



# **CITY OF DILLON**

# **TREE ORDINANCE**

Adopted by the Dillon City Council, March 10, 2003

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## **DILLON TREE COMMITTEE - 2002-2003**

**Earl Dutton, Chairman**

**Committee: Carlton Carr, Betty Gibbons, Gerry Long, Julia McLaurin, Owen Wallace**

**Ex-Officio Members:**

**Mary Miller**

**M. Riales, Dillon Downtown Revitalization Coordinator**

**Benny Genwright, Code Enforcement Director**

**Burt Rogers, Street Department Superintendent**

**Lois Edwards, Urban Forester**

**Terry Morris, SCDOT**

**Terry Hill, Progress Energy**

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# **Dillon Tree Ordinance**

## **1 Title**

This ordinance shall be known and may be cited as the “Dillon Tree Ordinance”.

## **1 Purpose**

The purpose of this ordinance is to establish policies, regulations, and standards for the management of public trees within the City Limits, and to regulate the protection and removal of Heritage Trees. Public tree management shall include, but not be limited to, tree establishment, maintenance, protection, and removal.

## **2 Exceptions**

All major subdivisions not classified as minor subdivisions in accordance with the City of Dillon Land Development Regulations, Section 5-5-11, including but not limited to subdivisions of eleven (11) or more lots, or any size subdivision requiring any new road or extension of the local government facilities or the creation of any public improvements are exempt from the requirements of the Dillon Tree Ordinance and shall be subject to the requirements of the City of Dillon Land Development Regulations.

## **3 Objectives**

The objectives of public tree management shall be to maximize the functional benefits of trees while minimizing the costs of management. The objectives of this ordinance shall be as listed below.

- (a) Maintain the City’s tree canopy cover at or above its current level.
- (b) Maintain and improve community character.
- (c) Enhance the aesthetic appearance of the landscape.
- (d) Provide direction and support to tree management.

## **4 Benefits of Trees**

Trees provide many environmental, social, and economic benefits that include, but are not limited to, the following.

- (a) Trees produce oxygen and absorb carbon dioxide, thereby reducing air pollution and improving air quality.
- (e) Trees filter out dust, particulate matter, and airborne pollutants, thereby improving air quality.
- (b) Trees intercept precipitation, thereby reducing storm water runoff and improving water quality.
- (c) Tree roots hold the soil, thereby reducing soil erosion and sedimentation and improving water quality.
- (d) Trees provide shade and cooling and provide windbreaks, thereby reducing energy usage and air conditioning and heating costs.

- (e) Trees provide wildlife food and habitat.
- (f) Trees buffer different land uses to eliminate or minimize nuisances such as dust, litter, noise, glare, signs, and unsightly buildings or parking areas.
- (g) Trees improve public health by reducing stress, encouraging exercise, calming traffic, decreasing illness recovery times, reducing crime and domestic violence, and improving concentration.
- (h) Trees attract residents, visitors, commerce and industry to the City and increase the value and marketability of property.
- (i) Trees beautify the City and protect and enhance the quality of life.

## **5 Applicability**

The provisions of this ordinance shall apply to all public trees, as described herein. Some provisions of this ordinance shall apply to trees located on private property under specific and limited circumstances and to trees designated as Heritage Trees, as described herein.

### **5.1 Public Trees**

Public trees shall include all trees growing on City owned property within the street rights-of-way, in parks, in cemeteries, around public facilities, and on all other City maintained properties within the City Limits.

### **5.2 Heritage Trees**

All trees growing on public or private property within the City Limits, *except for those growing on single-family residential property*, that meet one or more of the following criteria shall be designated as Heritage Trees.

- (a) Has a diameter greater than 24 inches.
- (f) Is of an historic or landmark character, associated with a place, individual, or event important to the City or neighborhood's history, or located such that it is a widely known and appreciated tree within the City.
- (b) Is a rare or unusual species, or an unusually large size for the species.

### **5.3 Determination of Heritage Tree Status**

The Tree Committee shall make the final decision as to whether or not a tree shall be considered a Heritage Tree.

## **6 Administration**

The Street Department Manager or his/her designee shall be responsible for the administration of all provisions of this ordinance and for public tree management. The Enforcement Officer shall be responsible for the enforcement of all provisions of this ordinance. The City Manager and other departments within the City of Dillon shall support the Street Department and the Enforcement Officer in all tree management activities.

