committee is established, draft a list of provisions that might be incorporated into the tree ordinance. Work as a committee to refine, define, and develop a draft of the tree ordinance. This draft should then be passed on to the city attorney for formal drafting. The legal draft from the city attorney must again be carefully reviewed by the ordinance committee and, once approved, presented to the mayor and city council for formal adoption.

Components of a Tree Ordinance

The following are sections that are often included in community tree ordinances. Not all are necessary and there may be others that individual communities will add to their ordinance. Each community is different; the ordinance should be written for the individual community.

Title

The ordinance should have a concise title that reflects its purpose.

Purpose

This section includes a brief description of the ordinance and why it is necessary. The purpose statement declares that the community forest provides benefits to all and that the community is concerned about maintaining those benefits.

Definitions

This section defines the terms used in the ordinance, including town, city property, tree board, public tree or shrub, public right-of-way, street tree, park tree, property line, and hazard tree.

Tree Board

This section creates the tree board, defines its composition, duration of appointment, procedures for making appointments and filling vacancies, and charges it with responsibilities. It also details the relationship of the tree board to the mayor, city council, and city employees responsible for tree management in the community.

This part of the ordinance also may explain the tree board's responsibilities such as:

- Assisting the city forester (if one exists) in developing a comprehensive plan.

- Developing regulations concerning tree planting, maintenance, and removal of trees on city property.
- Recommending requirements of tree care providers in the community.
- Recommending policies regarding trees on public property and private property.
- Promoting tree planting and care on private property through educational programs.
- Organizing and promoting the use of volunteers within the community to work toward the community forestry goals.
- Acting on any other activity deemed appropriate.

Urban Forester

The ordinance may establish the position of city forester, urban forester, tree care provider, or individual or group responsible for trees within the community. It should identify how this person or group will interact with other departments in community government and with the tree board. In many communities, this position is often combined with existing positions in the parks or public works departments.

This section outlines the duties and responsibilities of the urban forester in managing the communities' public vegetation, dealing with private nuisances, and enforcing the provisions of the ordinance. These duties may also be assigned to the community tree board.

Authority

The authority section provides the person or group responsible for the community's trees the authority

to supervise all work done by permit as described in the ordinance, and to develop reasonable conditions for granting permits. It may also include the responsibility for developing, updating, and implementing the master tree plan within the community.

Permits

The community may prohibit or allow activities related to tree management such as planting, maintenance, and removal of woody vegetation. Contractors performing tree work may be required to have a permit and sufficient liability insurance before performing tree service within the community.

Maintenance

The maintenance section explains standards for tree management in the community. Guidelines for planting, maintenance, and removal of public trees are described.

This section also includes such items as spacing standards or requirements, corner setbacks, planting site restrictions, pest control programs, site limitations or requirements, and pruning requirements. Some communities require that adjacent private landowners assume maintenance responsibilities.

Species, Cultivars, and Varieties

This section may include species or varieties of trees prohibited for specific uses. It may also provide an approved list of trees, but it is better to ask the tree board to develop and maintain the list of desired species. The section may limit the planting of a species, if the existing population of that species exceeds some specified level. It may also establish provisions for replacing trees removed.

Obstruction

This section may require private tree owners to keep sidewalks and roadways clear of obstructions to some specified level.

Nuisance and Condemnations

The definition of nuisance trees on the basis of insects or disease damage, undesirable characteristics for community use, or as a threat to public safety (hazard trees) must be established. This section usually assigns responsibility for nuisance and condemnation determinations.

Protection of Trees

This section may prohibit the mutilation of public trees. It may require the protection of trees during construction or new

developments. All ordinances should prohibit the practice of topping trees. Instead, utility companies should be asked to directionally or selectively prune trees interfering with utility lines. The ordinance may also include requirements for landscaping with trees in new developments, both residential and commercial.

Appeals

There must be some provision for appealing decisions made by the urban forester. An appeal may go to the tree board, to the mayor, and to the city council before ultimately appearing in the court system. This section must provide provisions for quick appeals.

Interference

This section makes it unlawful to hinder, prevent, delay, or interfere with the community tree person while performing tree management duties. A specific penalty may be levied for such interference.

Penalties

Specific penalties for failure to comply with the provisions of the ordinance are outlined in this section.



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