



TOWN OF FARMVILLE

CODE OF ORDINANCES

CHAPTER 25 – TREES AND COMMUNITY APPEARANCE

Section 1 PURPOSE

The purpose of this ordinance is to encourage well planned, coordinated tree planting improvements within the Town of Farmville, North Carolina, to improve the welfare and looks of the Town; and enhance and improve the visual quality and aesthetic characteristics of the Town and areas within the Town's zoning jurisdiction.

Section 2 ENACTMENT

For the purposes cited above, and for promoting the general welfare of the Town and its citizens, the Board of Commissioners for the Town does hereby ordain, adopt and enact this chapter in its entirety, which shall be known as the "Farmville Trees and Community Appearance Ordinance".

Section 3 CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict with this chapter or inconsistent with its provisions or amendments thereto, are hereby repealed or superseded to the extent necessary to give this chapter full force and effect.

Section 4 SEPARABILITY

Should any provision of this chapter be declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect this chapter as a whole or any part hereof except that specific provision which was the subject of the declaration.

Section 5 DEFINITIONS

5.1 Park Trees

Trees, shrubs, bushes and all other woody vegetation in public parks and all areas owned by the Town or to which the public has free access as a park.

5.2 Publicly Owned Trees

Trees within public rights-of-way or on municipal property.

5.3 Street Trees

Trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, alleys, avenues or public ways within the Town.

5.4 Topping

Severe cutting or pruning, down to stubs larger than three inches in diameter, within the tree crown, to the extent of removing the normal canopy and disfiguring the tree.

Section 6 CREATION AND ESTABLISHMENT OF TREE AND COMMUNITY APPEARANCE COMMISSION

There is hereby created and established a Farmville Tree and Community Appearance Commission and shall have the following duties as set forth herein:

6.1 Appointment and Membership

The Farmville Tree and Community Appearance Commission shall consist of seven citizens who live within the planning jurisdiction of the Town.

Each member shall be appointed by the Mayor with the approval of the Board of Commissioners. The members shall be appointed for staggered three year terms. Each member shall hold office until his/her successor has been appointed and qualified. Any vacancy in the membership shall be filled for the unexpired term. Vacancies for the unexpired terms shall be promptly filled. Any member who fails to attend at least two-thirds of the meetings in any twelve-month period shall automatically forfeit membership. The governing body may remove any trustee for incapacity, unfitness, misconduct, or neglect of duty. (Amended 02/04/97)

6.2 Compensation

Members of the Commission shall serve without compensation, except that the Town may reimburse members for authorized expenses incurred in carrying out their duties.

6.3 Operation

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

6.4 Duties and Responsibility for Trees

6.4.1 To develop, implement, and annually update a written plan for the care, preservation, growth, planting, protection, and removal of trees within street rights-of-way, public parks, and other municipal properties. Upon acceptance and approval by the

Board of Commissioners, the plan shall constitute the official tree plan for the Town of Farmville.

- 6.4.2 To support and facilitate the planting, growth, and protection of trees within the town, organizing and enlisting both public and private resources.
- 6.4.3 To conduct periodic surveys of street trees and other trees within the community to determine the composition and condition of the urban forest.
- 6.4.4 To provide, sponsor, and facilitate the dissemination of information to the public, tree companies, and public utilities concerning the proper care, pruning, protection, planting, and removal of trees, particularly street trees and other trees on municipal property. This educational responsibility may include the organization of workshops and the preparation of publications.
- 6.4.5 To develop an official street tree species list, with trees in different size categories, and guidelines for location and spacing of street trees in relation to other trees, buildings, streets, curbs, sidewalks, street intersections, and overhead and underground utilities. No street trees shall be planted except those on the official list and except in accordance with the guidelines without the permission of the Tree Board.
- 6.4.6 To conduct research and studies, undertake investigations, and explore funding related to the planting, growth, and protection of community trees.
- 6.4.7 To provide advisory assistance to private property owners concerning the appropriate care and planting of trees.
- 6.4.8 To prepare and submit an annual report of its activities and recommendations to the Board of Commissioners.
- 6.4.9 To assist in the administration of public tree care regulations as set forth below.

6.5 Duties and Responsibilities for Community Appearance

- 6.5.1 To initiate, promote and assist in the implementation of programs of general community beautification in the Town;
- 6.5.2 To seek to coordinate the activities of individuals, agencies and

organizations, public and private, whose plans, activities and programs bear upon the appearance of the Town;