## **7 Definitions**

As used within this ordinance, the following terms shall have the meanings set forth in this section. The word "shall" as used in this ordinance is mandatory and not merely directory.

Certified Arborist	An individual who has passed the International Society of Arboriculture’s Certified Arborist examination, is designated as a Certified Arborist by said organization, and maintains such designation through attending at least 30 hours of qualifying continuing education within each three-year period certification period.
Critical Root Zone	A more or less circular area on the ground equivalent to the area within the tree’s dripline, or a circle around the trunk with a radius equivalent to 1.5 feet for every 1 inch in dbh, <i>whichever is greater</i> .
Crown	The upper portion of a tree that contains the large scaffold limbs, branches, twigs, and leaves.
DBH	Diameter of the tree trunk at breast height, 4.5 feet above the ground.
Dripline	A vertical line that extends down at the point of the greatest extent of the tree’s branches.
Establishment	The selection, placement, planting, and maintenance of new trees in the landscape. The minimum period of time required for establishing trees is generally considered to be three (3) years.
Hazard Tree	A hazard tree is one that is at risk for failure, either whole or in part, with the part large enough to cause damage, and there exists within the falling distance of the tree or tree part a target, such as people, buildings, vehicles, or hardscape.
Heritage Tree	All trees growing on public or private property within the City Limits, except for those growing on single-family residential property, that have a diameter greater than 24 inches, have an historic or landmark character, are associated with a place, individual, or event important to the City or neighborhood’s history, are a rare or unusual species, are of an unusually large size for the species, or are located such that they are widely known and appreciated tree within the City.
Maintenance	Routine, periodic, or occasional activities directed at maintaining or improving a tree’s health and condition. Maintenance activities include but are not limited to mulching, pruning, irrigation, fertilization, pest control, cabling and bracing, and lightning protection system installation.
Protection	The active or passive protection of a tree’s roots, trunk, and crown for the purpose of avoiding damage to these living structures and maintaining tree health and structural integrity.

Pruning	The deliberate removal of tree branches for a specific purpose, i.e. young tree training, deadwood removal, utility line, traffic, or pedestrian clearance, or correcting structural defects.
Removal	The cutting of a tree at ground line to remove the tree's trunk and crown. The tree stump and roots may or may not be removed along with the trunk and crown.
Roots	The below ground portion of a tree that includes large, woody support roots and small, non-woody, fibrous "feeder" roots. Roots are generally located within the top 18 inches of soil and extend out from the trunk two (2) to three (3) times the width of the crown.
Topping	The improper removal of tree limbs with cuts made between nodes; also known as "tipping", "heading", and "shearing".
Tree	A woody perennial plant, generally with a single trunk but sometimes with multiple trunks, with the potential to attain a mature size of at least 3 inches in trunk diameter at 4.5 feet above the ground and a height of at least 15 feet.
Trunk	The main woody stem of a tree that supports the crown and functions in the transport of water, nutrients, and carbohydrates from the crown to the roots and the roots to the crown.

## **8 Tree Committee**

### **8.1 Name**

A tree board shall be created and shall be known as the "Dillon Tree Committee".

### **8.2 Members**

The Tree Committee shall have seven (7) members, citizens and residents of the City, that shall be appointed by the Mayor and City Council and approved by the Mayor and City Council. One (1) advisory, non-voting member shall be appointed in addition to the seven (7) members. Tree Committee members shall be chosen to be geographically representative of the community and shall include a professional forester or arborist as well as at-large members. An unlimited number of ex-officio members shall be invited by the Tree Committee to serve in a non-voting capacity.

### **8.3 Quorum**

A quorum shall consist of four (4) voting members. The Tree Committee shall take no action in the absence of a quorum.

### **8.4 Compensation**

Tree Committee members shall serve without compensation. The City, upon receipt of appropriate receipts and documentation, shall reimburse reasonable expenses incurred by members and approved by the Committee.

### **8.5 Term of Office**

The term of office for Tree Committee members shall be four (4) years. Members may serve no

more than two terms. For the initial Committee, the Mayor and City Council shall appoint three (3) members to four (4) year terms, two (2) members to three (3) year terms, and two (2) members to two (2) year terms.

## **8.6 Officers, Regulations, and Proceedings**

The Tree Committee shall elect a Chairman, Secretary, and Treasurer. The Tree Committee shall make its own rules and regulations above and beyond those listed in herein, shall keep minutes of its meetings, shall keep records of its activities through correspondence, photographs, articles, and written summaries, and shall keep accurate and current financial records.

