



City of Myrtle Beach

Tree Ordinance

September 6, 2006



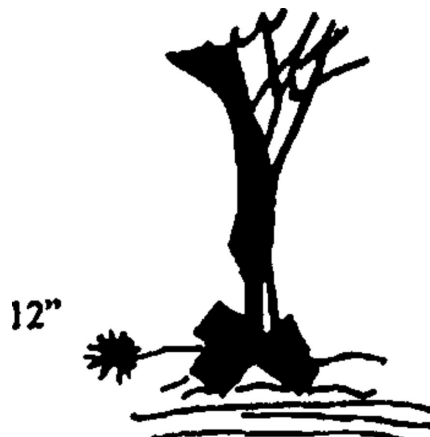
Section 903 Tree protection.

903.1 Intent. Pursuant to authority conferred by the South Carolina Code of Laws, to promote the public health, safety and general welfare; to reduce noise, heat and glare; to reduce air pollution; to prevent soil erosion; to improve surface drainage and minimize flooding; to ensure that noise, glare and other distractions of movement on one area not adversely affect activity within other adjacent areas; to beautify and enhance improved and undeveloped land; to provide a protective physical and psychological barrier between pedestrians and traffic; to create special places that are inviting; to create a civic identity; to counteract the heat island effect; to encourage energy and water conservation; to protect the wildlife habitat and sensitive ecosystems; to enhance real estate and economic values; to ensure that excessive tree cutting does not reduce property values; to minimize the cost of construction and maintenance of drainage systems necessitated by the increased flow and diversion of surface waters; to encourage the proliferation and replacement of trees on public and private property; and to allow trees to attain their natural shape and size while growing to maturity, the city council does hereby ordain and enact into law this tree protection chapter. The provisions herein shall not be interpreted to prohibit or unduly inhibit development of private property.

903.2 Applicability. This ordinance applies to protected and landmark trees located on public and private property. On lots containing one single family residence in any R, RM, or residential PUD, this ordinance protects only those trees defined as indigenous trees or landmark trees.

903.3 Definitions. All words in these standards have their customary dictionary definition except as specifically defined herein. The words "shall" and "must" are mandatory, and the words "may" and "should" are permissive. Technical terms used are defined as follows:

- (1) 1995 ANSI A300--Pruning standards set forth in the Standard Practices for Trees, Shrubs, and Other Woody Plant Maintenance.
 - (2) Basal Area = $\text{caliper}^2 \div 4 \times 3.142$
 - (3) Caliper; Single stem--The thickness of trees measured in inches. A caliper measurement for trees shall be measured 12 inches above the soil line, or across the stump if the tree has been severed at less than 12 inches above the soil line.
- Caliper, Single Stem



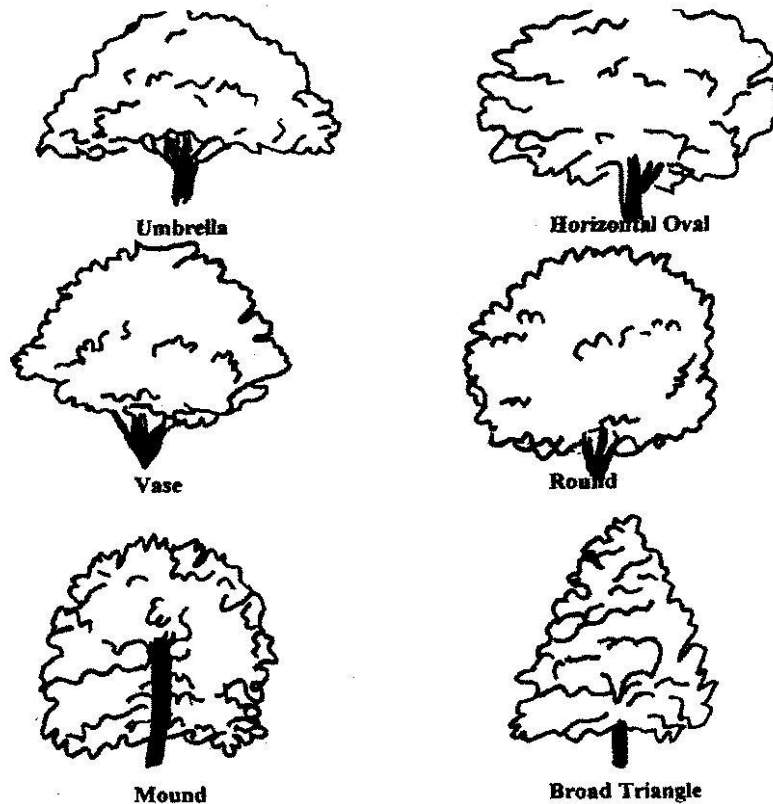
(4) Caliper; multi-stem--The equivalent area of the multi-stem shall be made by use of a circumference to diameter conversion tape and is calculated as follows:

