



## Town of Holly Springs Tree Advisory Committee

Monday, May 13, 2019

6:00 p.m.

Holleman Meeting Room • Town Hall • 128 S. Main Street

1. **Call to order** (6:00)
2. **Agenda Adjustment**
3. **Minutes**
  - a. April 8, 2019
4. **Tree Advisory Committee Duties**
  - a. Annual Arbor Day event (6:05)
    - Overview and feedback (R. Woods)
  - b. Tree City USA standards/updates
  - c. Street Tree Replacement Program
  - d. Removal of diseased or harmful street trees or perimeter yard landscape/bufferyard plantings
  - e. Tree maintenance guidelines and preferred tree selection criteria (6:25)
    - Street Tree Maintenance Ordinance (M. Beard)
  - f. Public education programs
5. **Other Business**
  - a. Tree Advisory Committee 1<sup>st</sup> Year Goals (R. Woods) (6:40)
6. **Next Meeting July 8, 2019** (7:20)
  - a. Tree City USA Application Review
  - b. FY 19-20 Tree Advisory Committee Budget Review
    - Arbor Day 2020
    - Public Education Programs/Outreach
    - Other
  - c. Tree Advisory Committee 1<sup>st</sup> Year Goals and presentation to Town Council (August 6)
7. **Adjournment** (7:30)





# Town of Holly Springs

## Tree Advisory Committee

### Minutes: *Monday, April 8, 2019*

Department of Planning & Zoning • 128 S. Main Street • P.O. Box 8 • Holly Springs, NC 27540 • (919) 557-3908 • HSPlanning@hollyspringsnc.us

#### **Agenda Item 1: ROLL CALL 6:00 P.M.**

The Tree Advisory Committee met on Monday, April 8, 2019 in Town Hall at 128 South Main Street at 6:00 P.M. when quorum was established.

Members Present: Rachel Woods, Chairperson  
Joe Fuller, Vice Chairperson (arrived, 6:20)  
Katherine Penton, Secretary  
Amanda Matheny  
Christine Kelly

Members Absent: Gary Claiborne  
Dana Rybak  
Bridget Freeh  
Tom Joyce

Staff Members  
Present: Gina Clapp  
Matt Beard  
Thomas Bradley

Others Present: None

#### **Agenda Item 2: Agenda Adjustment**

Add Special Presentation:

4b. Holly Springs, Town Council Policy and Procedure Statement P-032: Communications Protocols

Add Other Business:

6b. Proposed Anti-Tree Preservation Legislation

#### **Agenda Item 3: Minutes**

Motion to approve the minutes from March 11, 2019.

**Motion by:** Joe Fuller

**Seconded by:** Rachel Woods

**Action:** *The committee voted in favor of the motion. (4-0-1)*

#### ***Agenda Item 4: Special Presentations***

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##### Street Tree Website:

Mr. Beard provided an overview of the contents of the Street Tree webpage. The current webpage is informative, with a well maintained Resource list and a link to the Tree Advisory Committee webpage. Finding and/or navigating to the Street Tree webpage is not intuitive from the Holly Springs Homepage. Town staff is working in continued collaboration to improve the accessibility, navigation and content of the tree related webpages.

Holly Springs Town Council Policy and Procedure Statement P-032: Communications Protocols: The overview of the Communications Protocols was presented by Ms. Clapp. The purpose of the Policy Statement is to provide guidelines and ground rules for effective communication throughout the Town organization. Per the Policy the Tree Advisory Committee (TAC) is defined as a Town work group, and the committee Chair is the conduit from TAC to Town Council.

#### ***Agenda Item 5: Tree Advisory Committee Duties***

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##### Annual Arbor Day Event:

Ms. Clapp and Mr. Beard prepared a sample table setup that included signage, the Arbor Day Proclamation poster and giveaways (pencils, pamphlets, activity sheets) for the event. Fifty live Long Leaf Pines will also be available for giveaway.

