

# Town Of Briarcliffe Acres

**Ordinance #2022.04**

**1<sup>st</sup> Reading 09.19.2022**

**2<sup>nd</sup> Reading 10.17.2022**

STATE OF SOUTH CAROLINA                    )  
COUNTY OF HORRY                            )  
TOWN OF BRIARCLIFFE ACRES                )     **An ordinance to delegate authority  
and responsibility for managing  
public trees**

**Be it ordained by the Town Council of the Town of:  
Briarcliffe Acres, South Carolina**

## **Article VI. Beautification and Tree Protection Sec. 6-135.**

### **Section 1. Purpose.**

To enhance the quality of life and the present and future health, safety, and welfare of all residents, to enhance property values, and to ensure proper planting and care of trees on public property, the Town Council herein delegates the authority and responsibility for managing public trees, creates a Tree Advisory Board, and establishes practices governing the planting and care of trees on public property.

### **Section 2. Definitions.**

As used in this Article, the following words and phrases shall have the meanings indicated:

**Damage** – any injury to or destruction of a tree, including but not limited to uprooting; severance of all or part of the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.

**Nuisance** – any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety, and welfare.

**Parkway** –the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.

**Public property** – all grounds and rights-of-way (ROWS) owned or maintained by the Town.

**Public tree** – any tree or woody vegetation on town-owned or town-maintained property or rights-of-way.

**Top or Topping** – the non-standard practice of cutting back of limbs to stubs within a tree’s crown to such a degree so as to remove the normal canopy and disfigure the tree.

### **Section 3. Authority and power.**

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- (a) **Delegation of authority and responsibility.** The Landscape Coordinator, and/or their designee, hereinafter referred to as the "Coordinator", shall have full authority and responsibility to plant, prune, maintain and remove trees and woody plants growing in or upon all municipal streets, rights-of-ways, town parks, and other public property. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.
- (b) **Coordination among town departments.** All town departments will coordinate as necessary with the Landscape Coordinator and will provide services as required to ensure compliance with this Ordinance as it relates to streets, alleys, rights-of-way, drainage, and other public properties not under direct jurisdiction of the Coordinator.
- (c) **Interference.** No person shall hinder, prevent, delay, or interfere with the Coordinator or his agents while engaged in carrying out the execution or enforcement of this Ordinance.

### Section 4. Tree advisory board.

The Town Council hereby creates a "Tree Advisory Board," hereinafter referred to as the "Board."

- (a) **Duties.** The Board shall act in an advisory capacity to the Landscape Coordinator and shall:
  - (1) Coordinate and promote Arbor Day activities;
  - (2) Review and update a five-year plan to plant and maintain trees on town property;
  - (3) Support public awareness and education programs relating to trees;
  - (4) Review town concerns relating to tree care;
  - (5) Submit an annual report of its activities to the town council;
  - (6) Assist with the annual application to renew the Tree City USA designation;
  - (7) Recommend a list of tree species for planting on town property, and a list of prohibited species; and
  - (8) Other duties that may be assigned by Town Council.
- (b) **Membership.** The Board shall consist of five members approved by Town Council. Members of the Board will serve without compensation.
- (c) **Term of office.** Board members shall be appointed for three-year staggered terms<sup>1</sup>. If a vacancy shall occur during the term of any member, a successor shall be appointed by the Mayor.
- (d) **Officers.** The Board shall annually select one of the members to serve as chair, may appoint a second member to serve as vice-chair, and may appoint a third member to serve as secretary.
- (e) **Meetings.** The Board shall meet a minimum of four times each year. All meetings shall be open to the public. The Board chair may schedule additional meetings as needed.

### Section 5. Tree planting and care standards.

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<sup>1</sup> At the first appointment of Tree Advisory Board members, Mayor will appoint all members at once. A staggered board can be arranged by giving the initial members different term lengths. For a five-member board, two members can be given three-year terms, three members can be given two-year terms. After the initial members' terms expire, all future members would be given three-year terms.



- (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 \(BMPs\)](#) published by the International Society of Arboriculture.
- (b) **Requirements of franchise utility companies.** The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards.
- (c) **Preferred species list.** The Landscape Coordinator shall maintain an official list of desirable tree species for planting on public property in two size classes: Ornamental (20 feet or less in height at maturity) and Shade (greater than 20 feet at maturity). Trees from this approved list may be planted without special permission; other species may be planted with written approval from the Coordinator.
- (d) **Planting distances.** The Landscape Coordinator shall develop and maintain an official set of spacing requirements for the planting of trees on public property. No tree may be planted within the visibility triangle of a street intersection or within 10 feet of a fire hydrant, and no tree shall be planted in a location that adversely affects any private property.
- (e) **Planting trees under electric utility lines.** Only trees listed as Ornamental trees on the official town tree species list may be planted under or within 15 lateral feet of any overhead utility wire.

#### **Section 6. Prohibition against harming public trees.**

- (a) It shall be unlawful for any person, firm, or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the Coordinator.
- (b) It shall be unlawful for any person, firm, or corporation to attach any cable, wire, sign, or any other object to any street, park, or public tree.
- (c) It shall be unlawful for any person, firm, or corporation to "top" any public tree. Trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the determination of the Coordinator.
- (d) Any person, firm, corporation, or town department performing construction near any public tree(s) shall consult with the Coordinator and shall employ appropriate measures to protect the tree(s), according to procedures contained in the Best Management Practices (BMPs) for ["Managing Trees During Construction"](#) published by the International Society of Arboriculture.
- (e) Each violation of this section as determined and notified by the Coordinator shall constitute a separate violation, punishable by fines and penalties under Section 10, in addition to mitigation values placed on the tree(s) removed or damaged in violation of this section.

#### **Section 7. Adjacent owner responsibility.**

- (a) The owner of land adjacent to any town street or highway, when acting within the provisions of this Ordinance, may plant and maintain trees in the adjacent parkway area.
- (b) No property owner shall allow a tree, or other plant growing on his or her property to obstruct or interfere with pedestrians or the view of drivers, thereby creating a hazard. If an obstruction persists, the Coordinator shall notify the property owner to prune or remove the tree or plant. If the owner fails to comply with the notice, the town may undertake the necessary work and charge the cost to the property owner.

**Section 9. Violations and penalty.**

Any person, firm or corporation violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each offense.

**Section 10. Appeals.**

Appeals to decisions by the Coordinator or the Tree Advisory Board, or to penalties imposed after violations of this ordinance, shall be heard by Town Council.

**Section 11. Savings and repeal.**


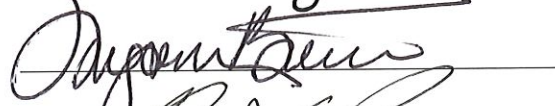


All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

**Section 12. Severability.**

Should any word, sentence, clause, paragraph, or provision of this Ordinance be held to be invalid or unconstitutional the remaining provisions of this Ordinance shall remain in full force and effect.

  
Mayor

Council:

Attest:

  
Town Clerk