1. Square the diameters of each stem;
2. Multiply each of the numbers from Step 1 by 0.7854;
3. Add all the products determined by Step 2 and multiply total by 1.2732;
4. Take the square root of the product from Step 3.

(5) City-owned property--Rights-of-way and other property owned by the City of Myrtle Beach.

(6) Clearing--The removal of vegetation of two inches DBH or less.

(7) Crown--The above ground parts of the tree that give the tree its normal shape at maturity. The basic tree shapes are: umbrella, horizontal oval, vase, round, mound, broad triangle, upright oval, narrow triangle, narrow upright, weeping, columnar, and palm.



trees

(8) Diameter-At-Breast-Height (DBH)--The tree trunk diameter measured in inches at a height 4.5 feet above the ground. If a tree forks into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the forks. Measurements shall be made by use of a circumference to diameter conversion tape.

(9) Dripline--The vertical line extending from the outermost edge of the tree canopy to the ground.

(10) Grubbing--The removal of tree stumps, roots, and the like.

- (11) Hazardous tree--A tree that is unsafe due to a structural defect and constitutes a threat of injury to persons or damage to property.
- (12) Indigenous trees--Live Oak (*Quercus virginiana*), Eastern Red Cedar (*Juniperus virginiana*), Southern Magnolia (*Magnolia grandiflora*), and Bald Cypress (*Taxodium distichum*) trees with a 4" caliper or more.
- (13) Proper Pruning--As defined by the 1995 ANSI A300 standards.
- (14) Protected Tree Removal Permit--An official written city authorization issued by the zoning administrator to allow removal of any tree that is regulated within this section.
- (15) Pruning--The cutting or removing any part of the branching structure of a tree in either the crown, trunk or root areas.
- (16) Timber harvest--The removal of trees from a lot for the commercial purpose of converting them into lumber, wood pulp or other wood products.
- (17) Topping--Also known as stubbing, dehorning, or lopping refers to cutting back of the leader stem or limbs into stubs larger than three inches in diameter within the tree's crown so as to remove the normal canopy and disfigure the tree.
- (18) Tree Removal--The cutting or removing of 50 percent or more of the crown, trunk or root system of a tree, or causing the death of a tree through damaging, poisoning or other direct or indirect action.
- (19) Tree--See definition section 204.
- (20) Tree Survey--A survey plan sealed by a registered surveyor indicating location, size, and species of all protected trees on a property.
- (21) Unnatural Pruning Techniques--Any pruning that prohibits the tree's natural growth process.

903.4 Licensing. It shall be unlawful for any person who is being paid a fee for the business of planting, cutting, trimming, pruning, removing, or otherwise modifying trees within the City of Myrtle Beach to conduct such business without first signing an affidavit stating that he/she has received and read the Tree Protection Ordinance and 1995 ANSI A300 Standards. Such affidavit shall be completed and submitted when making application for or renewing a City of Myrtle Beach business license.

