

Community Democracy River

CREATE OR UPDATE ORDINANCES

Green Spaces Ordinances

- An ordinance is a set of rules passed by a local municipality. In most towns, ordinances are reviewed by the city council, and if the majority of council members votes “yes”, the ordinance is passed.
- Ordinances can address a variety of issues and topics, including the green space in a municipality.
- A green space is any open piece of land that has no buildings or structures on it. Access to green space in a city can add to physical, mental, and environmental wellbeing (Suttie, 2018), showing the importance of promoting these spaces in cities.
- Examples of green space ordinances include requiring that a city plant more trees, allowing community members to start community gardens, and having open park space with hiking, trails, or playgrounds.
- A Community Garden Ordinance sets the rules and requirements that must be followed to get approval to create and operate a community garden. Community Garden Ordinances can help citizens to know what rules they have to follow in creating and operating a community garden.
- Tree Canopy Ordinances set rules for how trees on city property should be maintained.

River point: Upriver – Green Space Ordinances can be implemented at any time.

- Green Space Ordinances will be strongest if levers are also pulled up- and midriver. Specific levers that build and engage relationships, change local laws to allow and protect green spaces will be helpful for stronger Green Space Ordinances 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 Examples

The goal is of this worksheet is to help you see possibilities and how other towns have used ordinances to create more green spaces and trees. You can use these ideas to figure out what solutions will work best in your town. It's important to know that most ideas will not get rid of the issue completely, 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 examples show different ways that towns and cities have used local laws to protect the environment 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

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Ordinance Example One: City Tree Commissions

Parkersburg, WV:	
This ordinance creates a City Tree Commission which oversees the care, planting, or removal of trees in public areas in Parkersburg.	
Practicality	<p>This ordinance creates the 8-member Commission:</p> <ul style="list-style-type: none"> • 1 member from the City Council • 1 member is the Public Works Director, • 1 member is the City Arborist, • 5 members may be community members appointed by the Mayor. <p>The Commission makes its own rules but must get approval from the Mayor and City Council on any new rules or programs.</p> <p>The Commission is allowed to recommend programs to the Mayor, the City Council, or the Public Works Director. There are no clear rules for what types of programs the Commission could implement.</p> <p>These programs could be as expensive or cheap as the city budgeting rules allow. The Tree Commission creates an annual budget from the general city budget.</p> <p>There are clear rules that restrict the removal of public trees or shrubs.</p>
Equitable	<p>Service on the Commission is not paid, so this ordinance does not create jobs.</p> <p>More trees can provide shade and reduce the effects of heat waves. In this way it can improve the neighborhood environment and safety.</p>
Resiliency	<p>More tree coverage helps to absorb greenhouse gas. Trees provide shade, and homes for birds and other small animals.</p> <p>No rules or incentives to create youth opportunities.</p> <p>No rules or incentives to build community connection.</p>
Highlights	<p>This ordinance is from a town in the Ohio River Valley.</p> <p>Community members can urge the Commission to create programs that help the community.</p>

Ordinance Example Two: City Tree Rules

Pittsburgh, PA	
Pittsburgh has several sections in its municipal code that set rules for tree planting in the city.	
Practicality	<p>This ordinance creates a 15-member Commission.</p> <p>Commission members are appointed by the Mayor and City Council. The majority of the members should be city residents.</p> <p>The Commission reports to several different departments (Planning, Urban Redevelopment Authority), the City Council, and the Mayor.</p> <p>The Commission is responsible for making recommendations on the removal, planting, or upkeep of trees and shrubs on city-owned land.</p> <p>There are clear rules of whether a tree is dangerous (such as a dying tree on a sidewalk) and should be removed.</p> <p>There are clear rules that restrict the removal of public trees or shrubs.</p>
Equitable	<p>Service on the Commission is not paid, so this ordinance does not create jobs.</p> <p>More trees can provide shade and reduce the effects of heat waves. In this way it can improve the neighborhood environment and safety.</p>
Resiliency	<p>Several sections of the ordinance create rules for replacing trees or planting new trees to improve environmental sustainability.</p> <p>Section 483.07: If a property owner has a good reason that a city tree should be removed, they ask Pittsburgh’s Forestry Division to remove it. If the Forestry Division approves the removal, the property owner must pay for removing the tree and replacing it by planting another tree elsewhere. This means that if a property owner wants a tree removed for a reason besides hazard to surrounding property, they must pay for replacing the tree.</p> <p>Section 918.02 requires that one tree be planted for every five parking spaces in an off-street parking area. Also, one tree should be planted every 30 feet along new buildings. These trees are paid for by the developer.</p>
Highlights	<p>This is not a single ordinance, but multiple pieces from the Pittsburgh Municipal Code. If there are no preemption issues, cities could combine some of these pieces into one ordinance.</p>

