

STATE OF SOUTH CAROLINA)

COUNTY OF OCONEE)

ORDINANCE 2024-05

CITY OF WALHALLA)

**AN ORDINANCE AMENDING CHAPTERS 7 AND 287 OF THE CITY OF
WALHALLA MUNICIPAL CODE TO MERGE THE BEAUTIFICATION
COMMISSION AND TREE COMMITTEE.**

WHEREAS, the City of Walhalla has previously established a Tree Committee and Citizens' Beautification Commission for the oversight of trees and vegetation on City property;

WHEREAS, the Beautification Commission became inactive and the Tree Committee has assumed the duties of the Beautification Commission over time;

WHEREAS, the Walhalla City Council seeks way to partner with its citizens to promote an improved quality of life for all, while being accountable and good stewards of existing resources, including its volunteers;

WHEREAS, in an effort to be more efficient, City Council wishes to dissolve the Beautification Commission and assign any duties not already assumed by the Tree Committee to the updated Tree and Beautification Committee;

WHEREAS, the City Council of Walhalla (the "Council") wishes to remove Chapter 7, Article IV and to amend Chapter 7, Article II and Chapter 287, in order to merge the Tree and Beautification Committees.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Walhalla, Chapter 7 and Chapter 287 are amended as follows:

Chapter 7, Article II

§ 7-5 Establishment of Tree and Beautification Committee

- A. There is hereby created and established a Tree and Beautification Committee for the City of Walhalla, which shall consist of seven members, who shall be appointed by the Mayor with the approval of the City Council. Members of this Committee shall serve without compensation.
- B. Members shall have experience in forestry and/or gardening, including but not limited to arborists, master gardeners, tree care specialists and garden club representatives.

§ 7-6 Terms of Membership

- A. The term of membership shall be two years. Members shall serve until reappointment or replacement. In the event that a vacancy should occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.

§ 7-5 Powers and Duties

- A. The Committee shall have advisory powers over all trees, plants and shrubs located within street rights-of-way, parks and public places of the City and to enforce Chapter 287 Trees and Vegetation.
- B. The duties of the Committee shall include the study, investigation, development and recommendation of plans for the improvement by beautification of the City of Walhalla, to encourage the placing and planting and preservation of trees, flowers, plants and shrubbery and other objects of ornamentation on City-owned property.
- C. The Tree and Beautification Committee, or any member thereof, shall have no power or authority to create any financial obligation or any other commitment for or against the City of Walhalla or any of its departments.

§ 7-6 through 7-13 RESERVED

§ 7-20 RESERVED

Chapter 287 Trees and Vegetation

§ 287-1 Scope of authority.

This chapter provides full power and authority over all trees, plants and shrubs located within street rights-of-way, parks and public places of the City.

§ 287-2 Definitions.

For the purpose of this chapter, the following terms, phrases and words, and their derivations shall have the meanings given herein. The word "shall" is mandatory and not merely directory.

CITY: The City of Walhalla, Oconee County, South Carolina.

LARGE TREES: Trees attaining a height of 45 feet or more.

MEDIUM TREES: Trees attaining a height of 30 feet to 45 feet.

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

SMALL TREES: Woody vegetation attaining a height of less than 30 feet.

STREET TREES: Trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the City.

§ 287-3 Tree and Vegetation Protection.

It shall be unlawful for any person to engage in the business of planting, cutting, trimming, pruning, removing, spraying or otherwise treating trees, shrubs or vines on City-owned property without first notifying the Tree and Beautification Committee. No person shall plant, remove, cut above the ground or disturb any tree on any street, park or other public place without first obtaining permission from the Tree and Beautification Committee. The person receiving permission shall abide by the standards set forth in this chapter. Emergency actions taken by utility providers and emergency personnel are exempt.

§ 287-4 Tree Planting, Maintenance and Removal.

A. Planting species. The Tree and Beautification Committee shall develop and maintain a list of desirable trees, shrubs and other plants for planting along streets in three size classes: small, medium and large. A list of trees and other plants not suitable for planting will also be created and enforced by the Tree and Beautification Committee.

