

"Guide To Writing A City Tree Ordinance"

Model Tree Ordinances For Louisiana Communities

[Green Laws Home Page](#)

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This project was supported by an America The Beautiful Grant to the Louisiana Association of Nurserymen from the Louisiana Department of Agriculture.

ACKNOWLEDGEMENTS

We would like to thank the following individuals for their assistance during this project:

- Warren Meadows, Louisiana Association of Nurserymen
- Karen McLean, Louisiana Association of Nurserymen
- Walter Imahara, Louisiana Association of Nurserymen
- Bonnie Stine, Louisiana Department of Agriculture
- Paul Orr, Louisiana Department of Agriculture
- Steve Shurtz, ASLA City of Baton Rouge
- East Baton Rouge Parish Tree Commission
- International Society of Arboriculture
- Municipal Arborists and Urban Foresters Society
- Abbey Associates, Inc. Landscape Architects-Planners

TABLE OF CONTENTS

- [Introduction](#).....
- Ordinance Structure.....
- [Ordinance Outline](#).....
- [A Model For A Small Community](#)
- [A Model For A Large Community](#).....
- Tree Ordinances In Louisiana
- Who's Who in Louisiana Urban Forestry.....
- [Bibliography](#)

INTRODUCTION

Who is responsible for nature in the city? The answer of course is obvious, we are! But often the subtle importance of nature to city livability is overlooked for seemingly more important urban issues such as employment, city services and economic growth.

Environment, we learn from recent research on the subject, is important to all of the above critical urban issues. In fact, recent scientific study indicates that trees do much to make city life more enjoyable thereby increasing employment opportunities, expanding economic growth potential and reducing the cost of energy consumption or other city services. Managing nature in the city requires new legislation.

This information has been prepared to assist any Louisiana city, town, village, parish, planning board, public agency or citizen's group who desire to establish a community "tree management ordinance." Managing city trees helps to manage nature in the city while at the same time improving the visual quality of the landscape. Tree management reduces urban heat build-up, provides critical space for urban wildlife, helps preserve viable topsoil resources, filters water resources and cleans the air. In addition, the urban tree canopy and associated natural resources can be effectively managed by dedicated citizens who look to the future of the community as a place where their children's children may live in harmony with nature.

Two models of a tree management ordinance are contained within this brochure. The Louisiana Association of Nurserymen hope you will find them useful in making your community a better place to live. Both model tree management ordinances are related and closely parallel each other. One model is designed for larger communities while the other is designed for smaller towns and villages where more informality is the rule. The large community version is somewhat more complex but covers tree management issues in significant detail.

Both model ordinance can be used as a starting point to draft a local ordinance. Text can be added or text can be deleted to serve the purposes of each community. Either ordinance can be used in any community. With a little adjustment to the text, these models can be used in nearby states with similar growing conditions or similar social, political needs.

The models contains three parts based upon the accepted structure of a landscape ordinance contained within the publication "Guide To Writing A Landscape Ordinance," previously published by the Louisiana Association of Nurserymen.

The first sections of the model tree ordinance state the "contextual conditions" of the ordinance. What is being drafted and under what circumstances? This section places the ordinance in its proper relationship to the community and to legal codes in effect. Sections one (1) and two (2) are contextual in nature.

The second part of the model tree ordinance consists of the "technical requirements" of this ordinance. These sections create a tree commission, establish the town/city arborist and promulgate rules and requirements to manage city trees. Sections three (3) through thirteen (13) set forth the technical requirements of this ordinance.

The final sections of this model, Sections fourteen (14) through eighteen (18) deal with the "administrative components" of the ordinance. In these sections the reader will find text that describes how the ordinance will be administered. Enforcement, penalty, appeals, administrative guidelines, conflicts and effective date of the ordinance are typical administrative aspects which are set forth below.

The outline presented here is based in part upon contemporary provisions and language from tree ordinances and codes collected from throughout the country. Consequently, the outline ordinances are comprehensive in scope but limited in specific detail and reflects state of the art knowledge in the technical aspects of tree ordinances. Additional detail and specific community needs may be incorporated where necessary.

Any community wishing to use this ordinance as a model may do so. It is suggested that any one wishing to use these models should consult with local experts such as an attorney, arborist, forester, horticulturist or landscape architect. Urban forestry consultants are listed on page 43 in the section titled Who's Who In Louisiana Urban Forestry.

Because legal, political and technical aspects of this outline ordinance may vary from community to community these experts can help adapt the models to local conditions.

Both of the model ordinances follow this general outline. This outline places contextual, technical and administrative components of the tree management ordinances in a proper and suitable order that makes reading and understanding the ordinance a much easier task.

