Sample Tree Ordinance Preamble

The following ordinance is provided for reference in creating a tree ordinance for a town, city or county. This sample ordinance is provided to allow for the use of “boiler plate” text in creating a tree ordinance. A tree ordinance for public trees is one of the requirements for meeting the Arbor Day Foundation’s Tree City USA Program. However, protection of some trees on private lands will go much further in ensuring a robust tree canopy coverage for your community.

This is an accompanying document for the SCFC Planner’s Forest Toolkit which contains background, rationales and examples for tree related ordinances. The toolkit should be reviewed first before using this document. It can be found here <http://trees.sc.gov/pubs/urbanplannerstoolkit.pdf>

Before using this ordinance tool, it is important to contemplate where your community is on the continuum of “no tree ordinance to fully covered ordinance.” Do you currently, or do you plan to, oversee tree care, planting or removal only for public property, or for both public and private properties? If your community plans to enact all or portions of this ordinance; do you have the ability to enforce its provisions (development reviews, inspections, fines or mitigations). For example, if trees are required to be planted, are there also funded inspections and penalties or mitigation if requirements are not met? If you have a small staff or no staff, are there some functions that can be carried out by a tree board or by a qualified contractor?

Determining your community’s objectives for its trees and how far to extend the reach of your ordinance are key considerations that should be undertaken before drafting an ordinance. It may also be prudent to take a phased approach – adopting some, but not all, provisions herein. Most planners and arborists have witnessed the effects of ordinances that are not enforced. It may be best to adopt an ordinance that is practical and then expand its provisions as your community grows. It will also be important to include a public education effort to ensure that the general public, staff and elected and appointed officials understand the need for and benefits of a robust and effective tree ordinance before changes are proposed.

This ordinance is provided for educational purposes only. The authors assume no liability for its legal standing, applicability or enforcement. It should be modified to meet the needs and circumstances of your community. The standards in this ordinance can also be modified to create more robust standards for urban trees. Those using the contents of this ordinance should consult with their own community’s legal counsel as part of drafting any codes.



[TOWN, CITY, COUNTY] OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_

TREE ORDINANCE

 Adopted by the \_\_\_\_\_\_\_\_\_\_\_\_ [Town, City, County] Council/Board

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ TREE BOARD - 20\_\_ - 20\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Chairman**

**Committee: \_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **Ex-Officio Member:**

**Mayor \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Tree Ordinance, Adopted (date):\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# Title

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

# Purpose

The purpose of this ordinance is to establish policies, regulations, and standards for the management of **[public, private, all]** trees within the **[Town, City, County**] Limits. Tree management shall include, but not be limited to, tree establishment, maintenance, protection, and removal.

# 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.

Maintain the **[Town, City, County**] tree canopy cover at or above its current level.

Maintain and improve community character.

Enhance the aesthetic appearance of the landscape.

Support environmental functions such as cleansing of the air and water.

Provide shade to offset urban heating and reduce energy costs.

Provide direction and support for tree management.

Reduce risks to public safety and significant property damage from damaged, diseased, weak high risk (or nuisance) trees.

Enable the abatement of high risk (or nuisance) trees.

# Benefits of Trees

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

1. Trees produce oxygen and absorb carbon dioxide, thereby reducing air pollution and improving air quality.
2. Trees filter out dust, particulate matter, and airborne pollutants, thereby improving air quality.
3. Trees intercept and transpire precipitation, thereby reducing storm water runoff and improving water quality.
4. Tree roots hold the soil, thereby reducing soil erosion and sedimentation and improving water quality.
5. Trees provide shade and cooling and provide windbreaks, thereby reducing energy usage and air conditioning and heating costs.
6. Trees provide wildlife food and habitat.
7. Trees buffer different land uses to eliminate or minimize nuisances such as dust, litter, noise, glare, signs, and unsightly buildings or parking areas.
8. Trees improve public health by reducing stress, encouraging exercise, calming traffic, decreasing illness recovery times, reducing crime and domestic violence, and improving concentration.
9. Trees attract residents, visitors, commerce and industry to the **[Town, City, County]** and increase the value and marketability of property.
10. Trees beautify the **[Town, City, County]** and protect and enhance the quality of life.

# Applicability

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

## Public Trees

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

# Administration

The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ or his/her designee shall be responsible for the administration of all provisions of this ordinance and for public tree management. The Zoning Administrator or Designee shall be responsible for the enforcement of all provisions of this ordinance. The \_\_\_\_\_\_\_\_\_\_\_\_\_ and other departments within the **[Town, City, County**] of \_\_\_\_\_\_\_\_\_\_\_ shall support the \_\_\_\_\_\_\_\_\_\_\_ Department and the Zoning Administrator in all tree management activities.

# Definitions[[1]](#footnote-1)

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.

|  |  |
| --- | --- |
| Caliper | Diameter measurement of a tree's trunk, taken about six inches above the ground (or from the base of the tree where the roots connect to the trunk). |
| 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 a circle around the trunk with a radius equivalent to 1 foot for every 1 inch in DBH. |
| Crown | The upper portion of a tree that contains the leaders, large scaffold limbs, branches, twigs, and leaves. |
| DBH | Diameter of the tree trunk at breast height, 4.5 feet above the ground. On slopes, DBH is measured on the higher elevation side of the trunk. |
| 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. |
| Grand tree | Any tree in fair or better condition that equals or exceeds a specific diameter size (typically a very large diameter). A lesser-sized tree can be considered a grand tree if it is a rare or unusual species, of exceptional quality, or of historical significance. |
| Hazard Tree | A hazard tree is one that is at high or imminent 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 publicly owned property or rights-of-way within the city limits that meet one (1) or more of the following criteria shall be designated as heritage trees.a. Has a caliper measurement greater than twenty-four (24) inches, also known as an historic tree.b. Is of a landmark character, associated with a place, individual, or event important to the city or neighborhood or its history, or located such that it is a widely known and appreciated tree within the city.c. Is a rare or unusual species, or an unusually large size for the species. |
| 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 when removing 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. |
| Specimen tree | Any broad-leaved large canopy tree with a DBH. of twelve inches (12") or greater or any understory tree with a DBH. of six inches (6") or greater. |
| 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. |

# Tree Committee

## Name

A tree board shall be created and shall be known as the “\_\_\_\_\_\_\_\_\_\_ Tree Board”.

