

Establishment of a City Tree Ordinance

Be it ordained by the City Council of the City of Oxford:

Definitions – to be placed in Article 200 of the Zoning Ordinance

Diseased tree: A process in which fungi, bacteria, mycoplasmas, and viruses are able to invade and infect trees causing poor growth and weak appearance, disruption of plant processes, distortion of certain tree parts and strain or death of the tree.

Historic tree: A tree that has been specifically designated by the Oxford City Council as historic.

Park Trees: Trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

Regulated tree: Trees which are located on private property and are listed as the champion or co-champion of its species, either on the "National Big Tree List" as compiled by the American Forestry Association or the "Champion Big Trees of North Carolina" as compiled by the North Carolina Division of Forestry Resources.

Street trees: Trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within any Street right of way.

Section 1. Creation and Establishment of a City Tree Committee

The public welfare and interest of the citizens of the city will best be served by establishment of an advisory committee to foster the preservation, planting, replacement and removal of trees without denying the reasonable use and enjoyment of real property. To that end the City of Oxford Appearance Commission, or a sub group of its membership, shall serve as the City Tree Committee.

Section 2. Term of Office

The term of the persons designated to serve as the City Tree Committee shall be concurrent with their term on the Appearance Commission unless otherwise decided by a vote of the Commission.

Section 3. Compensation

Members of the City Tree Committee shall serve without compensation.

Section 4. Duties and Responsibilities

It shall be the responsibility of the City Tree Committee, on behalf of the Appearance Commission, to study, investigate, council, develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of historic and regulated trees and trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City of Oxford.

The City Tree Committee shall also document the presence of any Regulated and/or Historic Trees that may exist within the city limits or its territorial jurisdiction.

These duties will be in addition to those regularly occurring as part of Appearance Commission service.

Section 5. Operation

The City Tree Committee shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

The Committee shall meet as often as necessary to carry out its duties and responsibilities.

Section 6. Street Tree Species to be Planted

The City Tree Committee shall develop and make available a list of the official Street Tree species for Oxford, NC. No species other than those included in this list may be planted as Street Trees without written permission of the City Tree Committee. The City Tree Committee may add to or delete species from this official list on an annual basis, or as circumstances dictate. If changes are made, the revised list shall be published in a manner such that the public shall be informed of the acceptable species.

[Go to the North Carolina Forest Service web site, <http://ncforestsservice.gov/Urban/pdf/NCUrbanTreeList.pdf>, for the list of recommended species.]

Section 7. Spacing

The spacing of Street Trees will be in accordance with the three species size classes listed in Section 7 of this ordinance, and no trees may be planted closer together than the following: Small Trees, 30 feet; Medium Trees, 40 feet; and Large Trees, 50 feet; except in special plantings designed or approved by a landscape architect.

Section 8. 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 7 of this ordinance, and no trees may be planted closer to any curb or sidewalk than the following: Small Trees, 2 feet; Medium Trees, 3 feet; and Large Trees, 4 feet.

Section 9. Distance from Street Corners and Fire Hydrants

No Street Tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No Street Tree shall be planted closer than 10 feet of any fire hydrant.

Section 10. Utilities

No Street Trees other than those species listed as Small Trees in Section 7 of this ordinance may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

Section 11. Public Tree Care

The City 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 insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The City Tree Committee 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 affected with any injurious fungus, insect or other pest. Nothing in this ordinance is intended to prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with the specifications of this ordinance.

Section 12. Tree Topping

It shall be unlawful as a normal practice for any person, firm, or city 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 under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the City Tree Committee.

Section 13. Pruning, Corner Clearance

Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of twelve feet (12") above the street surface except truck routes which shall be sixteen feet (16'), or eight feet (8') above the surface of the sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City 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 street light or interferes with visibility of any traffic control device or sign.

Section 14. Dead or Diseased Tree Removal on Private Property

The City shall have the right to cause the removal of any dead or diseased trees on private property within the city when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The City Tree Committee will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

Section 15. 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 16. Interference with City Tree Board

It shall be unlawful for any person to prevent, delay or interfere with the City Tree Committee, 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 in this ordinance.

Section 17. Permits and Review Required

Permits shall be obtained from the public works director for all activity involving the planting, grading, removal and replacement of trees on city property except as noted herein. Permits are also hereby required for all removal and replacement of regulated trees and historic trees.

The public works director shall review all requests for permits for the planting, grading, removal and replacement of trees and shrubbery on city property and the removal and replacement of regulated and historic trees. If the planting, grading, removal or replacement complies with the guidelines, the public works director shall issue a permit and may attach reasonable conditions to the permit. If the plans do not comply with the guidelines, the permit shall be denied.