[Back to Top](#)

I Contextual Conditions

Section 1 Short Title

Section 2 Purpose, Intent & Definitions

II Technical Requirements

Section 3 Establishment Of A Tree Commission

Section 4 Authority Of The Tree Commission

Section 5 Appointment & Qualifications Of The Town/Parish Arborist

Section 6 Duties Of The Town/Parish Arborist

Section 7 Authority Of The Town/Parish Arborist

Section 8 Community Tree Plan

Section 9 Permits Required

Section 10 Trees On Private Property

Section 11 Abuse Of Public Trees

Section 12 Interference With The Town/Parish Arborist

Section 13 Protection of Public Trees

Section 14 Placing Materials On Public Property

III Administrative Components

Section 15 Enforcement, Penalty And Appeals

Section 16 Administrative Guidelines

Section 17 Conflicts

Section 18 Severability

Section 19 Effective Date

[Back to Top](#)

Model For A Small Community

This version of the Model Tree Management Ordinance is suitable for small communities and or parish governmental units. Due to the informal nature of this version of the ordinance, this model will work well in rural areas and small communities. This ordinance might also be used by any city that would like to draft an ordinance of minimal requirements and complexity.

This ordinance establishes a Tree Commission of citizens who are charged with the task of managing public trees and communicating to others the importance of trees in the community.

The Tree Commission may hold periodic town meetings to discuss tree care, prepare a tree plan or undertake to improve the town tree canopy. They may develop programs to further the mission of the Tree Commission. They may for instance, become prime sponsors of tree planting programs in town parks, school yards, cemeteries and other public places where trees are needed.

One of the citizens on the Tree Commission is given added duties as being the volunteer Town or Parish Forester. Permits for planting, maintenance or removal of trees from public property must be obtained from this community volunteer. With this version of the ordinance, permits are very easy to apply for and to receive. Many being just informal verbal authority from the Town or Parish Forester.

This ordinance may be enacted by public hearing and vote of the town council or parish Police Jury.

[Back to Top](#)

STANDARD CITY TREE MANAGEMENT ORDINANCE

SMALL COMMUNITY MODEL

CREATION OF A TREE COMMISSION TO ADVISE THE COMMUNITY ON THE PLANTING, MAINTENANCE, AND REMOVAL OF TREES, SHRUBS AND OTHER LANDSCAPE MATERIALS ON PUBLIC LAND IN THE CITY OF _____, OR PARISH OF _____, STATE OF LOUISIANA.

ORDINANCE NO. _____

AN ORDINANCE TO MANAGE CITY TREE RESOURCES BY REGULATING THE PLANTING, MAINTENANCE, AND REMOVAL OF TREES IN PUBLIC PLACES AND ESTABLISHING A TREE COMMISSION. PRESCRIBING REGULATIONS RELATING TO THE PLANTING, MAINTENANCE, AND REMOVAL OF TREES, SHRUBS AND OTHER LANDSCAPE MATERIALS ON PUBLIC LAND: PROVIDING FOR THE ISSUING OF PERMITS FOR THE PLANTING, MAINTENANCE, AND REMOVAL OF TREES ON PUBLIC LAND: PROVIDING FOR THE PRUNING AND REMOVAL OF TREES WHICH ENDANGER PUBLIC SAFETY. PROSCRIBING PENALTIES FOR VIOLATION OF THESE ARTICLES.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF _____, OR THE POLICE JURY OF THE PARISH OF _____, STATE OF LOUISIANA

Section 1. Short Title.

This Ordinance shall be known and may be cited as the TREE ORDINANCE, for the Town of _____, OR Parish of _____, State of Louisiana.

Section 2. Purpose, Intent and Definitions.

For the purpose of this Ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein.

Community Tree Plan shall mean a written document that guides the work of the Tree Commission.

Town is a Town Or Parish political unit of the State of Louisiana.

Town Arborist is a citizen of the city/parish and member of the Tree Commission who volunteers to carry out the enforcement of this Ordinance.

Person is any person, firm, partnership, association, corporation, company, or organization of any kind.

Street or Highway means the entire width of every public way or right-of-way when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular and pedestrian traffic.

Park shall include all public parks having individual names.

Public Places shall include all grounds owned by the city/parish.

Property Line shall mean the outer edge of a street or highway right of way (R.O.W).

Treelawn (R.O.W edge) is that part of a street or highway, not covered by sidewalk or other paving, lying between the property line and the edge of the street.

Public Trees shall include all shade and ornamental trees now or hereafter growing on any street or on any public land where otherwise indicated.

Large Trees are designated as those attaining a height of forty-five (45) feet or more with a mature spread of 40 feet or more.

Medium Trees are designated as those attaining a height of thirty (30) to forty-five (45) feet with a mature spread of 30 feet or more.

Small Trees are designated as those attaining a height of twenty (20) to thirty (30) feet with a mature spread of 20 feet or more.

Property Owner shall mean the person owning such property as shown town/parish Plat Maps.

Urban Forest shall mean the collection of trees, shrubs, other vegetation and associated natural features that make up the city tree canopy and its growing zone.

Section 3. Establishment of a Tree Commission.

There shall be created a commission to be known and designated as the "Tree Commission."

A. The Tree Commission shall be composed of seven (7) citizens, with experience or knowledge of trees or gardening.

1. Five (5) voting members shall be appointed by the Mayor/Police Jury President with approval of the City Council/Police Jury. The Mayor/Police Jury President shall be an ex-officio member.