## Members

The Tree Board shall have five (5) members, citizens and residents of the **[Town, City, County],** that shall be appointed by the Mayor and approved by the Mayor and **[Town, City, County]** Council. One (1) advisory, non-voting member shall be appointed in addition to the five (5) members. The Tree Board shall include a SC Registered or SAF Certified forester or ISA Certified arborist.[[2]](#footnote-2) An unlimited number of ex-officio members shall be invited by the Tree Board to serve in a non-voting capacity.

## Quorum

A quorum shall consist of three (3) voting members. The Tree Board shall take no action in the absence of a quorum.

## Compensation

Tree Board members shall serve without compensation. The **[Town, City, County**] upon receipt of appropriate receipts and documentation, shall reimburse reasonable expenses as determined by **[Town, City, County],** incurred by members and approved by the Board

## Term of Office

The term of office for Tree Board members shall be at the set term of the **[Town, City, County**] Council/Board. Terms shall be for a period of two years, renewable by **[Town, City, County**] Council/Board.

## Officers, Regulations, and Proceedings

The Tree Board shall elect a Chairman, Vice- Chairman, and Secretary. The Tree Board 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.

### Chairman

The Chairman shall be elected by members of the Tree Board and shall serve a term of one (1) year, renewable by the Board. The Chairman (or selected responsible party) shall be responsible for setting each meeting’s agenda) and for conducting the meetings.

*7.6.2 Vice Chairman*

The Vice-Chairman shall be elected by the members of the Tree Board and shall serve a term of one (1) year. In the absence of the Chairman, the Vice-Chairman shall carry out the responsibilities of the Chairman.

### Secretary

The Secretary shall be elected by the members of the Tree Board and shall serve a term of one (1) year, renewable by the Board.

## Responsibilities Generally

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

1. Advise the **[Town, City, County]** in all board decision tree-related matters.
2. Serve as a source of information about proper tree maintenance techniques and community tree management policies.
3. Make recommendations for public tree establishment, maintenance, protection, and removal.
4. Provide input to the \_\_\_\_\_\_\_\_\_\_\_ Department for the development of annual work plans and long-range planning.
5. Investigate and apply for donations and grant funding from public and private sources for community forestry related projects.
6. Provide regular community tree care educational programs and information about the value of trees and proper tree maintenance to **[Town, City, County]** staff and citizens.
7. Review the Tree Ordinance and provide recommendations for changes to the Planning Commission and Zoning Board and in turn to the Mayor and **[Town, City, County]** Council at least every two (2) years.
8. Recommend/develop plans for new tree planting projects.
9. Advise **[Town, City, County]** Arborist/Designee on tree removal requests of “Grand” or “Heritage” trees on private properties.
10. Promote and support the Tree City USA program.
11. Prepare an annual report to the City Council that includes the past year’s accomplishments and planned activities.

## Meetings

The Tree Board shall meet at least quarterly. Special meetings may be held in addition to the regular quarterly meetings. At least seven (7) days public notice shall be given in the local newspaper and/or on the **[Town, City, County]** social media outlets and website pages 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 Board to the Mayor and **[Town, City, County]** Council. The Secretary shall advise the **[Mayor, County Administrator]** and **[Town, City, County**] Council of any members recommended to be replaced or any member that has resigned and ask the Mayor and **[Town, City, County]** Council to appoint a new member to fill the un-expired term of the vacating member.

## Sub-committees

The Tree Board may, at its discretion, create sub-committees of no more than two members to assist in conducting its business. The members of these committees may or may not be members of the Tree Board.

# Tree City USA

The **[Town, City, County**] of \_\_\_\_\_\_\_\_\_\_\_ shall maintain Tree City USA status and apply for this designation each year by December 15th to the South Carolina Forestry Commission and the National Arbor Day Foundation. To maintain eligibility for this program, the **[Town, City, County]** shall meet the following criteria.

1. Hold an annual Arbor Day Celebration on or around Arbor Day in South Carolina, the 1st Friday in December. An Arbor Day Proclamation shall be created and included as part of the celebration.
2. Have a tree ordinance. The tree ordinance shall be reviewed, and revised if necessary, at least once every two (2) years.
3. Have an active Tree Committee, appointed by the **[Town, City, County**], responsible for advising the **[Town, City, County**] on tree-related matters.
4. 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.

# Tree Inventory

The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, or his/her designee, shall work to create and maintain a current inventory of all public trees. Public trees shall include all trees growing on **[Town, City, County]-**owned property, within the **[Town, City, County]** street rights-of-way, in parks, around public facilities, and on all other [town, city, county] maintained properties within the **[Town, City, County]** limits, excluding public natural areas and forests. Public trees shall also include trees located on South Carolina Department of Transportation rights-of-way which were planted by or are maintained by the **[Town, City, County]**.The inventory data gathered and recorded for each tree shall include, at a minimum, the following information.

