AN ORDINANCE AMENDING AND RESTATING CHAPTER 100 OF THE CITY OF CAMDEN'S CODE OF ORDINANCES THE PROVISIONS OF WHICH REGULATE PUBLIC TREES WITHIN THE CITY

WHEREAS, the City of Camden, South Carolina (the "City"), acting by and through the City Council of the City, as the governing body thereof (the "City Council") is a municipal corporation of the State of South Carolina, and as such, possesses all general powers granted by the Constitution and the laws of the State to municipal corporations.

WHEREAS, the City appreciates and recognizes that the existence of public trees, which includes a system of management therefor, is an integral part of the City and its history.

WHEREAS, the City, based on information, research and studies provided to City Council by the City’s Urban Forester (the “Urban Forester”), finds that trees provide many environmental, social and economic benefits to the City including, but are not limited to:

1. Trees produce oxygen, absorb carbon dioxide, and filter dust, particulate matter and airborne pollutants, all of which reduce air pollution and improve air quality in the City;
2. Trees intercept precipitation, thereby reducing storm water runoff and improving water quality;
3. Tree roots hold soil in place, thereby reducing soil erosion and sedimentation and improving water quality;
4. Trees provide food and habitat to wildlife;
5. Trees buffer different land uses to eliminate or minimize nuisances such as dust, litter, noise, glare, signs and unsightly buildings or parking areas;
6. Trees in landscaped areas improve public health by reducing stress, slowing traffic, decreasing illness recovery times, reducing crime and domestic violence and help improve concentration in children with Attention Deficit Disorder;
7. Trees attract residents, visitors, commerce and industry to the City and increase the value and marketability of property; and
8. Trees beautify the City and enhance the quality of life.

WHEREAS, the City enacted an ordinance dated August 8, 1987 regulating, protecting and providing management authority for public trees within the City (the “Former Tree Ordinance”);

WHEREAS, the provisions of the Former Tree Ordinance were codified in the City’s Code of Ordinances (the “Code”) as “Chapter 100: TREES;”
WHEREAS, the City, upon the advice of the Urban Forester, determined that the provisions of the Former Tree Ordinance need to be amended and restated in their entirety;

WHEREAS, the City, by amending and restating the Former Tree Ordinance, intends to address the following objectives with respect to public tree management within the City:

(a) Maintenance of the City’s tree canopy cover at or above its current level;
(b) Maintenance and improvement to community character;
(c) Enhancing the distribution and diversity of tree species within the City;
(d) Enhancing the aesthetic appearance of the landscape within the City; and
(e) Providing direction and support for tree management.

WHEREAS, the City previously enacted Ordinance No. 11-006 dated July 12, 2011, certain provisions of which amended and restated Section 32.86 of the Code regarding the Parks and Trees Commission (the “Creation Ordinance”);

WHEREAS, the provisions of the Creation Ordinance governing the authorization for and operation of the Parks and Trees Commission have been subsumed by the provisions of this Ordinance and therefore certain amendments to the Creation Ordinance are required; and

WHEREAS, the City is enacting the provisions of this Ordinance in order to amend and restate the Former Tree Ordinance and to amend and restate certain provisions of the Creation Ordinance;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAMDEN, THE GOVERNING BODY OF THE CITY OF CAMDEN, SOUTH CAROLINA, AS FOLLOWS:

Section 1. Repeal of Certain Sections of the Code.

Pursuant to the findings above, and the provisions that follow, the existing text of Chapter 100 of the Code, which is entitled “TREES”, and Section 32.86 of the Code, which is entitled “PARKS AND TREES COMMISSION” and all ordinances and other provisions in conflict with this ordinance, are hereby repealed in their entirety and the provisions therein shall be replaced with the provisions provided in Sections 2 and 3 below. To the extent the changes, modifications or restatements herein create or result in any inconsistencies in the structure or application of the Code, such inconsistencies shall be revised and corrected in the Code and shall be interpreted with deference to the provisions of this Ordinance.

Section 2. Implementation of Chapter 100.

The following new text is hereby enacted as Chapter 100 of the Code:
CHAPTER 100: TREES

§ 100.01 PURPOSE

The purpose of this chapter is to establish policies, regulations, and standards for the management of public trees within the City. Public tree management shall include, but not be limited to, tree installation, establishment, maintenance, protection and removal.

§ 100.02 DEFINITIONS

As used within this chapter, the following terms shall have the meanings set forth in this section. The word “shall” as used in this chapter is mandatory and not merely directory. Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders.

Arboriculture
The practice and study of the care of trees and other woody plants in the landscape.

Arborist
A person possessing the technical competence gained through experience and related training to provide for and/or supervise the management of trees and other woody plants in residential, commercial and public landscapes.

ANSI
American National Standards Institute.

Best Management Practices or BMP
Best-available, industry-recognized courses of action (in consideration of the benefits and limitations) based on scientific research and current knowledge. A series of BMPs regarding arboriculture practices have been developed by the International Society of Arboriculture ("ISA") and relied upon by the Parks and Trees Commission and the Urban Forester to the extent possible and practical. See §100.09(A) herein below.

