

ORDINANCE NO. 2021 – 284 TC 453
TC-5-21 – City Tree Manual Updated

AN ORDINANCE TO REVISE THE CITY TREE MANUAL

WHEREAS, The City Tree Manual is to regulate and control the planting of trees; and

WHEREAS, encourage the protection of existing trees on the streets and public and private ground; and

WHEREAS, establish the standard arboricultural specifications and practices for existing and future trees in the City and on City-owned property.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

Section 1. Frequently Asked Questions, is hereby removed in its entirety with no replacement.

Frequently Asked Questions

Section 2. Chapter 1.A. of the City Tree Manual, Permits and Procedures is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

A. Tree Impact Permit

1. A Tree Impact Permit is required for activities impacting trees existing on the City of Raleigh right of way and City owned or controlled property. This includes but is not limited to removal, pruning, trenching, boring, excavating, filling, fertilizing, treating for disease or insects, planting or attaching anything to a tree.
2. The Tree Impact Permit fee is \$100 will be calculated at issuance based on the City of Raleigh Fee Schedule. ~~The permit fee is waived for individual residential tree planting.~~
3. Permits shall be issued by the Urban Forester or designee. Any work performed under this permit must be done in strict accordance with the conditions of the permit, the provisions of the City Code Part 9 Chapter 8: “Trees and Vegetation” and the standards set forth in this document.
4. For tree planting permits the applicant shall provide documentation of approval from any applicable regulatory agency. Examples include but not limited to approved plans, planting on along or adjacent to State roads, sight distance hazards, conflict with lighting plans, overhead utility lines or other infrastructure.
5. Denial of permit: If a Tree Impact Permit is denied, the Urban Forester or designee shall provide a written denial to the applicant. ~~See~~ Denials may be appealed in

accordance with City Code Section 9-8009~~5~~ “Activities Impacting City Trees; Tree Impact Required” of Part 9 Chapter 8 (~~Appendix G~~) for ~~appeals process~~.

6. Violating any provision of the permit shall be subject to the provisions as described in Chapter 4 Enforcement ~~and Section 9-8011-09 Enforcement of the City of Raleigh code (Appendix G)~~. City Code Section 9-8009 “Enforcement” of Part 9 Chapter 8.

7. All development related Tree Impact Permits are issued as part of the development review process as applicable.

Section 3. Chapter 1.B. of the City Tree Manual, Permits and Procedures is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

B. Permit Applications

1. Submit a Tree Impact Permit Request online at www.raleighnc.gov – search Tree Impact Permit. Submit one application for all City tree related activities associated with a specific property or development project.

~~2. Development and Landscape Plan Requirements are described in Chapter 3. See the Unified Development Ordinance for specific requirements associated with development.~~

3. All development related Tree Impact Permits are issued as part of the development review process.

Section 4. Chapter 1.C. of the City Tree Manual, Permits and Procedures is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

C. Municipal Code

~~1. The municipal code Part 9, Chapter 8: Trees and Vegetation is located in Appendix G. The municipal code that governs this document is located in Part 9, Chapter 8: “Trees and Vegetation”.~~

2. In cases where other sections of the City code conflict with Part 9, Chapter 8 “Trees and Vegetation” and the City Tree Manual, these documents take precedence.

Section 5. Chapter 1.D. of the City Tree Manual, Permits and Procedures is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

D. Appeals

~~1. In the event any person is dissatisfied with a decision of the Urban Forester involving the application or interpretation of this document or the City code, such person may make a written request to the Parks Superintendent for review within ten (10) days. Any appeal from to a notice of violation, civil penalty assessment or permit denial shall be made in writing to the Director of Parks, Recreation and Cultural Resources within ten (10) business days following the receipt of the notice per Section 9 8-9009 F “Enforcement” of Chapter 8 Section 9 of Raleigh City code.~~

~~2. If the Parks Superintendent further denies the permit, the applicant may appeal the decision in writing to the Parks, Recreation and Cultural Resources Director within ten (10) days. Update with 9 8 9009 F Any appeal of a permit decision shall include justification for the appeal and an independent report from an ISA Certified Arborist if applicable.~~

~~3. Appeal of permit denial: The appeal shall include justification for the appeal and an independent report from an ISA Certified Arborist to support the app.~~

Section 6. Chapter 2.B. of the City Tree Manual, Tree Planting and Maintenance is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

B. Tree Planting on City Property

The Parks, Recreation and Cultural Resources Department is responsible for plan review, inspection, monitoring and enforcement associated with tree planting and maintenance on property owned or controlled by the City. City of Raleigh oversight includes planting associated with:

1. Development, Private Citizen or Contract Planting ~~a. Planting~~ on City owned or controlled property by any individual or organization other than the City. These projects are at the expense of the requestor and require a Tree Impact Permit.