903.5 Protected Trees. The city hereby declares that the following are protected trees:

- (1) Trees planted or retained to meet the Landscape Ordinance (Section 910) requirements;
- (2) Wax Myrtles (*Myrica cerifera*) and Crepe Myrtles (*Lagerstromia indica*) designated as "tree forms" on an approved landscape plan and which on the effective date of the ordinance which amended this subsection (October 12, 1999) have a minimum height of at least twelve feet. All other Wax Myrtles and Crepe Myrtles that have a height of ten feet or more on the effective date of the ordinance which amended this subsection (October 12, 1999). Furthermore, these Wax Myrtles and Crepe Myrtles shall hereafter be maintained at a height of no less than that specified hereinabove.
- (3) Any tree over three inches caliper located on city-owned property including any public right-of-way;
- (4) Any Sycamore (*Plantanus occidentalis*) and Sweet-Gum (*Liquidambar styraciflua*) with a 12-inch DBH or greater;
- (5) Any Pine (*Pinus*) with a 18-inch DBH or greater (except Japanese Black Pine with a caliper of two inches or more);

- (6) Indigenous trees, as defined in 903.3(12); and
- (7) All other species of trees that are five inches or more in caliper.

903.6 Landmark Trees. The City hereby declares the following trees to be landmark trees in all zoning districts which equal or exceed the stated diameter at breast height (DBH):

SPECIES	COMMON NAME	DBH
Juniperus virginiana	Eastern Red Cedar	30"
Magnolia grandiflora	Southern Magnolia	30"
Quercus virginiana	Live Oak	30"
Quercus laurifolia	Laurel Oak	36"
Quercus phellos	Willow Oak	36"
Acer rubrum	Red Maple	36"
Taxodium distichum	Bald Cypress	30"
Ilex opaca	American Holly	20"
Cornus florida	Flowering Dogwood	15"
Carya	Hickory (except Pecan)	36"

903.7 Preservation of protected trees/landmark trees.

- (1) It shall be unlawful to cut or otherwise destroy a protected tree or landmark tree without first obtaining a protected tree or landmark tree removal permit;
- (2) Unless specifically authorized by the zoning administrator, no person shall intentionally damage, cut, carve, transplant, or remove any protected or landmark tree; attach any signs with rope, wire, nails, or other contrivance to any protected or landmark tree; allow any substance which is harmful to such trees to come in contact with them or be placed within their dripline over pervious areas; or intentionally set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any protected tree or landmark tree.

903.8 Criteria for issuance of protected tree removal permits.

- (1) No person shall remove, cut above ground, or otherwise disturb any protected tree without first procuring a permit. Protected trees may be removed for the following reasons:
 - a. Trees that are hazardous;
 - b. Diseased or infectious trees and trees in decline as certified by a registered forester or certified arborist.
 - c. Trees or their root systems causing visible damage to structures, and or areas used for pedestrian and vehicular traffic;
 - d. Trees or their root systems causing damage to structures, as certified by a structural engineer;
 - e. Trees or their root systems causing damage to areas used for pedestrians, vehicular movement, or underground utility lines, as certified by a structural engineer;

- f. Trees within power lines easements that cannot be properly pruned by the local utility company;
 - g. Trees, after proper pruning, which cause safety-related problems;
 - h. Trees to be removed, cut, or disturbed on plans approved by the Community Appearance Board or the Planning Commission whichever has final review responsibility and after all other applicable permits for construction have been issued;
 - i. Trees to be removed, cut, or disturbed within the footprint or within ten feet of the footprint of buildings in single family residential districts.
 - j. Trees to be removed for commercial timbering purposes.
- (2) Application for permits must be made at the office of the zoning administrator in advance of the time the work is to be done. The zoning administrator shall issue the permit, if, the proposed work meets the criteria for tree removal. Any permit granted shall contain a definite date of expiration and the work shall be completed in the time allowed on the permit. Any permit shall be void if its terms are violated. Within five days after tree removal, notice of completion shall be given to the zoning administrator.