B. Spacing. The spacing of street trees will be in accordance with the three species size classes listed in this chapter, and no trees may be planted closer together than the following, except in special plantings designed or approved by the City's landscape designee:

- (1) Small trees: 30 feet.
- (2) Medium trees: 40 feet.
- (3) Large trees: 50 feet.

C. Utilities.

(1) No street trees other than those defined herein as "small trees" may be planted four feet from curbs or curblines and sidewalks; planting will be in accordance with the three species size classes defined in § 287-2 of this chapter, and no trees may be planted closer to any curb or sidewalk than the following:

- (a) Small trees: four (4) feet,
- (b) Medium trees: eight (8) feet,
- (c) Large trees: sixteen (16) feet.

(2) Distance from street corners, driveways and fire hydrants. No street tree shall be planted closer than 25 feet to any street corner, measured from the point of intersecting right-of-way lines. No tree shall be planted any closer than 10 feet to any driveway accessing public lands or lands containing multiple use. Single-family homes are exempt from the driveway provision. No tree shall be planted any closer than 10 feet to any fire hydrant.

D. Topping. It shall be unlawful as a normal practice of any person, firm or City department to top any street tree, park tree or other tree on public property. "Topping" is defined as the severe cutting back of limbs to stubs within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes may be exempted from this subsection at the determination of the Tree and Beautification Committee.

E. Removal.

(1) The City will consult with the Tree and Beautification Committee prior to the cutting of any tree(s) on City property, greater than six inches in diameter or 36 inches from the ground. The saving of all native trees is encouraged.

(2) Permission may be waived if the tree removal is in conjunction with an application for a building permit and a site plan approval.

(3) Permission is exempted in the following instances:

- (a) Dead trees.
- (b) Government construction of utilities or other infrastructure.
- (c) Jeopardizing the health, safety and welfare of the general public, as designated in this chapter.

(4) The Tree and Beautification Committee 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 improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners.

(5) Every owner, either public or private, of any tree overhanging any street or right-of-way within the City 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. 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 City shall have the right to prune any tree or shrub on private property when it interferes with the visibility of any traffic control device or sign. The City shall have the right to cause the removal of any dead or diseased trees on private property within the City when such trees constitute a hazard to life and/or property or harbor insects or disease which constitutes a potential threat to other trees within the City. The City Tree and Beautification Committee will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal of any public tree.

F. Replacement of trees. As a condition of approval for the removal of certain trees, the Tree and Beautification Committee may require that suitable replacement trees be planted elsewhere on the site. In determining if replacement trees are required, the following will be considered:

- (1) The intended use of the property.
- (2) Existing (pre-development) tree coverage, sizes and types.
- (3) The general character of the site and its environs.
- (4) Grading, road, parking and drainage requirements of the project.

§ 287-5 Tree Care; Landmark Trees.

A. The Tree and Beautification Committee shall locate, select and identify trees which qualify as "landmark trees." A tree may qualify as a landmark tree if it meets one or more of the following criteria: species rarity, old age, association with an historical event or person, abnormality or scenic enhancement.

§ 287-6 Enforcement; violations and penalties.

A. The Tree and Beautification Committee shall have the power to monitor and advise on the rules, regulations and specifications concerning the trimming, spraying, removal, planting, pruning and protection of trees, shrubs, vines, hedges and other plants upon the right-of-way of any street, alley, sidewalk or other public place in the City.

B. The City Council shall have the right to review the conduct, acts and decisions of the Tree and Beautification Committee. Any person may appeal from any ruling or order of the Tree and Beautification Committee to the City Council, which may hear the matter and make final decisions.

C. Any person, firm or corporation violating or failing to comply with any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be fined for each offense a sum no less than \$1 nor more than \$500, or may be imprisoned for a term not exceeding 30 days.

AND IS DONE AND RATIFIED in Council Duly assembled this 19 Day of March 2024.



Tim Hall, Mayor

ATTEST:



Celia Boyd Myers, City Administrator

Introduced By: Ms. Sarai Melendez

First Reading: February 20, 2024

Public Hearing,
Second Reading
And Adoption: March 19, 2024