

# Ordinance 23-1214

Town of Carolina Beach  
Town Council



## AN ORDINANCE FOR PLANTING AND PROTECTION OF TREES

### Sec. 12-7. - Planting and protection of trees.

~~Citizens may plant trees in front of their lots and around their lots on the sidewalks under the supervision of the Director of Public Works or his designee, provided they shall not plant any trees that are prohibited by law. No trees shall be planted in the streets or gutters. No person shall cut or damage any tree upon the sidewalks of the town without the permission of the Director of Public Works or his designee nor shall dig up or injure any tree nor shall tack or post any advertisement upon the trees of the town.~~

- (a) Purpose; To enhance the quality of life and the present and future health, safety, and welfare of all residents, to enhance property values, and to ensure proper planting and care of trees on public property, the Town Council herein delegates the authority and responsibility for managing public trees, delegates tree advisory board duties, establishes practices governing the planting and care of trees on public property, and makes provision for the emergency removal of trees on private property under certain conditions.
- (b) Definitions; As used in this Article, the following words and phrases shall have the meanings indicated:
- Damage means any injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part of the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.
- Nuisance means any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety, and welfare.
- Parkway means the area along a public street between the curb and the sidewalk; or if there is no curb or sidewalk, the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.
- Public property means all grounds and rights-of-way (ROWs) owned or maintained by the town.
- Public tree means any tree or woody vegetation on town-owned or town-maintained property or rights-of-way.
- Top or Topping means the non-standard practice of cutting back of limbs to stubs within a tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

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(c) Authority and power;

- (1) Delegation of authority and responsibility. The Town Manager and/or their designee, hereinafter referred to as the “Manager”, shall have full authority to plant, prune, maintain and remove trees and woody plants growing in or upon all municipal streets, rights-of-ways, town parks, and other public property. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.
- (2) Coordination among Town departments. All town departments will coordinate as necessary with the Manager and will provide services as required to ensure compliance with this Ordinance as it relates to streets, alleys, rights-of-way, drainage, easements, and other public properties not under direct jurisdiction of the Manager.
- (3) Interference. No person shall hinder, prevent, delay, or interfere with the Manager or his agents while engaged in carrying out the execution or enforcement of this Ordinance.

(d) Tree Advisory Board; The Town Council hereby delegates the duties of “Tree Advisory Board” to the standing Beautification Committee,

(1) Duties. The Tree Advisory Board shall act in an advisory capacity to the Manager and shall:

- (i) Coordinate and promote Arbor Day activities;
- (ii) Support public awareness and education programs relating to trees;
- (iii) Review town department concerns relating to tree care;
- (iv) Submit an annual report of its activities to the town council;
- (v) Assist with the annual application to renew the Tree City USA designation;
- (vi) Recommend a list of tree species for planting on town property, and a list of prohibited species; and
- (vii) Other duties that may be assigned by Town Council.

(e) Tree planting and care standards;

- (1) Standards. All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) A-300 “Standards for Tree Care Operations”.
- (2) Requirements of franchise utility companies. The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards.
- (3) Preferred species list. The Manager shall maintain an official list of desirable tree species for planting on public property in two size classes: Ornamental (20 feet or less in height at maturity) and Shade (greater than 20 feet at maturity). Trees from this approved list may be planted without special permission; other species may be planted with written approval from the Manager.
- (4) Planting distances. No tree may be planted within sight distance triangle of a street intersection or within 10 feet of a fire hydrant.
- (5) Planting trees under electric utility lines. Only trees listed as Ornamental trees on the official town tree species list may be planted under or within 15 lateral feet of any overhead utility wire.

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(f) Prohibition against harming public trees;

- (1) It shall be unlawful for any person, firm, or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the Manager.
- (2) It shall be unlawful for any person, firm, or corporation to attach any cable, wire, sign, or any other object to any street, park, or public tree.
- (3) It shall be unlawful for any person, firm, or corporation to “top” any public tree. Trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the determination of the Manager.
- (4) Each violation of this section as determined and notified by the Manager shall constitute a separate violation, punishable by fines and penalties under Section (h), in addition to mitigation values placed on the tree(s) removed or damaged in violation of this section.

(g) Adjacent owner responsibility;

- (1) No property owner shall allow a tree, or other plant growing on his or her property to obstruct or interfere with pedestrians or the view of traffic signs or drivers, thereby creating a hazard or nuisance. If an obstruction persists, the Manager shall notify the property owner to prune or remove the tree or plant. If the owner fails to comply with the notice, the Town may undertake the necessary work and charge the cost to the property owner

(h) Violations and penalty;

- (1) Any person, firm or corporation violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall be subject to a fine per the Town Rates and Fee Schedule for each offense.

(i) Appeals;

- (1) Appeals to decisions by the Manager, or to penalties imposed after violations of this ordinance, shall be heard by Town Council.

(j) Savings and repeal;

- (1) All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

(k) Severability;

- (1) Should any word, sentence, clause, paragraph, or provision of this Ordinance be held to be invalid or unconstitutional the remaining provisions of this Ordinance shall remain in full force and effect.

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## RATES AND FEES SCHEDULE

Town Ordinance Violation Fines: [Damage or removal of trees on town maintained property - \\$500](#)

Be it ordained by the Town Council of the Town of Carolina Beach. Adopted this 10<sup>th</sup> day of October, 2023.

TOWN OF CAROLINA BEACH

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Albert L. Barbee, Mayor

ATTEST:

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Kimberlee Ward, Town Clerk