- 6.5.3 To provide leadership and guidance in matters of area or community design and appearance to individuals, and to public and private organizations, and agencies;
- 6.5.4 To make studies of the visual characteristics and problems of the Town, including surveys and inventories of an appropriate nature, and to recommend standards and policies of design for the entire area, any portion or neighborhood thereof, or any project to be undertaken;
- 6.5.5 To prepare both general and specific plans for the improved appearance of the town. These plans may include the entire area or any part thereof, and may include private as well as public property. The plans shall set forth desirable standards and goals for the aesthetic enhancement of the Town or any part thereof within its area of planning and zoning jurisdiction, including public ways and areas, open spaces, and public and private buildings and projects;
- 6.5.6 To participate, in any way deemed appropriate by the Board of Commissioners of the Town and specified in the ordinance establishing the commission, in the implementation of its plans. To this end, the governing body may include in the ordinance the following powers:
 - a. To request from the proper officials of any public agency or body, including agencies of the State and its political subdivisions, its plans for public buildings, facilities, or projects to be located within the municipality or its area of planning and zoning jurisdiction of the city or county.
 - b. To review these plans and to make recommendations regarding their aesthetic suitability to the appropriate agency, or to the town planning board or Board of Commissioners. All plans shall be reviewed by the commission in a prompt and expeditious manner, and all recommendations of the commission with regard to any public project shall be made in writing. Copies of the recommendations shall be transmitted promptly to the planning or governing body of the Town and to the appropriate agency.
 - c. To formulate and recommend to the appropriate

municipal planning or governing board the adoption or amendment of ordinances (including the zoning ordinance, subdivision regulations, and other local ordinances regulating the use of property) that will, in the opinion of the commission, serve to enhance the appearance of the municipality and its surrounding areas.

- d. To direct the attention of Town officials to needed enforcement of any ordinance that may in any way affect the appearance of the Town.
- e. To seek voluntary adherence to the standards and policies of its plan.
- f. To enter, in the performance of its official duties and at reasonable times, upon private lands and make examinations or surveys.
- g. To promote public interest in and an understanding of its recommendations, studies, and distribute to the public such studies and reports as well, in the opinion of the commission, advance the cause of improved municipal or county appearance.
- h. To conduct public meetings and hearings, giving reasonable notice to the public thereof.

6.6 Resources

The commission may recommend to the Board of Commissioners suitable arrangements for the procurement or provision of staff or technical services for the commission and the Board of Commissioners may appropriate such amount as it deems necessary to carry out the purposes for which it was created. The commission may establish other committees.

6.7 Annual Report

The commission shall not later than April 15 of each year, submit to the Board of Commissioners a written report of its activities, a statement of its expenditures to date for the current fiscal year, and its requested budget for the next fiscal year. All accounts and funds of the commission shall be administered substantially in accordance with the requirements of the Municipal Fiscal Control Act.

Section 7 PUBLIC TREE CARE

The regulations of this section shall apply to all street and park trees within the Town of Farmville.

7.1 Planting

Street and park trees may be planted only in accordance with the species list and

guidelines of the commission, once adopted. Planting at variance with the list or guidelines requires special permission by the commission.

7.2 Pruning

Town departments and public utilities and their agents may undertake pruning of trees to protect public safety, protect utilities facilities and public improvements, and enhance the beauty of street trees and/or public grounds, provided that pruning personnel have attended an instructional workshop or can present proof of similar acceptable instruction in the proper care and pruning of trees. Town departments, public utilities, their agents, and other person conducting major trimming of street or park trees shall notify the town manager of their plans before beginning work.

7.3 Toppings

It shall be unlawful as a normal practice for any person, firm or corporation to top any street tree, park tree, or other tree on public property. Trees severely damaged by storms or other causes, or certain trees under utility lines or other obstructions where other pruning practices are impractical may be exempted from this chapter at the determination of the Utility Director.

7.4 Removal

The commission may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvement, or is affected with any injurious fungus, insect or other pest. The Town shall replant a tree for each tree removed from the public right-of-way by the town. Such planting may be done in the public right-of-way or on private property adjoining the right-of-way with the property owner's permission if it is impractical to replant in the public right-of-way. This section does not prohibit the planting of street trees by property owners providing that the selection and location of said trees are compatible with existing utilities.

7.5 Stumps

All stumps of street and park trees shall be removed so that the top of the stump does not project above the surface of the ground.

7.6 Pruning, Corner Clearance

Every owner of any tree overhanging any street or right-of-way within the Town shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8) feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a

menace to the safety of the public. The Town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

7.7 Dead or Diseased Tree Removal on Private Property

The Town shall have the right to cause the removal of any dead or diseased trees on private property within the Town when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees within the Town. The commission will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. In the event of failure of the owners to comply with such provisions, the Town shall have the authority to remove such trees and charge the cost of removal on the owner's property taxes.

Section 8 GOVERNING BOARD REVIEW

The Board of Commissioners shall have the right to review the conduct, acts and decisions of the commission. Any person may appeal from any ruling or order of the commission to the Board of Commissioners who may hear the matter and enter a final decision.

Section 9 PENALTIES

Any person violating any provisions of this chapter shall be, upon conviction or a plea of guilty, subject to a fine not to exceed one hundred dollars (\$100) or thirty (30) days in jail, for each offense.