1. Location (address or latitude/longitude coordinates)
2. Tree species
3. DBH
4. Condition
5. Maintenance needs

f) Risk rating

g) Site type

h) Site conditions

# Annual Work Plan

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

1. Tree planting
2. New tree maintenance including mulching, irrigation, and young tree training pruning
3. Tree pruning
4. Tree mulching
5. Tree removal

# Public Tree Maintenance Standards

The **[Town, City, County]** shall have the right and responsibility to establish, maintain, protect, and remove trees located on public property that is owned and/or maintained by the **[Town, City, County]**.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. Any tree maintenance contracted by the **[Town, City, County**] of \_\_\_\_\_\_\_\_\_\_\_ shall be under the supervision of an ISA certified arborist.

1. ANSI Z60.1 American National Standard for Nursery Stock
2. ANSI Z133.1 American National Standard for Arboricultural Operations – Pruning, Repairing, Maintaining, and Removing Trees, and Cutting Brush—Safety Requirements
3. ANSI A300 American National Standard for Tree Care Operations – Trees, Brush, and Other Woody Plant Maintenance—Standard Practices

## Establishment

1. Species common name
2. Latin name
3. Mature height category
4. Recommended or not recommended species lists (by site type if possible, e.g. street trees versus parking lots, etc.)

Mature height categories shall be as listed below:

1. Small – less than 25 feet in height at maturity.
2. Medium – less than 40 feet in height at maturity.
3. Large – at least 40 feet and up to 100 feet or more in height at maturity.

### Tree Quality

Trees planted on **[Town, City, County**] property shall be good quality and have the following characteristics:

1. Have healthy roots, trunk, and crown.
2. Be free from stem encircling and stem girdling roots.
3. Have a form characteristic of the species, but otherwise with a straight trunk and without co-dominant stems and included bark.
4. Have well-spaced branches.
5. Be free from insect pests, diseases, and mechanical injuries.

### Tree Placement

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

1. At least 30 feet from street intersections.
2. At least 25 feet from stop signs and light poles.
3. At least 15 feet from driveways, utility poles, fire hydrants, and mail boxes.
4. At least 2.5 feet (for small maturing trees) from the curb and sidewalks.
5. Only small maturing trees shall be planted beneath or within 20 feet of overhead utility lines.
6. Small maturing trees shall be planted no closer than 10 feet to a building.
7. No medium maturing tree shall be planted closer than 25 feet to overhead electrical power lines or 20 feet to a building.
8. No large maturing tree shall be planted closer than 50 feet to overhead electrical power lines or 30 feet to a building.

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

### Spacing Between Street Trees[[3]](#footnote-3)

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

1. Small maturing trees (20-ft crown) shall be planted at least 16 feet apart.
2. Medium maturing trees (30-ft crown) shall be planted at least 24 feet apart.
3. Large maturing trees (50-ft or larger crown) shall be planted at least 40 feet apart.

### Open Soil Surface Area and Soil Volumes

Trees shall have a minimum of 25 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.

1. Small trees – Suitable for spaces no less than 16 square feet and up to 100 square feet of total planting area; in a planting strip at least 5 feet wide; or planted at least 2.5 feet from pavement or wall. Soil volume per tree should comprise at least 400 cubic feet.
2. Medium trees – Suitable for spaces no less than 64 square feet and up to 400 square feet of total planting area; in a planting strip at least 12 feet wide; or planted at least 6 feet from pavement or wall. Soil volumes should comprise at least 800 cubic feet.
3. Large trees – Suitable for spaces with no less than 400 square feet of total planting area; in a planting strip at least 20 feet wide; or planted at least 10 feet from pavement or wall. Soil volumes should comprise at least 1000 cubic feet.

### Utility Locations[[4]](#footnote-4)

No street tree other than those species listed as small maturing trees may be planted under or within twenty-five (25) lateral feet of any overhead utility wire, or over or within ten (10) lateral fee of any underground water line, sewer line, distribution line or other utility. The party excavating the planting hole shall be responsible for insuring that all underground utilities have been located and marked prior to any excavation. Refer to and follow the procedures outlined at sc811.com.

The **[Town, City, County]** maintains a list approved for species to be planted under overhead powerlines and utilities.

### Biodiversity Requirements

In order to encourage plant diversity within the development, differing tree species shall be required at the following rate:

1. Number of trees required (Minimum number of species)

1 to 2 (1)

3 to 5 (2)

6 to 9 (3)

10 or more (4)

### Tree Planting Permit

A **[Town, City, County**] 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 \_\_\_\_\_\_\_\_\_\_\_ shall be responsible for issuing **[Town, City, County**] Tree Planting Permits. Applications for **[Town, City, County**] Tree Planting Permits shall include, at a minimum, the following information.

a) Application date.

b) Name and contact information of applicant.

c) Address where the tree is to be planted.

d) Tree species and variety to be planted.

e) Caliper size of tree (diameter of trunk measured at 6 inches above the ground line).

f) Exact location of planting site and description, including the presence of overhead or underground utility lines.

g) Three-year maintenance plan and schedule, including designating eventual maintenance responsibility for the maintenance of the tree beyond the three-year plan and schedule.

### 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:

1. Speed limit (mph).
2. Cut or fill slope (check with local Resident Maintenance Engineer).
3. Traffic volume – less or greater than 1,500 ADT (check with local Resident Maintenance Engineer).
4. 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).
5. State distance plant material is from curb or edge of pavement (offset).