##### Rotary Honorary Tree Planting Update:

Councilwoman Kelly provided an update on the Rotary plantings; 50 Crepe Myrtles were planted near the Parrish Womble Park Shelter and parking area. There is one more tree to be planted, the committee discussed suggestions and arrived at a recommendation of a native, single stem Fringe Tree (*Chionanthus virginicus*). Councilwoman Kelly will share the committee's recommendation with the Rotary sponsors.

##### Street Tree Replacement Program:

The Fiscal Year 2019 - 2020 Budget Request for TAC funds has been submitted. The committee continued conversation regarding options for application of the funds, should they are approved. Mr. Beard presented a "strawman" document that will help the committee continue to evolve, clarify and document a Street Tree Replacement Pilot Program and recommendations.

##### Street Tree Maintenance Ordinance:

Ms. Clapp provided a recap of Town Council's remarks regarding the Ordinance Draft discussed at the Town Council meeting on April 2, 2019. Accordingly, changes have been made to the Draft and the Ordinance will be presented to Town Council on April 22, 2019. The TAC Chair will represent the Committee at the Town Council meeting.

#### ***Agenda Item 6: Other Business***

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##### Proposed Anti-Tree Preservation Legislation:

Ms. Clapp provide and informational overview of the proposed NC General Assembly Legislation – Anti-Tree Preservation Bill, aka NC Senate Bill 367. Should the Anti-Tree Preservation Bill pass it would limit the ability of cities and towns to pass future ordinances to protect trees during development.

***Agenda Item 7: Next Meeting – July 8, 2019, 6 P.M.***

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- a. Tree Advisory Committee 1<sup>st</sup> Year Goals and Town Council Report – August 6, 2019
- b. Tree Advisory Committee FY19-20 Budget Overview
- c. Draft Tree City USA Application Review

***Agenda Item 8: Adjournment***

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The meeting adjourned at 8:20 P.M.

Motion to adjourn:

**Motion by:** Ms. Woods

**Seconded by:** Mr. Fuller

**Action:** *The committee voted in favor of the motion. (4-0-1)*

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Katherine Penton  
Secretary





THE TOWN OF

# Tree Advisory Committee

## Holly Springs

- Subject Title:** Tree Advisory Committee Goals and Priorities
- Meeting Date:** May 13, 2019
- Presenter:** Rachel Woods
- Attachments:** Full List of proposed TAC Goals

### Topic Highlights/Summary

In accordance with the Holly Springs Town Code of Ordinance, the Chairperson of the Tree Advisory Committee is required to present an annual report to the Town Council. For the TAC's first presentation we would like to present the committee's goals and priorities.

To begin thinking about goals and priorities, at the second TAC meeting in February 2019, Ms. Gina Clapp conducted an exercise where all members responded to the question: If the TAC can accomplish two things- what would they be?

Through individual and group discussion the goals that rose to the top for the TAC include the following in no particular order:

- Education – Community Outreach
- Options for obtaining funding
- Set street tree standards
- Obtain Tree City USA status
- Arbor Day and other events
- Sustainable design approaches

Ms. Rachel Woods, TAC Chairperson, would like to begin leading the group in the creation of short-term and long-term goals which can measure the success of the TAC's effectiveness as well as helping our committee determine our priorities and action steps as they relate to the health of our town's tree canopy. These goals will direct the agenda for future meetings, assist in the TAC's annual budget requests and aid in identifying the potential need to create sub-committees.