Ordinance Example Three: Landscaping Standards

Lower Makesfield, PA	
This ordinance sets standards for landscaping for new subdivisions and land development in Lower Makefield, Pennsylvania.	
Practicality	<p>This ordinance sets clear standards for landscaping around new subdivisions/land development plans:</p> <ul style="list-style-type: none"> • The developer must plant trees on both sides of the streets around new developments- one tree every 30 feet. • Buffer yards of at least 25 feet must be implemented between residential and non-residential areas. • Buffer yards of at least 25 feet must be implemented between farmland and residential areas. • Buffer yards should be planted with native species. • Developers are responsible for landscaping costs.
Equitable	<p>Implementing buffer yards can contribute to healthy housing and physical wellbeing by filtering rainwater runoff before it reaches residential lawns.</p> <p>More trees can provide shade and reduce the effects of heat waves. In this way it can improve the neighborhood environment and safety.</p> <p>The ordinance does not have requirements or incentives for equity.</p>
Resiliency	<p>Buffer yards can benefit the environment by filtering rainwater runoff.</p> <p>Trees contribute to health air and can provide shade.</p> <p>Requiring native species helps to promote pollinators and requires less maintenance and upkeep.</p> <p>No rules or incentives to create youth opportunities.</p> <p>No rules or incentive to build community connection.</p>
Highlights	<p>This ordinance creates standards to help protect residential areas from runoff from nonresidential areas.</p> <p>This ordinance also prioritizes planting native species.</p>

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Ordinance Example Four: Community Gardens

Cleveland Heights, OH	
This ordinance creates the rules for community gardens, which are allowed in all zoning districts in Cleveland Heights.	
Practicality	<p>The garden operators must prove that they have the written permission of the property owners, even if the lot is vacant.</p> <p>The garden operators must prove that there is water supply for irrigation.</p> <p>The garden operators may keep one beehive in the garden if the garden members agree, and if the hive is registered with the Ohio Department of Agriculture. Before allowing a beehive, the garden operators must allow property owners within 300 feet of the garden to raise concerns. The Zoning Administrator must approve the hive and may withhold approval.</p> <p>The garden must not house animals.</p> <p>Any fencing must be approved by the Architectural Board of Review.</p> <p>The garden must be kept free of litter.</p> <p>Composting is permitted but must not create pest, odor, or litter issues.</p>
Equitable	<p>Community gardens can add to physical and mental health & wellbeing; food security; and a positive neighborhood environment.</p> <p>The ordinance does have requirements or incentives for equity.</p>
Resiliency	<p>Garden operators must test the soil.</p> <p>Gardeners may not use herbicides or pesticides.</p> <p>Gardeners may not grow poisonous plants.</p> <p>The garden must not drain into adjacent property.</p> <p>Loose soil must be covered so it does not create dust.</p> <p>No rules or incentives to create youth opportunities.</p> <p>No rules or incentive to build community connection.</p>
Highlights	<p>This ordinance requires soil testing, which may cost \$10- \$500, depending on the type of test required.</p> <p>This ordinance also sets rules for beehives.</p>

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Ordinance Example Five: Community Gardens in Vacant Lots