2. The five (5) members initially appointed by the Mayor/Police Jury shall be appointed as follows: two (2) for two (2) years; two (2) for three (3) years, and two (2) for four (4) years, and serve until their successors are duly appointed and approved by the Council.

3. Successors to those members appointed by the Mayor/Police Jury shall, thereafter be appointed for terms of four (4) years. Vacancies caused by death, resignation, or otherwise, shall be filled for the unexpired term in the same manner as original appointments are made.

4. All members of the Commission shall serve without pay.

Section 4. Authority Of The Tree Commission.

The duties of the "Tree Commission" shall be as follows:

A. To study the urban forest including problems involving the city tree population, determine needs, compose and annually review a Community Tree Plan and seek ways to implement needed work.

B. To assist the properly constituted officials of the town as well as citizens and community groups, in the dissemination of news and information regarding the selection, planting, and maintenance of trees within the

corporate limits, whether they be on private or public property.

C. To provide regular and special meetings at which the subject of the urban forest may be discussed by the citizens of the town.

1. Within a reasonable time after the appointment of the Tree Commission, the Commission shall meet and organize by the election of a chairman, vice-chairman, and standing committee chairs as needed. The Commission shall elect from their membership, a Town Arborist who will act as secretary and conduct the normal affairs of the Tree Commission as described below.

2. A majority of voting members shall constitute a quorum for the transaction of business.

3. The Tree Commission shall provide for the adoption of rules and procedures and for the holding of regular and special meetings as said Commission shall deem advisable and necessary in order to perform the duties set forth. A journal of proceedings and activities is to be recorded.

D. The Tree Commission may engage in any other lawful activity in pursuit of the mission of this commission which may benefit the urban forest including such activities as:

1. Apply for Tree City Status with the National Arbor Day Foundation
2. Conduct seminars and public education programs
3. Plan and coordinate an annual Arbor Week Observance
4. Develop a community forest preserve
5. Organize community tree planting projects.

Section 5. Qualifications Of The Town/Parish Arborist.

A. Town Arborist shall, where possible, be be a person skilled or trained in forestry, horticulture or other closely related field.

Section 6. Duties Of The Town/Parish Arborist.

The Town Arborist shall have the following duties.

A. The Town Arborist shall make rules governing the planting, maintenance and removal of trees on the streets or other public sites in the town.

Section 7. Authority of the Town/Parish Arborist.

A. The Town Arborist shall report to the Tree Commission on a regular basis and shall be in attendance at all regular and special meetings of the Tree Commission, Tree Commission Sub-committees or other community meetings as designated by the Chairman .

1. The Town Arborist shall record all activities of the Commission or subcommittees of the Commission.

B. The Town Arborist shall have the authority and jurisdiction of regulating the planting, maintenance, and removal of trees on streets and other publicly owned property to insure safety or preserve the aesthetics of

such public sites by granting permits

1. The Townl Arborist shall have the authority to affix reasonable conditions to the granting of a permit in accordance with the terms of this Ordinance.

Section 8. Community Tree Plan.

A. Community Tree Plan. The Tree Commission shall have the authority to formulate a Community Tree Plan with the advice of consultants, city agencies, public hearings, and approval of the Mayor.

1. The Community Tree Plan shall include but not be limited to the goals and mission of the Tree Commission, an inventory of resources, needed work, associated cost and time schedules for such work and relevant information such as activities of the Tree Commission, standard tree maintenance and planting specifications and permit application procedures.

Section 9. Permits Required.

The following tree permits are required.

A. Planting, Maintenance and Removal

1. No person shall plant, spray, fertilize, prune, or remove, or otherwise disturb any tree on any street or municipal owned property without first procuring a permit from the Town Arborist.

B. Planting Permit.

1. Application Data. When making application for a planting permit on public property the Applicant shall illustrate the number and types of trees or other plants to be planted.

2. Proper Planting. Whenever any tree shall be planted on public land it shall be planted, fertilized, staked, watered and mulched in accordance with proper planting specifications issued by the Town Arborist.

C. Maintenance Permit.

1. Application Data. When making application for a maintenance permit the Applicant shall state the number and kinds of trees to be sprayed, fertilized, pruned or otherwise preserved; the kind of treatment to be administered; the composition of the spray material to be applied; and such other information as the Town Arborist shall find reasonably necessary to a fair determination of whether a permit should be issued.

D. Removal and Replacement Permit.

1. When making application for a tree removal permit the Applicant shall describe the number and kinds of trees to be removed, their size, locations, health/age condition and their method of removal and such other information as the Town Arborist shall find reasonably necessary to a fair determination of whether a permit should be issued.

Section 10. Trees On Private Property.

A. It shall be the duty of any person or persons owning or occupying real property bordering on any street upon which property there may be trees, to prune such trees in such manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct views of any street or alley intersection.