### Newly Planted Trees

It shall be the duty of any person planting or growing a public tree to: Place no tree so as to be, in the opinion of the **[Town, City, County**] Arborist or Designee, a traffic hazard or an interference with overhead or underground public utilities. Planting stock for replacement trees shall be a minimum of 1-inch caliper measured at the base of the tree (6-inches above ground).

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. Standards for proper tree planting, establishment and pruning shall follow ANSI A300 American National Standard for Tree Care Operations.

Plantings shall be installed only within the following listed:[[5]](#footnote-5)

Planting Season: November 15-March 15

Any tree planted outside of these dates will be rejected by the **[Town, City, County**] arborist upon inspection. A planting season waiver is required for trees/shrubs that must be installed outside of the accepted planting seasons to meet canopy coverage or other requirements as specified in the approved plans for final occupancy. Consideration and approval of a planting season waiver shall be at the discretion of the **[Town, City, County**] arborist or his/her designee.

If a planting season waiver is granted, the applicant shall post a bond (cash or surety) that covers 100% of the cost of any tree plantings required for canopy coverage on the site.[[6]](#footnote-6)

1. Applicant shall use the current **[Town, City, County**] Tree Preservation and Planting Specifications Manual or the American Standard for Nursery Stock (ANSI Z60.1) to compute the cost for proposed trees for canopy coverage.
2. If required tree plantings are not provided within the following planting season, the owner/applicant will be notified and the entire bond will be forfeited to the **[Town, City, County]**.The **[Town, City, County]** will use the bond money to complete required tree plantings. Any additional charges for completing the plantings shall be borne by the applicant.
3. Performance Guarantee. All landscaping shall be subject to a three-year survival bond after the final Certificate of Occupancy is approved and released in the form of an irrevocable letter of credit, surety, or cash equal to 150% of the landscaping cost that ensures proper replacement and maintenance.[[7]](#footnote-7)
4. Bonds will be released upon a passing inspection by the **[Town, City, County**] arborist.

## Maintenance

### Pruning Street Trees

Tree pruning shall be done on a routine basis by **[Town, City, County**] or by Designee 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:

1. Seven (7) feet above sidewalks and walkways.
2. Twelve (12) feet above residential streets.
3. Sixteen (16) feet above major thoroughfares.

### Private Trees

The **[Town, City, County]** shall have the right to prune trees on private property to provide clearance over public sidewalks and roadways or other infrastructure, to improve visibility of signs, signals, and lights, and to reduce hazards. Pruning shall comply to current national standards (ANSI A300).

### 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.

Utility companies shall be exempt from these standards, provided the utility companies provide the **[Town, City, County**] with tree pruning and removal policies in conformance with ANSI A300 standards for tree care operations and a mutually acceptable written policy is executed by and between the **[Town, City, County**] and the utility company.

### Topping

The topping of any publicly owned tree shall not be permitted under any circumstances. The **[Town, City, County]** 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.[[8]](#footnote-8)

### 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 six (6) inches away from the tree trunk to avoid creating favorable conditions for insect, disease, or rodent infestation.

### 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).

### Watering

Watering 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.

### 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 **[Town, City, County].** 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. Any pesticide application shall be performed or supervised by personnel with a current SC Pesticide Applicator’s License.

## Protection[[9]](#footnote-9)

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. The minimum radius of the root protection zone should be equal to the dripline of the tree or one and one-half (1.5) foot per inch (DBH) of the affected tree(s) or whichever is greater.

### 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 (including topping), and broken branches. These activities are common during infrastructure installation or repair, building or facility construction, and public events or gatherings.

### Tree Protection Fencing and Other Protection Measures

Except in the case of public events and gatherings, tree protection fencing, consisting of sturdy material at least four (4) feet high, 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:

1. A pre-construction meeting with the **[Town, City, County]**’s Arborist (or equivalent position) shall be held on site prior to establishing perimeter controls so that the arborist can explain protection measures to operators, construction supervisors, and/or contractor's representatives.
2. Protection provided shall consist of fencing around the tree to the drip line (for trees greater than 10” DBH, it shall be one (1) foot from the tree base for every one (1) inch DBH or the dripline, whichever is greater), and enclosed areas shall be kept free of all soil, equipment, and construction material storage, which includes final grading and landscaping efforts.
3. Tree protection fencing shall be maintained by the contractor through duration of construction. No alteration shall occur without prior approval by a **[Town, City, County]** representative.
4. The placement of tree protection or “keep out” signage shall be attached to the physical barrier and maintained until all construction activities are completed. The sign’s wording should be in more than one language if multi-ethnic workers are anticipated. The placement and quantity of signage shall be on all sides and convey the intent of the tree protection zone and barriers.
5. It shall be at the discretion of the **[Town, City, County]** to require proper drainage for protected trees where grade changes adjacent to the tree protection zone create poor drainage for the tree(s) (i.e., area adjacent is filled and tree protection zone is placed below grade, thereby, creating a well/pond).
6. Where compaction might occur due to construction traffic or materials delivery through a tree protection zone, the area must first be mulched with a minimum four-inch layer of wood chips.
7. The removal of trees adjacent to tree protection zones can cause inadvertent damage to the protected trees. Prior to clearing activities, trenches with a minimum width of one-and-one-half inches and a minimum depth of twelve (12) inches shall be cut along the limits of land disturbance, so as to cut, rather than tear tree roots.
8. Underground utilities shall be routed around tree protection zones. Necessary installation through protection zones shall be accomplished through tunneling rather than cutting open trenches. This applies to any irrigation systems, drainage, electric, gas, telephone, cable TV, etc.
9. During periods of dry weather or drought, supplemental watering of tree protection zones shall be required during the land development process. The quantity and frequency shall be at the discretion of the **[Town, City, County]** Administrator**/**Arborist/Designee.
10. For a tree to count for canopy coverage credits, no more than 30% of the respective tree's critical root zone shall be impacted by construction activities, including but not limited to: trenching, grading, digging, cutting, filling, etc.

