

# LMTAC Policy Committee

Louisville Metro  
TREE ADVISORY COMMISSION



Review of Tree  
Protection  
Ordinance  
Proposal to the  
Commission

May 26, 2015

# Proposal for a Comprehensive Louisville Metro Tree Ordinance

- Began October 2013
- **20** Months (*still working*)
- Over **50** meetings
- **Innumerable** hours of  
Research & Deliberation



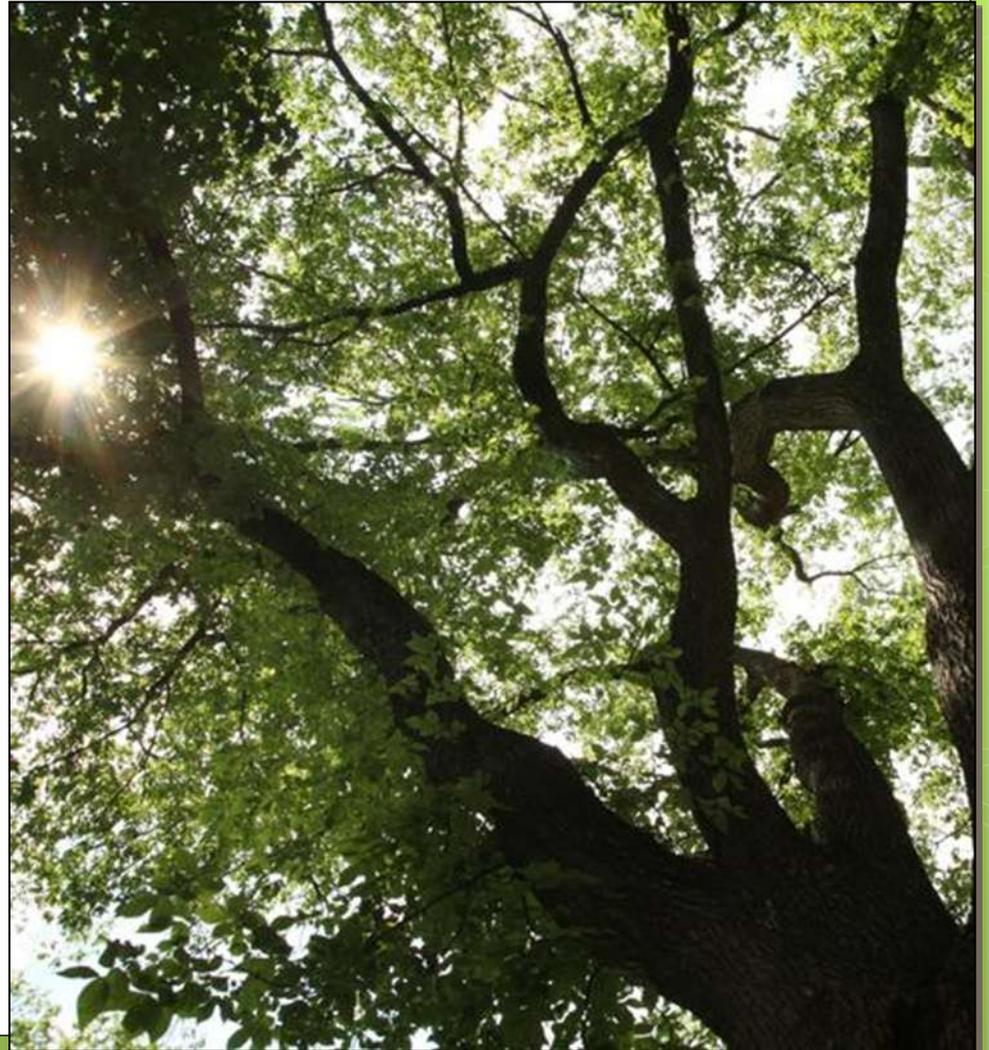
# Tree Ordinance Subcommittee

- Betsy Bennett
- Todd Eberle
- Tammy Eifert
- Michelle King
- Bonne Betz  
Loeb
- Sherie Long
- Judy Lyons
- Cory Petry
- Stephen Porter
- Katy  
Schneider
- Jim Wallitsch



# Research

- Tree ordinances from 32 cities
- National Arbor Day Foundation
- International Society of Arboriculture



# Cities Researched

- Anchorage, KY
- Louisville, KY (proposed)
- Atlanta, GA
- Lyndon, KY
- Austin, TX
- Memphis, TN
- Bowling Green, KY
- Middletown ,KY
- Charlotte, NC
- Mobile, AL
- Charlottesville, VA
- Montebello, NY
- Cincinnati, OH
- Nashville, TN
- Columbus, OH
- Omaha, NE
- Dayton, OH
- Paducah, KY
- Ft. Thomas, KY
- Pittsburgh, PA
- Greensboro, NC
- Portland, OR
- Homewood, AL
- Prospect, KY
- Indianapolis, IN
- Raleigh, NC
- Jacksonville, FL
- Richmond, VA
- Kansas City, MO
- Sacramento, CA
- Lexington, KY
- Savannah, GA

# Overarching Issues

- Primary focus on **Public Trees**
  - Standards and language aligned with Land Development Code, but not overlapping
- Promotion of **Arboricultural Best Practices**
- Consolidated responsibility for **Community Forestry Management**, including
  - Permitting and enforcement authority
  - Planning and reporting duties
  - Provision of public information