Caliper
A measure of tree trunk diameter in the plant nursery industry. It is measured at a point 6 inches above the ground line if the resulting measurement is no more than 4 inches. If a tree is greater than 4 inches in caliper, the measurement is made at a point 12 inches above the ground line.
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Certified Arborist or CA</td>
<td>An individual who has demonstrated his/her technical competence and knowledge by passing the ISA’s Certified Arborist examination; is designated as a Certified Arborist by said organization; and maintains such designation by attending at least 30 hours of qualifying continuing education within each three-year certification period.</td>
</tr>
<tr>
<td>City</td>
<td>City of Camden, South Carolina</td>
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<tr>
<td>Code</td>
<td>The City’s Code of Ordinances, as amended from time to time.</td>
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<tr>
<td>Crown</td>
<td>The upper portion of a tree measured from the lowest branch. It includes all of the large scaffold limbs, branches, twigs and leaves.</td>
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<tr>
<td>Decay</td>
<td>(Noun) An area of wood that is undergoing decomposition. (Verb) Decomposition of wood tissues by fungi or bacteria.</td>
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<tr>
<td>DBH</td>
<td>Diameter of the tree trunk at breast height measured 4.5 feet above ground level.</td>
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<tr>
<td>Establishment</td>
<td>The selection, placement, planting and maintenance of new trees in the landscape. The minimum period of time required for establishing trees is generally considered to be three (3) years.</td>
</tr>
<tr>
<td>Hazard Tree</td>
<td>A tree that is at risk for failure, either whole or in part, with the part large enough to cause damage and there exists within the falling distance of the tree or tree part a target, such as people, buildings, vehicles, or hardscape.</td>
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<tr>
<td>Integrated Pest Management or IPM</td>
<td>The method of controlling plant insects and/or diseases by combining biological, cultural, mechanical, physical and/or chemical management strategies.</td>
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<tr>
<td>Line-Clearance Arborist</td>
<td>An individual who, through related training and on-the-job experience, is familiar with the equipment and hazards in utility pruning and has demonstrated the ability to perform the special techniques involved.</td>
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<tr>
<td>Term</td>
<td>Definition</td>
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<tr>
<td>Maintenance</td>
<td>Routine, periodic or occasional activities directed at maintaining or improving a tree’s health and condition. Maintenance activities include but are not limited to mulching, pruning, irrigating, fertilizing, pest control, cabling and bracing and lightning protection system installation and/or any other accepted arboricultural practice or standard.</td>
</tr>
<tr>
<td>Management</td>
<td>Oversight and coordination of activities including but not limited to public tree examinations and maintenance, canopy sustainability, tree risk assessments, tree removals, tree selection and planting and tree conservation and protection.</td>
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<tr>
<td>Mulch or Mulching</td>
<td>Organic material that is spread on the soil surface, normally around newly planted trees or other areas, to reduce weed growth, to retain soil moisture and moderate soil temperature extremes, to reduce compaction, to prevent damage from lawn-maintenance equipment, to reduce erosion, to improve soil quality and/or to improve aesthetic appearance of the landscape. Mulch can be composed of chipped, ground or shredded organic material such as bark or wood.</td>
</tr>
<tr>
<td>Parks and Trees</td>
<td>The City of Camden Parks and Trees Commission as established by §32.86 of the Code and as other described in §100.05 herein.</td>
</tr>
<tr>
<td>Commission</td>
<td>Person</td>
</tr>
<tr>
<td></td>
<td>All individuals, groups, entities, corporations, agencies, firms or others, acting individually or in concert, as governed by the provisions of this chapter.</td>
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<tr>
<td>Pest</td>
<td>A living organism, including but not limited to plants, trees, insects, bacteria or fungi, that is severely damaging, noxious, invasive, a nuisance and/or fatal to a tree or plant or poses a major threat/danger/nuisance to humans or the surrounding environment.</td>
</tr>
<tr>
<td>Protection</td>
<td>The active or passive protection of a tree’s roots, trunk and/or crown for the purpose of avoiding damage to the living structure and to maintain tree health and structural integrity.</td>
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</table>
Pruning  The deliberate removal of a tree branch or portion of the crown for a specific purpose, i.e. help develop good branch structure, deadwood removal, utility line clearance, traffic or pedestrian clearance or to correct structural defects.

Public property  Any and all property deeded to or having a long-term easement running in favor of the City or the South Carolina Department of Transportation (i.e. - parks, greenspaces, street ROW, utility ROW).

Public tree  Any tree (naturally occurring or planted) within the City limits growing on public property.

Street tree  Any tree within the City limits that is growing within a street ROW. The tree must be in the ROW corridor as determined by measuring from the road center line to the tree’s center. At least one-half of the circumference of the tree trunk must be in the ROW corridor. The road ROW width shall be determined before examining a tree by consulting the ROW width inventory list maintained by the City.

Structural defect  Any naturally occurring or secondary condition such as open cavities, weak branch attachments, cracks, splits or decayed wood in the trunk/crown/roots or a tree that may contribute to structural failure.

