



## **Louisville Metro Government Tree Ordinance Fact Sheet (LMCO Chapter 102)**

The Division of Community Forestry (DCF) has authority over **PUBLIC** trees within Louisville Metro including the authority to plant, maintain, remove, or issue permits to plant, maintain or remove.

**Tree maintenance of public trees shall be the responsibility of the abutting property owner.**

***PUBLIC TREE:** A tree with a base wholly or in part situated on Louisville Metro Government owned or controlled land or in public rights-of-way controlled by Louisville Metro, excluding parks and parkways that are under the jurisdiction of Louisville Metro Parks.*

All stumps of removed public trees, including those removed by Metro Government, must be ground within three months of removing. All removed public trees must be replaced within one year. Trees must be at least 1½" caliper size to be planted in the public right of way. All prescribed actions allowed by permits are to adhere to DCF standards.

**Permits:** A permit shall be obtained from DCF prior to tree planting, maintenance, encroachment, removal or replacement. A permit for the removal of a public tree may be issued due to threat to public safety or health of other trees, a violation of DCF policies or identification of a species for active removal. Unless waived by DCF, the tree removal permit will be conditioned upon the replacement of the public tree. Permits may be issued for a period of up to two years for applications by homeowner associations and other qualified organizations. There is no charge for a permit per LMCO 102.06.

### **Exceptions for a permit can be granted include:**

1. Trees within the scope of a development or landscape plan which has received final approval from the Louisville Metro Planning Commission or authorized committee or staff
2. Actions to be performed by a Louisville Metro Government agency (or its contractors), provided any trees removed as part of these actions are replaced
3. Emergency repairs by or at the direction of public utility providers that have entered into a public utility permit agreement with DCF
4. Routine pruning of less than 10% of the canopy, including removal of tree suckers
5. Pruning of limbs that are pruned in accordance with DCF standards when said limb is: interfering with normal flow of pedestrian traffic; obstructing cross-visibility at any street corner or intersection or of any traffic signals/signs; and touching a home or structure.
6. Any routine tree watering and mulching.

**Public Utilities:** DCF shall enter into tree permit agreements with public utilities that include clearly expressed standards describing the specific situations for activities involving trees which permit pruning, boring, encroachment and/or removal, to allow reasonable construction activities or to avoid a threat to the continuous provision of utility services. The permit agreement shall include provisions for replacement of public trees that are removed as a result of the utility's activities.

**Enforcement:** When DCF determines work or other activities affecting public trees is in violation, does not have a permit, poses irreparable damage to trees or threatens public safety, a stop work order can be issued. This violation is a civil offense and enforced by the Code Enforcement Board. The civil penalty can be between \$50 and \$1,000. If work in violation continues, fees can increase up to \$10,000. When a

violation results in injury or death of a live public tree, the cost of repair/replacement, and/or appraised dollar value of the tree is the responsibility of the violator.

**Tree Assistance Fund (Referred as Escrow in ordinance):** The Community Forestry Tree Assistance Fund is created to assist property owners with demonstrated financial need to defray the cost of DCF-mandated tree removal and replacement. The Fund will hold monies received from:

1. Appropriations of public funds from time to time by Metro Council
2. Donations received from members of the public, businesses, charitable organizations
3. Monetary penalties received in payment for tree-related violations

**Tree Advisory Committee:** The Committee includes a Metro Councilperson, two arborists, one landscape architect, and one local representative from the nursery industry, an environmental interest organization, public utility operating overhead lines, public utility operating underground, Building Industry Association, Greater Louisville Association of Realtors, Jefferson County League of Cities, Greater Louisville Inc. and three at large members of the community. Scope of the Committee includes:

1. Advising DCF on issues affecting Louisville Metro's protection of trees and tree canopy
2. Providing consultation/assistance in the creation/updating of the Forestry Management Plan
3. Reviewing the policies and standards of DCF and provide recommendations the Mayor and Metro Council as needed to amendments the ordinance, Land Development Code and Comprehensive Plan.

**Except in conditions or exemption as described or authorized in a public utility permit agreement, the following actions are prohibited:**

1. Carving, burning or structurally harming public trees
2. Topping, severely pruning or disfiguring any public tree
3. Pruning a public tree for the purpose of increasing visibility of commercial outdoor signage, off-premise advertising or building facades
4. Destruction of a public tree that will lead to the imminent death of a public tree
5. Changing the natural grade or paving within the drip line of a public tree
6. Changing natural drainage patterns of a public tree

**DCF has authority to enter PRIVATE property ONLY if the tree presents a public nuisance.** If a tree on private property is determined by DCF or a Code Enforcement Office to be a public nuisance, it can be ordered to be removed or remediated, which falls under the responsibility of the property owner and conducted at their expense. If the property owner fails to remove or remediate the tree as directed by the Code Enforcement Board, DCF can enter the property, conduct the tree removal or remediation and charge all costs to the property owner.

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