



TOWN OF KNIGHTDALE

950 Steeple Square Court
Knightdale, NC 27545
KnightdaleNC.gov

ORDINANCE #23-10-18-007

ORDINANCE TO AMEND THE TOWN OF KNIGHTDALE CODE OF ORDINANCES

ZTA-3-23/TCA-2-23 Public Tree Care

WHEREAS, N.C General Statute gives Town Council the authority to adopt, repeal, and replace ordinances; and

WHEREAS, the Arbor Day Foundation's Tree City USA program requires a public tree care ordinance; and

WHEREAS, trees on public property are a public good and standards should be in place to provide clear guidance for planting, maintaining, and/or removing trees from streets, parks, and other public spaces; and

WHEREAS, the following language is to be incorporated into Chapter 40 to read as follows:

ARTICLE IV. – PUBLIC TREE & STREET TREE MAINTENANCE

Sec. 40.48. – Purpose & Applicability.

- (a) The purpose of this section is to manage the planting of trees and vegetation, to encourage protection of existing trees and vegetation, and to establish the standard arboricultural specifications and practices for existing and future trees and vegetation in and on town-owned property.**
- (b) In accordance with the Town of Knightdale 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. The requirements in this article establish clear, efficient requirements necessary for the planting and continued maintenance of those public trees and street trees.**
- (c) These rules shall apply to both existing public trees and street trees as well as any new public trees and street trees installed after the effective date of the ordinance.**
- (d) 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 division.**

- (e) Private trees and vegetation should be preserved, planted and maintained per the requirements of appendix A: Unified Development Ordinance, section 7.4 Landscape & Tree Protection regulations.**
- (a) All other powers and duties not listed within Section 20.77 shall be the responsibility of the town council and town staff as stated within this article. The administration of this article shall be the responsibility of the department of Public Works and Development Services except where otherwise stated.**

Sec. 40.49. – Definitions.

As used in this section, the following terms shall be defined as:

- (a) Adjacent landowner – the closet owner of land adjacent to the public right-of-way or easement in which a street tree is planted.**
- (b) Public right-of-way - land upon which the town or state has the right to construct a street, sidewalk, bicycle path, use for public utilities, landscape with plants or to carry out any other public purpose.**
- (c) Public tree - those trees whose primary trunk is located on town-owned property.**
- (d) Street tree - any tree, located within the public rights-of-way, within designated easements, or within five feet of the public right-of-way line, as measured from the right-of-way line to the closest point on the root flare.**
- (e) Tree topping - 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.**

Sec. 40.50. – Jurisdiction & Authority.

- (a) The Director of Public Works and/or their designee (“Director”) shall have full authority over trees and woody plants on public property. It shall be necessary for all Town departments to coordinate with the Director, in particular the Development Services department to ensure compliance with the ordinance.**
- (b) Section 20.77 establishes the formation of the Land Use Review Board, which is appointed by the Town Council, and serves as the Town’s Tree Board. Board responsibilities are established in appendix A: Unified Development Ordinance, section 12 Administrative Standards.**

Sec. 40.51. – Public tree and street tree ownership and maintenance responsibilities.

The following are requirements and performance criteria for the ongoing maintenance and health of public and street trees within the town's corporate limits:

- (a) Public trees.**
 - a. Ownership. Public trees, by their attachment to town-owned property, not limited to parks, greenways, and town government buildings are deemed public property, regardless of who planted them.**
 - b. Maintenance. The Town shall be responsible for maintaining public trees with the goals of promoting an ecologically healthy community forest for the enjoyment of the**

residents of the town as well as to maximize the safety of the town's public spaces through proper arboricultural maintenance practices.

(b) Street trees.

- a. **Ownership.** Street trees are deemed public property, regardless of who planted them. The town relies on a partnership with its residents and adjacent landowners to ensure proper care and maintenance of street trees within the town.
- b. **Adjacent landowner responsibility.** Adjacent landowners are encouraged to perform certain maintenance of street trees as specified within this article.
- c. **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. Responsibility for the maintenance of street trees varies based on location of the tree, according to the following:
 - i. **Residential Developments.** Maintenance of street trees, including but not limited to pruning related to sidewalk clearance, service vehicle access, and aesthetics, shall be the responsibility of either the homeowners' association, property management company, or property owner. If a development is governed by restrictive covenants and an incorporated homeowner's association (HOA), the covenants shall clearly delineate responsibility and duties to either the HOA or the adjacent landowner. Any town enforcement actions will commence with the adjacent landowner.
 - ii. **Commercial Centers:** Maintenance of street trees shall be the responsibility of the property/business management company.
 - iii. 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. The pruning of the street trees completed by the town will be done in a manner for functional purposes, not aesthetics.
- d. **Street tree removal or replacement.** Street trees are a required element and may not be removed. However, 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 with approval from the department of Development Services and when they pose a danger to people or property or are in poor health or dead. Any removed street tree shall be replaced with the correct species and size as indicated on the approved landscape plan or an appropriate substitute as determined by the Town and approved tree list. Placement of streets trees shall be in accordance with appendix A: Unified Development Ordinance, section 7.4 Landscape & Tree Protection regulations, or with the approved development plan.

Sec. 40.52. – Policy & Standards.

- (a) **Standards.** All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) "A-300 Standards for Tree Care Operations" and shall follow all tree care Best Management Practices published by the International Society of Arboriculture.

- (b) **Approved Species List.** The Director or their designee shall maintain an official list of desirable and approved tree species for planting on public property. The list consists of both canopy and understory species.
- (c) **Clearance.** Public and street trees should be pruned so that at maturity they achieve a clearance of at least eight feet above the sidewalk and 13.5 feet above the street.
- (d) **Tree topping.** It shall be unlawful as a normal practice for any person, firm, adjacent landowner, or town department to top any 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 division at the determination of the town.
- (e) **Stumps.** When removing trees and shrubs, stumps shall be removed or ground to at least 4 inches below ground level.
- (f) **Public tree protection.** No person shall abuse, damage, remove, or plant a tree on public property without permission from the Town of Knightdale, or unless authorized in the approved site or Master Plan. All public trees shall be protected during construction.
- (g) **If not otherwise dictated in this article, all work and planting must be in accordance with the Knightdale Standard Specifications & Construction Details and appendix A: Unified Development Ordinance, section 7.4 Landscape & Tree Protection regulations.**
- (h) **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 article.**


Sec. 40.54. – Violations & Penalties.

Civil penalties for violations of this ordinance may be applied in accordance with appendix A: Unified Development Ordinance, section 14 Violations and Penalties.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL that the above section of the Town of Knightdale Code of Ordinances is amended.

This the 18th day of October, 2023.

BY: 
Jessica Day, Mayor

ATTEST: 
Heather Smith, Town Clerk