### Anticipated Review Schedule

Town Council: August 6, 2019 (tentative)

### Motion/Action Requested

Discussion and feedback

Agenda Item Contact Information				
<b>For questions, please contact:</b>	Rachel Woods		Phone Number:	
<b>Agenda item prepared by:</b>	Gina Clapp/Rachel Woods		Phone Number:	
Agenda Item Department Head Approval for Review and TAC Discussion				
Approved for Distribution				
Departments Involved	Yes	No	Initials	Department Head Comments
Planning & Zoning	X		gmc	





## Tree Advisory Committee

Goals Exercise  
February 11, 2019

Ensure completion of Tree USA status

- Communicate success

Get funding to support tree advisory top priority projects

Education

- Review and communicate current street tree standards

- Establish program for residents to assist with tree (NC) planting guidelines / tree care tips

- Raise awareness of what it means to be a Tree City USA

- Preservation of current forestry areas

Education for the community

- Mulching

- Pruning

- Tree ID

- Consult someone

- Communication

Successfully implement 1<sup>st</sup> Arbor Day celebration

Out reach

- HOA

- Civic

- Church / Programs (ie Tree USA)

Sustainable design approaches

- Rehabilitate containment areas

Evaluate street tree standards & inspections

TOHS staff customer service and internal education for consistent responses





# *Holly Springs*

**Subject Title:** Street Tree Maintenance Policy

**Meeting Date:** May 13, 2019

**Presenter:** Matt Beard

**Attachments:** Draft Ordinance

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## **Topic Highlights/Summary**

This agenda item is being brought back to the TAC after being discussed at the February, March and April meetings. The voting members in attendance at the April 8<sup>th</sup> meeting voted (4-0-1) in support of the Street Tree Maintenance Ordinance as presented and supported staff bringing the item before the Town Council for adoption at the April 16 Town Council Meeting.

In the time between the TAC meeting on April 8 and the Town Council meeting the following week, there were several e-mail strings that got cross-connected that were expressing concern about the proposed Bill in the NC General Assembly and not necessarily the proposed Ordinance. Due to concerns from both Administration and Council wanting to ensure that the TAC was comfortable with the proposed Ordinance, the item has been referred back to the TAC for any further discussion to address any remaining points of concern.

An e-mail was sent to the TAC on April 15 by Gina Clapp outlining the various e-mails and included the following summary of responses regarding the Street Tree Maintenance Ordinance. No responses were received from the summary e-mail.

### Street Tree Maintenance Ordinance

Initial e-mail from G. Clapp day after Monday's TAC Meeting: Attached you will find the final draft of the Street Tree Maintenance Ordinance as it is being presented to the Town Council for consideration at their meeting next week Tuesday, April 16. As we discussed last night at the TAC Meeting, Staff presented the TAC's concerns about language regarding the Town's replacement of trees in the ordinance. As a result of the brief presentation to Council and TAC concerns that have been voiced, the attached ordinance has now been reviewed by legal and incorporates the following changes requested by the TAC:

Page 2- Adjacent Land Owner defined: adds Homeowner's Associations as a potential homeowner and their responsibility for tree care

Page 4- (6) Treatment of Diseased Street Trees clarifies that treating individual trees is not encouraged but that treatment should be done on a great scale for best results.

Page 4- Street Tree Removal 1.a.- clarifies that the Town can require a homeowner to obtain a certified arborist opinion when they are requesting to remove an existing tree

Page 6- Installation/Replacement of Street Trees – last paragraph removed statement regarding Town planting trees as funding is available.

Page 6- Penalty- removes a specified dollar amount and provides the Town the ability to penalize as is appropriate for the damage caused

TAC Members:

- Thanks very much for making the changes and providing the precise summary of changes for easy reference. I am in agreement with these changes and the Ordinance Draft. (K. Penton)
- Thank you Gina for the quick turn around with this. I look forward to bringing everyone's feedback to the board next week, (R. Woods)
- I appreciated the clarification during the meeting last night. I am in agreement with the changes and the Ordinance draft. (A. Matheny)
- We talked in our meeting Monday that if there is majority consensus on the ordinance within the TAC (or anything else for that matter) we move forward, but any of us, as private citizens can still lobby the council to demonstrate personal concerns apart from our work together. (R. Woods)
- Having personally dealt with preparing site plans in response to tree and landscape ordinances, I do have personal opinions about how blanket ordinances, restrictions, and requirements can have both positive and negative effects, both short term and long term. All such ordinances depend not only how they are initially written, but on how they are interpreted, enforced, and allowed for variances. As I understand the council meets on Tuesday, I would request that it be noted that I do have concerns about the language of the Street Tree Maintenance Ordinance and will need time after my return to review the revisions against the previous version and provide my thoughts. What most concerns me is that our town counsel has indicated that we are “pushing the limits.” I do think any language should be well within our limits of the town charter as well as state law. (G. Claiborne)  
*\*Note from G Clapp- this is why we are changing from Policy to Ordinance and clarifying that the Town is stepping up to commit to ensure street lights, traffic control signs and intersections are all cleared and trimmed and that adjacent homeowners are “strongly encouraged” and not required to maintain trees\**