## Removal[[10]](#footnote-10)

### Citizen Requests

A tree removal permit shall be required for anyone wishing to remove a tree within the right-of-way. The removal of trees on right-of-way shall be the responsibility of the \_\_\_\_\_\_\_\_ Department unless the ownership and responsibility falls under South Carolina Department of Transportation. The \_\_\_\_\_\_\_\_\_ Department or Tree Board may charge the cost of the removal of trees in response to citizen requests, upon recommendation, to the citizen requesting the removal. The Tree Board is vested with the authority to and reserves the right to reject any and all permit requests submitted as deemed appropriate by the Tree Board.

### Tree Removal Permit for Trees in Rights-of-way (ROW)

The purpose of this section is to ensure protected trees on parcels of land subject to land disturbing or construction activities that are regulated under this Development Code are not cut prior to submittal of a development application reviewed under this Development Code.

1. Applicability. Unless exempted in accordance with Subsection 11.4.2.C below, a Tree Removal Permit approved in accordance with this section is required before any land disturbing activities or the removal, relocation, or substantial alteration of a protected tree, as defined in the Development Code.
2. Exemptions. The following are exempt from the standards of this Section:
3. Removal of trees that have been planted and are being grown in a plant nursery or botanical garden for the purpose of sale to the general public as landscaping material; and,
4. Land disturbing activities and tree removal, relocation, or substantial alteration in conjunction with a bonafide forestry operations.
5. Removal of invasive trees as defined in Section XXX.

A permit shall be required for any party, except for **[Town, City, County**] personnel and those acting at the expressed request or direction of the **[Town, City, County]**, to remove any tree located in the **[Town, City, County]** right-of-way. The \_\_\_\_\_\_\_\_\_\_\_shall issue the Tree Removal Permit. The application for a tree removal permit shall be submitted to the \_\_\_\_\_\_\_\_\_\_ at least ten (10) days prior. The **[Town, City, County]** shall rule on the application and notify the \_\_\_\_\_\_\_\_\_\_\_\_ and the applicant of the results of the ruling within ten (10) days after receiving the application. The application for a Tree Removal Permit must include, at a minimum, the following information.

1. Application date
2. Name and contact information of applicant
3. Tree location
4. Tree species
5. Tree DBH
6. Reason for requested removal

A permit shall be required for any party, to remove any tree designated as a “grand” or “heritage” tree **[Town, City, County]** right-of-way. A “heritage” or “grand” tree designation must be listed as part of the tree removal application. The \_\_\_\_\_\_\_\_\_\_\_shall issue the Tree Removal Permit. The application for a tree removal permit shall be submitted to the \_\_\_\_\_\_\_\_\_\_ at least ten (10) days prior to a regularly scheduled Tree Board meeting. The Tree Board shall rule on the application and notify the \_\_\_\_\_\_\_\_\_\_\_\_ and the applicant of the results of the ruling within three (3) days after the meeting.[[11]](#footnote-11)

The Tree Board is vested with the authority to and reserves the right to reject any and all permit requests submitted as deemed appropriate by the Tree Board.

*12.4.2.1 Tree Removal Permit Exceptions*

Utilities: Removal of specimen trees during the construction or maintenance of easements or rights-of-way for water, sanitary sewer, electricity, telephone, natural gas, cable, storm drainage, or other service lines, shall be exempt from the requirements of this Section provided that the applicable company or agency has executed an agreement with the **[Town, City, County**] that:

1. Recognizes the need to minimize trimming of overstory trees that do not significantly interfere with the intended purpose of construction or maintenance;
2. Establishes, to the extent practicable, design guidelines for construction and maintenance which identifies the saving of overstory trees as a factor to be considered in the design process;
3. Establishes guidelines to avoid topping, or severe pruning of trees whenever reasonably practicable, and where it is unavoidable, to do so in the manner which is most aesthetically and ecologically acceptable to the **[Town, City, County]**;
4. Provides for a consultation process with the Planning/Public Works/Parks Department), including, when necessary, review by a certified arborist approved by the **[Town, City, County]** prior to the commencement of major construction or maintenance or the removal of any tree over \_\_ [e.g. 16 inches] DBH
5. Provides for submittal of annual line clearing plans to the Department of Planning/Public Works/Parks Department for review;
6. Provides for submittal of annual herbicide spraying plans, including details of herbicides to be used as well as application methods, to the Department Planning/Public Works/Parks Department review. The public utility shall work with the Department Planning/Public Works/Parks Department to identify procedures to contact citizens prior to spraying to advise of the date and approximate time that such activities will take place;
7. Provides that a breach of such agreement constitutes a violation of this Section and thus a loss of exemption from the tree protection provisions of this Section; and
8. Provides that appeals of administrative decisions made pursuant to such agreement shall be to the Zoning Board of Appeals.

### Permitted Reasons

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

1. Tree is dead.
2. The tree is affected by an insect or disease problem that is untreatable and results in rapidly declining tree health or a hazardous condition.
3. Tree is dying due to past damage and its condition cannot be improved with standard maintenance techniques.
4. Tree has an uncorrectable structural defect that results in an increased risk of whole or partial tree failure.
5. Tree is reducing sight visibility and the correction of the problem will result in severe disfigurement of the tree or crown reduction below 50%.
6. The tree is in a restricted growing space, is in conflict with the surrounding hardscape or infrastructure, and the conflict cannot be resolved.
7. Tree is in conflict with overhead utility lines and proper pruning cannot adequately reduce the conflict without severely disfiguring the tree.

