



# ORDINANCES

N.C. Forest Service Urban and Community Forestry

**Ordinances are a foundational element of effective and efficient municipal management.**

There are several common municipal urban forestry activities that a community is obligated to carry out and there are those the community may wish to regulate. Obligated activities include conservation, management and protection of trees and vegetation located on public property. Regulating trees on private property is discretionary. Depending on a community's needs and wishes and the capacity to implement an ordinance, one or several ordinances may be required. This is a summary publication designed to provide a simple, logical organizational structure for an "umbrella" urban forestry ordinance that addresses public tree management and provides the foundational structure to cite or add discretionary legislation.

## **Title/Findings/Purpose and Intent**

These items can be one paragraph or three. Choose a title that describes the scope of the ordinance; urban forestry as a title is inclusive of all vegetation, and using trees only in the title implies that just trees will be regulated. A findings statement describes why the community came to the decision to enact an ordinance. The purpose/intent describes the goals and objectives of the ordinance.

## **Definitions**

Define the most important terms that will be used frequently throughout the ordinance. Common terms requiring definition include tree, shrub, public tree, private tree, street tree, park/public tree, property line, right of way, sight distance, standards and specifications document, and titles of municipal personnel responsible for implementing the ordinance.

## **Jurisdiction and Designation and/or Creation of Administrative Responsibilities**

Jurisdictions of groups of trees/vegetation are defined. The department and official responsible for implementing the ordinance and/or other municipal ordinances that may apply are defined. Which department is responsible for managing street trees, public trees and park trees? Under what circumstances? Who is responsible for trees on private

property such as trees that pose a threat to the public or trees on a property that will be undergoing the site development process? The creation of a board or advisory committee, with conditions of service and authority, would be included here as would the creation of a position such as a city forester.

## **Policies and Standards**

Specific policies and standards that are a must for the community and are likely to stand the test of time should be defined. This might include policies that determine if, when and how a property owner may plant, prune or remove a tree on public property. This might include restrictions for where trees can be planted and whether planting certain tree species is prohibited. Topping trees may be prohibited. Detailed standards and specifications and tree planting lists are best handled by a separate document which can be cited here but updated as needed without the need for changing the ordinance.

## **Limitations of Liability, Enforcing the Ordinance and the Penalties and Appeals Process for Violations**

These sections will require legal review and advice as well as review of a community's capacity. Ultimately, there should be agreement on a process that aligns with legal advice, a community's wishes and capacity.

# SAMPLE ORDINANCE STRUCTURE

## Tree/Urban Forestry Umbrella Ordinance Chapter (TO)

### 1) Purpose & Intent

2) Definitions – key important terms used frequently throughout the ordinance

### 3) Jurisdictions & Authority

#### a) Authority

i) Primary department/staff with management authority of the ordinance

b) Jurisdictions – Department/landowner responsible for daily management of trees/vegetation in specific jurisdictions

#### i) Trees on Public Property

(1) Street trees

(2) Park trees

(3) Public properties

#### ii) Trees on Private Property

(1) Development

(2) Landscaping – tree risk, nuisance, invasive or inspect-infested/diseased trees/vegetation

iii) Special Easements or Protection of “Special” Trees

### 4) Policy & Standards

#### a) Policy

i) Tree removal

ii) Tree planting

iii) Tree protection

iv) Permits for

(1) planting on public property

(2) working on or digging in proximity to public trees

#### b) Standards & Specifications

i) Specifications that will never change; planting site specification, i.e., sight distance; prohibited tree species for planting, i.e., invasives

ii) Urban Forestry Standards & Specifications Document

(1) All work will be conducted in compliance with the S&S document, which will be maintained by whom?

### 5) Interference

### 6) Penalties for violation

### 7) Appeals

**3).a.i -- if applicable --** Creation of a city forester, tree board or other advisory committee, responsibilities, authority, terms. Special easements may be established.

**3).b.ii.1** Development – refer to UDO, separate chapter (zoning, etc.) or retain as article under tree ordinance depending on complexity

1) Site inventory – inventory of natural resources specifications

2) Resource/Tree protection – definitions of resources to be protected, i.e., individual trees or groups of trees, steep slopes, water/streams

3) Landscaping requirements

**3).b.ii.2** – Hazardous or problem cases with trees or vegetation, which would go through the notification to a property owner for a code violation and order to remedy.

**3).b.iii** – Protection of special trees, i.e., historic, tree planting easement along streets, stormwater management easements, etc.

**4).b.ii** - Urban Forestry Standards & Specifications – living document which is periodically updated

1) Materials specifications

a. Trees and shrubs

i. Quality assurance

ii. Species lists for planting

iii. Prohibited species list

b. Landscape materials

2) Arboricultural specifications

a. Pruning

b. Planting

c. Removal

3) Tree protection during construction

4) Qualifications of service providers

Contact your NCFS county ranger. | [ncforestservice.gov/contacts](http://ncforestservice.gov/contacts)

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