903.9 *Criteria for issuance of landmark tree removal permits.*

- (1) Landmark trees may only be removed for the following reasons:
 - a. Trees that are hazardous and in decline.
 - b. Diseased or infectious trees or trees in decline as certified by a registered forester or certified arborist.
- (2) Application of permits must be made at the office of the zoning administrator not less than 72 hours in advance of the time the work is to be done. The zoning administrator shall issue the permit, if, the proposed work meets the criteria for tree removal. Any permit granted shall contain a definite date of expiration which shall be 30 days after issuance and the work shall be completed in the time allowed on the permit. Any permit shall be void if its terms are violated. Within five days after tree removal, notice of completion shall be given to the zoning administrator.
- (3) Special Exception. The Board of Zoning Appeals may authorize the issuance of a landmark tree removal permit provided they determine that removal of the tree(s) is necessary to develop the property in a reasonable and prudent manner. The Board may attach any conditions to the permit they deem necessary to assure compliance with the intent of the ordinance.

903.10 Mitigation policy.

(1) All protected trees removed in accordance with subsections 903.8(1)c. through 903.8(1)f. shall be replaced in accordance with the following criteria:

Each Existing Tree	Will Be Replaced By	Replacement Number (caliper inches)
Any tree with less than 6" DBH planted to meet the landscape ordinance	1	2 1/2
2 1/2" in caliper to 6" DBH Oak Tree	1	3
1 tree, over 6 to 9" DBH	2	4
1 tree, over 9 to 12" DBH	3	4
1 tree, over 12 to 15" DBH*	5	4
1 tree, over 15" DBH*	7	4
1 Sycamore or Sweet-Gum Tree 12" or greater DBH or 1 Pine Tree (excluding Japanese Black Pine) 18" or greater DBH	1	4

* *Sycamore, Sweet-Gum and Pine Trees are not included in this replacement criterion, their replacement criterion is listed separately in the schedule.*

(2) Any protected tree, except a Sycamore, Sweet-Gum or pine tree, removed without a permit must be replaced with at least four inch caliper trees (not necessarily the same species) whose total basal area equals the basal area of the tree removed. All replacement trees shall be at least four inches caliper and shall be considered required trees as part of a required landscape plan. Sycamore and Sweet-Gum Trees will be replaced with at least four inch caliper trees whose combined caliper equals, at a minimum, the caliper of the tree removed. Pine trees will be replaced on a one for one basis with four inch caliper trees of other than pine species. The tree(s) must be placed in the same location as where the tree(s) was removed (unless imposing an unreasonable hazard) and be maintained in good health.

(3) Mitigation fund. When mitigation is required but there is not enough room on the property to plant the required trees the following will apply:

a. The amount of \$800.00 per tree unable to be replanted will be placed in the City of Myrtle Beach Tree Preservation Account as outlined in section 903.15.

b. Payment must take place within seven days or prior to issuance of a certificate of occupancy, whichever occurs first.

903.11 Community tree planting plan. The City of Myrtle Beach has developed and instituted a Community Tree Planting Plan to encompass all public rights-of-way. The purpose of the Community Tree Planting Plan will be to develop tree themes for the area and to serve as guidelines for the expenditure of the tree preservation account funds for planting, maintenance, and the replacement of trees in the public rights-of-way.

903.12 Pruning. Maintenance pruning allows for the healthy uniform growth of a tree. Tree pruning shall promote the health and natural growth of the tree. A tree's habit of growth must be considered ahead of time and pruning must not interfere with the design intent at the original installation.

(1) Tree pruning shall be accomplished in accordance with the procedures set forth in the 1995 ANSI A300 standards.