TAC Ex-Officio Members:

- I still feel that the town wants to claim ownership of trees with no responsibility for maintenance or care and place the burden on adjacent homeowners. I believe that is a poor policy. A better solution would be for the town to encourage pride in street trees and educate the public on care and proper selection of tree varieties . Get everyone on board with the idea of a beautiful tree canopy and it's value as opposed to penalties and shifting the burden to residents. (T. Joyce) *\* Note from G Clapp- the Town’s current policy requires the adjacent home owner to do all maintenance and replacement of street trees. This new Ordinance lessens the burden on adjacent property owners by the Town committing to complete certain pruning, clearing and trimming while otherwise only encouraging homeowners to do the other trimming and pruning. There is no penalty for not doing the pruning as we can’t require a homeowner to complete this work. If/when it becomes a public safety concern, the Town will trim functionally, not necessarily aesthetically.\**

**Anticipated Review Schedule**

Town Council Determination: June 4, 2019

**Motion/Action Requested**

Discuss and provide feedback that will be shared with Town Council.  
 Motion to determine consensus with the proposed Ordinance

Agenda Item Contact Information				
<b>For questions, please contact:</b>	Matt Beard		Phone Number: 919-567-4018	
<b>Agenda item prepared by:</b>	Matt Beard		Phone Number: 919-567-4018	
Agenda Item Department Head Approval for Review and TAC Discussion				
Approved for Distribution				
Departments Involved	Yes	No	Initials	Department Head Comments
Planning & Zoning	X			



THE TOWN OF

# Holly Springs

**Ordinance Number:** XX-XX  
**Date Submitted:** April 16, 2019  
**Date Adopted:**

## **AN ORDINANCE TO AMEND SECTIONS OF THE CODE OF ORDINANCES, OF THE TOWN OF HOLLY SPRINGS, NORTH CAROLINA**

**BE IT ORDAINED** by the Holly Springs Town Council of the Town of Holly Springs, North Carolina, that the Code of Ordinances is amended as follows:

Part 1: Amending Chapter 14: Public Works, Article IV. Streets, Sidewalks and Other Public Places:

**Add text below:**

**Secs. 14-223 – 14-239. Reserved.**

Part 2: Amending Chapter 14: Public Works, Article IV. Streets, Sidewalks and Other Public Places to add:

### **DIVISION 6: STREET TREE MAINTENANCE**

#### **Sec. 14-240. Purpose.**

In accordance with the Town of Holly Springs Town Code Appendix A: Unified Development Ordinance all residential subdivisions and non-residential projects are required to plant Street Trees at the time of development. Street Trees, as discussed in this Ordinance, are those trees that are located within the right-of-way or adjacent to the right-of-way. The requirements in this Ordinance establish clear, efficient requirements necessary for the continued maintenance of those Street Trees.

These rules shall apply to both existing Street Trees as well as any new Street Trees installed after the effective date of this Ordinance.

The Town shall have the right, but not the obligation, to prune or remove all Street Trees within the right-of-way, as well as any Street Tree on private property that was installed to meet the Town's Street Tree requirements on the approved plans in accordance with the provisions of this Ordinance.