2. Partnership Planting ~~a. Planting~~ undertaken by non-profit organizations, public-private partnerships, and civic groups. Unless work is done under strict guidance and oversight by the Urban Forester, these projects are at the expense of the requestor and require a Tree Impact Permit. ~~Examples of partnership plantings include but are not limited to the following:~~

~~a. Trees Across Raleigh: A non-profit organization that collaborates with the City of Raleigh to plant in the city rights-of-way and city parks.~~

~~b. Adopt a Park / Adopt a Stream: Cooperative agreements between the City and volunteer groups to plant trees along greenways and other city rights-of-way.~~

- e. ~~NeighborWoods Street Tree Planting Program: A cooperative program between the City and its residents to plant trees along city right of ways. Participation in this program does not require a Tree Impact Permit.~~

Section 7. Chapter 2.D.3 of the City Tree Manual, Tree Planting and Maintenance is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

D. Tree Quality Standards

3. Species Selection

- a. Selected tree species shall be of a cultivar that is superior in form and disease resistance. Preference will be given to street trees grown specifically for urban conditions.
- b. Exotic invasive species are not permitted.
- c. ~~Large maturing species are not permitted under overhead power lines.~~ Trees to be installed under overhead power lines shall have a mature height of no greater than 30ft.
- d. All species selections shall be reviewed by the Urban Forester or designee.
- e. Species diversity is encouraged to improve overall urban forest health (Table 2).
- f. All plant material and installation work shall conform to the standards detailed in this manual Appendix B and C and, the American National Standards for Tree Care Operations, ANSI A300 and Nursery Stock, ANSI Z60.1 and approved City standard details.

Section 8. Chapter 2.E.1 of the City Tree Manual, Tree Planting and Maintenance is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

E. Tree Planting Standards

- 1. Please refer to City of Raleigh standard details located at raleighnc.gov
 - a. ~~Tree Planting~~
 - b. ~~Urban Tree Planting~~
 - c. ~~Tree Grate~~
 - d. ~~Tree Protection Fence~~

2. Linear Spacing and Location

- a. ~~Street trees shall be planted 40' on center unless otherwise specified in the Unified Development Ordinance or NeighborWoods program. Trees will be planted in accordance with spacing requirements detailed in the Unified Development Ordinance unless otherwise directed by the Urban Forester or designee.~~
- b. ~~No large maturing trees shall be planted beneath overhead power lines. Trees to be installed under overhead utility lines shall have a mature height of no greater than 30ft.~~

Table 1. Guidelines for Proximity from Center of Tree to Infrastructure

Minimum Distance from Walks, Curbs and Utilities	<u>Recommended Minimum Distances from Walks, Curbs and Utilities</u>
Sidewalk	2'
Back of curb	2'
Driveways	10'
Structures	10'
Manholes and catch basins	10'
Fire hydrants	10'
Water meters and other utility boxes	5'
Traffic signs	10'
Stop signs	30'
Light poles	20'
Other trees	15' <u>or 25' variable dependent on species</u>
Buried Utility Lines that Traverse the Planting Strip	
Water & sewer <u>lines that cross the planting strip</u>	10'

Sewer easements	Planting prohibited
All other service <u>lines that traverse the planting strip</u>	10'

Section 9. Chapter 2.E.3.d of the City Tree Manual, Tree Planting and Maintenance is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

E.3.d Tree Lawn

1. Minimum 6 feet wide tree lawn.
2. Tree centered in area.
3. ~~No utilities or electrical conduits are permitted within the tree pit or grate. Utilities may run below and through the subsurface root expansion infrastructure.~~
4. 3, 600 cubic feet of organic high-quality planting soil in the immediate area where tree is to be placed.

Section 9. Chapter 2.E.3.e of the City Tree Manual, Tree Planting and Maintenance is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

E.3.e Required Subsurface Root Expansion

1. High quality ~~top~~ planting soil or structural soil shall be used to accomplish the soil volume requirement.
2. ~~Require minimum 600 cubic feet. Select one or more options below (Appendix C specifications).~~ 600 cubic feet of subsurface root expansion area required per tree.
 - a. Structural Soil
 - b. Subsurface Soil containment structure
 - c. Root pathways
 - i. ~~Use in areas only where connections to available soil space achieves the 600 cubic feet requirement.~~ May only be used in combination with other options or in cases where connections to available soil space achieves the 600 cubic feet requirement
 - ii. ~~6 paths from each tree, 20' minimum extension for each path. Connect to adjacent pit path. 20-foot minimum extension for each path.~~ Connect to adjacent root paths when possible.