Section 18. Review by City Council

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

Section 19. Penalty

Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$250.00.

Miscellaneous code items of interest

18-4 GROWTH OF WEEDS, GRASS AND THE LIKE.

It shall be unlawful for any person:

(A) To allow or permit any shrubbery, undergrowth, trees, weeds or any other form of plant growth to grow upon, protrude or project into or upon any sidewalk, street, alley or public square within the city; and

(B) To allow any shrubbery, undergrowth, trees, weeds or any other form of plant growth to stand upon any property, at or near any street intersection so that the same may obscure the view of pedestrians or persons traveling in vehicles at the street intersections.

18-5 TREE LIMBS OBSTRUCTING SIDEWALK.

No person shall permit the limbs from any trees growing upon the land of the person to grow or hang so as to obstruct or interfere with the free passage of persons along the sidewalk or street.

18-9 PLANTING CERTAIN TREES PROHIBITED.

It shall be unlawful to plant, set out or cause to be planted or set out, on any of the streets or sidewalks of the city or within 20 feet of the same, any elm, mulberry or otaheite tree.

(`86 Code, § 18-9)

18-10 REGULATIONS FOR PLANTING SHRUBBERY.

It shall be unlawful for any person to plant vegetables in the parkways between the sidewalks and the curb lines or on any part of any street in the city, or to cultivate the soil in the parkways or any part of any street. The Board may, upon request, allow the sowing of peas in the parkways and the cultivation of same in preparation of the soil for the sowing of grass. This section shall not prohibit the sowing of grass or planting of shrubbery, trees or flowers for the purpose of beautifying the parkway's streets. No shrubbery shall be permitted to grow on a parkway in the corporate limits of the city within 50 feet from the end of the parkway.

RECOMMENDED STREET TREES FOR NORTH CAROLINA

Below is a list of recommended street trees for North Carolina. Special attention has been given to species with the ability to handle air pollution and heat stress involved with urban environments. Other environmental tolerances and sensitivities are listed below. Be aware that some site preparation may be necessary to ensure tree survival, proper soil and water conditions are necessary for any species to survive. This does not mean that pruning and other kinds of maintenance won't be required during the life of the tree. Also, be aware that species listed as large trees will require more growing space to remain healthy (both below and above ground), for they will have larger root systems and wider crowns. Species listed as small trees are particularly useful when utility lines are present. Many of the species listed below have multiple cultivars available for purchase, please be sure to choose the correct one for the site.

TREE SPECIES		SHAPE	GROWTH RATE			VISUAL INTEREST	ENVIRONMENTAL TOLERANCE	PROBLEMS
Scientific Name	Common Name		Slow	Medium	Fast			
<i>Eucommia ulmoides</i>	hardy rubber tree	Rounded	●					
<i>Fraxinus pennsylvanica</i>	green ash	Rounded		●			Numerous seeds can be problematic on females	
<i>Gleditsia triacanthos</i> var. <i>inermis</i>	thornless honeylocust	Rounded		●			Plant bugs, mites, webworm	
<i>Gymnocladus dioica</i>	Kentucky coffeetree	Rounded		●			Pods may be problematic; Needs adequate growing space	
<i>Liquidambar styraciflua</i>	sweetgum	Pyramidal		●			Needs adequate growing space; Fruit litter may be problem, 'Roundloba' may be alternative	
<i>Metasequoia glaucoctenoides</i>	dawn redwood	Pyramidal		●				
<i>Nyssa sylvatica</i>	black gum	Pyramidal		●				
<i>Platanus x acerifolia</i>	London planetree	Rounded			●			
<i>Quercus bicolor</i>	swamp white oak	Rounded	●				Adequate space; Anthracnose can be problem.	
<i>Quercus imbricaria</i>	shingle oak	Rounded		●			Acorn litter. Requires ample space and acid soil	
<i>Quercus lyrata</i>	overcup oak	Rounded		●				
<i>Quercus palustris</i>	pin oak	Pyramidal		●				
<i>Quercus phellos</i>	willow oak	Pyramidal		●			Adequate space	
<i>Quercus rubra</i>	northern red oak	Rounded		●			Acorn litter	