B. It shall be the duty of any person owning or occupying real property, bordering on any street, park or other public land, on which there may be trees that are diseased or insect infested, to remove, spray or treat such trees in such manner that they will not infect or damage nearby public vegetation or cause harm to the

community or citizens therein.

C. The Town Arborist may order trees on private land that cause obstructions, present insect or disease problem or otherwise present a danger to public health or safety be pruned, removed or treated.

Section 11. Abuse Of Public Trees.

No person shall intentionally damage, cut, carve, transplant, or remove any tree; attach any rope, wire, nails, advertisements, posters, or other contrivance to any tree, allow any gaseous liquid, or solid substance which is harmful to such trees to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree.

Section 12. Interference With Town/Parish Arborist.

No person shall hinder, prevent, delay, or interfere with the Town Arborist while engaged in carrying out the execution or enforcement of this Ordinance.

Section 13. Protection of Municipal Trees.

All public trees shall be protected during construction.

1. All trees on any street or other publicly owned property near any excavation or construction of any building, structure, or street work, shall be guarded with a good substantial fence, frame, or box. The "Construction Tree Guard" shall be not less than four (4) feet high and eight (8) feet square, or at a distance in feet from the tree trunk equal to the diameter of the trunk at breast height (D.B.H.) in inches, which ever is greater. All building material, dirt, or other debris shall be kept outside the Construction Tree Guard.

2. No person shall change natural drainage, excavate any ditches, tunnels, trenches, or lay any drive within a radius of ten (10) feet from any public tree without first obtaining a written permit from the Town Arborist.

Section 14 Placing Materials on Public Property.

No person shall deposit, place, store, or maintain upon any public place of the municipality, any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air, fertilizer to the roots of any tree growing therein. Sunlight to any public tree can not be permanently blocked by placement of materials without written authorization of the Town Arborist.

Section 15. Enforcement, Penalty and Appeals.

Any person, firm, or corporation violating or failing to comply with any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined a sum no less than one hundred (\$50.00) dollars, nor more than two thousand (\$2,000.00) dollars, or may be imprisoned for a term not exceeding sixty (30) days, or both.

Section 16. Administrative Guidelines.

A. Permits may be applied for as set forth below.

1. Application for permits must be made to the Town Arborist not less than forty-eight (48) hours in advance of the time the work is to be done.

2. Standards of Issuance. The Town Arborist shall issue the permit provided for herein if, in his judgement, the proposed work is desirable and the proposed method and workmanship thereof are of a satisfactory nature. Any permit shall be void if its terms are violated.

3. Notice of completion shall be given within five (5) days to the Town Arborist for his inspection.

B. Approved Tree List. The following list constitutes the Official Tree Species for the Town/Parish of _____.

This list has been extracted from the official Community Tree Plan (See Section 4.A.1.). No other species other than those included in this list may be planted as street trees, park trees or ornamental trees on public property without the written consent of the Tree Commission. (Adjust this list to community needs)

Small Trees Medium Trees Large Trees

Figure 1. Official Tree List for Streets, Parks, Cemeteries And Other Pubic Places

Section 17. Conflicts.

Should any section, clause, or provisions of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

Section 18. Severability.

If any subsection, sentence, clause, provision of part of this Ordinance shall be held invalid for any reason, the remainder of this Ordinance shall not be affected thereby, but shall remain in force and effect.

Section 19. Effective Date.

This Ordinance is hereby declared to be of immediate necessity for the preservation of public peace, health, and safety, and shall be in full force and effective from and after its passage and publication as provided by law.

Passed this _____ day of _____, 19 ____ .

Signed this _____ day of _____, 19 ____.

_____, Mayor

Attest: _____,
Town/Parish Clerk

END OF SMALL COMMUNITY MODEL TREE ORDINANCE

[Back to Top](#)

Model For A Large Community

This version of the Model Tree Management Ordinance is suitable for larger communities that have existing departments such as parks, planning or public works. This version is a more formal in nature and more detailed in extent. This model will work well in urban and suburban areas where government structure is already working to provide for community needs.

This ordinance establishes a larger Tree Commission of citizens who are charged with developing policy for managing public trees and communicating to others the importance of trees in the community.

The Tree Commission under this model holds regular town meetings, prepares an annual tree management plan and undertakes programs to improve the town tree canopy. This model calls upon the Tree Commission to develop programs to involve the community, organizations and families in tree preservation, planting and tree care. City Tree Commissions should become prime sponsors of tree planting programs in town parks, school yards, cemeteries and other public places.

A City Forester trained in urban forestry, arboriculture, horticulture, landscape architecture or closely related fields is employed by the community to undertake day to day tree management responsibilities. Written permits for planting, maintenance or removal of trees from public property are obtained through the City Forester's office. This ordinance may be enacted by organizing a tree support group, holding public hearings and a vote of the city or town council.

STANDARD CITY TREE MANAGEMENT ORDINANCE

LARGE COMMUNITY MODEL

CREATION OF A TREE COMMISSION TO REGULATE THE PLANTING, MAINTENANCE, AND REMOVAL OF TREES, SHRUBS AND OTHER LANDSCAPE MATERIALS ON PUBLIC LAND IN THE CITY OF _____, PARISH OF _____, STATE OF LOUISIANA.

