

Town of Spring Hope  
Tree Ordinance

Be it ordained by the Board of Commissioners of the Town of Spring Hope, North Carolina:

Section 1. Purpose

The purpose of this ordinance is to regulate the planting, maintenance, and removal of trees on municipally owned public property and rights-of-way within the Town and on municipally owned property wherever located. In order to protect and conserve trees on public property and rights-of-way, this ordinance provides for the pruning, treatment and removal of trees and shrubs as is deemed necessary by the Board of Commissioners or a person acting under the authority of the Board of Commissioners. This ordinance is also intended to provide for the trimming and removal of trees on public land when they obscure street lights, interfere with utility lines, or constitute a hazard to pedestrian or vehicular traffic, or otherwise endanger the public health, safety or welfare.

Another purpose of this ordinance is to encourage the protection of trees and express the Town's intent to use trees to create a more natural and amenable human environment. This ordinance is not intended to be punitive nor to cause hardship to any person who uses the utmost care and diligence to protect trees within the Town or on Town property.

Section 2. Definitions

Street trees: "Street trees" are herein defined as trees, shrubs, and bushes on land lying within rights-of-way on either side of all streets, avenues, or ways within the Town.

Park trees: "Park trees" are herein defined as trees, shrubs, and bushes in public parks having individual names, and all areas owned by the Town, or to which the public has free access as a park.

Section 3. Creation and Establishment of a Town Tree Board

There is hereby created and established a Town Tree Board for the Town of Spring Hope, North Carolina, which shall consist of five (5) members, citizens, and residents of this Town, who shall be appointed by the mayor with the approval of the Town Board. (NOTE: Ex-officio members may be appointed as necessary; Town Manager, Town Engineer, etc.)

Subsection 3-1. Term of Office

The term of the five persons to be appointed by the mayor shall be three (3) years except that the terms of two of the members appointed to the first board shall be for only one year and the terms of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

### Subsection 3-2. Compensation

Members of the Board shall serve without compensation.

### Subsection 3-3. Duties and Responsibilities

- A. It shall be the responsibility of the Tree Board to study, investigate, council and develop and/or update annually, and administer a written plan for the care, preservations, pruning, planning, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the Board of Commissioners and upon its acceptance and approval shall constitute the official comprehensive Town tree plan for the Town of Spring Hope, North Carolina.
- B. The Tree Board, when requested by the Board of Commissioners, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.
- C. The Tree Board shall furthermore serve as an advisory board to the Board of Commissioners with the following duties and responsibilities:
  - (1) to facilitate the planting, growth and protection of trees within the Town;
  - (2) to foster the communication among the citizens of Spring Hope that would provide the needed protection of trees and to coordinate active measures to support their health and growth within the Town;
  - (3) to conduct a tree survey of existing trees along streets and on public property within the Town;
  - (4) to investigate available grants, loans, or contributions from other governmental agencies, public or private corporations, or individuals; and to recommend the expenditure of any proceeds toward the accomplishment of the Board's purpose;
  - (5) to conduct continuing research, planning, and feasibility studies required to support the purpose stated herein.
- D. The Tree Board shall also be responsible for developing an official Street Tree species list comprised of three groups of trees – Small trees, Medium trees, and Large trees. No trees other than those included in the list may be planted as Street Trees without permission of the Town Tree Board.

- E. The Tree Board will be responsible for establishing guidelines for the spacing of Town trees in accordance with the three species size classes in the official Street Tree species list. These guidelines will cover spacing between Street Trees, the distance Street Trees may be planted from curbs and sidewalks, the distance Street Trees may be planted from any street corner, the location of Street Trees relative to overhead and underground water line, sewer lines, transmission line, or other utility, and any other areas involving the spacing of Street Trees, Park Trees, or Town owned trees.
- F. The Tree Board shall submit an annual report of its activities and recommendations to the Board of Commissioners and shall submit copies of its minutes and proceedings of its regular and special meetings.

#### Subsection 3-4. Operation

The Tree Board shall adopt rules for transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings, and recommendations, which record shall be a public record. The Tree Board shall set a regular schedule for meetings and the Chairman may call a special meeting upon request of a majority of members of the Board. A majority of the members shall be a quorum for the transaction of business.

#### Section 4. Public Tree Care

The Town shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The Town Tree Board may remove or cause or order to be removed, any publicly owned tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electrical power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and location of said trees is in accordance with the guidelines for planting and spacing developed by the Tree Board. (NOTE: The Tree Board may reserve the right to approve any plantings that take place in right-of-way areas.)

#### Section 5. Tree Topping

It shall be unlawful as normal practice except as described below for any person, firm, or Town department to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees that interfere with or are an eminent threat to utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the Town Tree Board.

#### Section 6. Removal of Stumps

All Stumps of Street and Park Trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

#### Section 7. Interference with the Town Tree Board

It shall be unlawful for any person to prevent, delay or interfere with the Town Tree Board, or any of its agents, while engaging in and about the planting, cultivation, mulching, pruning, spraying, or removing of any Street Trees, Park Trees, or trees on public grounds, as authorized in the ordinance.

#### Section 8. Permits Required

It shall be unlawful for any person or firm to prune, treat, or remove any Street Tree or Park Tree within the Town without first filing an application and procuring a permit from the Town Manager or his/her designee. The Town maintains the right to review the application and the tree(s) in question in determining whether or not to issue a permit.

#### Section 9. License and Bond

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing Street or Park Trees within the Town without first applying for and procuring a privilege. The license fee shall be consistent with the Town's fee schedule filed with the Town Clerk. No license shall be required of any Town employee doing such work as assigned by his/her supervisor.

#### Section 10. Review by Board of Commissioners

The Board of Commissioners shall have the right to review the conduct, acts and decisions of the Town Tree Board. Any person may appeal from any ruling or order of the Town Tree Board to the Board of Commissioners who may hear the matter and make the final decision.