## **Sec. 14-241. Street Tree Maintenance Responsibilities.**

The following are requirements and performance criteria for the ongoing maintenance and health of Street Trees within the Town's corporate limits:

### **Street Tree Ownership.**

Street Trees, by their attachment to the public right-of-ways, within designated easements, or within 5' of the public right-of-way line in accordance with approved plans, are deemed public property, regardless of who planted them. The town relies on a partnership with its residents and landowners to ensure proper care and maintenance of Street Trees within the town. The Town is not responsible for any damages caused by any Street Tree. When the Town is notified of any issues pertaining to a potentially diseased, dying, or dead Street Tree potentially posing a public safety concern or from any acts of nature, the Town will endeavor to act to rectify the problem by taking such actions as the Town's professional staff deem necessary.

### **Adjacent Land Owner defined.**

Adjacent Land Owners are the closest owners of land adjacent to the public right-of-way or easement in which a Street Tree is located. Adjacent Land Owners are encouraged to perform certain maintenance of Street Trees as specified within this Ordinance. When an Adjacent Land Owner's property is governed by restrictive covenants and an incorporated Homeowner's Association (HOA), the HOA shall be responsible for these duties (which may be assigned in covenants to the homeowners), and for ensuring all maintenance of Street Trees is completed in accordance with the strictest requirements for regular maintenance as specified in the HOA covenants. The covenants may require the landowner to maintain trees within the subdivision (to include Street Trees), however with respect to Town enforcement activities, the HOA shall be the responsible party where an HOA exists.

### **Street Tree Maintenance.**

Street Tree maintenance is critical for both pedestrian as well as vehicular safety as well as the long-term health of the Street Tree. Such maintenance is encouraged to be provided by both the Town and the Adjacent Land Owner as follows.

#### Town Responsibilities

- (1) Public Street Lights – Town Responsibility
  - a. In order to ensure that public streets are illuminated for public safety purposes, Street Trees shall be trimmed and limbed as necessary to alleviate foliage and branches that are interfering with the proper spread of light along the street or sidewalk from a street light.
  - b. The trimming of the Street Trees completed by the Town will be completed in a manner for functional purposes. The Adjacent Land Owner, at their own cost, may desire to have the Street Tree professionally trimmed for aesthetic purposes.
- (2) Vision/Corner Clearance – Town Responsibility
  - a. In order to ensure that proper sight distance is maintained and to prevent the obstruction of the view of any street intersection as specified in the *Town of Holly Springs Engineering Design & Construction Standards*, Street Trees

- shall be trimmed and limbed as necessary to alleviate any sight obstructions at intersections.
- b. The trimming of the Street Trees completed by the Town will be completed in a manner for functional purposes. The Adjacent Land Owner, at their own cost, may desire to have the Street Tree professionally trimmed for aesthetic purposes.
- (3) Traffic Control Devices and Signs – Town Responsibility
- a. In order to ensure the proper visibility of traffic control devices or signs along public right-of-way, Street Trees shall be trimmed and limbed as necessary to alleviate any sight obstructions.
  - b. The trimming of the Street Trees completed by the Town will be completed in a manner for functional purposes. The Adjacent Land Owner, at their own cost, may desire to have the Street Tree professionally trimmed for aesthetic purposes.

#### Adjacent Land Owner Responsibilities

If pruned material from Street Tree maintenance by an Adjacent Land Owner is estimated to be larger than 2 cubic yards, the Adjacent Land Owner are encouraged to contact Public Works Department to schedule removal prior to completing the work, otherwise an extra yard waste fee shall be assessed in accordance with adopted Fee Schedule.

