

**ORDINANCE #21-02**

**AN ORDINANCE ESTABLISHING CHAPTER 96 OF THE VILLAGE OF PINEHURST MUNICIPAL CODE TITLED PUBLIC TREE PROTECTION**

**WHEREAS**, the Village Council of the Village of Pinehurst adopted an ordinance dated October 20, 1980, establishing and implementing certain authorized police powers for the purpose of prescribing regulations governing conditions detrimental to the health, safety, and welfare of its citizens; and

**WHEREAS**, on September 13, 2011 the Village Council of the Village of Pinehurst adopted Ordinance 11-25 which adopted the general ordinances of the Village of Pinehurst as revised, amended, restated, codified, and compiled in book form and declared that these shall constitute the “Village of Pinehurst, North Carolina Municipal Code;” and

**WHEREAS**, the Municipal Code will be subsequently amended from time to time as conditions warrant; and

**WHEREAS**, the Village Council has determined that it is in the best interest of the citizens of Pinehurst to establish Chapter 96, Public Tree Protection, in the Pinehurst Municipal Code; and

**WHEREAS**, the Village Council has determined that it is in the best interest of the citizens of Pinehurst to add Sections 96.01, 96.02, 96.03, 96.04, and 96.05 to Chapter 96, to effectively regulate public tree protection; and

**WHEREAS**, the Village Council has determined it is in the best interest of the citizens of Pinehurst to add Section 96.99 to Chapter 96, to establish penalties and enforcement of Section 96.03 of Chapter 92.

**NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED** by the Village Council of the Village of Pinehurst, North Carolina in the regular meeting assembled this 12<sup>th</sup> day of January, 2021 as follows:

**SECTION 1.** That the following amendments be made to the Pinehurst Municipal Code:

**Chapter 96: PUBLIC TREE PROTECTION**

**Section**

**96.01 Intent**

**96.02 Maintenance of Public Trees or Public Tree Projects**

**96.03 Unauthorized Pruning, Maintenance and Removals**

**96.04 Arbor Day Observance**

**96.99 Penalty**

**SECTION 2.** That the following amendments be made to Chapter 96.

**§ 96.01 Intent**

The Village shall annually review its tree installation needs, including new projects and replacement of diseased or damaged trees, in conjunction with development of the Village's annual Strategic Operating Plan.

**§ 96.02 Maintenance of Public Trees or Public Tree Projects**

(a) The Buildings and Grounds Department or their designee shall be responsible for the protection, care, maintenance, and removal of storm damaged, dead, dying, or diseased trees on Village property that pose a threat to public safety or are necessary for the health and benefit of the surrounding trees. The Public Services Department shall be responsible for the protection, care, maintenance, and removal of storm damaged, dead, dying, or diseased trees on public right-of-ways that pose a threat to public safety or are necessary for the health and benefit of the surrounding trees.

(b) The Village shall have the right to prune, maintain, and remove any tree on public right-of-ways which interferes with the safe flow of traffic, any traffic control device, sign, or otherwise deemed a hazard to public safety.

(c) Planting, maintenance, and removal activities of Village trees shall meet current accepted arboricultural practices for tree care operations. Village departments, contractors, community organizations and individuals performing tree related activities on Village property are required to adhere to those standards.

**§ 96.03 Unauthorized Pruning, Maintenance, Damage and Removals**

It shall be unlawful for any person or business to remove or prune any tree on public property or right-of-way, without first obtaining Village approval. It shall be unlawful for any person to take any willful action that damages, weakens, or kills any tree on public property or right-of-way. Such actions may include but are not limited to causing root damage, severe pruning or inappropriate chemical applications.

**§ 96.04 Arbor Day Observance**

The Village shall annually observe Arbor Day with a ceremony and proclamation, as required, to maintain the Village's status as a Tree City USA by the Arbor Day Foundation. The Village recognizes the importance of public trees to our community.

**§ 96.99 Penalty**

(a) Any violation of Section § 96.03 shall not constitute a misdemeanor offense or criminal infraction, but instead shall subject the offender to a minimum fine of \$100 per offense plus \$50 per diameter inch of the remaining stump for each inch above 4", not to exceed a total fine of \$500 for each tree removed. For each stump that has been removed prior to measurement of the diameter, the fine is set at \$500 unless the offender can definitively prove that the diameter was less than 10" in which case the penalty will be \$100 plus \$50 per diameter inch for each inch above 4". The cost to remove any leftover tree debris, logs and/or stumps for proper disposal shall be at the expense of the offender and may be added to the fine if carried out by the Village.

(b) For public trees pruned without permission the fine is set at \$250 for each tree.

(c) Public trees pruned, damaged, or weakened to the point of needing removal as determined by Village personnel subjects the offender to the same fines for each tree as delineated for unauthorized tree removals. The cost to cut down the tree as well as all associated costs for debris, logs and/or stump removal for proper disposal shall be at the expense of the offender and may be added to the fine if carried out by the Village.

**SECTION 3.** That this Ordinance amendment shall be and remain in full force and effect from and after the date of its adoption.

**THIS ORDINANCE** is passed and adopted this 12<sup>th</sup> day of January, 2021.



Attest:

Beth Dunn  
Beth Dunn, Village Clerk

VILLAGE OF PINEHURST  
VILLAGE COUNCIL

By: John C. Strickland  
John C. Strickland, Mayor

Approved as to Form:  
Michael J. Newman  
Michael J. Newman, Village Attorney