Hartford, CT	
This ordinance gives the Parks and Recreation Advisory Commission the power to create a program to set aside vacant city-owned land for community gardens.	
Practicality	<p>The Parks and Recreation Commission creates rules for community gardens and may select which vacant city-owned land may be used for the garden.</p> <p>The ordinance requires that the city can't be held liable for any issues or harm coming from the use of public land as a community garden.</p> <p>The ordinance allows the Commission to establish user fees to cover garden administration costs.</p>
Equitable	<p>Community gardens can add to physical and mental health & wellbeing; food security; and a positive neighborhood environment.</p> <p>The ordinance does not have requirements or incentives for equity.</p>
Resiliency	<p>No rules or incentives to create youth opportunities.</p> <p>No rules or incentives to build community connection.</p> <p>No rules or incentives for environmental protection.</p>
Highlights	<p>This ordinance is unique because it allows for community gardens on public land.</p> <p>This type of ordinance may be used in cities where it is hard to use privately-owned land, or where there isn't much privately-owned land available for community gardens.</p> <p>The drawback to this type of ordinance is that the city may revoke its permission for the use of the land at any time.</p>

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Common Elements of Green Space Ordinances:

Common Elements of Public Green Space Ordinances:

No ordinance is perfect, and only your community knows what the “best” ordinance for your city would be. Many of these ordinances are from large cities. This does not mean that smaller communities can’t or don’t have green space ordinances! Many smaller towns do not publish their municipal codes on the internet, so it is difficult to find examples of public green space ordinances in smaller towns. Small cities are a great place to promote green space and there are some key items to include in your ordinance:

Who Oversees It?

Ordinances that address green space often create a group to oversee the space. Parks and Recreation departments are responsible for overseeing city parks. Tree Commissions oversee the planting, maintenance, or removal of city tree canopy. Some community garden ordinance requires that a garden coordinator be appointed to ensure that rules are followed. No matter which green space ordinance is best for your community, it is very important that there is a central person or group that is responsible for making sure rules are followed and that everyone benefits from the green space.

How Is It Paid For?

There are many ways to pay for different green space initiatives. City parks and tree commissions are usually paid for through the city budget. Community gardens are typically paid for by the garden users. There are a lot of grants that can help pay for garden equipment and soil testing. Some of these grants are linked below in the Resources and References section. Maintenance of city parks and trees is paid for through the city budget. Maintenance of community gardens may be paid for through user fees, a community fund, or grants.

Where Should It Go?

Some cities allow communities to put gardens in vacant city-owned lots. This is beneficial for communities that don’t have other options for where to put a community garden. Other cities allow privately-owned lots to be used for community gardens, if the property owner gives permission. The department that oversees this decision varies by city. Some cities have Land Reuse Agencies that could give permission for use of public land as a community garden. Other cities may have land trusts, Municipal Planning Commissions or Community Development departments that may provide guidance on where to put a community garden.

Parks and city trees are located on city-owned land and maintained by city employees.

How Is Community Included?

Green space can help to improve community connection, and green spaces should be available for everyone. There can be concerns with unauthorized use of green space (like trespassing in community gardens or parks after hours, or breaking park rules). It is important to find the balance between keeping everyone safe and happy and the risk of over-policing public spaces. An example of a community that was concerned about over-policing in their parks is Ramsey County, Minnesota. In response to community concerns, county officials rewrote the park ordinance to reduce the fines and penalties for breaking park rules. Before the rewrite, any violation of park rules could lead to 90 days in prison, a \$1,000 fine, and a permanent misdemeanor on someone’s record. Now, the fines for breaking park rules are on a sliding scale according to the severity of the violation. City officials and community members should collaborate on creating rules that emphasize safety, harmony, equity, and inclusion.

How Should Young People Be Included?

This resource is part of Fair Shake Environmental Legal Service’s Community Democracy River.

For more information and additional resources, tools, and levers, visit: <https://www.fairshake-els.org/community-organizing-resources>.

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Green space is a great way to promote youth involvement. City tree commissions or Parks and Recreation departments may create programs for youth involvement (like outdoor education programs). Community gardens are also a great way to promote education for youth. Getting young people involved in growing fruits and vegetables may help promote health habits (exercise outside and healthy eating). Your community may want to include requirements for youth involvement in any green space ordinance.