Section 10. Frequently Asked Questions, is hereby removed in its entirety by removing the language indicated with no replacement.

Table 2

Section 11. Chapter 2.F.8 of the City Tree Manual, Tree Planting and Maintenance is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough

F. Maintenance and Standards

1. Tree Replacement of Warrantied Trees

- a. Trees shall be replaced in the next planting season if they are more than 25% dead, in rapid decline, are infested by insects or disease, have lost the natural shape due to dead branches, excessive pruning including vandalism, inadequate or improper maintenance or are failing due to other causes.
- b. Replacement trees installed after the 1st year of ~~the~~ a 2-year warrantee/maintenance period shall get a full 1 year of warrantee/maintenance from the time of planting.
- c. Dead, dying, diseased or vandalized trees that are destroyed shall be removed within 15 business days.
- d. ~~Species may be changed with approval from Urban Forester or designee.~~ Replacement tree species may be changed with the approval of the Urban Forester or designee.

Section 12. Chapter 2.G.3 of the City Tree Manual, Tree Planting and Maintenance is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough

G. Tree Protection

A Tree Protection Plan is required for any activity impacting city trees intended to remain.

- 3. ~~Signage necessary every 50' Do Not Enter Tree Protection Zone.~~ Tree protection signage required every 50 feet.

Section 13. Chapter 3 of the City Tree Manual, Development and Landscape Requirements is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough

Development and Landscape Requirements

~~4.A.~~ The Urban Forester or designee shall review all development plans with trees in the right of way and on City owned or controlled property. This application process

describes the requirements for plan review, permitting, tree protection, standard specifications, tree quality, installation and maintenance.

~~2.B. Other requirements for development are addressed through the Development Services Guide, Unified Development Ordinance and the Street Design Manual.~~
Requirements for development are addressed in the Unified Development Ordinance and its companion documents.

~~3. C.~~ Required trees shall not be planted on existing or proposed water and sewer easements.

~~4. D.~~ Where development abuts a street controlled by the North Carolina Department of Transportation required trees shall also meet the landscape requirements of the State. The City is still required to review and approve all proposed trees in the right of way.

~~5. For residential and commercial construction projects that also impact driveways, sidewalks, street cuts and street closings (with or without parking) see~~ Right of Way Permits.

~~6. E. Application Process~~ Permitting Process

This is the application process for activities impacting City trees. Impacts include but are not limited to removal, pruning, trenching, boring, excavating, filling, fertilizing, treating for disease or insects, installing decorations and planting.

~~a. 1. Submit Tree Impact Permit Request to the Urban Forester~~ An approved Tree Impact Permit will be issued through the development review process.

~~b. 2.~~ Plan Requirements

~~i. a.~~ Identify property boundaries and rights of way

~~ii. b.~~ Label streets and other plan elements

~~iii. c.~~ Overhead utilities and lighting plan

~~iv. d.~~ Identify trees for demolition and preservation

~~v. e.~~ Depict the required site distance triangles

~~vi. f.~~ Depict tree protection zones and fencing detail (~~Appendix C, PRCR 01-02~~)

~~vii. g.~~ Tree species including botanical name, installation size and counts

~~viii. h.~~ Urban tree pit detail and subsurface root treatment if applicable. (~~Appendix C, PRCR 07-08~~)

~~ix. i.~~ Adherence to tree quality specifications (Chapter 2)

~~x. j.~~ Adherence to tree planting and maintenance specifications and details (~~Appendix C, PRCR 03~~)

e. ~~Timeline~~

- ~~i. Allow approximately 10 business days for permit review and processing.~~

d. ~~7. Fees~~

- ~~i. a. \$100 Tree Impact Permit fee due prior to permit issue. All development related fees are located in the Development Fee Schedule.~~

- ~~ii. The street tree fee in lieu and payment process is listed in the City of Raleigh Development Fee Schedule.~~

Section 14. Chapter 4 Section A.1 of the City Tree Manual, Enforcement, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough

A. Enforcement on City Owned or Controlled Property

No person is allowed to impact a City tree without a Tree Impact Permit. Any person desiring to undertake a tree disturbing activity on a City tree or any land disturbance within 15 feet of a City tree on City owned or controlled property must have a Tree Impact Permit

Anyone who suspects an unauthorized removal or injuring of a tree should report such activity immediately. Call 919-996-4115 or email Trees@raleighnc.gov to notify the Urban Forestry Division.