(2) It shall be the duty of any person or persons owning or occupying real property bordering on any street upon which property there may be protected trees, to prune such trees in such manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct view of any street or alley intersection. The minimum clearance of any overhanging portion thereof or tree form shall be ten feet over sidewalks, and 12 feet over all streets except truck thoroughfares which shall have a clearance of 16 feet.

a. *Notice to prune.* Should any person or persons owning real property bordering on any street fail to prune trees as herein above provided, the zoning administrator shall order such person, or persons, within three days after receipt of written notice, to prune such trees.

b. *Order required.* The order required herein shall be served by mailing a copy of the order to the last known address of the property owner, by certified mail.

c. *Failure to comply.* When a person to whom an order is directed fails to comply within the specified time, the city manager may have such trees pruned in the interest of public safety, and the exact cost thereof shall be assessed to the owner.

(3) The use of unnatural pruning techniques will be considered an unauthorized removal of a tree unless the tree is designated on approved landscape plan to be shaped or formed in an unnatural pattern or to be maintained at a certain height. Examples of unnatural pruning are topping, stubbing, dehorning, or lopping. See diagram in section 903.3(13).

903.13 Exceptions.

(1) A permit shall not be required in order to remove palm fronds nor to do pruning.

(2) A permit shall not be required to remove a protected tree from any building site or paved area shown on a site plan approved by the zoning administrator and for which a building permit has been issued.

(3) Utility companies may be annually issued a written permit exempting them from the provisions of this chapter after consultation with the zoning administrator or his/her designee but tree-trimming practices shall nevertheless conform to the 1995 ANSI A300 Standards.

903.14 Tree protection during clearing, grubbing, and development. Prior to the commencement of any site clearing or vegetation alteration, other than mowing, a clearing/grubbing permit shall be obtained from the construction services department. During any type of clearing/grubbing and development the following measures will be utilized to protect any tree on site that is not designated for removal.

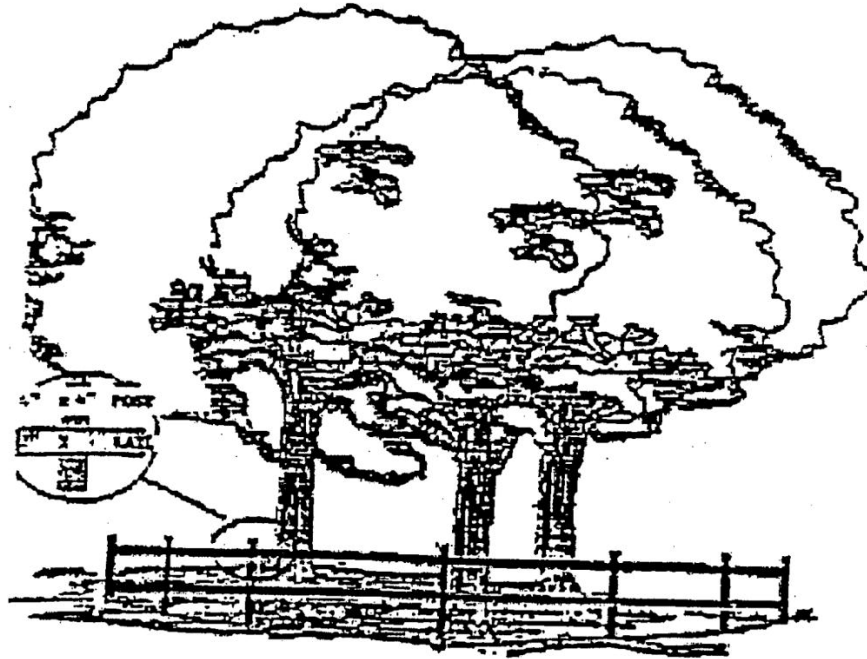
(1) Soil disturbance under the canopy of each tree will be limited to six inches removed or six inches added. Any soil added under the canopy of the tree must be a loamy soil mix to ensure compaction is minimized.