Removal  The cutting of a tree near ground line which removes the majority of the tree’s trunk and crown. The tree stump and roots may or may not be removed along with the trunk and crown.

Rights-of-way or ROW  A defined area of land, usually a linear strip, reserved for the passage of vehicles, sidewalks or the construction, maintenance and/or operation of various above-ground or underground utilities.

Root  (structural) The below ground portion of a tree that includes large, woody roots that anchor and support the trunk and crown. They are generally located within the upper 18 inches of soil and may extend from the trunk two to three times the width of the crown.

(fibrous) The below ground portion of a tree that includes small, non-woody, fibrous “feeder” roots
responsible for water and mineral uptake and gas exchange. They are generally located within the upper 10 inches of soil and extend out from the trunk two to three times the width of the crown.

**Topping**
An outdated and inappropriate pruning technique which indiscriminately and severely removes live tree branches and/or portions of the trunk with cuts made between nodes; also known as “tipping”, “heading” or “stubbing”.

**Tree**
A woody perennial, generally with a single trunk but sometimes having multiple trunks, with the potential to attain a mature size of at least four (4) inches in trunk diameter at 4.5 feet above the ground and a height of at least 15 feet. Tree may be described by the following height standards: (i) “Small” – less than 25 feet in height at maturity; (ii) “Medium” – over 25 feet and less than 40 feet in height at maturity; or (iii) “Large” – at least 40 feet or more in height at maturity.

**Tree well**
A wall constructed around a tree to protect the trunk by maintaining the original grade between the trunk and wall when the grade is raised by filling the outside and behind/around the wall.

**Trunk**
The main woody stem of a tree that connects the roots to the crown and which supports the crown. It functions in the transport of water, minerals and carbohydrates from the crown to the roots and the roots to the crown.

**Urban Forester**
An employee of the City (under the supervision of the Public Works Director) whose responsibilities include, but are not limited to, tree policy implementation, public outreach and education, the coordination of Arbor Day, the recertification of Tree City USA status and overall management and maintenance of public trees and associated vegetation within the City limits in cooperation with other City departments. The Urban Forester shall be a certified arborist who also has knowledge of and experience in community forestry principles and practices.
§ 100.03 APPLICABILITY

The provisions of this chapter shall apply to all public trees within the incorporated limits of the City. Some provisions of this chapter shall apply to trees located on private property under very specific and limited circumstances.

§ 100.04 ADMINISTRATION

The Urban Forester, as an employee of the City's public works department and subject to the oversight of the City's public works director, shall be responsible for the administration of all provisions of this chapter and for management of public trees. The City Council, the public works department and other departments within the City will support the Urban Forester or his/her designee in all tree management activities.

§ 100.05 PARKS AND TREES COMMISSION

(A) Establishment: The Parks and Trees Commission is established by Section 32.86 of the Code and is governed by the provisions of this chapter.

(B) Members: The Parks and Trees Commission shall consist of not more than seven (7) residents of the city and who are able to prepare for and attend meetings. Parks and Trees Commission members shall be appointed by City Council after submitting a Boards and Commissions Application Form to the City. One (1) representative from the City shall be appointed in addition to the seven (7) members and serve ex officio. The ex officio representative of the City shall be a non-voting member of the Parks and Trees Commission.

(C) Quorum: A quorum, defined as the presence of a majority of the total members of the Commission, shall be required for the Parks and Trees Commission to conduct business and/or take any official action. Proxy votes shall not be permitted.

(D) Compensation: Members shall serve without compensation. The City, upon receipt of appropriate receipts and documentation, shall reimburse reasonable expenses incurred by members if such expenditures were approved by the Commission prior to the occurrence of any expenditure.

(E) Term of Office: The term of office for each member of the Commission shall be 3 years. Any individual who has served as a member of the Commission for 3 consecutive terms shall not be eligible for appointment to another term until 1 year has passed, provided that a term of less than 1 year shall not be counted in determining eligibility for reappointment.

Terms of office shall be staggered to the extent possible, so that one-third (1/3) of the members' terms will terminate every third year; provided that each
member of the Commission shall serve until his or her successor is appointed and duly installed. The term of office of members shall end on May 31.

(F) Officers, Regulations, and Proceedings: The Commission shall elect a Chairman and Vice-Chairman and appoint a Secretary from among its members. The term of the Chairman and other officers shall be 1 year with eligibility for reelection. The Commission shall adopt rules for the transaction of business and shall keep a record of its recommendations, transactions, findings and determinations.

(1) Chairman: The Chairman shall be responsible for setting the agenda for each meeting, conducting the meetings, initiating/overseeing projects and providing an annual report to the City Manager of the City or his designee.

(2) Vice Chairman: The Vice-Chairman shall, in the absence of the Chairman, carry out the responsibilities of the Chairman.

(3) Secretary: The Secretary shall be responsible for distributing the meeting agenda and recording and distributing the minutes.