ORDINANCE NO. _____

AN ORDINANCE TO MANAGE CITY TREE RESOURCES BY REGULATING THE PLANTING, MAINTENANCE, AND REMOVAL OF TREES ALONG PUBLIC STREETS, IN PARKS, AND ON OTHER CITY OWNED PROPERTY: ESTABLISHING A TREE COMMISSION AND CREATING THE OFFICE OF CITY ARBORIST AS THE AGENCY PRESCRIBING REGULATIONS RELATING TO THE PLANTING, MAINTENANCE, AND REMOVAL OF TREES, SHRUBS AND OTHER LANDSCAPE MATERIALS ON PUBLIC LAND: PROVIDING FOR THE ISSUING OF PERMITS FOR THE PLANTING, MAINTENANCE, AND REMOVAL OF TREES ON PUBLIC LAND: PROVIDING FOR THE PRUNING AND REMOVAL OF TREES ON PUBLIC AND PRIVATE PROPERTY WHICH ENDANGER PUBLIC SAFETY: AND PROSCRIBING PENALTIES FOR VIOLATION OF THESE ARTICLES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF _____, PARISH OF _____, STATE OF LOUISIANA .

Section 1. Short Title.

This Ordinance shall be known and may be cited as the TREE ORDINANCE, for the City of _____ ,

Section 2. Purpose, Intent and Definitions.

For the purpose of this Ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein.

Community Tree Plan shall mean a written document that guides the work of the Tree Commission and envisions a long range plan for the preservation and improvement of the community urban forest. The Community Tree Plan may contain such data as deemed necessary by the Tree Commission to carry out its legal mandate.

City is the City, Town, Village, or otherwise designated area or political unit of _____ , Parish of _____, State of Louisiana.

Tree Department is the department of "Parks and Street Trees", "Parks and Forestry", "Forestry Department", "Street Trees", or other designated department of the municipality under whose jurisdiction park and / or street trees fall.

City Arborist is qualified designated official of the city assigned to carry out the enforcement of this Ordinance.

Person is any person, firm, partnership, association, corporation, company, or organization of any kind.

Street or Highway means the entire width of every public way or right-of-way when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular and pedestrian traffic.

Park shall include all public parks having individual names.

Public Places shall include all grounds owned by the city or other properties owned by State of Federal Government in which the Tree Commission has established a cooperative arrangement for tree care.

Property Line shall mean the outer edge of a street or highway right of way (R.O.W).

Treelawn (R.O.W edge) is that part of a street or highway, not covered by sidewalk or other paving, lying between the property line and that portion of the street or highway usually used for vehicular traffic.

Public Trees shall include all shade and ornamental trees now or hereafter growing on any street or on any public land where otherwise indicated.

Large Trees are designated as those attaining a height of forty-five (45) feet or more with a mature spread of 40 feet or more.

Medium Trees are designated as those attaining a height of thirty (30) to forty-five (45) feet with a mature spread of 30 feet or more.

Small Trees are designated as those attaining a height of twenty (20) to thirty (30) feet with a mature spread of 20 feet or more.

Principal Thoroughfare shall mean major cross town streets upon which trucks are permitted.

Property Owner shall mean the person owning such property as shown Municipal Plat Maps.

Urban Forest shall mean the collection of trees, shrubs, other vegetation and associated natural features that make up the urban tree canopy and its growing zone.

Section 3. Establishment of a Tree Commission.

There shall be created a commission to be known and designated as "Tree Commission."

A. The Tree Commission shall be composed of nine (9) knowledgeable citizens, a majority of whom, shall be residents of _____.

Knowledgeable citizens may include citizens with experience, formal training or knowledge of: tree care, gardening, forestry, landscape architecture, horticulture, public utilities, civil engineering, architecture, contracting, arboriculture or planning.

1. Six (6) voting members shall be appointed by the Mayor with approval of the City Council. The seventh

(7th) voting member shall be the City Arborist, the eighth (8th) member shall be the Superintendent of the Department of Parks, and ninth (9th) member shall be the Director of Public Works, The later two shall all be ex-officio members.

2. The six (6) members initially appointed by the Mayor shall be appointed as follows: two (2) for two (2) years; two (2) for three (3) years, and two (2) for four (4) years, and serve until their successors are duly appointed and approved by the Council.

3. Successors to those members appointed by the Mayor shall, thereafter be appointed for terms of four (4) years. Vacancies caused by death, resignation, or otherwise, shall be filled for the unexpired term in the same manner as original appointments are made.

4. All members of the Tree Commission shall serve without pay.

Section 4. Authority Of The Tree Commission.

The duties of the "Tree Commission" shall be as follows:

A. To study the urban forest including problems involving the city tree population, determine needs, compose and annually review a Community Tree Plan and seek ways to implement needed work.