(2) Protect designated existing trees scheduled to remain against:

a. Unnecessary cutting, breaking, or skinning of roots.

- b. Skinning and bruising of bark.
- c. Smothering of trees by stockpiling construction or excavation materials within drip-line.
- d. Excessive foot or vehicular traffic.
- e. Parking vehicles within drip line.

(3) Erect temporary wooden barricades or orange fencing as shown in the diagrams following this paragraph before commencement of any site clearing and grading. The fence is to be four feet high minimum with 4" x 4" posts and 22" x 4" rails at two feet and four feet above grade and shall be set deep enough in the ground to be stable without additional support. For protected trees four inches in caliper or more, protective barricades shall be placed a minimum distance of ten feet from the base of each protected tree. For protected trees greater than ten inches DBH and Landmark Trees, protective barricades shall provide a diameter of protection around the tree equal in feet to the DBH of the tree (i.e. a 24-inch diameter tree would require a 24-foot diameter protective barrier.) Nothing shall be placed inside of protective barricades, including but not limited to construction material, machinery, chemical, or temporary soil deposits. When paving, excavation, or hardscape must be done within barricades, barricades shall be moved back to a secondary location at edge of work. Extra care must be taken at this time by the contractor to insure that no damage to the tree or its roots occurs.



4' HIGH, ORANGE,
POLYETHYLENE LAMINAR
SAFETY NETTING.

- (4) All tree protection zones shall be designated as such with "Tree Protection Area-- Caution Do Not Enter" signs posted visibly on all sides of the fenced area.
- (5) Utilities shall not be installed in this tree protection area. All roots outside the protective barricade to be removed during development shall be severed clean and a two-inch layer of mulch shall be applied over the surface of exposed roots during development.
 - a. Trenching shall be no closer than six times the diameter at breast height (DBH) to the effected tree nor disrupt more than 30 percent of the drip line root area.
 - b. No other types of disturbance or construction shall be allowed under the drip line of any tree without prior approval by the zoning administrator.
- (6) Designate one corridor for site access, preferably where the driveway or parking area will be located. Limit construction equipment access, material storage, fuel tanks, chemical or cement rinsing, vehicle parking and site office locations to nontree areas.
- (7) Do not allow trash or debris to be burned beneath trees.
- (8) Grading, filling, and ditching in the tree protection zone is prohibited.
- (9) Provide water and fertilize to trees as required to maintain their health during construction work.
- (10) If trees are wounded or stressed during construction, any wounds to the bark should be cleaned to sound wood by removing loose bark and wood, leaving a smooth edge around the wound. Do not apply a wound dressing.

903.15 City of Myrtle Beach Tree Preservation Account. All tree removal fees, penalties and fines collected pursuant to this subsection 910.15 shall be recorded and maintained in a special account to be known as the City of Myrtle Beach Tree Preservation Account. Monies maintained in this account shall accrue interest at the short term rates prevailing in the market. All such funds and accrued interest shall be used, when appropriated by city council, only for the purpose of funding the installation and maintenance of trees on public property within the City of Myrtle Beach. Funds may be used to obtain trees, other landscaping associated with tree plantings, sprinklers and other items or materials necessary and proper for the preservation, maintenance, relocation and restoration of tree ecosystems on public land.

903.16 Trees on public property. The proper installation, preservation, maintenance, relocation and restoration of all trees on city owned property and public rights-of-way are the responsibility of the City of Myrtle Beach's Superintendent of Parks Division. Any agreements or contracts between the City of Myrtle Beach and other agencies to install, preserve, maintain or relocate trees on city owned property and public rights-of-way shall be monitored by the superintendent of parks division and cessation of the agreements or contracts will occur if any portions of this ordinance are violated.

(Ord. No. 990427-21, 4-27-99; Ord. No. 991012-41, 10-12-99; Ord. No. 20000425-19, 4-25-00; Ord. No. 2006-86, 9-26-06)