(G) Responsibilities: The function of the Parks and Trees Commission shall be to assist the Urban Forester or his/her designee with the following duties: Arbor Day ceremony; periodic review and recommendations for revision to this chapter; provide suggestions/recommendations for park improvements; advise regarding tree and plant issues within the parks, publicly owned property and ROW within the City; promote and support the Tree City USA program (see §100.06 below); serve as the appeals board for the administration of this chapter and administer the Margot Rochester Landscape Award in conjunction with the City.

The Commission shall keep minutes of its meetings, shall keep records of its activities through correspondence, photographs, articles and written summaries. The Commission shall also make an annual report (subject to the oversight of the Chairman) to the City Council.

(H) Meetings: Regular meetings for the transaction of business of the Commission may be held with such frequency as the Chairman and Commission members may determine, but not less than six (6) times a year. Upon a minimum of 24 hours notice, special meetings of the Commission may be held at any time at the discretion of the Chairman.

At least 24 hours in advance of any called meeting, public notice shall be posted on the City’s web site or the City’s administrative offices prior to each regularly scheduled or special meeting.

Members absent for more than three (3) consecutive meetings or more than one-half (1/2) of the regularly scheduled meetings per year may be replaced
by recommendation of the Parks and Trees Commission to the City Manager. The Chairman shall advise the City Manager of any members recommended to be replaced or any member that has resigned and ask the City Manager to bring before City Council the appointment a new member to fill the un-expired term of the vacating member.

(I) **Sub-Committees:** The Parks and Trees Commission may, at its discretion, create sub-committees to assist in conducting its business.

§ 100.06 **TREE CITY USA**

The City shall strive to maintain its Tree City USA certification and submit an application for this designation each year by December 15th to the South Carolina Forestry Commission and the National Arbor Day Foundation. To maintain eligibility for this program, the City shall strive to meet all criteria for such certification.

§ 100.07 **TREE INVENTORY**

The Urban Forester or his/her designee shall maintain a current inventory of public trees to the extent possible and practical. The inventory data gathered and recorded for each tree shall include, at a minimum, the following information: (a) location (address or latitude/longitude coordinates); (b) tree species; (c) DBH; (d) condition; and (e) maintenance needs.

§ 100.08 **ANNUAL WORK PLAN**

The Urban Forester or his/her designee shall develop an annual work plan, to the extent possible and practical, for the management of public trees utilizing the tree inventory information and input from the Parks and Trees Commission. The work plan shall contain the following plans and schedules: (a) tree planting; (b) new tree maintenance; (c) tree pruning; (d) tree mulching; and (e) tree removal.

§ 100.09 **PUBLIC TREE MAINTENANCE STANDARDS**

(A) **Generally**

Any tree maintenance contracted by the City shall be authorized and performed under the direction and supervision of the Urban Forester.

The City shall have the right and responsibility to establish, maintain, conserve, protect and remove public trees. Standards for public trees shall be governed by the BMPs. The BMPs shall include, to the extent possible and practical, standards for tree establishment, maintenance (to include pruning, mulching, fertilization, irrigation and pest control), protection and removal.
These standards will be guided by the most current version of the below-listed professional standards from ANSI:

(1) ANSI Z60.1 American National Standard for Nursery Stock;

(2) ANSI Z133.1 American National Standard for Arboricultural Operations – Pruning, Repairing, Maintaining, and Removing Trees, and Cutting Brush - Safety Requirements;

(3) ANSI A300 (Part 1) American National Standard for Tree Care Operations – Tree, Shrub and Other Woody Plant Management - Standard Practices (Pruning);

(4) ANSI A300 (Part 2) American National Standard for Tree Care Operations - Tree, Shrub and Other Woody Plant Management - Standard Practices (Fertilization);

(5) ANSI A300 (Part 3) American National Standard for Tree Care Operations - Tree, Shrub and Other Woody Plant Management - Standard Practices (Support Systems for Cabling, Bracing and Guying);

(6) ANSI A300 (Part 4) American National Standard for Tree Care Operations - Tree, Shrub and Other Woody Plant Management - Standard Practices (Lightning Protection Systems);

(7) ANSI A300 (Part 5) American National Standard for Tree Care Operations - Tree, Shrub and Other Woody Plant Management - Standard Practices (Management of Trees and Shrubs During Site Planning, Site Development and Construction);

(8) ANSI A300 (Part 6) American National Standard for Tree Care Operations - Tree, Shrub and Other Woody Plant Management - Standard Practices (Transplanting); and


In addition, the most current versions of the following BMPs, will be incorporated into public tree maintenance activities to the extent possible and practical: Integrated Pest Management, Managing Trees During Construction, Tree Pruning, Tree Fertilization, Tree Inventories, Tree Lightning Protection Systems, Tree Planting, Tree Risk Assessment, Utility Pruning and Tree Support Systems: Cabling, Bracing and Guying.
(B) Establishment

(1) Generally. The Urban Forester shall develop a list of approved and appropriate trees to be planted on ROWs, parks and other public facilities. This list shall be approved by the Parks and Trees Commission and shall contain the following information: (a) tree species common name; (b) tree species scientific name; (c) comments on tree characteristics and/or other relevant information; and (d) mature height dimensions, per the following height categories: (i) Small; (ii) Medium; or (iii) Large.