### Replacement of Trees Removed

1. All trees removed in the right-of-way shall be replaced within one (1) year 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 **[Town, City, County]** shall assess a replacement fee of $300 per tree for each tree removed to the individual, group, or agency requesting the removal.
2. Any trees removed and required to be replaced from a proposed site development must offset by replacing inch per inch with new trees. For example, if a 20-inch diameter at breast height (DBH) tree is removed, then an equal number of caliper inches must be planted on site, in this scenario a developer could replace it with ten (10), two-inch (2) caliper trees or an equivalent combination.

### 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. Utility locate regulations apply to this section (see Section 12.1.5). 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. The Tree Board may preserve stumps with historic significance.

###  Private Trees

The **[Town, City, County]** 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.

1. Written Notice

Owners of premises (private property[[12]](#footnote-12)) where a nuisance tree is located shall be attempted to be served by a written notice from the Zoning Administrator/Arborist/Designee 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 **[Town, City, County]** 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.

# Damage to Public Trees

No person shall damage, destroy, remove, or otherwise harm a tree located on public property or within the right-of-way without a tree removal permit or the written consent of the Tree Board or Zoning Administrator/Arborist/Designee. The **[Town, City, County]** shall require compensation for the damage or destruction of a public tree equal to the appraised value of the tree prior to the damage, or the cost of repair to the tree by an approved arborist.

## 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.

13 Duties of private landowners.

13.1 Tree Maintenance on Developed Properties

It shall be the duty of any person planting or growing a tree to:

1. Place no plant so as to be, in the opinion of the city (horticulturist/arborist/other tree care professional), a traffic hazard.
2. Trim trees so as not to cause a hazard to public property or interfere with streetlights. The minimum clearance of any overhanging portion of a tree is eight (8) feet above any sidewalk and fourteen (14) feet above any roadway.
3. Treat or remove any tree so diseased, insect infested, damaged or injured as to constitute a hazard to other trees, plants or other property.
4. Obtain a tree permit prior to the cutting or removal of any tree eight (8)[[13]](#footnote-13) inches DBH or greater in diameter measured one (1) foot from the ground. The permit may require that trees removed be replaced. Replacement trees shall conform to the American Nurseryman's Standards for Nursery Stock (ANSI Z60.1).[[14]](#footnote-14)
5. Property owners of existing waterfront lots (as defined in Ordinance No. XX) and golf course lots have the right to a reasonably unobstructed view of the viewing area as depicted in section XX-XX. Tree removal within the viewing area may be authorized by the city horticulturist (or other authorized staff) upon the issuance of a tree permit.

13.2 Tree Removal on Developed Properties

*13.2.1 Single-Family Residential Lots*

a) Permit Required to Remove a Grand Tree.[[15]](#footnote-15) On any individual single-family residential lot with an existing dwelling unit, a tree removal permit is required to remove a grand tree. A grand tree is an exceptionally large tree for its species that is healthy and worthy of protection. It represents an individual tree that contributes aesthetically to the region's visual "sense of place" and serves as a seed stock for future generations. An individual tree is considered a grand tree by the following size criteria: <Insert standards>

b) Tree Removal Permit Standards. A tree removal permit will be issued to remove a grand tree from a residential lot if the tree is dead, diseased, hollow, or has another condition that poses a hazard to people or structures on the lot or adjoining lot as determined by a certified arborist. Upon removal, the tree shall be replaced with one 2.5-inch minimum caliper tree of the same species. (or other species as approved by the [Town, City, County] Arborist or other authorized staff).

c) Removal of All Other Trees on Residential Lots. All other trees on a single-family residential lot with an existing dwelling,[[16]](#footnote-16) except those within required buffers, including river buffers, may be removed without a permit. Removal of trees within a buffer requires a tree removal permit; see Section (Tree Removal Permit).

d) Invasive Tree Species. Native plant species should be protected from competition from invasive tree species. Invasive tree species are listed in a Table maintained by the [Town, City, County].[[17]](#footnote-17)

1. All invasive species less than 12 inches DBH may be removed without a tree removal permit.

2. Removal of an invasive species 12 inches DBH or greater requires a tree removal permit, except when located on a single-family developed lot outside of a required buffer.

*13.2.2 Tree Removal on All Other Developed Lots*

For all other developed lots (excluding single family residential lots with existing homes), a property owner may remove dead or severely diseased trees upon receipt of a tree removal permit. The application must be accompanied by a certified arborist's report stating that the tree is dead, diseased, hollow, or has another condition that poses a hazard to people or structures on the lot or adjoining lot. Upon removal, the tree shall be replaced with one 2.5-inch minimum caliper tree of the same species

*13.2.3 Golf Course Tree Removal*

For new golf course developments, and for additions to, or renovations of, existing golf courses, the following tree standards apply:

1. Those areas in which golf course clubhouses, cart barns, snack bars, rest facilities, maintenance buildings, storage areas, and parking lots are to be located and will adhere fully to all tree standards of this Section.
2. Within active playing areas (to include, but not limited to fairways, adjoining mowed grass rough, water hazards, sand traps, and golf cart paths) and outdoor practice/training areas (including driving ranges, practice putting greens, etc.) removal of any specimen tree will require a tree removal permit; see Tree Removal Permit. Removal of specimen trees shall either meet the mitigation requirements of Tree Removal or, where approved by the Planning/Public Works/Parks Department, off-site mitigation may take the form of highway landscaping in the public road right-of-way subject to [Town, City, County] and/or SCDOT encroachment permits.