### *8.6.1 Chairman*

The Chairman shall be elected by members of the Tree Committee and shall serve a term of one (1) year. The Chairman may serve no more than four (4) consecutive years. The Chairman shall be responsible for setting each meeting's agenda and for conducting the meetings. In the absence of the Chairman, the Treasurer shall carry out the responsibilities of Chairman.

### *8.6.2 Secretary*

The Secretary shall be elected by the members of the Tree Committee and shall serve a term of one (1) year. The Secretary may serve no more than four (4) consecutive years. The Secretary shall be responsible for keeping records of the proceeding and events of the Tree Committee, publicizing meetings in the local newspaper, distributing meeting announcements to members, and recording the minutes of each meeting. In the absence of the Chairman and the Treasurer, the Secretary or a member he/she designates shall carry out the responsibilities of Chairman.

### *8.6.3 Treasurer*

The Treasurer shall be elected by the members of the Tree Committee and shall serve a term of one (1) year. The Treasurer may serve a total of (4) years. The Treasurer shall be responsible for administering the Tree Committee budget, maintaining records of income and expenditures, maintaining records of the amount and value of in-kind donations and volunteer hours, and preparing an annual budget and financial report. The Treasurer shall carry out the responsibilities of the Chairman in his/her absence.

## **8.7 Responsibilities Generally**

The responsibilities of the Tree Committee shall include, but not be limited to, the following.

- (a) Advise the City in all tree-related matters.
- (b) Serve as a source of information about proper tree maintenance techniques and community tree management policies.
- (c) Make recommendations for public tree establishment, maintenance, protection, and removal.
- (d) Provide input to the Street Department for the development of annual work plans and long range planning.
- (e) Develop and maintain a list of trees recommended and not recommended for planting in Dillon.
- (f) Investigate and apply for donations and grant funding from public and private sources for community forestry related projects.
- (g) Provide regular community tree care educational programs and information about the value of trees and proper tree maintenance to City staff and citizens.

- (h) Review the Tree Ordinance and provide recommendations for changes to the Planning and Zoning Board and in turn to the Mayor and City Council at least every two (2) years.
- (i) Promote and support the Tree City USA program.
- (j) Prepare an annual report to the City Council that includes the past year's accomplishments, financial report, next year's budget, and planned activities.

### **8.8 Meetings**

The Tree Committee shall meet monthly. Special meetings may be held in addition to the regular monthly meetings. At least seven (7) days public notice shall be given in the local newspaper prior to each regularly scheduled or special meeting. Members absent for more than three (3) consecutive meetings or more than one-third (1/3) of the regularly scheduled meetings per year may be replaced by recommendation of the Tree Committee to the Mayor and City Council. The Secretary shall advise the Mayor and City Council of any members recommended to be replaced or any member that has resigned and ask the Mayor and City Council to appoint a new member to fill the un-expired term of the vacating member.

### **8.9 Sub-committees**

The Tree Committee may, at its discretion, create sub-committees to assist in conducting its business. The members of these committees may or may not be members of the Tree Committee.

### **8.10 Donations**

The Tree Committee shall have the authority to accept public funds from tax revenues, fines, fees, grants, or bequests, materials, or donations of cash or in-kind services that are intended to provide for the general operations of the Committee and for the execution and implementation of tree-related activities or projects. These funds shall be placed in a separate Tree Committee account.

## **9 Tree City USA**

The City of Dillon shall maintain Tree City USA status and submit an application for this designation each year by December 15<sup>th</sup> to the South Carolina Forestry Commission and the National Arbor Day Foundation. To maintain eligibility for this program, the City shall meet the following criteria.

- (a) Hold an annual Arbor Day Celebration on or around Arbor Day in South Carolina, the 1<sup>st</sup> Friday in December. An Arbor Day Proclamation shall be created and included as part of the celebration.
- (b) Have a tree ordinance. The tree ordinance shall be reviewed, and revised if necessary, at least once every two (2) years.
- (c) Have an active Tree Committee, appointed by the Mayor and Council, responsible for advising the City on tree-related matters.
- (d) Spend at least \$2 per capita on public tree management, including planning, education, tree establishment, maintenance, protection, and removal, and any and all other maintenance or management activities.

## **10 Tree Inventory**

The City shall maintain a current inventory of all public trees. The inventory data gathered and recorded for each tree shall include, at a minimum, the following information.