(2) Tree Quality. Trees purchased for planting within the ROW, in parks and other public facilities shall be good quality and at the very least, have the following characteristics and be in compliance with ANSI Z60.1 American National Standard for Nursery Stock (see §100.09(A)(1) above): (a) healthy roots, trunk and crown; (b) free from stem encircling and stem girdling roots; (c) form characteristic of the species, but otherwise with a straight trunk and without co-dominant stems and included bark; (d) well-spaced branches; and (e) free from pests, diseases and mechanical injuries.

(3) Tree Placement. Trees shall be planted in locations that meet the following criteria: (a) at least 10 feet from street intersections; (b) at least 5 feet from stop signs, light poles, mail boxes, water meters and driveways; (c) at least 10 feet from fire hydrants. (d) at least 2 feet from the curb, gutter and sidewalks; (e) small trees shall be planted beneath or within 10 feet of overhead electric lines and no closer than 10 feet to a building; (f) medium trees shall be planted no closer than 15 feet to overhead power lines and no closer than 20 feet to a building; (g) large trees shall be planted no closer than 20 feet to overhead electrical power lines and no closer than 25 feet to a building.

The Urban Forester may approve or disapprove other tree placement designs in public spaces that do not meet the above criteria, depending on the design, maintenance or other special conditions and/or considerations.

(4) Spacing Between Trees. For street tree plantings, except for special planting plans approved by the Urban Forester, the following minimum planting distances shall be required: (a) Small-maturing trees shall be planted at least 10 feet apart; (b) Medium-maturing trees shall be planted at least 15 feet apart; and (c) Large-maturing trees shall be planted at least 20 feet apart.

(5) Open Soil Surface Area. Trees shall have a minimum of 25 square feet of open soil surface area when planted in tree wells, above-ground planters or concrete cutouts. Otherwise, trees shall have the following minimum open soil surface areas: (a) Small trees – Suitable for spaces no less than 25 square feet and up to 100 square feet of total planting area; if planted in a planting strip the strip must be at least 4 feet wide or planted at least 2 feet from pavement or wall; (b) Medium trees – Suitable for spaces no less than 64 square feet and up to 200
square feet of total planting area; if planted in a planting strip the strip must be at least 6 feet wide or planted at least 4 feet from pavement or wall; or (c) Large trees – Suitable for spaces with no less than 200 square feet of total planting area; if planted in a planting strip the strip must be at least 7 feet wide or planted at least 6 feet from pavement or wall.

(6) Utility Locations. No public tree other than those species as listed as small-maturing trees may be planted under or within 10 lateral feet of any overhead electric wires. The party excavating the planting hole shall be responsible for ensuring that all underground utilities have been located and marked prior to any excavation (See S.C. Code Ann. §§58-36-10 et seq. (1976, as amended)).

(7) Tree Planting Permit.

(a) A tree planting permit application shall be required for any person, business or organization (public or private) to plant trees on public property, city-owned ROW or South Carolina Department of Transportation ("SCDOT")-owned ROW.

(b) For tree planting activity on City owned property, including ROW on city-owned streets, an applicant shall submit an encroachment permit application for tree planting to the Urban Forester. The application shall be reviewed by the Urban Forester who, shall rule on the application and provide notification to the applicant of the results of the ruling within 10 business days after submission, to the extent possible and practical. If the Urban Forester, in his sole discretion, determines that it is not possible or practical to rule on an application within the allotted time, the Urban Forester shall notify the applicant of such delay. Any failure to properly notify an applicant shall not constitute a waiver of the requirement for proper approval by the Urban Forester and an applicant shall not be entitled to perform any tree planting activity unless and until an application is properly approved by the Urban Forester. Failure to properly comply with this provision shall be grounds for penalties as provided in this chapter. Each encroachment permit application for tree planting on City-owned property shall include, at a minimum, the following information: (i) application date; (ii) name and daytime contact information of applicant; (iii) street address or nearest street address where the tree(s) is to be planted; (iv) tree species to be planted; (v) caliper size of tree or size of container; (vi) exact location of planting site and description, which indicates the presence of overhead utility lines as well as distances to sidewalk, fire hydrant, curb, street and utility pole – if applicable; (vii) anticipated tree height at maturity; and (vii) a signed Tree Maintenance Agreement, copies of which shall be made available by the Urban Forester. Further, the Urban Forester shall be authorized to sign any Tree Maintenance Agreement on behalf of the City.

(c) For tree planting activity within ROWs on SCDOT-owned streets, an encroachment permit is generally required by the State. It is advisable
to contact the Urban Forester in advance to determine the street ownership and for consultation before submitting a permit application. The State requires an encroachment permit for any landscaping and/or tree planting performed on State-owned ROW and applications can be requested from the SCDOT. Applications shall be submitted to SCDOT District Office in Kershaw County.

(C) Maintenance

(1) Pruning.

