

Community Democracy River

CREATE OR UPDATE ORDINANCES

Tree Canopy Ordinances

- An ordinance is a set of rules passed by a local municipality. In most towns, ordinances are reviewed by the city council. If the majority of council members votes “yes”, the ordinance is passed.
- A comprehensive plan is a policy document that proposes ideas but it is not a law.
- Ordinances and plans can address a variety of issues and topics, including the tree canopy in a municipality.
- Tree canopy refers to the parts of a city’s surface that is covered by trees. Trees are helpful because they contribute to healthy air, provide shade, reduce stormwater runoff, and are habitats for organisms.
- Tree Canopy Ordinances and Plans set rules for how trees on city property should be maintained. They include guidelines on planting, trimming, pruning, maintaining, and removing trees on both public and private property. They can also establish a Shade Tree Commission, provide a list of acceptable tree species, and propose ways to increase equity and community engagement.

River point: Upriver – Tree Canopy Ordinances can be implemented at any time.

- Tree Canopy Ordinances will be strongest if levers are also pulled up- and midriver. Specific levers that build and engage relationships as well as change local laws to allow and protect tree health will be helpful for stronger Tree Canopy Ordinances. These include:
 - Authentic relationship building
 - Co-create community vision
 - Learn about your municipality, who holds power, and local laws
 - Create or update local laws (ordinances)
 - Updating zoning laws
 - Find a way to pay for your vision
 - Be part of local municipality
 - Engage and energize your relationships and community
 - Attend meetings & public hearings, and review local agendas and public notices
 - Develop strategic messaging

Strengths & Skills that can pull lever:

- Relationship Building & Feeling
- Influencing & Motivating
- Thinking & Strategy
- Doing & Executing

Decision-Making Power: Municipal governing body

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Ordinance and Plan Examples

The goal of this worksheet is to help you see possibilities and how other towns have used ordinances and plans to protect, plant, manage, and remove trees. You can use these ideas to figure out what parts will work best in your town. It's important to know that most ideas will not be a perfect solution because each municipality is different. Sometimes getting your decision-makers to agree and pass your ideas will take time and advocacy, and the final idea needs to align with standards and other local, county, state, and federal policies.

The following ordinance and plan examples show different ways that towns and cities have used local laws to protect the tree canopy and work toward environmental justice.

All five are assessed for:

Practicality	Equitable	Resiliency
<ul style="list-style-type: none"> • Ease to create and enact. • Affordability to municipality. • Has clearly defined measures of success. • Potential preemption issues from state and/or federal laws. 	<p>Builds toward equity and social or political determinants of health. Includes addressing past harms and changing the future for racial, economic, LGBTQ+, immigrant & refugee outcomes:</p> <ul style="list-style-type: none"> • Physical and mental health and wellbeing. • Jobs & economic security. • Healthy and affordable housing. • Positive neighborhood environment. • Food security. • Neighborhood safety. • Ongoing community input & participation. 	<ul style="list-style-type: none"> • Protects the environment through healthy air and water, green spaces, and heat index. • Opportunities for youth. • Opportunities for community connection & togetherness.

This resource was created by Christy Choo, Fair Shake Community Democracy Intern, Fall 2023.