Key:  Fall Leaf Color
 Flower Color

LARGE TREES: Mature height greater than 50 feet tall									
Scientific Name	Common Name	SHAPE	GROWTH RATE			VISUAL INTEREST	ENVIRONMENTAL TOLERANCE	ACORN LITER	PROBLEMS
			Slow	Medium	Fast				
<i>Quercus shumardii</i>	Shumard oak	Rounded		●			Drought/Compaction/ Salt	Acorn litter	
<i>Quercus virginiana</i>	live oak	Rounded	●				Wet soils/Compaction/ Salt		
<i>Sophora japonica</i>	Japanese pagoda tree	Rounded		●			Drought/Compaction/ Salt	Litter problems; Canker can be a problem	
<i>Toxodium distichum</i>	baldcypress	Pyramidal		●			Wet soils/Compaction		
<i>Tilia tomentosa</i>	silver linden	Rounded		●			Drought/Salt/pH adaptable/Compaction	Aphids	
<i>Ulmus parvifolia</i>	lacebark elm	Rounded		●			Drought/Salt/pH adaptable/Compaction		
<i>Zelkova serrata</i>	Japanese zelkova	Rounded		●			Drought/pH adaptable/Compaction	Narrow crotch angle susceptible to splitting	

MEDIUM TREES: Mature height between 35 feet and 50 feet tall									
Scientific Name	Common Name	SHAPE	GROWTH RATE			VISUAL INTEREST	ENVIRONMENTAL TOLERANCE	ACORN LITER	PROBLEMS
			Slow	Medium	Fast				
<i>Acer rubrum</i>	red maple	Rounded		●			Wet soils/compaction		Tends to have cankers under heavy stress. Over planted.
<i>Aesculus hippocastanum</i>	horsechestnut	Rounded	●				pH adaptable/salt tolerant/compaction		Susceptible to leaf blotch and scorch
<i>Aesculus x carnea</i>	red horsechestnut	Rounded	●				Compaction/acidic soil		
<i>Carpinus betulus</i>	European hornbeam	Narrow		●			Dry soils/pH adaptable		
<i>Carpinus caroliniana</i>	American hornbeam	Pyramidal	●				Acidic soils		Sensitive to drought and compacted soils
<i>Celtis laevigata</i>	sugarberry	Rounded		●			Wet soils/compaction /salt		Intolerant of high pH
<i>Corylus colurna</i>	Turkish filbert	Narrow		●			Drought/pH adaptable		
<i>Juniperus virginiana</i>	eastern redcedar	Pyramidal		●			Drought/high pH/ Compaction/Salt		
<i>Koeleruteria paniculata</i>	goldenrain tree	Rounded		●			Drought/Salt/high pH		
<i>Phellodendron amurense</i>	Amur corktree	Rounded		●			Drought/Wet soils/pH adaptable		Fruit may be a problem on females
<i>Prunus sargentii</i>	Sargent cherry	Narrow		●			Drought/Salt/Acid soils		Avoid poorly drained sites. Japanese beetles

Key: Fall Leaf Color
 Flower Color

SMALL TREES: Mature height less than 35 feet tall (suitable for planting under utility wires)

TREE SPECIES		SHAPE	GROWTH RATE			VISUAL INTEREST	ENVIRONMENTAL TOLERANCE	PROBLEMS
Scientific Name	Common Name		Slow	Medium	Fast			
<i>Acer campestre</i>	hedge maple	Rounded	●			☺	High pH/Drought/compaction	Specify tree form. Good alternative to crapemyrtle.
<i>Amelanchier arborea</i>	serviceberry	Rounded		●		☺ ☒		
<i>Cercis canadensis</i>	eastern redbud	Rounded			●	☺ ☒	pH adaptable	
<i>Chionanthus virginicus</i>	fringetree	Rounded	●			☒		
<i>Cornus kousa</i>	Kousa dogwood	Rounded		●		☒ ☒ ☒	Acidic soils	
<i>Crotaegus viridis</i>	green hawthorn	Rounded		●		☺ ☒	pH adaptable/ Drought/Wet soils	
<i>Halesia tetropiera</i>	Carolina silverbell	Rounded		●		☺ ☒	Acid soils	Specify tree form. Good alternative to crapemyrtle.
<i>Lagerstromia</i> spp.	crapemyrtle	Rounded			●	☺ ☒ ☒	Wet soils	Over planted and often unnecessarily lopped.
<i>Maackia amurensis</i>	Amur maackia	Rounded	●			☒	Drought/pH adaptable	
<i>Malus</i> spp.	flowering crabapple	Rounded		●		☺ ☒ ☒	Wide range of soils/Salt/Compaction	Specify tree form; fruit litter problem; scab is a problem for many species
<i>Pistacia chinensis</i>	Chinese pistache	Rounded		●		☒	High pH	
<i>Prunus caroliniana</i>	Carolina cherry/laruel	Pyramidal			●	☒	Drought/pH adaptable	Avoid poorly drained sites
<i>Prunus virginiana</i>	chokecherry	Narrow			●	☒ ☒	Drought/Salt	Avoid poorly drained sites
<i>Syringa reticulata</i>	Japanese tree lilac	Pyramidal		●		☒	Drought/pH adaptable	

Key: ☺ Fall Leaf Color
☒ Flower Color