1. To recommend to the proper authority, streetscape landscape designs illustrating type and kind of trees to be planted upon each municipal street or parts of municipal streets or in parks or other public lands as is designated in the Community Tree Plan.

B. To assist the properly constituted officials of the city as well as citizens and community groups, in the dissemination of news and information regarding the selection, planting, and maintenance of trees within the corporate limits, whether they be on private or public property.

C. To provide regular and special meetings a year at which time the subject of the urban forest may be discussed by the members of the Commission, officers and personnel of the city and its several divisions, and all others interested in a community tree program.

1. Within a reasonable time after the appointment of the Tree Commission, the Commission shall meet and organize by the election of a chairman, vice-chairman, and standing committee chairs. The Commission shall recommend to the Mayor and City Council, who will appoint, a City Arborist who will act as secretary and conduct the daily affairs of the Tree Commission.

2. A majority of voting members shall constitute a quorum for the transaction of business. Any member who regularly fails to attend scheduled meetings will be subject to removal by the Chairman and will be replaced for the balance of his/her term by the appointing authority.

3. The Tree Commission shall provide for the adoption of rules and procedures and for the holding of regular and special meetings as said Commission shall deem advisable and necessary in order to perform the duties set forth. A journal of proceedings and activities is to be recorded.

4. The Tree Commission shall meet and hold public hearings at least six times a year at a public place and time of their choosing. The meeting shall be open to the public.

5. The Tree Commission shall propose such legislation as may be needed to pursue the proposes for which the Tree Commission was created.

6. The Tree Commission shall review design or construction plans for public or private improvements that may call for the removal or planting of trees.

7. The Tree Commission may assess fines for the unlawful removal of trees.

D. The Tree Commission may engage in any other lawful activity in pursuit of the mission of this commission which may benefit the urban forest including such activities as:

1. Apply for Tree City Status with the National Arbor Day Foundation

2. Conduct seminars and public education programs

3. Plan and coordinate an annual Arbor Week Observance

4. Develop a community tree bank

5. Develop of a botanical garden

6. Develop a community forest preserve(s)

7. Provide technical advise and assistance to developers, builders, contractors, public utilities, public agencies, homeowners and community groups in the selection of tree species to be planted or naturally occurring trees to be protected during the dev elopment of wooded areas.

8. Organize community tree planting projects.

9. Seek grant money, public funding and private contributions to further the work of the Tree Commission

Section 5. Appointment & Qualifications of the City Arborist.

A. City Arborist shall, where possible, be appointed from a Civil Service roster established by competitive examination and interview by the Tree Commission, or where Civil Service does not exist, by interview given by the Tree Commission.

1. He/she shall be a person skilled and trained in the arts and sciences of urban forestry, and shall hold a college degree or its equivalent in urban forestry, landscape architecture, horticulture, forestry, arboriculture; or other closely related field.

2. In Louisiana, where there is a Louisiana Horticulture Commission, he/she shall have passed a state examination and hold a valid license as an arborist, landscape architect or landscape contractor. He/she shall have had at least thre e (3) years experience in municipal shade tree work or its equivalent.

B. Upon satisfactory completion of a six (6) months probationary period he/she shall hold office as long as he/she satisfactorily performs the duties of the office.

5.1. Salary.

A. The City Arborist shall receive a salary commensurate with his training and experience as full compensation for all services rendered.

Section 6. Duties Of The City Arborist.

The City Arborist shall have the following duties.

A. The City Arborist shall have the authority to promulgate rules and regulations, including arboricultural specifications governing the planting, maintenance, removal, fertilization, pruning, and bracing of trees on the streets or other public sites in the municipality, and shall direct, regulate, and control the planting, maintenance, and removal of all trees growing now or hereafter in any public area of the municipality.

1. He/she shall cause the provision of this Ordinance to be enforced. In the absence of the City Arborist these duties shall be the responsibility of a qualified alternate designated by the Tree Commission.

2. He/she shall review planting plans for all projects on public property that may impact existing vegetation or propose new plantings that may effect public safety.

Section 7. Authority of the City Arborist.

A. The City Arborist shall report to the Tree Commission on a monthly basis and shall be in attendance at all regular and special meetings of the Tree Commission, Tree Commission Sub-committees or other community meetings as designated by the Chairman.

1. The City Arborist shall record all activities of the Commission or subcommittees of the Commission.

B. The City Arborist shall have the authority and jurisdiction of regulating the planting, maintenance, and removal of trees on streets and other publicly owned property to insure safety or preserve the aesthetics of such public sites.

1. The City Arborist shall have authority over city tree crews or staff as required to pursue the work of the Tree Commission.

2. The City Arborist shall advise all other city work crews on matters relating to planting, maintenance, or removal of trees on public lands as requested by the various Department heads.

C. Supervision. The City Arborist shall have the authority and it shall be his duty to supervise or inspect all work done under a permit issued in accordance with the terms of this Ordinance.

D. Condition of Permit. The City Arborist shall have the authority to affix reasonable conditions to the granting of a permit in accordance with the terms of this Ordinance.

