



Two sample ordinances are presented here. The first is a simple ordinance used to create a community tree board. It provides less direct guidance to the community tree program but does fulfill the requirements for Tree City USA designation by the National Arbor

Day Foundation and the Iowa Urban and Community Forestry Council. The second sample ordinance provides examples of sections often incorporated in city tree ordinances as discussed in *Tree Ordinances for Iowa Communities*, Pm-1429b.

Remember to use these as aids for developing your community's ordinance. A tree ordinance should be a workable document developed for the specific needs and plans of the individual city or community.

## Sample Tree Ordinance for the Creation of a Tree Board

Be it ordained by the city council of the city of \_\_\_\_\_, Iowa:

### Creation and Establishment

There is hereby created and established a city tree board for the city of \_\_\_\_\_, Iowa, which shall consist of \_\_\_\_ members and one city council representative chosen by the mayor and confirmed by the city council.

### Compensation

Members of the board shall serve without compensation.

### Duties and Responsibilities

It shall be the responsibility of the board to study, investigate, council, and develop a written plan for the care, preservation, trimming, planting, replanting, removal, or disposition of trees and shrubs in public areas. Such a plan will be presented to the city council and upon its acceptance and approval shall constitute the official comprehensive tree plan for the city of \_\_\_\_\_, Iowa. The board shall review annually and update if needed the comprehensive city tree plan. The board, when requested by the city council, shall consider, investigate, make findings, report, and recommend upon any special matter of question within the scope of its work.

### Operation

The board shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

### Appropriate Signatures and Date

IOWA STATE UNIVERSITY

University Extension

Ames, Iowa

Pm-1429c Revised January 1998

# Sample Community Tree Ordinance

## Title

This ordinance shall be known as the municipal tree ordinance for the community of \_\_\_\_\_, in \_\_\_\_\_ County, State of Iowa.

## Purpose

It is the purpose of this ordinance to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance, and removal of trees, shrubs, and other plants within the town of \_\_\_\_\_.

## Definitions

Large trees—Those trees attaining a height of 45 feet or more. Park—All public parks having individual names. Tree lawn—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.

## Tree Board

There is hereby created and established a tree board for the city of \_\_\_\_\_, which shall consist of five members, citizens and residents of this city, who shall be appointed by the mayor with the approval of the city council. Members of the board shall serve without compensation. The term of the tree board shall be three years, except that the term of two members appointed to the first board shall be only one year and the term for two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term. The urban forester will serve as ex-officio member of the tree board.

The tree board will assist the city forester in the development of a comprehensive plan for the city of \_\_\_\_\_ Iowa, including planning, tree planting, and maintenance programs for all public trees. The board will promote the goals of the tree program.

## Urban Forester

The city of \_\_\_\_\_ shall employ a city forester, urban forester, or arborist. This individual shall be employed by the parks department, and serve as an ex-officio member of the tree board.

The urban forester shall have the following general powers and duties: (1) To direct, manage, supervise, and control the city street program to include all planting, removal, maintenance, and protection of all trees and shrubs on public areas; (2) To guard all trees and shrubs within the city to prevent the spread of disease or pests and to eliminate dangerous conditions that may affect the life, health, or safety of persons or property; (3) Such other powers and duties as are provided by the laws of Iowa; by ordinance of the city; and the \_\_\_\_\_ Tree Board.

## Authority

The urban forester shall have the authority and jurisdiction of regulating the planting, maintenance, and removal of trees on streets and other publicly owned property to ensure safety or preserve or enhance the aesthetics of such public sites. The urban forester shall have the authority to supervise or inspect all work done under a permit issued in accordance with terms of this ordinance. The urban forester shall have the authority to formulate and publish a master tree plan with the advice, hearing, and approval of the tree board.

## Permits

No person shall plant, spray, fertilize, preserve, prune, remove, cut above or below ground, or otherwise disturb any tree on any street or municipal-owned property without first filing an application and procuring a permit from the urban forester or otherwise specified municipal authority. The person receiving the permit shall abide by the arboricultural specifications and standards of practice adopted by the urban forester.

The urban forester shall have the authority to require posting of a bond adequate to fully repay the city of \_\_\_\_\_ for any and all costs attendant to the completion of the work under the permit.

In addition, the contractor is required to show adequate insurance coverage from potential damages during the execution of the work.

### **Maintenance**

All trees planted shall have trunks not less than ½-inch in diameter at 6 inches above the ground. No tree shall be planted closer than 3 feet from the curb line or outer line of the sidewalk. Parkings must be at least \_\_\_\_\_ feet in width for large tree plantings and at least \_\_\_\_\_ feet wide for medium and small trees. All trees shall be planted in line with each other and at a spacing of 40 to 60 feet depending on the species planted. No street tree shall be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground utility wire. No trees shall be planted within 50 lateral feet from corners or intersections.

All trees and shrubs on public or private property, which have branches overhanging a public street or sidewalk, shall have said branches trimmed to a clearance height of 14 feet on the street side and 10 feet on the sidewalk side.

All public trees designated for removal shall be completely removed from the growing site and disposed of in an authorized manner.

### **Species, Cultivars, and Varieties**

The tree board develops and maintains a list of desirable trees for planting along streets in three size classes: small, medium, and large. A list of tree species not suitable for planting as street trees will also be created and enforced by the tree board.

### **Obstruction**

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 a 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 view of any street or alley intersection. The minimum clearance of any overhanging portion thereof shall be 10 feet over sidewalks and 14 feet over all streets.

When a person to whom an order is directed shall fail to comply within the specified time, it shall be lawful for the city to prune such trees with the cost assessed to the owner as provided by law in special assessments.

### **Nuisance and Condemnation**

All street trees planted in violation of, or not maintained in strict compliance with the provisions of this ordinance, or that are dead or dangerous are declared to constitute a public nuisance. The urban forester shall cause written notice to be served on the property owner requiring such nuisances to be corrected within 30 days or the cost of correction will be assessed against the property owner.

### **Protection of Trees**

During development, redevelopment, razing, or renovating, no more than 50 percent of the trees shall be cut, damaged, or removed except by specific permit. No person shall excavate any ditches, tunnels, trenches, or lay any drive within a radius of 20 feet from any tree.

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

Tree topping is not allowed on any publicly owned tree.

## Appeals

Any person who receives an order from the urban forester and objects to all or a part thereof, may, within eight days of receipt thereof, notify the urban forester and city council, in writing, of the nature of the objection and request a hearing thereon. The hearing shall be held within eight days of notice to the appellant. Within eight days after such hearing, the mayor shall notify the appellant and the urban forester of the final decision.

## Interference

No person shall prevent, delay, or interfere with the urban forester or forester's assistants in the execution or enforcement of the ordinance.

## Penalties

Any person or 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 \$1, nor more than \$5,000, or may be imprisoned for a term not exceeding 60 days, or both.

## Appropriate Signatures and Date



### Contact Organizations

- Forestry Division/Iowa Department of Natural Resources, Wallace Building, Des Moines, Iowa 50319-0034, (515) 242-5966.
- Iowa State University Extension Forestry, Ames, Iowa 50011, (515) 294-1168.
- Iowa State University Extension Horticulture, Ames, Iowa 50011, (515) 294-0029.
- Trees Forever, 770 7th Avenue, Marion, Iowa 52302, (319) 373-0650.

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