# Buffer yard Requirements

**14.1 Purpose**

Buffer requirements are established under this ordinance as a means of separating different land uses from each other, and hence eliminating or minimizing potential nuisances, such as dirt, litter, noise, glare, odor or danger from fire or explosions, which might otherwise result from too close spacing of conflicting uses.

**14.2 Location of bufferyards**

Bufferyards shall be located at the outer perimeter of a lot or parcel, and shall be measured inward from the boundary line, unless otherwise stated.

1. *Right-of-way*. Bufferyards shall not be located on any portion of any existing public or private street right-of-way.
2. *Drainage easements*. Required landscape buffers may be reduced by the width of the easement, but in no case shall the buffer width be less than ten (10) feet. Required buffers shall be noted on all plats, plans, and permit requests submitted for review and approval under this ordinance.

**14.3 Exemptions**

Unless expressly exempted, the buffering standards of this ordinance shall apply to all new nonresidential development and all new residential subdivisions. Single-family and duplex development on individual lots shall be exempt from the land use buffer requirements of this section.[[18]](#footnote-18)

**14.4 - Uses within bufferyards**

Uses within bufferyards shall be guided by the following:

1. Passive recreation, and may contain pedestrian, bike, or equestrian trails, provided the plant material amount is not reduced because of the trail, the total width of the bufferyard is maintained or increased by the width of the trail, and all other ordinance regulations are met.
2. Golf courses may be installed within a bufferyard, as long as installed landscaping, natural vegetation, wetlands or other natural features contribute significantly to the bufferyard.
3. In no event shall swimming pools, tennis courts, sports fields, or other active recreational facilities be permitted in bufferyards.
4. Parking is not permitted in the buffer area.
5. The Zoning Administrator shall be authorized to allow on-premises signs, fences, walls, berms, mailboxes, community boat ramps, permitted driveways, and sidewalks within required buffers. Other improvements may be allowed within buffers if the zoning administrator determines that such improvements will not detract from the intended purpose and function of the buffer or have any adverse effect on adjacent property.
6. Utility easements shall not be located within the 100-foot perimeter bufferyard of a proposed residential or planned unit development unless the placement of the utility easement is necessary and, in such case, may bisect the required bufferyard.

**14.5 Maintenance Responsibilities**

The owner of the property is responsible for the maintenance and repair of bufferyards. Bufferyards shall be maintained in good condition so as to represent a healthy, neat, and orderly appearance at least equal to the original development, including keeping the area clean of debris and trash, routine painting and repairing of fencing, and trimming landscaping. Dead landscaping shall be replaced within six months.

**14.6 New/Existing Bufferyard Requirements**

New or existing bufferyard requirements for each type of development are set forth in the following table [Create/Insert Table].

These requirements will vary depending upon the proposed use and the existing use(s) or zoning districts on the adjoining property. As a result, if there are differing uses or districts on two sides of a parcel, different bufferyard standards might apply on each side.

*14.6.1 Determination of Bufferyard Requirements*

The bufferyard standard will be determined at the time a development plan is approved, or if no development plan is prepared, at the time a building permit is issued.

The following standard will be used in establishing bufferyard requirements:[[19]](#footnote-19)

Buffer Type Code Examples

A – Single-Family Residential

B – Multi-Family Residential/Mixed Use

C – Commercial/Institutional

D - Industrial

A B C D Minimum buffer depth (feet from property line)

15′ 25′ 50′ 100’

# Parking Area Landscaping

## Tree islands

### Description

### Tree islands allow for canopy trees to grow in parking areas for the purpose of providing shade, reducing heat islands, and promoting plant diversity. It is the intent of these standards that upon maturity, trees planted in tree islands provide a minimum canopy coverage of fifty (50)%.

### Applicability

Tree islands are required in all off-street parking areas. On-street parking designed in accordance with Division \_\_\_ (Thoroughfare Standards) and the dimensional requirements of Division \_\_\_ (Off-Street Parking) are exempt from the requirements of this section.

### Requirements

1. One tree island is required for every eight (8) or fewer parking spaces. Tree islands are required at the end of every parking aisle to separate the last space from adjacent travel lanes. In an effort to save and protect existing trees and provide context-based flexibility in the design of the site, both the location of tree islands and ratio of parking spaces to tree islands may be modulated so long as no more than twelve (12) spaces are located in a continuous row without being interrupted by a tree island; and the site continues to average one (1) tree island per eight (8) parking spaces.
2. Minimum island size is 180 square feet. Tree island design and size shall correspond to the type of parking spaces surrounding it.
3. Parking spaces on either side of a tree island shall be constructed of pervious paving material with additional means of aeration installed.
4. Tree islands shall be mulched (unless within a bioswale in which another groundcover is utilized).
5. Shrubs, native grasses, and sod that compete with the overstory tree for water and nutrients are strongly discouraged unless used for bioretention.
6. Tree islands are encouraged to be designed as rain gardens or vegetated bioswales. Such features may be combined as a component of a stormwater management plan and shall be appropriately planted using native trees, shrubs, groundcover, grasses and other materials.

## Landscape Medians

### Description

Landscape medians separate parking bays on the interior portion of parking lots.

### Applicability

Landscape medians are required for all parking lots that have more than one parking bay.