# Ordinance Contents

Article I: **General Provisions**

Article II: **Tree Planting**

Article III: **Tree Maintenance & Forest  
Infrastructure Management**

Article IV: **City Department of Community  
Forestry**

Article V: **Louisville Metro Tree Commission**

Article VI: **Enforcement and Penalties for  
Violations**

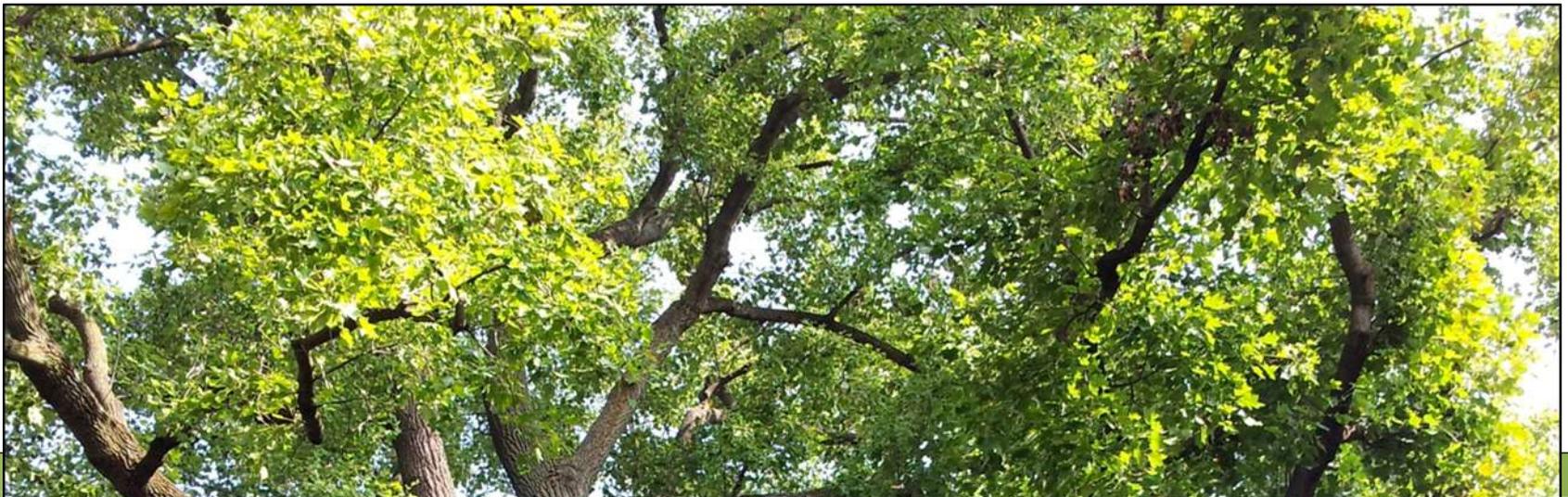
Article VII: **Appeals**

Article VIII: **Miscellaneous Provisions**

# Article I: General Provisions

## *“Nuts & Bolts”*

- Statutory authority for ordinance
- Purpose and Policy
- Scope
- Definitions



# Article II: Tree Planting

## *“The Right Tree in the Right Place”*

- Requires the city’s Department of Community Forestry to maintain a list of tree species for planting on public property
- Requires a permit for planting in public right-of-ways
- Establishes standards for planting practices and spacing



## Article III:

# Tree Maintenance and Forest Infrastructure Management

### *“Protecting Our Resources”*

- Lays out tree protection & maintenance responsibilities
- Specifies prohibited tree “care” practices and sets standards and best practices
- Set standards for certification of tree care companies
- Establishes categories of “Protected” trees
- Stipulates guidelines for the administration of tree protection funds

# Article IV: City Department of Community Forestry

***“The Right People With the Right Tools For the Job”***

- Establishes duties and powers of the City Department of Community Forestry
  - Note: The use of “Department” is meant as a placeholder for a consolidated entity, and not a specific recommendation for the organizational hierarchy of Louisville Metro Government
- Includes 5 year update of tree canopy assessment
- Requires maintenance of management plan
- Establishes power to grant permits and issue citations for violations



# Article V: Louisville Metro Tree Commission

## *“The Next Chapter...”*

- Establishes the structure of the Louisville Metro Tree Commission
  - 11 members, 5 specific & 4 geographically diverse
- Specifies duties & powers
  - Creates a 5 person Hearing Board to hear appeals of Departmental permitting and enforcement decisions
  - Advises the Dept. of Community Forestry
  - Promulgates administrative rules, regulations, & standards proposed by the Department

# Article VI:

## Enforcement and Penalties for Violations

### *“The Hammer”*

- Sets out enforcement responsibilities and processes:
  - Notice of Violation – allows a specified period for corrective action before penalty
  - Citation for Violation – establishes a range of monetary and non-monetary penalties for uncorrected violations
    - Increase with the severity of the violation
    - Increase with repeated offenses
    - Increase for exceptional circumstances
    - Allows for low-income relief
  - Directs penalty monies to a separate account to be used only by the Department that carries forward from year to year



# Article VII: Appeals

***“What if I think they got it wrong?”***

- Lays out process to appeal decisions of the Department of Community Forestry
  - Goes before Tree Commission Hearing Board
  - Can proceed to Jefferson Circuit Court



# Article VIII: Miscellaneous Provisions

## *“Nuts & Bolts - Revisited”*

- Standard severability provision
- Repeal of conflicting ordinances



# Next Steps:

- Policy Committee wraps up work over next 2 weeks
- Draft recommended ordinance sent to Louisville Metro Tree Advisory Commission by June 12<sup>th</sup> for review
- Action requested at June 23<sup>rd</sup> LMTAC meeting



The background of the slide features a low-angle shot of green tree branches and leaves against a bright sky. A dark grey horizontal bar is positioned at the top center. The text is centered on the slide.

**Questions?**

**Comments?**