- (1) Sidewalk Clearance – Adjacent Land Owner Responsibility
  - a. In order to ensure clear sidewalks for pedestrians, it is encouraged that Street Trees be limbed so that at maturity a clearance of at least 8 feet is achieved above the sidewalk.
- (2) Public Streets – Adjacent Land Owner Responsibility
  - a. In order to maintain adequate access for service vehicles along public roadways, it is encouraged that Street Trees be limbed so that at maturity a clearance of 13.5 feet is achieved above the street.
- (3) Public Alleys – Adjacent Land Owner Responsibility
  - a. In order to maintain adequate access for service vehicles along public roadways, it is encouraged that Street Trees be limbed so that at maturity a clearance of 13.5 feet is achieved above the street.
- (4) Private Streets, Alleys, Sidewalks, Street Lights – Adjacent Land Owner Responsibility
  - a. In order to maintain adequate access for service vehicles along private roadways and alleys, it is encouraged that Street Trees be limbed so that at maturity a clearance of 13.5 feet is achieved above the street.
  - b. In order to ensure clear sidewalks for pedestrians, it is encouraged that Street Trees shall be limbed so that at maturity a clearance of at least 8 feet is achieved above the sidewalk.
  - c. In order to ensure that private streets are illuminated for public safety purposes, it is recommended that Street Trees shall be trimmed and limbed as necessary to alleviate foliage and branches that are interfering with the proper spread of light along the street or sidewalk from a street light.
- (5) Aesthetic / General Pruning – Adjacent Land Owner Responsibility
  - a. To preserve the appearance or health of a Street Tree, trimming and pruning of the Street Tree is allowed to preserve or enhance the symmetry and beauty of such Street Tree. Adjacent Land Owners are authorized and expected to

maintain Street Trees in the manner provided herein, if such maintenance can be done safely and effectively.

- b. General maintenance performed on Street Trees within subdivisions by the Adjacent Land Owner does not require permission from the Town, unless drastic action to the Street Tree(s) is planned. Drastic action shall be defined as removing, causing significant damage or injury, or topping a Street Tree.
- (6) Treatment of Diseased Street Trees— Adjacent Land Owner Responsibility
- a. At the first signs of disease of a Street Tree, the Street Tree should be treated in attempt to restore the health of the Street Tree. Individual treatment of diseased Street Trees is discouraged if adjacent Street Trees have been observed with the same or similar signs of disease. For HOA's, treatment shall be completed en masse to ensure best possible treatment of such diseases or infestations.

#### **Sec. 14-242. Street Tree Topping.**

It shall be unlawful as a normal practice for any person, firm, Adjacent Land Owner, or town department to top any Street Tree. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the Street Tree's crown to such a degree so as to remove the normal canopy and disfigure the Street Tree. Street Trees severely damaged by storms or other causes, or certain Street Trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the Town.

#### **Sec. 14-243. Street Tree Removal.**

Street Trees that are dead or severely diseased and showing signs of significant health decline may require special maintenance or removal and replacement. Street Trees shall only be removed when they pose a danger to people or property, or are in poor health or dead as follows:

- (1) Street Tree Removal Requests
  - a. Where an Adjacent Land Owner or Homeowner's Association requests the removal of a Street Tree which is considered to be a good healthy specimen, it will be the responsibility of the Adjacent Land Owner or Homeowners Association to place the request in writing to the Department of Planning & Zoning and it will be considered only in cases of potential dangers to public safety and welfare. The Town reserves the right to request the Adjacent Land Owner to obtain a report from a certified arborist detailing the health condition of a Street Tree if condition is unclear.
  - b. If the incorrect species of tree was originally planted by the developer or builder and was not inspected and approved by the Town, the Adjacent Land Owner may request to remove and replace the tree with the approved species on the approved plan at their own expense. Such request must be made in writing to the Department of Planning & Zoning for review and approval prior to the removal of the existing tree.
  - c. The Town does not conduct daily or frequent inspections of Street Trees. If any resident or Homeowner's Association is aware of a diseased, dying, or dead Street Tree potentially posing a public safety concern, it is their responsibility to notify the Town of such tree. The Town is not responsible for the removal of any tree for which it has not been notified of the potential public safety concern.