### Requirements

1. Minimum Width is eight (8) feet.
2. Shrubs and/or trees shall be installed in the median to provide for semi-continuous planting along the median. Shrubs shall be at least one (1) foot in height at installation and reasonably projected to grow at least two feet in height within three years.
3. In off-street surface parking areas with one hundred and twenty (120) or more spaces, an alternative configuration of landscape medians allows for an eleven (11) foot wide landscape median with a minimum five (5) foot wide pedestrian walkway running the length of the median to be used between every other parking bay in lieu of the required eight (8)-foot-wide median per every parking bay.
4. Landscape medians shall be protected from vehicle damage by the installation of curbing, wheel stops, or other comparable methods.
5. Landscape medians are encouraged to be designed as linear rain gardens or vegetated bioswales. Such features may be combined as a component of a greater stormwater management plan and shall be appropriately planted using native trees, shrubs, groundcover, grasses and other materials.

## Parking Lot Perimeter Landscaping Strips

### Description

Parking lot perimeter strips serve the purpose of screening parking lots from thoroughfares and maintaining pedestrian vitality along commercial and mixed-use corridors designed for pedestrian traffic.

### Applicability

<Insert Zoning Districts where this will apply>

Parking lot perimeter landscape strips are required between all off-street parking areas and public or private thoroughfares. Parking lot perimeter landscape strips are also required to buffer adjoining parking lots on adjoining lots where no cross access is provided.

<All Other Districts>

Parking lot perimeter landscape strips are required between parking lots and pedestrian friendly internal thoroughfares and frontage roads within <insert Zoning Districts>.

### Requirements

Width

1. With only landscaping – 10 feet
2. With fences or wall – 5 feet

Planting and screening requirements

1. Where no fences or walls are used, evergreen shrubs shall be used to form the continuous visual screen in the perimeter landscaping strip. Shrubs shall be maintained at a minimum height of three (3) feet.
2. In order to assure visibility and safety of pedestrians on the public street and within the parking area and maintain a pedestrian-scaled streetscape; shrubs, fences and walls may be no greater than a height of four (4) feet.
3. Parking lot perimeter strips shall comply with all county, state, and federal highway sight distance standards.
4. Where fences or walls are utilized, they shall meet the standards of <insert Code Section on Fences and Walls> and shall incorporate groundcover, low-lying shrubs, ornamental grasses, and/or vines.

# Enforcement

The **[Town, City, County]** of \_\_\_\_\_\_\_\_\_\_ shall be responsible for enforcing all the provisions of this ordinance.

# 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 $\_\_\_\_\_\_\_ for each separate offense.

# 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) **[Town, City, County]** Council members.

# Appeals

The Tree Board shall serve as the Appeals Board for the administration of this ordinance. Requests for an appeal shall be sent to the Tree Board at least ten (10) days prior to a regularly scheduled meeting of the Board. The party requesting the Appeal shall be notified within three (3) days of the Tree Board’s ruling. Actions of the Tree Board may be appealed through the Board of Zoning Appeals or the Designated Appropriate Entity for Appeals for a final ruling. In the case of high risk or imminent risk trees the appeal process may need to be superseded for public safety reasons.

20 Nonliability of City/County.

Nothing in this article is intended to or shall be deemed to impose any liability upon the city, town, county or upon any of its officers or employees nor to relieve the owner and occupant of any private property from the duty to keep trees and shrubs upon private property or under his control in a safe condition.

1. Some terms such as “heritage,” “grand” or “specimen” are inconsistently applied depending on the locality. Create and use a consistent legal definition within your community. [↑](#footnote-ref-1)
2. Consider having more than one professional arborist or other equivalent landscape professional such as a horticulturalist or landscape architect on the board. [↑](#footnote-ref-2)
3. Spacing between trees may differ based on your locality’s environmental conditions and the specific tree species allowed. [↑](#footnote-ref-3)
4. Some communities have developed a pre-approved list of short-stature tree species suitable for overhead utilities in coordination with the utility provider. [↑](#footnote-ref-4)
5. Planting seasons will vary slightly depending on the community’s location and climate. Adjust timeframe as needed. [↑](#footnote-ref-5)
6. It is recommended a community set a bond greater than 100% of the cost to incentivize the applicant follows through on planting the trees. [↑](#footnote-ref-6)
7. Localities may choose to have a shorter bonding period, e.g. 2 years. [↑](#footnote-ref-7)
8. In some cases, structural pruning can correct the damage from topping. It would be the discretion of the Tree Board and municipal staff to determine the severity of the penalty and any corrective actions. [↑](#footnote-ref-8)
9. The same standards would apply for protecting trees on private property during the land development permit process. [↑](#footnote-ref-9)
10. This ordinance refers to trees within the right of way. [↑](#footnote-ref-10)
11. Note that the tree board does not have to oversee the removal permit. Some communities have a staff arborist perform this function or save the tree board to review only removal permits for exceptionally large trees. [↑](#footnote-ref-11)
12. Some communities only apply this to commercial properties. [↑](#footnote-ref-12)
13. A few SC communities require tree removal permits for trees as small as 4 inches DBH. [↑](#footnote-ref-13)
14. Consider a city tree fund to assist low income homeowners with the cost of replacing trees removed. [↑](#footnote-ref-14)
15. A grand tree must be defined. Some communities define this as trees greater than 20” DBH, while others choose smaller trees of at least 8” DBH. Some limit the designation to only certain tree species’ leaving out smaller or less desirable trees. [↑](#footnote-ref-15)
16. Some SC communities require tree removal permits for trees on single family residential lots for trees as low as [↑](#footnote-ref-16)
17. This table will need to be created by the locality. [↑](#footnote-ref-17)
18. A community may elect to add other housing types such as townhomes, triplexes, quads, etc. [↑](#footnote-ref-18)
19. This may need to be adapted based on the diversity of housing types your community allows, for example duplexes, triplexes, quads, etc. [↑](#footnote-ref-19)