(a) Public Trees. Tree crown pruning shall be done on a routine basis, to the extent possible, to provide pedestrian, traffic, sign, light and signal clearance, to reduce conflicts with buildings and infrastructure, to improve tree structure, form and health, and to remove dead, diseased, dying and otherwise objectionable branches or trunk over 2 inches in diameter. Tree pruning shall be done in accordance with current professional standards (See §100.09(A) (1-10)). The following clearances shall be maintained through routine pruning, to the extent possible and practical, as long as the remaining canopy is at least 50% of the total height of the tree or retains at least 50% of the crown: (i) Seven (7) feet above sidewalks and walkways; (ii) Fourteen (14) feet above residential streets; or (iii) Eighteen (18) feet above major thoroughfares.

(b) Prohibited Techniques. The use of unnatural, outdated and/or inappropriate pruning techniques is prohibited and shall be considered an unauthorized removal of a public tree. Examples of unnatural, outdated and/or inappropriate pruning are topping, stubbing, dehorning or lion-tailing. These practices are detrimental to tree health and are specifically prohibited. No pruning of public trees shall occur without the written consent of the Urban Forester. Any person who is determined to have engaged in the topping of public trees shall be penalized in accordance with the provisions of §100.11 of this. Each public tree that is subjected to topping shall constitute a separate offense punishable by the provisions of this chapter and Code.

(c) Newly Planted Trees. Newly planted trees shall be inspected, to the extent possible and practical, during the summer months at 1, 2 and 3 years after planting and pruned if necessary to improve the branch structure.

(d) Private Trees. The City, acting under its police powers in order to protect public welfare, is authorized, upon 7 days written notice to the property owner (or sooner, subject to the owner’s consent), to properly prune trees on private property in order to provide clearance over public sidewalks and roadways, to improve visibility of signs, signals, and lights and to reduce tree hazards as determined by the Urban Forester. Pruning shall comply with current ANSI standards and ISA BMPs. Notification and/or consent under the terms above shall not be required in the event that the City, in its sole discretion, determines that a failure to timely act may result in immediate or imminent
danger to any person or property.

(e) Utility Line Clearance Pruning. All pruning completed for the purpose of utility line clearance shall be done, to the extent possible and practical, in accordance with current professional standards (ANSI A300, also see §100.09(A) (1) herein) and shall be supervised by a line-clearance arborist. In the event that the line clearance pruning results in less than 50% of the normal tree crown or that the tree (as a result of pruning) can no longer sustain itself, as determined by the Urban Forester, the City may, at its discretion, have it removed.

(2) Tree Pruning Permit. A tree pruning permit shall be required for any person seeking to prune trees on public property. The application shall be reviewed by the Urban Forester who, shall rule on the application and provide notification to the applicant of the results of the ruling within 10 business days after submission, to the extent possible and practical. If the Urban Forester, in his sole discretion, determines that it is not possible or practical to rule on an application within the allotted time, the Urban Forester shall notify the applicant of such delay. Any failure to properly notify an applicant shall not constitute a waiver of the requirement for proper approval by the Urban Forester and an applicant shall not be entitled to perform any tree planting activity unless and until an application is properly approved by the Urban Forester. Failure to properly comply with this provision shall be grounds for penalties as provided in this chapter. Applications for a tree pruning permit shall include, at a minimum, the following information: (a) application date; (b) name and daytime contact information of applicant; (c) street address or nearest street address where the tree(s) is to be pruned; (d) tree species to be pruned; and (e) reason/objective for pruning; and (f) description of tree location, including the presence of overhead utility lines as well as distances to traffic signage, sidewalk, curb and/or street.

(3) Mulching.

(a) All newly planted trees shall, to the extent possible or practical, be mulched during the establishment period or at least the first 3 years after planting. Mulch shall be applied in an even layer, 3-4 inches deep and applied outward to the dripline of the tree at a distance of 1 lateral foot per 1 inch of caliper. Mulch shall be kept at least 1/2 inch away from the tree trunk to avoid creating conditions favorable to insect pests, disease or rodent infestation.

(b) All existing trees on public property should be mulched where practical, as far out toward the dripline as possible. Mulch shall be kept at least 1/2 inch away from the tree trunk to avoid creating conditions favorable to or insect pests, disease or rodent infestation.

(c) Mulch shall be composed of organic material such as shredded hardwood, pine straw, pine bark nuggets, shredded wood chips or shredded leaves and/or grass.
(4) **Fertilization.** Fertilization may be done when and where a soil or foliar test indicates a nutrient deficiency. Fertilization shall be done according to current professional standards (ANSI A300 (Part 2) American National Standard for Tree Care Operations - Tree, Shrub and Other Woody Plant Management – Standard Practices (Fertilization)).

(5) **Watering.** Supplemental water shall be provided, to the extent possible, for all newly planted trees during the months of March through October (weather dependent) and at least once per week. Water shall be applied consistently on and enough to thoroughly wet the tree’s root ball. Watering shall be performed at least through the first growing season or until the tree is established in the landscape, whichever is later. When and where appropriate, water shall be applied, to the extent possible, to mature trees during the summer months and/or periods of low rainfall or extreme drought conditions.