Ordinance Example One: City Tree Board

<p>Ranson, West Virginia: This small city in West Virginia, located near the Shenandoah River, has a population of approximately 5,726 people. They use a Tree Ordinance to define a City Tree Board to monitor tree-related activities in the municipality.</p>	
Practicality	<p>The ordinance creates a city tree board:</p> <ul style="list-style-type: none"> • 5 members are the city planning commission members. They will serve 3-year terms. • 4 members are citizens appointed by the mayor and council. 2 members will serve 2-year terms and 2 members will serve 1-year terms. <p>1 member from the board must act as liaison with the city beautification committee.</p> <p>The tree board must update the city tree plan annually and present it to the city council. The city council has the right to review the conduct and decisions of the city tree board.</p> <p>The ordinance provides a list of over 50 acceptable street tree species for the city, which is sorted by size and minimum lawn strip. It includes the average mature height and also gives characteristics descriptions of several of the trees, however, it does not identify native species.</p> <p>Trees may not be planted closer together than 30 feet for small tees; 40 feet for medium trees; and 50 feet for large trees. Exceptions are made for special planting and must be approved by a landscape architect.</p> <p>Street trees may not be planted closer than 35 feet of any street corner.</p> <p>Medium and large street trees cannot be planted within 10 feet of any underground water line, sewer line, transmission line, or utility.</p>
Equitable	<p>Service on the tree board is not paid, so this ordinance does not create jobs.</p> <p>The tree board has the right to remove or order the removal of any tree that can damage utilities.</p> <p>The city has the right to prune trees on private property when it interferes with the proper spread of street light to maintain visibility.</p> <p>The city has the right to remove dead or diseased trees on private property if it poses a risk to life and property.</p>
Resiliency	<p>No one can top any tree on public property and reduce the normal canopy if it does not pose a risk. Topping is defined as the severe cutting back of limbs larger than 3 inches within the tree’s crown.</p> <p>The city has the right to remove dead or diseased trees on private property if it harbors insects or diseases that threaten other trees.</p>
Takeaway	<p>The ordinance has a strong focus on creating a tree board as well as planting and maintaining trees. It also provides extensive information about acceptable tree species.</p>

Ordinance Example Two: Shade Tree Commission

<p>Bloomsburg, Pennsylvania: This small city in Pennsylvania, located near the Susquehanna River, has a population of approximately 12,587 people. They use a Tree Ordinance to create a Shade Tree Commission and define shade tree regulations.</p>	
Practicality	<p>The ordinance creates the Shade Tree Commission which controls removing, planting, and maintaining shade trees on public property.</p> <p>Applications for permits to cut, prune, break, climb, spray, or remove any shade tree must be made in writing to the Secretary of the Town. It will be passed to the Commission to decide on the application.</p> <p>The cost of pruning, planting, or removing shade trees and stumps within a public right-of-way is the responsibility of the property owner.</p> <p>If a shade tree or its parts fall by a storm or on accident, the tree shall be removed without charge by the Town. Property owners are responsible for additional removal and cleanup.</p> <p>If a shade tree is damaged, the Town shall charge for repairs or a replacement against the person responsible. Penalties may also be imposed.</p>
Equitable	<p>The Commission must conduct public meetings regarding shade trees that is open to anyone interested in the program.</p> <p>It is the responsibility of property owners near streets and highways to maintain street trees to avoid a safety hazard for motorists and pedestrians. This includes watering, pruning, mulching, fertilizing, and weeding the trees.</p> <p>If a tree poses an immediate threat to health, property, and safety, the Director of Public Works may order the emergency removal of the tree. All trees and vegetation must be pruned or trimmed to allow for full visibility of street signage and the minimum required site distance.</p> <p>To protect worker safety when pruning and trimming trees, workers shall wear hard hats; climbers shall use tree saddles and safety lanyards; and ground workers shall stand clear of branch drop areas to avoid injury.</p> <p>If tree pruning or removal is performed near pedestrian or vehicular traffic, areas should be blocked off and use warning signs to protect people.</p>
Resiliency	<p>The Commission may require property owners to cut and remove trees if they are diseased, dying, damaged beyond recovery of health, or pose a threat to property or safety. Wounds must be cleaned, and loose bark and wood must be removed using sterile tools.</p> <p>The Town or Commission may require that a tree be planted to replace the one removed.</p> <p>The ordinance acknowledges that no tree is perfect for every location and situation, and it provides a species list that is sorted based on size and suitable environmental conditions.</p>
Takeaway	<p>The ordinance has a strong focus on tree regulations and protecting tree health. It also accounts for property and payment responsibility.</p>

