

Sec. 7-36. Town trees.

(a) *Purpose.*

(1) The purpose of this section is to regulate the planting, maintenance, and removal of trees and shrubs on town-owned public property and rights-of-way within the town and on municipally owned property wherever located (hereinafter named "town trees"). In order to protect and conserve these trees, this section provides for the pruning, treatment, and removal of trees and shrubs as deemed necessary by the town or any person authorized to act for the town. This section is also intended to provide for the trimming or removal of trees on public land when they obstruct streetlights, interfere with utility lines, constitute a hazard to pedestrian or vehicular traffic, or otherwise endanger the public health, safety or welfare. See [chapter 7](#), Streets and Sidewalks, article I., Obstructions.

(2) Another purpose of this section 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, and to identify and promote the preservation of significant trees.

(3) This section shall further provide for the establishment of an advisory committee known as the tree board, which shall be responsible for promoting trees and tree care throughout the town.

(b) *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Park trees refers to trees and shrubs in town-owned cemeteries, town parks, and all other areas owned by the town, except street trees.

Street trees refers to trees and shrubs on land lying within rights-of-way on either side of all public streets, avenues, or ways within the town.

Town Board refers to the Hillsborough, North Carolina Town Board of Commissioners.

Town trees refers to all trees and shrubs on town property, wherever located, as noted above.

(c) *Creation of a town tree board.* This section creates and establishes a tree board for the Town of Hillsborough, North Carolina. The tree board shall consist of seven members who shall be appointed by the Town Board. (Note: *Ex officio* members may be appointed as necessary by a majority of tree board members.)

(1) *Term of office.* The term of the seven persons appointed by the Town Board shall be staggered so that no more than two members' terms expire during the same year. In the event that a vacancy occurs during the term of any member, a successor shall be appointed by the Town Board for the unexpired portion of the term. Members shall serve a maximum of two consecutive three-year terms.

(2) *Compensation.* Members of the tree board shall serve without material compensation.

(3) *Duties and responsibilities.* The tree board shall serve as an advisory board to the Town Board with the following duties and responsibilities:

- a. To hear all requests by Hillsborough residents and/or owners of property within the town for planting, maintenance, and removal of town trees. The Town Board maintains the right to review any such requests and the trees in question in determining whether to grant such requests;
- b. To facilitate the planting, growth, protection, and recommended removal of trees within the town;
- c. To foster education and communication among the citizens of Hillsborough that would provide the needed protection of trees and to coordinate active measures to support their health and growth within the town;
- d. To conduct, every two years, a periodic safety audit of existing town trees for the purpose of determining needed pruning and tree removal. Between audits, members should report such needs as they detect them;
- e. 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 tree board's purposes;
- f. To establish guidelines for the selection and placement of trees on town property, which guidelines should be maintained as a separate document;
- g. To submit a copy of the minutes and proceedings of its regular and special meetings to the town Clerk for the public record;
- h. To coordinate, insofar as appropriate, its purposes with those of the town Parks and Recreation Board, the Historic District Commission, and other town and county agencies;
- i. To submit an annual report to the Town Board;
- j. To create and promote an active urban forestry education program for all citizens of the town;
- k. To adopt rules of procedure for transaction of its business;
- l. To set a regular schedule of public meetings. The chairperson may call a special public meeting upon request of a majority of members of the board or the Director of Public Works or the Town Board;
- m. To advise owners and developers of private property within town limits on the preservation of existing trees prior to planning board approval;
- n. To advise the town on the planting, pruning, maintenance, and removing of trees on town property;
- o. Residents of Hillsborough and/or property owners desiring to have a tree planted on town property shall obtain approval of the tree board.

p. It shall be unlawful as normal practice, except as described in this subsection, for any person or town department to top any town tree. The term "topping" means the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or trees that interfere with or are an imminent threat to utility wires or other obstructions where other pruning practices are impractical may be exempted from this section at the determination of the tree board.

(4) Where they are accessible, all stumps of town 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.

(5) It shall be unlawful for any person to prevent, delay, or interfere with the tree board or any of its agents, while they are engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any town trees, as authorized in this section.

(6) It shall be unlawful for any person, other than town employees and firms performing tree maintenance services for or on behalf of the town, to prune, treat, or remove any town tree. Exempt from this restriction are utility firms performing tree maintenance services that protect utility lines. See [chapter 7](#), Streets and Sidewalks, article I., Obstructions.

(7) The Town Board shall have the right to review the conduct, acts, and decisions of the tree board. Any person who lives in the town and/or owns real property within the town may appeal any ruling or order of the tree board to the Town Board.

(8) *Penalties.* Any person willfully or negligently violating any provision of this section shall be, upon conviction or plea of guilty, subject to a fine in the maximum amount permitted by NCGS [14-4](#). Violations of this section may also result in a civil penalty as follows:

- a. For a violation of subparagraph 6 above, up to \$2,500.00 for each tree disturbed or damaged;
- b. For a violation of subparagraph [5](#) above, up to \$500.00;
- c. The actual cost to replace the damaged tree with a tree of similar species and maturity;
- d. In addition to seeking civil penalties, the town may seek to enforce the provisions of this section via action in a court of competent jurisdiction.

The town may seek to collect civil penalties assessed under this section in an action in the nature of debt in a court of competent jurisdiction.

The Director of Public Works under the general supervision of the town Manager shall have the authority and responsibility to administer and enforce the provisions of this section.

(Prior Code, § 7-36; Ord. of 3-12-2001; Ord. of 11-10-2008, § 1)