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# **Paradise Valley Community Tree Ordinance:**

Adapted from the Tree City USA Model Ordinance

# Tree City USA

## Four “Standards” for a Tree City USA Community

- **Tree Board or Department**
  - “Someone must be legally responsible for the care of all trees on town-owned property”
- **Tree Care Ordinance**
  - Establish the tree department and delegate public tree care authority
  - Assign the task of documenting tree care expenses
  - Set standards for tree care and management
- **\$2 per capita on public trees**
  - Planting, care, and removal of public trees
- **Arbor Day Observance and Proclamation**

# Model Ordinance

## Provisions removed

- **Special Tree Care Appeals Process**
  - Would conflict with existing nuisance and criminal appeal provisions
- **Repeal of Conflicting Ordinances**
  - Would have the effect of elevating tree care provisions over existing code

# Model Ordinance

## Provisions amended

- **Language harmonized with existing code**
  - Example: “Parkway” definition was removed as inconsistent with existing Town Code
- **New provisions tied to existing code**
  - Example: Nuisance tree abatement tied to existing Town Code § 8-5-2 and 8-16-12

# Community Tree Ordinance

## Impact of Ordinance

- **Codified responsibilities for Public Works**
  - Maintaining all trees on public property
  - Identifying diseased or other nuisance trees
  - Authorizing any exceptions from tree rules
  - Documenting tree care expenditures
  - Establishing official spacing requirements
  - Establishing a list of trees for public property:
    - Category 1: Ornamental (less than 20 feet)
    - Category 2: Shade (greater than 20 feet)

# Community Tree Ordinance

## Impact of Ordinance

- **Codified rules related to damaging public trees**
  - No “topping,” or cutting the crown back to stubs
  - No surrounding with pavers
  - No attaching cables, wires, or signs
  - Must take steps to protect trees during construction

# Community Tree Ordinance

## Impact of Ordinance

- **Codified standards for public tree management**
  - American National Standards Institute ANSI A-300 “Standards for Tree Care Operations”
  - International Society of Arboriculture “Best Management Practices”

# Community Tree Ordinance

## Impact of Ordinance

- **Emphasizes or clarifies existing rules when applied to trees**
  - Example: Prohibition of dead/dying/diseased trees (*see* Town Code § 8-6-1 and 8-6-2)
  - Example: Responsibility for area between property line and curb (*see* Town Code § 8-1-1 and 8-1-13)

## Example: Nuisance Trees

### Existing Code (will not change)

- **Town Code § 8-1-9:** It is unlawful for any person to maintain or allow any tree, hedge, billboard, or other obstruction which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- **Town Code § 8-4-1:** Nuisances include conditions that “contribute to or cause injury or endangerment to the Health, safety or welfare of others.”
- **Town Code § 8-6-2:** Considered public nuisance:
  - (G) To cause or permit any object, debris, building, tree, bush or landscaping to interfere with, obstruct, tend to obstruct, or render dangerous the free passage, use or vision in the customary manner of any sidewalk, street, or right of way or in violation of the Town Code.
  - (H) To cause or permit any vegetation or landscaping, that is visible from public property, that is substantially dead or damaged, characterized by uncontrolled growth or lack of maintenance, or any other deteriorated condition.

## Example: Nuisance Trees

### Proposed Additional Code § 8-12-7

- Any tree, or limb thereof, on public or private property, which is determined by the Director to have contracted a lethal, communicable disease or insect; to be dead or dying; to obstruct the view of traffic signs or the free passage of pedestrians or vehicles; or to threaten public health, safety, or welfare is declared a nuisance

# Response From Public Works

## Response to November 4 Presentation

- After reviewing the proposed Ordinance, and the information presented on November 4, 2021, Public Works Director Skoglund was not able to identify any responsibility, duty, or practice that Public Works has not already undertaken. He was also not able to identify any increase in cost or staffing that would be necessitated by adoption of the Community Tree Ordinance.

Questions?