1. The violation of any provision of this chapter shall result in a Notice of Violation and the assessment of any costs incurred by the City to remedy the violation. This action also constitutes a misdemeanor as provided by G.S. 14-4 and Part 14 of the Code.

Section 15. Chapter 4 Section A.2 of the City Tree Manual, Enforcement, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough

2. Permit Violation or Failure to Obtain Permit

- a. Persons failing to obtain the appropriate permits before beginning tree work are subject to civil penalties, fees, and/or replacement costs including the application for a permit pursuant to City Code and this manual. ~~(9-8009, Appendix G).~~

Section 16. Chapter 4 Section A.3 of the City Tree Manual, Enforcement, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough

3. Liability for Tree Disturbing Activity

a. Any tree damage shall be repaired, and any tree shall be replaced to the satisfaction of the Urban Forester at no expense to the City. Trees damaged beyond repair, excessively trimmed or destroyed as determined by the Urban Forester are to be removed and the stumps ground to 6” below grade by the violator within 15 days of notice. Trees shall be remediated in accordance with this chapter at the discretion of the Urban Forester or designee.

b. Replacement trees shall be installed on City owned or controlled property by the violator or permit holder in accordance with requirements of City Code and this manual. If unable to make the replacement, a fee in lieu shall be paid to the City in addition to an \$100 Administrative Fee and any other applicable fees or remediation as determined by the Urban Forester or designee.

Section 17. Chapter 4 Section B. 1 of the City Tree Manual, Enforcement, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough.

B. Enforcement on Private Property

1. Nuisance Abatement

a. This section describes requirements for trees and vegetation originating on private property that impedes onto or endangers the city right of way or city property (~~9-8007, 9-8008, Appendix G~~).

b. The property owner is responsible for maintaining trees and vegetation originating on private property to ensure clear and safe passage for vehicular and pedestrian traffic in the right of way. Clearance requirements are described in Chapter 5: Tree Pruning Standards.

Section 18. Chapter 4 Section B.2.d of the City Tree Manual, Enforcement, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough.

B. Enforcement on Private Property

2. Methods of Service

d. Appeals see code section 9-8009 Appendix G ~~Appendix G~~

Section 19. Chapter 4 Section B.2.e. of the City Tree Manual, Enforcement, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough.

B. Enforcement on Private Property

e. Administrative Fee and Abatement Costs

i. Any owner of a property within the City and one (1) mile beyond the City limits failing to comply within fifteen (15) days shall be subject to an administrative fee ~~of one hundred dollars (\$100)~~. Additionally, the property owner shall be responsible for the cost of the abatement, including the cost of labor, equipment, and materials based on current FEMA rates.

Section 20. Chapter 4 Section B.2.f. of the City Tree Manual, Enforcement, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough.

B. Enforcement on Private Property

...f. Visual Obstructions and Encroachments

i. Any vegetation that poses a visual obstruction for pedestrian or vehicular traffic shall be reviewed by the ~~Public Works~~ Department of Transportation. Requests for trees that require pruning or removal utilizing equipment and expertise beyond the capability of the Transportation Department staff shall be turned over to the Urban Forestry Division via the work order system.

ii. Shrubs, hedges and other vegetation encroaching into the public right of way shall be referred to ~~Housing and Environmental Code Enforcement~~ the Housing and Neighborhoods Department for compliance measures.

Section 21. Chapter 5 of the City Tree Manual, Pruning and Clearance Standards, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough.

Pruning and Clearance Standards

This chapter describes the standards for pruning trees on property owned or controlled by the City of Raleigh. All pruning shall comply with the guidelines set forth in the American National Standards Institute A-300 standards for Tree Care Operations and ANSI Z133.1

~~A Tree Impact Permit is required to perform work on City trees~~ Any person desiring to undertake a tree disturbing activity on a City tree or any land disturbance within 15 feet of a City tree on City owned or controlled property must have a Tree Impact Permit

Section 22. Chapter 5.D.4. of the City Tree Manual, Pruning and Clearance Standards, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough.