- (a) Location (address or latitude/longitude coordinates).
- (b) Tree species.
- (c) DBH.
- (d) Condition.
- (e) Maintenance needs.

## **11 Annual Work Plan**

The Street Department shall develop an annual work plan for the management of public trees utilizing the tree inventory information and input from the Tree Committee. The work plan shall contain the following plans and schedules.

- (a) Tree planting.
- (b) New tree maintenance including mulching, irrigation, and young tree training pruning.
- (c) Tree pruning.
- (d) Tree mulching.
- (e) Tree removal.

## **12 Public Tree Maintenance Standards**

The City shall have the right and responsibility to establish, maintain, protect, and remove trees located on public property. Public tree maintenance standards shall be developed and made a part of this ordinance and shall include, at a minimum, standards for tree establishment, maintenance (to include pruning, mulching, fertilization, irrigation, and pest control), protection, and removal. These standards shall incorporate the current version of the following professional standards from the American National Standards Institute.

- (a) ANSI Z60.1 American National Standard for Nursery Stock
- (b) ANSI Z133.1 American National Standard for Arboricultural Operations – Pruning, Repairing, Maintaining, and Removing Trees, and Cutting Brush—Safety Requirements
- (c) ANSI A300 American National Standard for Tree Care Operations – Trees, Brush, and Other Woody Plant Maintenance—Standard Practices (Pruning)
- (d) ANSI A300 Part 2 - American National Standard for Tree Care Operations – Trees, Brush, and Other Woody Plant Maintenance—Standard Practices (Fertilization)
- (e) ANSI A300 Part 3 – American National Standard for Tree Care Operations – Trees, Brush, and Other Woody Plant Maintenance—Standard Practices (Support Systems & Cabling, Bracing, and Guying)
- (f) ANSI A300 Part 4 – American National Standard for Tree Care Operations – Trees, Brush, and Other Woody Plant Maintenance—Standard Practices (Lightning Protection Systems)

### **12.1 Establishment**

#### *12.1.1 Tree Species List*

The City shall keep a current list of trees recommended for planting on public property and not recommended for planting. The list shall be developed and maintained by the Tree Committee. The list shall include, at a minimum, the following information.

- (g) Species common name.

- (h) Latin name.
- (i) Mature height category.
- (j) Recommended or not recommended.

Mature height categories shall be as listed below.

- (a) Small – less than 25 feet in height at maturity.
- (b) Medium – less than 40 feet in height at maturity.
- (c) Large – at least 40 feet and up to 100 feet or more in height at maturity.

#### *12.1.2 Tree Quality*

Trees planted on City property shall be good quality and have the following characteristics.

- (a) Have healthy roots, trunk, and crown.
- (b) Be free from stem encircling and stem girdling roots.
- (c) Have a form characteristic of the species, but otherwise with a straight trunk and without co-dominant stems and included bark.
- (d) Have well-spaced branches.
- (e) Be free from insects, diseases, and mechanical injuries.

#### *12.1.3 Tree Placement*

Trees shall be planted in locations that meet the following criteria.

- (a) At least 30 feet from street intersections.
- (b) At least 25 feet from stop signs and light poles.
- (c) At least 15 feet from driveways, utility poles, fire hydrants, and mail boxes.
- (d) At least 2.5 feet from the curb and sidewalks.
- (e) Only small trees shall be planted beneath or within 20 feet of overhead utility lines.
- (f) Small trees shall be planted no closer than 10 feet to a building.
- (g) No medium tree shall be planted closer than 20 feet to overhead electrical power lines or 20 feet to a building.
- (h) No large tree shall be planted closer than 30 feet to overhead electrical power lines or 30 feet to a building.

The Tree Committee may approve other tree placement designs in public spaces that do not meet the above criteria, such as a planned streetscape design.

#### *12.1.4 Spacing Between Trees*

For all street tree plantings, except for special planting plans approved by the Tree Committee, the following minimum planting distances shall be required.

- (a) Small trees shall be planted at least 25 feet apart.
- (b) Medium trees shall be planted at least 35 feet apart.
- (c) Large trees shall be planted at least 50 feet apart.

#### *12.1.5 Open Soil Surface Area*

Trees shall have a minimum of 16 square feet of open soil surface area when planted in tree wells or concrete cutouts. Otherwise, trees shall have the minimum open soil surface areas listed below.

