

# Town of Wake Forest Code of Ordinances

## Chapter 34. VEGETATION

### ARTICLE I. In General

Secs. 34-1 through 34-30. Reserved.

### ARTICLE II. TREES

#### DIVISION 1. GENERALLY

Sec. 34-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: *Tree* means a woody plant at least 15 feet in height at maturity, with a well developed crown and a trunk at least several inches in diameter.

(Code 1985, § 15-61)

**Cross references:** Definitions generally, § 1-2.

Sec. 34-32. Street tree species.

The recommended street trees for the state, printed by the Natural Resource and Community Development Division of Forest Resource, with the addition of white oak, white ash and photinia, shall constitute the official street tree species for the town. No species other than those included in the list set forth in this section may be planted as street trees without written permission of the town tree board.

(Code 1985, § 15-67)

Sec. 34-33. Spacing.

The spacing of street trees will be in accordance with the three species size classes listed in section 34-32, and no trees may be planted closer together than the following:

- (1) Small trees, 30 feet;
- (2) Medium trees, 40 feet; and
- (3) Large trees, 50 feet;

except in special plantings designed or approved by a landscaping architect.

(Code 1985, § 15-68)

Sec. 34-34. Distance from curb and sidewalk.

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in section 34-32, and no trees may be planted closer to any curb or sidewalk than the following:

- (1) Small trees, two feet;
- (2) Medium trees, three feet; and
- (3) Large trees, four feet.

Where there is no existing curb, the planting distance shall be increased by two feet.

(Code 1985, § 15-69)

**Cross references:** Streets and sidewalks, ch. 28.

Sec. 34-35. Distance from street corners and fireplugs.

(a) No street tree shall be planted closer than 35 feet to any street corner, measured from the point of nearest intersecting curbs or curblines.

(b) No street tree shall be planted closer than ten feet to any fireplug.

(Code 1985, § 15-70)

Sec. 34-36. Utilities.

No street trees, other than those species listed in section 34-32, may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

(Code 1985, § 15-71)

**Cross references:** Utilities, ch. 32.

Sec. 34-37. 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 and 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 tree, or part thereof, which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is infected 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 such trees is in accordance with sections 34-32--34-36.

(Code 1985, § 15-72)

Sec. 34-38. Tree topping.

It shall be unlawful, as a normal practice, for any person to top any street tree, park tree or other tree on public property. The term "topping" is defined as the severe cutting back of limbs or 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 under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this section at the determination of the town tree board.

(Code 1985, § 15-73)

Sec. 34-39. Pruning; corner clearance.

Every owner of any tree overhanging any street or right-of-way within the town shall prune the branches of such tree so that such branches shall not obstruct the light from any streetlamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street or sidewalk. Such owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the public's safety. The town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic-control device or sign.

(Code 1985, § 15-74)

Sec. 34-40. Dead or diseased tree removal on private property.

The town shall have the right to cause the removal of any dead or diseased tree from private property within the town, when such tree constitutes a hazard to life and property, or harbors insects or disease which constitutes a potential threat to other trees within the town. The town tree board will notify in writing the owners of such trees. Removal of such trees shall be done by the owner at his own expense within 60 days after the date of service of notice. If the owner fails to comply with the provisions of this section, the town shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

(Code 1985, § 15-75)

Sec. 34-41. 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.

(Code 1985, § 15-76)

Sec. 34-42. Interference with 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, cultivating, mulching, pruning, spraying or removing of any street trees, park trees or trees on private grounds, as authorized by this division.

(Code 1985, § 15-77)

Sec. 34-43. Arborist's license and bond.

It shall be unlawful for any person 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 license. The required license fee shall be paid in advance; provided, however, that no license shall be required of any public service company or town employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000.00 for bodily injury and \$100,000.00 for property damage indemnifying the town or any person injured or damaged resulting from the pursuit of such endeavors as set forth in this section.

(Code 1985, § 15-78)

Secs. 34-44--34-70. Reserved.

## DIVISION 2. URBAN FORESTRY BOARD\*

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**\*Editor's note:** Ord. No. 2005-60, adopted Dec. 20, 2005, repealed former div. 2, §§ 34-66--34-70, in its entirety which pertained to the tree board and derived from the Code of 1985.

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Sec. 34-71. Established.

There is established an urban forestry board.  
(Ord. No. 2005-60, 12-20-2005)

Sec. 34-72. Membership; terms of office; ex-officio members; compensation.

The urban forestry board shall consist of nine members. The board of commissioners shall appoint members from a list of qualified applicants who have submitted an advisory board application. Members shall be residents of the town with the exception of a minimum of one member and a maximum of three members residing outside the corporate limits. Members shall serve three-year staggered terms with three members to be appointed or reappointed each year. No member shall serve more than two full three-year consecutive terms. Once a member has served two full consecutive terms, the member must be off the urban forestry board for a minimum of one year before being eligible to serve again. If any member shall fail to attend three consecutive meetings or more than half of the meetings in one calendar year without just cause, then they shall be replaced by the board of commissioners. Any vacancy that occurs during a term shall be filled for the unexpired term by the board of commissioners. An unexpired term or a term of less than three years shall not count towards the term limit provision.

Notwithstanding any provision of this section, all members shall serve at the pleasure of the board of commissioners. The board of commissioners shall appoint one elected official as an ex-officio member. The town manager shall appoint one member of the Town staff as an ex-officio member. Members shall receive no compensation for their services.

(Ord. No. 2005-60, 12-20-2005)

Sec. 34-73. Organization; meetings; quorum; votes.

(a) The urban forestry board shall meet for the purpose of organization as soon as reasonably possible after January 1 of each year. The urban forestry board shall elect its own officers who shall include a chairman and vice-chairman. The role of secretary shall be filled by the town staff member appointed as ex-officio. The members shall propose bylaws for the transaction of business subject to the approval of such bylaws by the board of commissioners. A copy of the bylaws shall be filed with the town clerk and shall constitute a public record.

(b) The urban forestry board is a public body and shall meet on a regular basis but not less than quarterly. A special meeting may be called by the chairman, vice-chairman or three members of the urban forestry board. All meetings shall be held in accordance with G.S. 143-318.9 et seq. Minutes shall be kept by the secretary and filed with the town clerk.

(c) A quorum shall consist of a majority of the members currently appointed. No proxies shall be allowed.

(Ord. No. 2005-60, 12-20-2005)

Sec. 34-74. Duties.

The duties of the urban forestry board are as follows:

- (1) To study, investigate, counsel, develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees, shrubs and other planting materials in parks, street and utility rights of way and easements and any other public areas. This plan shall constitute the official town urban forestry plan;
- (2) To advise the board of commissioners and town staff in matters concerning the implementation of the official town urban forestry plan.

(Ord. No. 2005-60, 12-20-2005)

Sec. 34-75. Authority.

The urban forestry board has those powers specified in chapter 34 of the Code of Ordinances.

(Ord. No. 2005-60, 12-20-2005)

Sec. 34-76. Reports.

The urban forestry board shall cause an annual report to be prepared and presented to the board of commissioners by October 1. The report shall include accomplishments of the past fiscal year and goals for the next fiscal year. Form and content of the report shall be determined by the urban forestry board, subject to the right of the board of commissioners to require additional information. Special reports and recommendations may be made to the board of commissioners as the need arises in the judgement of the urban forestry board or at the specific request of the board of commissioners.

(Ord. No. 2005-60, 12-20-2005)