D.4. Utility Clearance Standards

1. Utility Clearance Standards

- a. All pruning shall comply with the guidelines set forth in the American National Standards Institute A-300 standards for Tree Care Operations.
- b. No more than 25% of the canopy shall be removed from the tree within an annual growing season.
- c. Limbs may be cut at the first suitable lateral beyond the clearance limit. Pruning cuts beyond the first suitable lateral shall be approved by the Urban Forester or designee.
- d. Trees conflicting with critical utility equipment may be removed with approval from the Urban Forester or designee on a case by case basis.
- e. Utility companies and designated contractors shall adhere to the Pruning Box clearance requirements for overhead utilities (~~Figure 4-PRCR-05~~) per the City of Raleigh standard detail. For below ground utilities see Root Pruning in this chapter.
- f. Transmission Lines are exempt, however notifying the Urban Forester when pruning occurs on city owned or controlled property is mandatory
- g. Pruning Box (Overhead Lines) Clearance (~~Figure 4~~)

- i. Primary Lines

- 1. Overhead 8 Feet
- 2. Side 7.5 Feet
- 3. Below 6 Feet
- 4. Neutral 2 Feet

- ii. Secondary Lines

- 1. Overhead 6 Feet
- 2. Side 4 Feet
- 3. Below 4 Feet
- 4. Neutral 2 Feet

- iii. Communication Lines (Service/Phone/Cable/Fiber Optic Lines, etc.)

- 1. Overhead 2 Feet
- 2. Side 2 Feet
- 3. Below 2 Feet

Section 23. Chapter 5.D.4. Figure 4, of the City Tree Manual, Pruning and Clearance Standards, is hereby removed in its entirety with no replacement.

Figure 4

~~Figure 4. Pruning standards applied to trees adjacent to utilities.~~

Section 23. Chapter 6.B.4.e of the City Tree Manual, Pruning and Clearance Standards, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough.

4. Emergency Removals

- a. City staff will remove fallen trees and/or limbs from streets, public rights of way and other City owned or controlled property.
- b. Trees that fall during an emergency or inclement weather are the responsibility of the property owner where they fall. The portion of the tree that comes to rest, regardless of the origin is the responsibility of the property owner.
- c. City of Raleigh staff is prohibited from entering upon private property to remove all or part of a fallen tree regardless of where the tree originates or what caused it to fall on private land.
- d. In cases where all or part of a tree has come to rest on both public and private property each owner shall be responsible for the part that is on their property. If the tree is resting on private property where further damage may occur through the removal of the part on public property, the City will take no action until the private property owner has removed the portion on their property.
- e. ~~The property owner may file a claim with Risk Management 919-996-2240 (Administrative Directive September 9th, 1999).~~ Claims for property damage may be filed via the Risk Management Division at Raleighnc.gov

Section 23. Chapter 6.B.5. of the City Tree Manual, Pruning and Clearance Standards, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough.

- 5. For Appeals see code section 9-8009, ~~Appendix G.~~

Section 24. Appendix Table of Contents, of the City Tree Manual, is hereby amended by removing the language shown in strikethrough without replacement.

Appendix Table of Contents

A. Definitions

~~B. Tree Details and Specifications for Plans~~

~~1. PRCR-01 Tree Protection Fence~~

~~2. PRCR-02 Tree Protection Layout~~

- ~~3. PRCR-03 Tree Planting~~
- ~~4. PRCR-04 Trenching~~
- ~~5. PRCR-05 Pruning Box for Utilities~~
- ~~6. PRCR-06 Tree Grate~~
- ~~7. PRCR-07 Urban Tree Pit~~

~~C. Tree Pit and Subsurface Root Expansion~~

- ~~1. Structural Soil~~
- ~~2. Root Pathways~~
- ~~3. Soil Containment Area & Suspended Pavement~~

~~D. Recommended Trees~~

~~E. Nuisance Trees and Invasive Species~~

~~F. Tree Impact Permit Request~~

~~G. City Code Part 9 Chapter 8 Trees and Vegetation~~

Section 25. Appendix A.23 of the City Tree Manual, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough

~~23. Tree Conservation Ordinance: Administered by Urban Forestry Specialists in the Planning Department.~~ Regulates tree conservation on private property through the Unified Development Ordinance.

Section 26. This text change has been reviewed by the Raleigh Planning Commission.

Section 27. This ordinance has been adopted following a duly advertised legislative hearing of the Raleigh City Council.

Section 28. This ordinance has been provided to the North Carolina Capital Planning Commission as required by law.

Section 29. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or a provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty-dollar limit in N.C.G.S. 14-4(a) or similar limitations.

Section 30. This ordinance is effective 30 days after adoption.

ADOPTED: September 21, 2021

EFFECTIVE: October 21, 2021

DISTRIBUTION: Management Team; City Attorney D/L; Zachary Manor; Justin Rametta; Holmes