- (a) Small trees – 16 square feet (4 feet x 4 feet).
- (b) Medium trees – 64 square feet (8 feet x 8 feet).
- (c) Large trees – 144 square feet (12 feet x 12 feet).

#### *12.1.6 Utility Locates*

The party excavating the planting hole shall be responsible for insuring that all underground utilities have been located and marked prior to any excavation.

#### *12.1.7 City Tree Planting Permit*

A City Tree Planting Permit shall be required for anyone to plant trees on public property. On State Highway rights-of-way, a State of South Carolina Encroachment Permit shall also be required (see Sec. 12.1.8). The Code Enforcement Officer shall be responsible for issuing City Tree Planting Permits. Applications for City Tree Planting Permits shall include, at a minimum, the following information.

- (d) Application date.
- (e) Name and contact information of applicant.
- (f) Address where the tree is to be planted.
- (g) Tree species to be planted.
- (h) Caliper size of tree (diameter of trunk measured at 6 inches above the ground line).
- (i) Exact location of planting site and description, including the presence of overhead or underground utility lines.
- (j) Three-year maintenance plan and schedule.

#### *12.1.8 State of South Carolina Encroachment Permit*

A State of South Carolina Encroachment Permit is required for any landscaping work performed on State Highway rights-of-way and can be requested from the South Carolina Department of Transportation. A sketch plan of the proposed project must be attached to the Encroachment Permit Application. This plan should show the planting arrangement and the type of plants to be used. Photographs may also be helpful.

All proposed Encroachment Permit applications should clearly state the following information.

- (a) Speed limit (mph).
- (b) Cut or fill slope (check with local Resident Maintenance Engineer).
- (c) Traffic volume – less or greater than 1,500 ADT (check with local Resident Maintenance Engineer).
- (d) Label guardrail; barrier curb; sidewalks; edge of pavement and right-of-way line on sketch; indicate traffic lights at road intersections (a label stating “TL” in a box is acceptable).
- (e) State distance plant material is from curb or edge of pavement (offset).

## **12.2 Maintenance**

### *12.2.1 Pruning*

(a) Public Trees

Tree pruning shall be done on a routine basis to provide pedestrian, traffic, sign, light, and signal clearance, to reduce conflicts with buildings and infrastructure, to improve tree structure, form, and health, and to remove dead, diseased, dying and otherwise objectionable branches over two (2) inches in diameter. Tree pruning shall be done in accordance with current professional standards (ANSI A300). The following clearances shall be maintained through routine pruning.

- i. Seven (7) feet above sidewalks and walkways.
- ii. Twelve (12) feet above residential streets.
- iii. Sixteen (16) feet above major thoroughfares.

(b) Newly Planted Trees

Newly planted trees shall be inspected during the summer months at one (1), two (2), and three (3) years after planting and pruned if necessary to improve their structure and health.

(c) Private Trees

The City shall have the right to prune trees on private property to provide clearance over public sidewalks and roadways, to improve visibility of signs, signals, and lights, and to reduce hazards.

(d) Utility Line Clearance Pruning

All pruning completed for the purpose of utility line clearance shall be done in accordance with current professional standards (ANSI A300) and shall be supervised by a Certified Arborist. Topping

The topping of any publicly owned tree shall not be permitted under any circumstances. The City may, at its discretion, require that any party topping public trees pay a penalty in an amount up to but no greater than the appraised value of the tree prior to topping.

*12.2.2 Mulching*

All newly planted trees shall be mulched with leaves, aged wood chips, pine straw, or other good quality organic mulch during the establishment period—the first three (3) years after planting. Mulch shall be applied in an even layer, 3-4 inches deep, out to the dripline of the tree. All trees shall be mulched where practical, as far out towards the dripline as possible. Mulch shall be kept at least 6 inches away from the tree trunk to avoid creating favorable conditions for insect, disease, or rodent infestation.

*12.2.3 Fertilization*

Fertilization may be done where and when a soil or foliar test indicates a nutrient deficiency. Fertilization shall be done according to current professional standards (ANSI A300).

*12.2.4 Irrigation*

Irrigation shall be done for all newly planted trees during the months of May through October at least once per week during periods of drought or low rainfall, up to an amount of 1 inch of water per week.

*12.2.5 Pest Control*

When public trees are found to have insect or disease infestations that pose a major threat to surrounding trees, they shall be effectively treated or removed by the City. Spraying of insecticides, fungicides, or herbicides shall be done only for the control of specific insects, diseases, or weeds with the proper materials in the necessary strength and applied at the proper time to obtain the desired control. General spraying for insect, disease, and weed control shall be

discouraged.