Section 8. Community Tree Plan.

A. Community Tree Plan. The City Arborist shall have the authority to formulate a Community Tree Plan with the advice of consultants, city agencies, public hearings, and approval of a Tree Commission.

1. The Community Tree Plan shall include but not be limited to the goals and mission of the Tree Commission, an inventory of resources, needed work, associated cost and time schedules for such work and relevant information such as activities of the Tree Commission, standard tree maintenance and planting specifications and permit application procedures.
 2. The Community Tree Plan following review and acceptance by the Tree Commission shall be sent forward to the Mayor and City Council with recommendations for action.
- B. The City Arborist shall consider all existing and future utility, public works and environmental factors when recommending improvement for each street, park and other public lands of the municipality.
- C. The City Arborist, with the approval of the Tree Commission, shall have the authority to amend or add to the Community Tree Plan at any time.

Section 9. Permits Required.

The following permits are required for activities that effect the grow or health of plants.

A. Planting Maintenance and Removal Permits

1. No person shall plant, remove, maintain or disturb any tree or shrub on any street or municipal owned property without filing an application and procuring a permit from the City Arborist.

B. Planting Permit.

1. Application Data. When making application for a planting permit the Applicant shall submit a landscape design which illustrate the number of trees or other plants to be planted; their location, grade, species, or variety of each plant; the method of planting; and such other information as the City Arborist shall find reasonably necessary to a fair determination of whether a permit should be issued.
2. Proper Planting. Whenever any tree shall be planted on public land it shall be planted, fertilized, staked, watered and mulched in accordance with proper planting specifications issued by the City Arborist. All trees planted on public property under this ordinance must be replaced if they fail to survive three growing seasons.
3. Improper Planting. Whenever any tree shall be planted in conflict with the provisions of this section, it shall be lawful for the City Arborist to have removed and the exact cost thereof shall be assessed to the owner as provided by law.

C. Maintenance Permit.

1. Application Data. When making application for a maintenance permit the Applicant shall state the number and kinds of trees to be sprayed, fertilized, pruned or otherwise treated; the composition of the spray material to be applied; and such other information as the City Arborist shall require to determine whether a permit should be issued.
2. The City Arborist shall annually issue area permits granting permission to public utilities to trim and maintain vegetation on public places. Non emergency trimming shall be done in accordance with standard arboriculture practices and nearby neighbors must be informed by posted door knob notices at least three weeks in advance.

D. Removal and Replacement Permit.

1. When making application for a tree removal permit the Applicant shall illustrate the number and kinds of trees to be removed, their size, locations, health/age condition and their method of removal and such other information as the City Arborist shall find reasonably necessary to a fair determination of whether a permit should be issued.

2. Wherever it is necessary to remove a public tree or trees from a treelawn (R.O.W edge) in connection with the paving of a sidewalk, or the paving or widening of the portion of a entrance drive from a street or highway used for vehicular traffic, the Applicant shall replant such trees or replace them. If site conditions prevent planting on treelawns, this requirement will be satisfied if any equivalent number of trees of the same size and species are planted in an attractive manner on adjacent public property.

3. The Applicant or property owner shall bear the cost of removal and replacement of all trees removed.

Section 10. Trees On Private Property.

A. It shall be the duty of any person or persons owning or occupying real property bordering on any street upon which property there may be trees, to prune such trees in such manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct views of any street or alley intersection.

1. The minimum clearance of any overhanging portion thereof shall be ten (10) feet over sidewalks, and twelve (12) feet over all streets except truck thoroughfares which shall have a clearance of sixteen (16) feet.

B. It shall be the duty of any person owning or occupying real property, bordering on any street, park or other public land, on which there may be trees that are diseased or insect infested, to remove, spray or treat such trees in such manner that they will not infect or damage nearby public vegetation or cause harm to the community or citizens therein.

C. The City Arborist may order trees on private land that cause obstructions, present insect or disease problem or otherwise present a danger to public health or safety be pruned, removed or treated.

1. Notice to Prune Should any person owning real property bordering on any street fail to prune, remove or treat trees as herein above provided, the City Arborist shall order such person, within three (10) days after receipt of written notice, to so prune, remove or treat such trees.

2. Order Required The order required herein shall be served by mailing a copy of the order to the last known address of the property owner, by certified mail.

3. Failure to Comply When a person to whom an order is directed shall fail to comply within the specified time, it shall be lawful for the municipality to prune, remove or treat such trees, and the exact cost thereof shall be assessed to the owner as provided by law in the case of special assessments.

Section 11. Abuse Of Public Trees.

No person shall intentionally damage, cut, carve, transplant, or remove any tree; attach any rope, wire, nails, advertisements, posters, or other contrivance to any tree, allow any gaseous liquid, or solid substance which is harmful to such trees to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree.

Section 12. Interference With City Arborist.

No person shall hinder, prevent, delay, or interfere with the City Arborist or any of his assistants while engaged in carrying out the execution or enforcement of this Ordinance; provided, however, that nothing herein shall be construed as an attempt to prohibit the pursuit of any remedy, legal or equitable, in any court of competent jurisdiction for the protection of property rights by the owner of any property within the municipality.