How Can It Help The Environment?

Increasing green space is inherently good for the environment! More trees mean more places for birds to nest. More flowers promote pollinators like honey bees or butterflies. Trees provide shade to help reduce heat waves. Community gardens may help promote pollinators, composting, and local food consumption—all of these things are good for the environment. It is important to make sure that community gardens are soil-tested to ensure that the soil is healthy and does not contain any dangerous chemicals or heavy metals. It is also very important that rainwater runoff does not contaminate nearby lots. If the runoff contains fertilizer, this can cause pollution of nearby rivers, ponds, or lakes.

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

Ordinances can give local boards or commissions to create projects to promote green space. The ordinance may provide clear guidance on the type of programs should be created, but it may be preferable for the ordinance to be vague on this topic, giving the board or commission a lot of leeway on the types of programs it can create. Communities may want programs that focus on youth involvement, community involvement, environmental protection, community resiliency, etc.

Additional Considerations:

Green space in the city is great for the environment and human wellbeing. Green space can even raise property values. Higher property values may encourage developers to invest more in the area, which can force residents to move away if the cost of living becomes too high. Increasing the cultural and environmental value of a city is not a bad thing, but it can have bad consequences if long-term residents are pushed out by rising costs. Displacement is not inevitable and can be combated through several different strategies. An excellent case study of these strategies is the 11th Street Bridge Park in Washington D.C.

This project focused on: developing job opportunities for residents, protecting and improving access to affordable housing, promoting arts and culture in the area, and building a park for residents to enjoy.

References and Resources:

- 11th Street Bridge Park's Equitable Development Plan: https://bbardc.org/wp-content/uploads/2018/10/Equitable-Development-Plan_09.04.18.pdf
- Cleveland Heights, Ohio Municipal Code, Part 11, Chapter 1153, § 1153.05 (ee)
- Greening Without Gentrification: <https://www.nrpa.org/parks-recreation-magazine/2019/december/greening-without-gentrification/>
- Hartford, Connecticut Municipal Code, Chapter 17, Article 3, § 3.3.3
- How to Start a Community Garden: Getting People Involved: https://secure.caes.uga.edu/extension/publications/files/pdf/B%201399_2.PDF
- Lower Makefield, Pennsylvania Municipal Code, Article 11, § 178-80 - § 178-87
- Parkersburg, West Virginia Municipal Code, Chapter 8, Article 165, Ord. 0-88
- Pittsburgh Municipal Code: https://library.municode.com/pa/pittsburgh/codes/code_of_ordinances?nodeId=CIPIPECOOR

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- Pittsburgh Tree Information: <https://www.treepittsburgh.org/resource/trees-municipal-code/>
- Pittsburgh, Pennsylvania Municipal Code Chapters 483, 485, and 918
- Ramsey County Park Ordinance Project: <https://www.ramseycounty.us/residents/parks-recreation/21st-century-parks-initiative/park-ordinance-project>
- Suttie, J. (2018) Why Your Community Needs More Green Space: https://greatergood.berkeley.edu/article/item/why_your_community_needs_more_green_space
- The Roots of Sustainability: 5 reasons why cities need trees: <https://www.weforum.org/agenda/2022/06/cities-urban-trees-climate-change/#:~:text=In%20addition%20to%20air%20pollution,cover%20possess%20better%20health%20immunity.>
- The True Costs of Starting a Community Garden: <https://ecogreenlove.com/2017/06/02/costs-commgarden/>

Funding and Grant Opportunities for Community Gardens:

- Public Garden Funding Resources: <https://www.publicgardens.org/public-garden-funding-resources>
- Community Garden Grant: <https://www.foodwellalliance.org/garden-grants>
- Garden Grants for Schools, Communities, and Nonprofits: <https://growingspaces.com/gardening-grants/>
- Garden Grants: <https://butterflywebsite.com/articles/gardening-grants.cfm>
- Plant America Community Project Grants: <https://gardenclub.org/plant-america-community-project-grants>