### **12.3 Protection**

During the installation, repair, alteration, or removal of any building, house, structure, utility line, or hardscape, or the conduct of a public event or gathering, any person, firm, or corporation in charge of such work or event shall protect the roots, trunk, and crown of adjacent public trees from harmful activities to prevent injury to such trees.

#### *12.3.1 Activities Harmful to Trees*

Activities harmful to trees shall include, but are not limited to, trenching, grading, grubbing, soil backfill or sedimentation, soil cuts, soil compaction from equipment, vehicle, or pedestrian traffic, soil compaction from materials storage, soil contamination from equipment maintenance and washouts, changes in water drainage, fire, trunk wounds, limb wounds, improper pruning, and broken branches. These activities are common during infrastructure installation or repair, building or facility construction, and public events or gatherings.

#### *12.3.2 Tree Protection Fencing and Other Protection Measures*

Except in the case of public events and gatherings, tree protection fencing shall be erected at the critical root zone prior to the commencement of any harmful activity by the individual in charge of that activity, and shall remain in place until the activity is completed. Other protection measures may include tunneling, trunk wraps, mulching, or irrigation.

Prior to public events and gatherings, trees shall be mulched as described herein.

#### *12.3.3 Protection of Heritage Trees*

Heritage Trees shall be protected from all harmful activities within their critical root zone. Tunneling at a depth of at least 24 inches, instead of trenching, shall be required for the installation of underground utility lines within the critical root zone of Heritage Trees,

### **12.4 Removal**

#### *12.4.1 Citizen Requests*

A tree removal permit shall be required for anyone wishing to remove a tree on public property or to remove a Heritage Tree. The removal of trees on public property shall be the responsibility of the Street Department. The removal of Heritage Trees shall be the responsibility of the property owner, whether public or private. The Street Department or Tree Committee may charge the cost of the removal of trees in response to citizen requests, upon recommendation, to the citizen requesting the removal.

#### *12.4.2 City Requests*

The Street Department shall notify the Tree Committee at least ten (10) days before a regularly scheduled meeting of the Department's intent to remove Heritage Trees located on public property. This provision shall not apply in emergency situations or during storm damage clean up. The Department shall submit with the notification a copy of the Certified Arborist's report detailing the results of the Arborist's inspection and maintenance recommendations. The Tree Committee shall provide a ruling in writing to the City on the removals within three (3) days after the meeting.

#### *12.4.3 Certified Arborist's Report*

Prior to removing any Heritage Tree from public property, except in emergency situations and during storm damage clean up, the Street Department shall require a written report by an

International Society of Arboriculture (ISA) Certified Arborist on the tree's health and condition, and a written approval by the Tree Committee. The Arborist's report shall be based upon a visual, on-the-ground inspection. The report shall include, as a minimum, the following information.

- (a) Tree identification information, including species, dbh, and location.
- (b) Condition value using the rating system published in the current edition of the Guide for Plant Appraisal developed by the Council of Tree and Landscape Appraisers and published by the International Society of Arboriculture.
- (c) Hazard rating using the current edition of the Photographic Guide to the Evaluation of Hazard Trees in Urban Areas written by Nelda P. Metheny and James R. Clark, and published by the International Society of Arboriculture.
- (d) Recommended maintenance action (prune, cable and brace, remove, or other) and priority (routine or immediate).

#### *12.4.4 Tree Removal Permit*

A permit shall be required for any party, except for City personnel and those acting at the expressed request or direction of the City, to remove any tree located on public property and for the removal of Heritage Trees on private property. The Code Enforcement Director shall issue the Tree Removal Permit. The application for a tree removal permit shall be submitted to the Code Enforcement Officer at least ten (10) days prior to a regularly scheduled Tree Committee meeting. The Tree Committee shall rule on the application and notify the Code Enforcement Officer and the applicant of the results of the ruling within three (3) days after the meeting. The application for a Tree Removal Permit must include, at a minimum, the following information.

- (a) Application date.
- (b) Name and contact information of applicant.
- (c) Tree location.
- (d) Tree species.
- (e) Tree dbh.
- (f) Reason for removal.

#### *12.4.5 Permitted Reasons*

Removal shall be permitted for the following reasons. Removal for other reasons may be permitted by recommendation of the Tree Committee.