Plan Example Three: Action Plan

<p>Lancaster, Pennsylvania: This mid-sized inland city in Pennsylvania has a population of approximately 57,503 people. In 2020, they created Trees For People, which is an action plan for Lancaster City’s urban forest. It includes an executive summary, a policy document, and appendices.</p>	
Practicality	<p>The plan lists objectives of the Action Plan and specific actions to execute it. It also has a priority ranking and its projected outcome. Examples are listed below. The plan also includes a five-year cost estimate, broken down by year, number of trees, activity, and total cost.</p> <p>The plan conducts a complete inventory and risk assessment of all trees on street and public property to identify areas with low canopy cover.</p> <p>The plan makes and implements schedules for regular inspections, inventory updates, hazard surveys, and tree canopy updates to track progress.</p> <p>The plan revises all tree-related job descriptions and their tasks to ensure clarity.</p> <p>The plan evaluates and revises procedures and fees for tree permits, removals, and replacements to ensure that it is updated and clear.</p> <p>One employee is hired full-time in the Department of Public Works to be the tree point person for the entire urban forest program. The plan also grants the Shade Tree Committee oversight of the urban forest plan to ensure accountability.</p>
Equitable	<p>The plan develops neighborhood-focused outreach and education about the benefits of trees to increase the awareness of residents.</p> <p>The plan increases volunteer and community programs for tree planting and stewardship to increase community engagement.</p> <p>The plan creates internship and workforce development programs with partners to increase youth outreach.</p> <p>The plan strengthens current and develops new alliances with community partner organizations and businesses.</p> <p>The plan requires an annual integrated report to track the progress of tree activity programs for community distribution.</p>
Resiliency	<p>The plan prioritizes planting in low canopy cover areas and in existing open tree sites before potential sites to increase equity.</p> <p>The plan prioritizes planting large canopy trees to increase shade cover. The plan also enhances species diversity to ensure resilience.</p> <p>The plan provides a list of recommended species for future planning, which is organized by tree size. There is also a list of special use trees for tighter spaces in the downtown business district.</p> <p>The plan provides an appendix of insect pests and diseases that threaten trees native to Lancaster.</p>
Takeaway	<p>The plan provides a strong example for identifying a variety of actions, ranking them by priority order, and examining their outcome.</p>

Plan Example Four: Tree Plan + Progress Report

<p>Cleveland, Ohio: This large city in Ohio, which is located on Lake Erie, has a population of approximately 367,991 people. They created the Cleveland Tree Plan in 2015 and followed up with a 2020 Tree Canopy Progress Report to reverse the city’s trend in tree canopy loss.</p>	
Practicality	<p>The plan proposes 5 different canopy goal scenarios based on changes regarding current canopy loss. It also calculates the number of trees needed to be planted each year, the percentage of canopy cover by 2040, and the total cost per year.</p> <p>The plan quantifies environmental benefits, including reduction of runoff and savings from avoided cooling, using data collected from tree canopy assessments.</p> <p>The plan conducts street tree inventories in several neighborhoods to obtain neighborhood tree level inventory data.</p>
Equitable	<p>This plan acknowledges that historically in Cleveland, areas with lower income and/or higher proportions of Black residents have less tree cover.</p> <p>The plan calculates air quality, carbon, and stormwater per capita benefit value for each neighborhood. It then compares it to the citywide per capita benefit and categorizes each neighborhood into above, near, and below it.</p> <p>The plan calculates the percentage of canopy cover and categorizes each neighborhood into high, moderate, and low need. This table also compares the population density, population statistics, health statistics, and socioeconomic factors of trees in each neighborhood.</p> <p>Tree preservation, planting, and maintenance should be prioritized on public and private property in neighborhoods that are below the average neighborhood canopy cover. This was calculated to be 18%.</p> <p>The plan uses tree data and research to educate the community about the benefits of tree canopy. This helps aid their understanding and engagement with improving the urban tree canopy.</p> <p>Planting, maintaining, and preserving trees on private and public property is something that anyone can participate in. Increasing neighborhood awareness and engagement helps improve residential participation.</p> <p>Focusing efforts on planting and maintaining trees on private property can provide easier opportunities to increase tree canopy. This puts the responsibility on the property owner.</p>
Resiliency	<p>Trees help improve air quality and filter pollutants. This can reduce negative public health effects caused by air pollution.</p> <p>Trees provide shade to cool streets and buildings. They can also absorb stormwater to reduce erosion and flooding.</p>
Takeaway	<p>The plan has a strong focus on highlighting neighborhoods that need immediate attention and sets targets to increase tree canopy.</p>