(6) **Pest Control.**

(a) When public trees are found to have a pest problem that poses a major threat to surrounding trees and/or present a danger/nuisance to humans or the environment, as determined by the Urban Forester, they shall be, to the extent possible, treated (as conditions warrant) or removed by the City. Spraying of pesticides (insecticides, fungicides, miticides and herbicides) shall be done only for the control of specific pests with the proper materials in the necessary strength and applied at the proper time to obtain the desired control. General spraying for pest control shall be discouraged. Any pesticide application shall be performed or supervised by personnel with a current South Carolina Pesticide Applicator’s License, Category 3 - Landscape.

(b) The City, acting under its police powers in order to protect public welfare, is authorized, upon 7 days written notice to the property owner (or sooner, subject to the owner’s consent), to treat trees on private property, to the extent possible, if they are found to have a pest problem that poses a major threat to surrounding trees and/or present a danger/nuisance to humans or the environment, as determined by the Urban Forester. In the event treatment does not abate or cannot be abated, the City may seek the removal of infested trees in accordance with the removal provisions in §100.09(e)(7) herein. Treatment of pests or other nuisances is not a prerequisite to the removal of such trees under §100.09(e)(7) herein.

(D) **Tree Check Requests**

Any resident, individual, group, business, organization, agency or entity within the incorporated city limits may contact or submit a tree check request to the Urban Forester. These requests should be primarily for public trees, but may also be requested for residential trees. The Urban Forester shall be responsible for performing site visits and completing an on-the-ground visual examination and
evaluation regarding tree health and structural soundness. The tree check will generally result in one of the following: no action needed, re-inspect at a later date or a work order for tree removal or pruning.

(E) Removal

(1) Generally. If any public tree is determined by the Urban Forester to be a hazard, irreparably diseased, injured or located in a manner that endangers the public health, safety or welfare of City residents or infrastructure, the Urban Forester may authorize its immediate removal.

(2) Tree Removal Requests. A tree removal permit shall be required for any person wishing to remove a public tree. Depending on the nature of the request and condition of the tree, the requestor may bear the responsibility of the cost of removal. Otherwise, removal of trees on public property shall be the responsibility, but not the obligation, of the City. The City may charge the cost of the removal of the tree(s) to the requestor in response to the request. The Urban Forester will approve or reject any and all permit requests submitted.

(3) Tree Removal Permit. A permit shall be required for any party, except for those acting at the express request or direction of the Urban Forester, to remove any public tree. The application for a public tree removal permit shall be reviewed by the Urban Forester who, shall rule on the application and provide notification to the applicant of the results of the ruling within 10 business days after submission, to the extent possible and practical. If the Urban Forester determines that it is not possible or practical to rule on an application within the allotted time, the Urban Forester shall notify the applicant of such delay. Any failure to properly notify an applicant shall not constitute a waiver of the requirement for proper approval by the Urban Forester and an applicant shall not be entitled to perform any tree planting activity unless and until an application is properly approved by the Urban Forester. Failure to properly comply with this provision shall be grounds for penalties as provided in this chapter. The application for a public tree removal permit must include, at a minimum, the following information: (a) application date; (b) name and contact information of applicant; (c) tree location; (d) tree species; (e) DBH of tree sought for removal; and (f) reason for removal, explained in detail.

(4) Permitted Reasons. Removal will normally be permitted for the following reasons and removal for other reasons may be permitted in the sole discretion of the Urban Forester: (a) the tree is dead; (b) the tree is affected by a pest problem that is untreatable or treatment is impractical and will result in rapidly declining tree health or a hazardous condition; (c) the tree is in irreversible decline due to mechanical damage, poor maintenance or environmental stresses or a combination thereof and its condition cannot be improved with standard maintenance techniques; (d) the tree has an uncorrectable structural defect that results in an increased risk of whole or partial tree failure; (e) the tree is reducing
sight visibility of traffic signs/signals, intersections or other situations, which may endanger life or property and the correction of the problem will result in severe disfigurement of the tree or will result in crown reduction encompassing more than 50% of the normal canopy; (f) the tree is in a restricted growing space resulting in conflict with the surrounding hardscape or infrastructure and the conflict cannot be resolved; (g) the tree is in conflict with overhead utility lines and proper pruning cannot adequately reduce the conflict without severely disfiguring the tree or will result in crown reduction encompassing more than 50% of the normal crown; or (h) the tree is in conflict with proposed site reconfiguration/improvements or above/below ground utility upgrades and the conflict cannot be resolved or the correction of the problem will result in severe disfigurement of the tree or severe root damage which compromises structural stability or will result in crown reduction encompassing more than 50% of the normal crown.

(5) Replacement of Trees Removed. Public trees removed shall, to the extent possible and practical, be replaced within twelve (12) months after removal. If the site where the public tree was removed is not suitable for replanting, a tree shall be planted in a suitable location as close as possible to the removal location. Otherwise, a tree shall be planted in another location within the vicinity as determined by the Urban Forester. The City shall assess a replacement fee to the individual, group, entity or agency requesting the removal. The replacement fee shall not exceed the actual costs to the City.