- (a) Tree is dead.
- (b) The tree is affected by an insect or disease problem that is untreatable and results in rapidly declining tree health or a hazardous condition.
- (c) Tree is dying due to past damage and its condition cannot be improved with standard maintenance techniques.
- (d) Tree has an uncorrectable structural defect that results in an increased risk of whole or partial tree failure.
- (e) Tree is reducing sight visibility and the correction of the problem will result in severe disfigurement of the tree or crown reduction below 50%.
- (f) The tree is in a restricted growing space, is in conflict with the surrounding hardscape or

infrastructure, and the conflict cannot be resolved.

- (g) Tree is in conflict with overhead utility lines and proper pruning cannot adequately reduce the conflict without severely disfiguring the tree.

#### *12.4.6 Notification*

The Code Enforcement Officer shall notify citizens of the scheduled removal of Heritage Trees located on public property at least ten (10) days prior to removal. Notification shall be accomplished through the posting of two (2) signs, at least 8.5 x 11 inches in size, on the street and sidewalk sides of the tree, and by a public notice in the local newspaper. The signs shall remain on the tree for ten (10) days. The signs and public notice shall include, at a minimum, the following information.

- (a) Tree species, diameter, and location.
- (b) Date of posting.
- (c) Reason for removal.
- (d) Contact number for the City for more information.

#### *12.4.7 Replacement of Trees Removed*

All trees removed on public property shall be replaced within two (2) years after removal. If the site where the tree was removed is not suitable for replanting, a tree shall be planted in a suitable location as close as possible to the removal location. If there is no suitable location close to the removal location, then a tree shall be planted in a planned planting location in the vicinity. The Tree Committee shall assess a replacement fee of \$300 per tree for each tree removed to the individual, group, or agency requesting the removal.

#### *12.4.8 Stump Removal*

All stumps of street and park trees shall be removed to a depth of eight (8) inches below the surface of the ground so that the top of the stump shall not project above the surface of the ground. Sod, grass seed, or other satisfactory ground cover shall be placed and maintained on the site of the removed or ground stump. Stumps shall not be ground in cemeteries.

#### *12.4.9 Private Trees*

The City shall have the right to remove or cause to be removed trees on private property that are at a high risk for failure, have insect or disease infestations that are a threat to surrounding trees, or are otherwise nuisances that threaten the health and safety of the public.

- (a) Written Notice

Owners of premises where a nuisance tree is located shall be served a written notice from the Code Enforcement Officer either in person or by registered mail that action must be taken to abate the nuisance within 30 days. If after 30 days the nuisance has not been abated, the City shall have the right to remove the tree or cause the tree to be removed, and charge the property owner with the cost of removal and all other associated costs.

### **13 Damage to Public Trees**

No person shall damage, destroy, remove, or otherwise harm a tree located on public property without a tree removal permit or the written consent of the Code Enforcement Officer. The City shall require compensation for the damage or destruction of a public tree equal to the appraised value of the tree prior to the damage.

### **13.1 Appraised Tree Value**

The appraised value of a tree shall be calculated by a Certified Arborist based on the current edition of the Guide for Plant Appraisal developed by the Council of Tree and Landscape Appraisers and published by the International Society of Arboriculture.

### **14 Enforcement**

The City's Enforcement Officer shall be responsible for enforcing all the provisions of this ordinance.

### **15 Violations**

Except when stated otherwise in this ordinance, any person, firm, or corporation who violates any provision of this ordinance or who fails to comply with any notice issued pursuant to provisions of this ordinance, upon being found guilty of violation, shall be subject to a fine not to exceed \$500 for each separate offense. All monies collected as a result of violations shall be allocated to the City's tree program and shall be placed in the Tree Committee account.

### **16 Emergencies**

In case of emergencies involving, but not limited to, tornadoes, windstorms, floods, hurricanes, freezes, or other natural disasters, the requirements of this ordinance may be waived by the Mayor and a quorum of four (4) City Council members.

### **17 Appeals**

The Tree Committee shall serve as the Appeals Board for the administration of this Ordinance. Requests for an appeal shall be sent to the Tree Committee at least ten (10) days prior to a regularly scheduled meeting of the Committee. The party requesting the Appeal shall be notified within three (3) days of the Tree Committee's ruling. Actions of the Tree Committee may be appealed through the Code Enforcement Director to the Mayor and City Council for a final ruling.