Section 13. Protection of Municipal Trees.

All public trees shall be protected during construction.

1. All trees on any street or other publicly owned property near any excavation or construction of any building, structure, or street work, shall be guarded with a good substantial fence, frame, or box. The "Construction Tree Guard" shall be not less than four (4) feet high and eight (8) feet square, or at a distance in feet from the tree trunk equal to the diameter of the trunk at breast height (D.B. H.) in inches, whichever is greater. All building material, dirt, or other debris shall be kept outside the Construction Tree Guard.
2. No person shall change natural drainage, excavate any ditches, tunnels, trenches, or lay any drive within a radius of ten (10) feet from any public tree without first obtaining a written permit from the City Arborist.

Section 14 Placing Materials on Public Property.

No person shall deposit, place, store, or maintain upon any public place of the municipality, any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air, fertilizer to the roots of any tree growing therein. Sunlight to any public tree can not be permanently blocked by placement of materials without written authorization of the City Arborist.

Section 15. Enforcement, Penalty and Appeals.

Any person, firm, or corporation violating or failing to comply with any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined a sum no less than one hundred (\$100.00) dollars, nor more than five thousand (\$5,000.00) dollars, or may be imprisoned for a term not exceeding sixty (60) days, or both.

Section 16. Administrative Guidelines.

A. Permits may be applied for as set forth below.

1. Application for permits must be made at the Office of the City Arborist not less than forty-eight (48) hours in advance of the time the work is to be done.
2. Standards of Issuance. The City Arborist shall issue the permit provided for herein if, in his judgement, the proposed work is desirable and the proposed method and workmanship thereof are of a satisfactory nature. Permits shall be void if terms are violated.
3. Notice of completion shall be given within five (5) days to the City Arborist for his inspection.

B. Arboriculture specifications, horticultural standards and workman's qualifications are available from the City Arborist. These specifications, standards and qualifications are to be followed by any person or firm seeking a permit for tree work on public trees.

1. Arboriculture specifications include accepted approved methods for maintenance and tree care including fertilization, feeding, insect control, disease prevention and storm damage preparation and repair.
2. Horticultural standards include accepted methods for tree planting, mulching, staking, guying, wrapping, balling, tree relocation, pruning, removal, stump grinding and clean up. Recycling of vegetative parts is also addressed in these standards.

3. Workman's qualifications include suggested education and training, practical experience, licensing and insurance requirements for workmen and companies doing tree work in the municipality.

C. Approved Tree List. The following list constitutes the Official Tree Species for the Municipality of

_____.
This list has been extracted from the official Community Tree Plan (See Section 4.A.1.). No other species other than those included in this list may be planted as street trees, park trees or ornamental trees on public property without the written consent of the Tree Commission.

Small Trees Medium Trees Large Trees

Figure 1. Official Tree List for Streets, Parks, Cemeteries And Other Pubic Places

Section 17. Conflicts.

Should any section, clause, or provisions of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

Section 18. Severability.

If any subsection, sentence, clause, provision of part of this Ordinance shall be held invalid for any reason, the remainder of this Ordinance shall not be affected thereby, but shall remain in force and effect.

Section 19. Effective Date.

This Ordinance is hereby declared to be of immediate necessity for the preservation of public peace, health, and safety, and shall be in full force and effective from and after its passage and publication as provided by law.

Passed this _____ day of _____, 19 ____ .

Signed this _____ day of _____, 19 ____ .

Mayor

Attest: _____ ,
City Clerk

END OF LARGE COMMUNITY MODEL TREE ORDINANCE

[Back to Top](#)

Additional Assistance

Additional help and information on tree ordinances can also be found at the School of Landscape Architecture, Louisiana State University, Baton Rouge, Louisiana 70803.

The author is indebted to the East Baton Rouge Parish Tree Commission, Louisiana Arborist's Association, International Society of Arboriculture and many individuals who have contributed to this creation. Several published documents have assisted with this endeavor. They include outline ordinances published by the Louisiana Association of Nurserymen, the National Arbor Day Foundation and the International Society of Arboriculture. These are listed in the bibliography and are required background reading for anyone wishing to establish a tree ordinance.

An excellent companion reference to this document is Municipal Tree Manual, 1990 published by the International Society of Arboriculture and compiled by Philip J. Hoefer, Dr. E. B. Himelick and David F. Devoto. Their contribution to this effort is greatly appreciated.

This study was funded by an America The Beautiful Grant from the Louisiana Department of Agriculture and Forestry through the Louisiana Association of Nurserymen. Walter Imahara, Warren Meadows and the entire Board of Directors of the Louisiana Association of Nurserymen are to be thanked for their concern for the environment of Louisiana.

D.G. Buck Abbey, ASLA Landscape Architect, Associate Professor
Baton Rouge, Louisiana
1993

[Back to Top](#)

[Green Laws Home Page](#)