(6) Stump Removal. Stumps of public trees shall, to the extent possible and practical, be removed to a depth of six (6) inches below the surface of the ground so that the top of the stump shall not project above the surface of the ground. Notwithstanding the provisions hereof, the City reserves the right to preserve stumps with historic and/or cultural significance.

(7) Private Trees.

The City, acting under its police powers in order to protect public welfare, is authorized to remove or cause to be removed trees on private property that are hazard trees (as determined by the Urban Forester) have pest infestations that are a threat to surrounding trees or are otherwise nuisances that threaten the health and safety of the public.

Owners of premises where a hazard, pest infested or nuisance tree is located shall be provided written notification (either in person or by registered mail) by the Urban Forester that action must be taken to abate the situation within thirty days. If after thirty days the problem has not been abated, the City shall have the right to remove the tree or cause the tree to be removed and charge the property owner with the cost of removal and all other associated costs.
§ 100.10 ACTIVITIES HARMFUL TO PUBLIC TREES

Activities harmful to public trees shall include, but are not limited to: soil compaction from vehicles or pedestrian traffic or materials storage; trenching roots; excavating roots; grading roots; grubbing; soil backfill or sedimentation; soil cuts; soil contamination; changes in water drainage; fire, mechanical or chemical damage to roots/trunks/branches/crowns; improper pruning, watering, fertilizing, mulching and improper pesticide application; and topping, tipping, heading or stubbing.

§ 100.11 VIOLATIONS AND PENALTIES

The City shall be responsible for enforcing all the provisions of this chapter. The Urban Forester shall have the authority to inspect public property for compliance with this chapter.

No person shall plant, prune or remove a public tree without a proper permit issued under the provisions of this chapter. Further, no person shall perform any activity from §100.10 that has been determined to be harmful to public trees.

Any person, firm or corporation who violates any provision of this chapter or who fails to comply with any notice issued pursuant to provisions of this chapter, upon being found guilty of violation, shall be subject to a fine of not exceeding $500.00 or imprisonment not exceeding thirty days, or both. Each and every violation of this chapter shall constitute a separate offense punishable by the provisions of this chapter.

§ 100.12 APPEALS

(A) Generally. The Parks and Trees Commission shall serve as the appeals board for the administration of this chapter.

(B) Notice. Any party affected by a determination or decision of the Urban Forester or the Commission under the terms of this chapter shall be entitled to appeal such decision to the Parks and Trees Commission in their capacity as the appeals board. Requests for an appeal shall be sent to the Parks and Trees Commission at least ten (10) days prior to a regularly scheduled meeting of the Commission.

(C) Open hearing. All hearings before the Commission shall be open to the public. The appellant, the appellant’s representative, the Urban Forester, and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the appeals board’s membership.
(D) Postponed hearing. When the full Commission is not present to hear an appeal, either the appellant or the appellant’s representative shall have the right to request a postponement of the hearing.

(E) Decision. The Commission shall modify or reverse any decision made under this chapter only by a concurring vote of a majority of the Commission. Absent a majority decision of the Commission to modify or reverse the decision, the original determination shall stand. The appellant shall be notified of the Commission’s decision within 24 hours of any determination being made by the Commission. Thereafter, the decision of the Commission shall be filed in the office of the City Clerk.

(F) Further Review. Any person whose interests are directly or materially affected by the decision, whether or not a previous party of the appeal, shall have the right to appeal the appeals board’s decision to the Court of Common Pleas for Kershaw County. Such Court shall first decide if such person has alleged sufficient facts to support a claim of legal standing to pursue the appeal, and if so, shall proceed to hear the appeal then, or at such later time as may be convenient to said Court. The filing and service of an application for review shall be made in the manner and time required by law following the filing of the decision in the office of the City Clerk.

§ 100.13 EMERGENCIES

In case of emergencies involving, but not limited to, infestations of pests; natural disasters, storm events (tornado, windstorm, flood, hurricane, snow storm, ice storm) and/or acts of terrorism, the requirements of this chapter may be waived in whole or part by City Council during the emergency period so that the requirements of this chapter would in no way hamper private or public work to restore order and operations to the City.

Section 3. Implementation of Section 32.86 of the Code.

The following new text is hereby enacted as Section 32.86 of the Code:

§ 32.86 PARKS AND TREES COMMISSION.

There is created a Parks and Trees Commission, which shall consist of not more than seven members. (See CHAPTER 100: TREES for further information on the authorization for and operations of such commission).

Section 4. Severability.

If any one or more of provisions provided in Chapter 100 or Section 32.86 should be contrary to law, then such provision or provisions shall be deemed severable from the remaining
provisions, and shall in no way affect the validity of the other provisions of Chapter 100 or Section 32.86.

Section 4. Effective Date.

This amendment shall be effective upon the date of its enactment.

DONE, RATIFIED AND ENACTED this 13th day of August, 2013.

CITY OF CAMDEN, SOUTH CAROLINA

(SEAL)

Attest:

City Clerk Brenda Davis

First Reading: July 9, 2013
Second Reading: July 23, 2013

Mayor Anthony P. Scully