### Town Responsibilities

- (1) Diseased, Dying, or Dead Street Tree Posing Public Safety Concern – Town Responsibility
  - a. When the Town is notified that there is a dead, diseased, or dangerous Street Tree, or broken or decayed limbs that constitute a menace to the safety of the public and pose imminent threat as determined by the Town, the Town shall remove such Street Tree or limb.
  - b. The trimming of the Street Trees or limb removal completed by the Town will be completed in a manner for functional purposes. The Adjacent Land Owner may choose to have the Street Tree professionally trimmed or pruned for aesthetic purposes.
  - c. Street Trees removed by the Town for Vision Clearance Triangle and specific safety purposes shall not be replaced and any plans showing the location of those Street Trees shall not be required to be amended.

### Adjacent Land Owner Responsibilities

- (1) Storm Damaged Street Tree Removal and Replacement – Adjacent Land Owner Responsibility
  - a. It is encouraged that Street Trees that are significantly or fatally damaged through a natural occurrence such as a significant storm event be removed and replaced at the Adjacent Land Owner's expense as specified in this Ordinance.
- (2) Dead Street Tree Removal – Adjacent Land Owner Responsibility
  - a. To keep a dead Street Tree from becoming a public safety hazard, it is encouraged that the dead Street Tree should be removed as soon as possible. The stump shall also be removed so that the top of the stump shall not project above the surface of the ground. The Street Tree shall then be replaced as specified in this Ordinance.
  - b. If the Adjacent Land Owner does not remove the dead Street Tree and the Town becomes aware of the dead Street Tree, the Town may notify the Adjacent Land Owner regarding their responsibility to remove such Street Tree at their own expense.

### **Sec. 14-244. Installation/Replacement of Street Trees.**

Street Trees are typically initially installed by the developer or homebuilder. Once Street Trees are installed, they shall be maintained in accordance with this Ordinance.

If an Adjacent Land Owner would like to plant a Street Tree within the public right-of-way where one does not exist or has died, the Adjacent Land Owner shall contact the Department of Planning & Zoning for guidelines and approval prior to purchasing and installing such Street Tree.

Street Trees that are removed shall be replanted in the next available planting season as specified in the Unified Development Ordinance by the Adjacent Land Owner and must be the correct species and size as shown on the approved subdivision plans for the location in question. It shall be the Adjacent Land Owner's responsibility to verify with the Town's

Department of Planning & Zoning, the correct Street Tree species and size that is required for their location.

If the Adjacent Land Owner installs the incorrect specimen and size for the replacement Street Tree, it is encouraged that the Adjacent Land Owner remove the Street Tree. If they fail to remove the incorrect Street Tree within a reasonable time, the Town may remove the Street Tree and charge the Adjacent Land Owner for all expenses resulting from the Street Tree removal.

#### **Sec. 14-245. Interference with Town Staff or Contractors.**

It shall be unlawful for any person to prevent, delay or interfere with Town Staff, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Street Trees or Street Trees on private grounds, as authorized in this ordinance.

#### **Sec. 14-246. Penalty.**

All persons found guilty of violation of this division shall be subject to civil penalties, fines and injunctions. Fines shall be commensurate with the Town's cost to remedy the violation. Defense to a citation from the Town would be a letter from a certified arborist documenting the health of the Street Tree, and/or replacement of Street Tree in accordance with the Town's Ordinances and Policies.

#### **Part 3: REPEAL OF CONFLICTING ORDINANCES**

All ordinances or parts of the Code of Ordinances conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

#### **Part 4: SEVERABILITY**

If any section, part of a section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

#### **Part 5: INCLUSION IN CODE**

It is the intention of the Town Council entered as hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the Town of Holly Springs, North Carolina; that the Section(s) of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section, or "Article" or other word.

#### **Part 6: EFFECTIVE DATE**

The provisions of this ordinance shall become effective **Month XX, 20XX** in accordance with the laws of the State of North Carolina.

Adopted this, the XX day of Month 20XX.

Attested to:



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Dick Sears, Mayor

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Linda McKinney, Town Clerk