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Plan Example Five: Tree Plan

<p>Philadelphia, Pennsylvania: This large city in Pennsylvania, which is located next to the Delaware River, has a population of approximately 1.576 million people. They created the Philly Tree Plan in 2023 to protect and grow the city’s urban forest.</p>	
Practicality	<p>The plan identifies short-term (1-3 years), mid-term (3-5 years), and long-term (5-10) recommendations for the 10-year implementation plan. The plan also identifies leaders and partners that will champion each goal.</p> <p>The plan establishes a City Forester position and support team to be the main point of contact for city tree-related activities.</p> <p>The plan created a steering committee to guide the project. It is made up of 28 tree advocates who are residents across the city.</p> <p>The plan hires a Utility Tree Coordinator and supports the strategic burial of power lines to minimize conflicts between street trees and utilities.</p>
Equitable	<p>Over 9,000 residents helped shape the plan. This included community members, stakeholders, community organizations, neighborhood ambassadors, institutions, students, experts, and city staff.</p> <p>The plan acknowledges that Philadelphia’s urban forest is not equally distributed. The plan identifies areas of the city where extra support is needed. They create an environmental justice prioritization map that factors in health risks, heat vulnerability, rate of poverty, and tree canopy cover. They also conduct priority area analysis on each major area of the city.</p> <p>They hosted community meetings and stakeholder workshops with different organizations. They also ran virtual open house presentations on their website. They also hosted community tours in priority areas throughout the city.</p> <p>The plan created a comprehensive citywide survey that was offered in 8 different languages for individuals that live, work, or attend school in Philadelphia.</p> <p>The plan also included an Instagram photo challenge for individuals to capture their relationship with the urban forest to generate engagement.</p> <p>The plan pushes to expand externship and mentorship programs. It also aims to increase environmental programming for youth by providing hands-on opportunities to plant and care for trees.</p>
Resiliency	<p>The urban forest provides a source of nutrition as community gardens and orchards provide fresh fruit and vegetables to residents who do not normally have access. Protecting food-bearing trees can help address food deserts.</p> <p>The plan pushes to expand the protection of heritage trees by lowering the diameter at breast height requirement. Heritage trees are currently defined in Philadelphia as a tree that is 24 inches in diameter at breast height.</p>
Takeaway	<p>The plan is a strong example of a collaborative effort with residents to increase their urban forest. It also focuses on environmental justice.</p>

Common Elements of Tree Canopy Ordinances:

What is a Tree Canopy Ordinance? What is a Tree Plan?

A Tree Canopy Ordinance creates standards and sets guidelines for a variety of issues regarding trees. This can include their planting, removal, trimming, and maintenance. It can also include the authorization of managing trees, such as by creating a commission. On the other hand, a Tree Plan is a policy document that proposes ideas and lays the groundwork but is not a law.

Is a Tree Canopy Ordinance or Plan for my town?

No ordinance or plan is perfect, and only your community knows what the “best” for your city would be. Many of these ordinances and plans are from a range of small to large cities across Pennsylvania, West Virginia, and Ohio. While none may be an exact match and replica of your town, there are still some similarities and ideas you can draw from each. Even if your town does not have a Tree Canopy Ordinance or Plan, or if you do not see anything similar, it does not mean that your community can’t do something to protect and increase your tree cover!

