



## Legislation Text

**File #: 19-005-O, Version: 1**

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE XXIII, OF THE DULUTH CITY CODE CHANGING THE TITLE OF THE URBAN FOREST COMMISSION TO NATURAL RESOURCES COMMISSION AND EXPANDING THE ROLE OF THE NATURAL RESOURCES COMMISSION TO INCLUDE STEWARDSHIP OF ALL NATURAL RESOURCES ON CITY OWNED AND CITY MANAGED LAND.

### CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the title of Chapter 2, Article XXIII, of the Duluth City Code be amended to read as follows:

~~Article XXIII. Urban Forest Commission~~ Natural Resources Commission

Section 2. That Section 2-124 of the Duluth City Code be amended to read as follows:

Sec. 2-124. Commission created.

There is hereby created an ~~urban forest~~ natural resources commission.

Section 3 That Section 2-125 of the Duluth City Code be amended to read as follows:

Sec. 2-125. Members; appointment; terms; vacancies.

The commission shall consist of nine members who shall be appointed by the mayor subject to confirmation by the city council. Vacancies shall be filled for the unexpired term in the same manner. Of the initial members, three shall be appointed for three years, three shall be appointed for two years and three shall be appointed for one year; thereafter all appointments, other than those to fill unexpired terms, shall be for three years. The terms of members shall expire on August 31 of the appropriate year. Members shall serve until their successors are appointed and qualified. The commission members shall be residents of the city of Duluth and should broadly represent all geographic areas of the city. Collectively, commission members should have broad experience and expertise in areas such as natural resources management, ecology, forestry, botany, water quality, invasive species and wildlife. ~~Two members of the commission shall be professionally engaged in an occupation relating to forestry, landscaping, tree or plant nursery, architecture or an allied or related profession, and seven shall be interested citizens. The city forester shall be an ex-officio member of the commission.~~

Section 4 That Section 2-127 of the Duluth City Code be amended to read as follows:

Sec. 2-127. Powers and duties.

The natural resources urban forest commission shall act as an advisory group to the mayor and city council and will provide science-based guidance on the protection and enhancement of the ecological health of city owned and city managed land (hereinafter "city land") and, thereby, the regional ecosystems of which they are an integral part. The natural resources commission's duties may include:

- (a) Develop recommendations on how to protect, restore, and manage natural resources on city land.
- (b) Solicit public input on the protection, restoration, and management of natural resources on city land.
- (c) Advise on issues, policies, ordinances, and programs pertaining to the protection, restoration and management of trees on city land and, where required by ordinance, on private land.
- (d) Advise on the composition of the city's portfolio of green space and adding to or disposing of such properties.
- (e) Advise on the Duluth natural area program established in Article XXIX of this Chapter to designate, protect, and manage lands of special environmental value.  
~~for the city forestry program, by recommending and advising the city administration and the city council on policies, budgetary concerns and technical tree related issues having an impact on boulevard tree placement~~

~~and replacement, management, maintenance and removal, reforestation, urban forest management, and tree preservation.~~

Section 5. That Chapter 35, Section 35-30.1, of the Duluth City Code be amended as follows:

Sec. 35-30.1. Heritage trees.

(a) Any citizen or resident of the city may submit a nomination to the ~~tree~~ natural resources commission nominating any tree in the city for designation as a heritage tree. The commission shall decide on an annual basis whether to recommend such designation to the city council, which makes designations by resolution. Heritage trees may be on public or private property, but designation of privately owned trees must be approved by the owner of the land on which the nominated tree is located in writing as part of the nomination. For the tree commission to consider a nomination, a tree must meet at least one of the following criteria:

- (1) Size: Unusual trunk diameter or height for the species;
- (2) Form: A peculiar growth form for the species of the tree which gives it unique character;
- (3) Rarity: A locally rare species;
- (4) Age: At least 100 years old, estimated by counting rings collected by increment borer;
- (5) Historic significance: A tree associated with a noted person or persons, a historic

structure or a significant event in Duluth's history;

(b) The tree inspector shall keep a record of all heritage trees so designated and their location;

(c) Designated heritage trees on public property may not be removed or harmed by such activities as trunk girdling, removing more than 30 percent of a healthy tree's limbs, or damaging tree roots, unless the tree is determined a hazard to persons or property by the tree inspector

Section 6. That this ordinance shall take effect 30 days after its passage and publication.

STATEMENT OF PURPOSE: The purpose of this ordinance is to expand the duties of the urban forest commission to include all natural resources on city land and to rename it the natural resources commission. The natural resources commission will retain all of the existing responsibilities of the urban forest commission and add broader responsibility to provide science-based guidance on the protection and enhancement of the ecological health of city owned and city managed lands and the regional ecosystems of which they are an integral part.

Specific additional responsibilities may include:

- Development of recommendations on how to protect, restore, and manage natural resources on city land.
- Solicitation of public input on the protection, restoration, and management of natural resources on city land.
- Guidance on the composition of the city's portfolio of green space and adding to or disposing of such properties.
- Guidance on the Duluth natural area program.

The ordinance characterizes the natural resources commission as a technical advisory body whose members should have broad experience and expertise in areas such as natural resources management, ecology, forestry, botany, water quality, invasive species and wildlife. Existing members of the urban forest commission have been invited to continue to serve on the natural resource commission without alteration to their terms.

Along with 2018 funding of full-time city forester and natural resource coordinator positions, creation of the natural resources commission represents the city's commitment to employ a more proactive, science-based, and public approach to the stewardship of the natural resources on city land.