

**Ecological Advocacy Committee:
Recommendation to South Bend Board of Park Commissioners and South Bend Common Council
PARC Committee (Parks, Recreation, Cultural Arts & Entertainment)**

The South Bend Code of Ordinance vests the responsibility for maintenance of trees and shrubs along or within the limits of the public streets, tree and lawn areas, parks and other public places of the City in the Board of Park Commissioners (Sec 19-9) and Superintendent of Parks or his designee (Sec. 19-12). It is the Ecological Advocacy Committee's understanding that known invasive tree species continue to be planted in areas under the jurisdiction of the Board of Park Commissioners, including plantings by the Public Works Department – who are responsible for the majority of roadside plantings undertaken by the city.

The EAC recommends to the Board of Park Commissioners that the City's tree planting policies be updated and enforced. Specifically, we recommend that the Board of Park Commissioners:

1. Update the prohibited tree and prohibited shrub species lists (*code of ordinance 19-13 and 19-14*) to make these lists more comprehensive and to prevent the continued planting of invasive and nuisance tree species.

Note: The EAC offers to assist in compilation of more comprehensive prohibited species lists as needed.

2. Exercise their authority to administer the ordinance – especially as it relates to work undertaken by the Department of Public Works – and require:
 - a. That the Department of Public Works develops a planting plan that is consistent with principles of the Natural Resource Management Plan and in consultation with the City Forester.
 - b. That the Department of Public Works provides an annual report of planting activities (to include species and numbers of trees but also potentially including locations of plantings and other relevant information).
3. Initiate a public education program to inform private land owners of the tree planting ordinance, including:
 - a. The rationale for the prohibited species lists and related responsibilities.
 - b. A list of desirable tree and shrub species that is consistent with the principles of the Natural Resource Management Plan and infrastructural requirements (e.g., height limits and other standards for plantings).

- c. Other vehicles to empower and opportunities to engage communities across the city to increase planting and care of desirable tree and shrub species in areas under the Board of Park Commissioners jurisdiction.

Note: The EAC members offers to assist in development of education materials including desirable species lists (e.g., web content and brochures)

Appendix: Current Tree and Shrub Planting Ordinance

https://library.municode.com/in/south_bend/codes/code_of_ordinances?nodeId=SUHITA_CH19_TRVE_ART1TRSH_DIV2PLTRRE_S19-13PRSPTR

Sec. 19-9. - Jurisdiction of Board of Park Commissioners.^[2]

The Board of Park Commissioners shall have the exclusive jurisdiction and authority to do the following:

- (1) order, control and regulate the sodding, seeding and maintenance of lawns and the maintaining, planting and removal of trees and shrubs upon, along or within the limits of the public streets, tree and lawn areas, parks and other public places of the City;
- (2) order, control and regulate the removal of dead and diseased trees or portions thereof, which constitute a menace to public safety and health wherever located within the City;
- (3) adopt and enforce rules, regulations and specifications relative to paragraph (1) of this section; and
- (4) regulate and prescribe the terms and conditions upon which permits for the maintaining, planting and removal of trees and shrubs shall be issued.

Sec. 19-12. - Approval and permit required prior to planting any tree or shrub; fee.

- (a) No tree or shrub shall be planted upon or along any public street or in a tree or lawn area of the City until the tree or shrub and the place where it is to be planted has been approved and a permit granted by the Superintendent of Parks or his designee.

Sec. 19-13. - Prohibited species of trees.

No catalpa, soft maple, box elder, cottonwood, poplar, ailanthus, mountain ash, horse chestnut, birch, mulberry, willow, Carolina poplar, basswood, Chinese elm, nut-bearing trees or conifers, or any tree having weeping or pendulous branches, shall be planted in any tree and lawn area or upon, along or within the limits of any public street. (Code 1962, § 38-8)

Sec. 19-14. - Prohibited species of shrubs.No person shall sell or plant within the City the "berberis vulgaris," commonly known as the tall barberry, or the "berberis purpurea," commonly known as the purple barberry. (Code 1962, § 38-9)