Common Elements of Tree Canopy Ordinances and Plans:

1. State the intent and purpose of the ordinance.
2. Define any key terms used throughout, because there can be a lot of vocabulary related to trees and definitions can vary by municipality.
3. Create a Committee to act as the main point of contact and be responsible for enforcement.
4. Provide guidelines for planting trees on public and private property.
5. Provide guidelines for removing trees on public and private property.
6. Provide guidelines for the maintenance, such as topping and trimming, of trees on public and private property.
7. Provide guidelines for handling diseased trees or trees that pose health and safety concerns.
8. Define penalties and appeals for violations to the ordinance.
9. List approved tree species that can be planted.
10. Include opportunities for community engagement, such as allowing for community input and attendance at meetings.
11. Include opportunities for addressing environmental justice issues, such as by prioritizing neighborhoods that would benefit the most from increased tree cover and maintenance.

Who Oversees It?

Ordinances that cover tree-related activities often make a Committee or Commission. They will serve as the main point of contact. In general, tree-related responsibilities can fall to Parks and Recreation departments, the Department of Public Works, Shade Tree Commissions, or other committees created by the ordinance. Plans can also designate a committee or advisors to serve as the main point of contact. Overall, it is very important that there is a central person or group that is responsible for making sure the rules are followed. They also can ensure that everyone benefits from the tree canopy.

How Is It Paid For?

Payment for tree cover-related activities can vary by municipality. Often times, property owners are responsible for the planting, removal, and maintenance of trees on private property. They often have to pay the costs themselves. On the other hand, the city is responsible for the planting, removal, and maintenance of trees on public property. This can be covered by the city budget. Some municipalities may offer free street tree planting on private property.

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How Is Community Included?

The community can be involved in tree canopy ordinances and plans in many ways. For instance, residents can join the Tree Commission or attend open meetings. Community members can join community clubs or volunteer groups to plant trees. They can also join preservation societies or environmental groups to advocate for and maintain trees. Additionally, City Tree Commissions or Parks and Recreation departments can create programs to increase youth engagement. These can include outdoor education programs, volunteer planting groups, and internships. Your community may want to include requirements for youth involvement in any tree canopy ordinance or plan.

What Are The Benefits Of Trees?

Increasing tree canopy is inherently good for the environment! Here are some examples of the benefits they provide:

1. Trees can create habitats for wildlife, such as providing places for birds to nest.
2. Trees provide shade to reduce heat waves and reduce the urban heat island effect.
3. Trees can be a source of nutrition because they can grow fruits and provide people with a source of fresh food.
4. Trees can improve air quality by filtering the air and taking in carbon dioxide.
5. Trees give off oxygen, which we need to breathe!
6. Trees can reduce the amount of stormwater runoff and reduce flooding.
7. Planting trees can reduce cooling costs when it is hot out since they provide shade.
8. Trees improve the aesthetics of the neighborhood and the quality of life.

How Can It Create Programs That Turn The Law Into Action?

Ordinances are laws passed by the municipality and can provide clear guidance on the type of programs to help promote tree canopy growth. While plans are not laws, they can also provide proposals or recommendations to create programs or committees to take action. These programs can range from promoting community involvement, youth involvement, environmental protection, climate action, etc.

References and Resources:

- Tree Ordinances, American Society of Consulting Arborists: <https://www.asca-consultants.org/page/TreeOrdinances>
- Local Land Use Planning Controls in Pennsylvania, WeConservePA: <https://tinyurl.com/3f5a43xy>
- Tree Ordinance, WeConservePa: <https://library.weconservepa.org/guides/37-tree-ordinance/>
- Tree Ordinances: Why They're Important, How to Write Them, and Resources for Help, Wisconsin Department of Natural Resources: <https://forestrynews.blogs.govdelivery.com/2022/08/12/tree-ordinances-why-theyre-important-how-to-write-them-and-resources-for-help/>
- Developing Successful Tree Ordinances, NC State: <https://content.ces.ncsu.edu/developing-successful-tree-ordinances>
- Benefits of Planting Trees, City of Bowling Green Kentucky: <https://tinyurl.com/39phhtnu>