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# TOWN OF WILKESBORO TREE ORDINANCE

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## **Planning and Community Development Department**

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# Town of Wilkesboro Tree Ordinance

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### **1.1 - Purpose and Intent**

The Town of Wilkesboro, realizing that trees have a profound effect on the quality of life in the community, deems it necessary and desirable in the interest of public health, safety and welfare to enact an ordinance for the protection, planting, replacement and removal of trees without denying the reasonable use and enjoyment of real property.

The intent of this chapter is to regulate the planting of new trees and shrubs; to vigorously encourage the protection of existing plantings, including their root systems; to regulate preservation, replacement and removal of trees through adoption of technical standards so the benefits that trees provide the community can be maximized.

### **1.2 – Definitions**

**Administrator:** The acting Public Works Director or the director’s designee shall be responsible for the administration of the provisions of this ordinance.

**Caliper:** Diameter measurement of the trunk taken six inches above ground level for trees up to and including four-inch-caliper size, and taken at 12” above ground for trees larger than 4” caliper.

**Diseased tree:** A tree that may be infected with various fungi, bacteria, mycoplasmas, and viruses which cause poor growth and weak appearance, disruption of plant processes, distortion of certain tree parts and strain or death of the tree.

**Diameter Breast Height (DBH):** The diameter of a tree measured four and one-half feet above the ground level. On sloping ground the measurement is taken from the uphill side. For trees with co-dominant (forked) stems, the trunk is measured below the fork and above the trunk flare, at the point of the smallest diameter. For multi-stemmed trees, the diameter is considered to be the sum of the diameters of all of the stems that contribute significantly to the crown.

**Critical Root Zone:** That area of tree roots around the tree measured to be no less than 1.5 ft. in radius for every inch of trunk diameter measured 4 feet above the ground. Could also be said as “That area around the tree left undisturbed to protect tree roots, equal (in feet) to 2 times the DBH of the tree.”

**Government/Institutional property:** Property owned by the federal, state or county governments but is located in the town. For the purposes of this ordinance government/institutional property specifically excludes property owned by the Town of Wilkesboro. (Not mentioned anywhere in the document,)

**Historic tree:** A tree that has been specifically designated by the Town of Wilkesboro Council as historic.

**Large maturing tree:** Any tree whose mature height exceeds 45 feet.



**Maintenance:** Proper cultural practices including pruning, fertilization, pest management, and root system protection. The standards of maintenance are those published by the Tree Care Industry Association.

**Medium tree:** any tree whose mature height is between 25-45 feet.

**Park/Public Trees:** Park and Public trees are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks and on public property at public facilities, and all area owned or controlled by the town.

**Paved area:** Any ground surface covered with *concrete*, asphalt, stone, compacted gravel, brick or other paving material.

**Planning Department Director:** The head of the Town of Wilkesboro Planning Department and person charged with directing the Town Tree Board.

**Private property:** Property that is not owned by a federal, state or local government.

**Private tree:** A tree that is not owned by federal, state or local government.

**Protection:** Maintaining the health and protecting the structural integrity of trees and other vegetation by preventing soil compaction, root damage, or damage to the aboveground portions of the trees. Such protection shall be accomplished through the creation of “Tree protection zones” that prohibit pedestrian or vehicular traffic or the stock-piling of building or construction materials. The standards of protection are those published by the Tree Care Industry Association.

**Public property:** Property owned by the Town of Wilkesboro, North Carolina or that property on which the town maintains a Right-of-way.

**Public Works Director:** The head of the Town of Wilkesboro Public Works Department and person charged with enforcement of this Tree Ordinance.

**Regulated Tree:** A tree which is located on private property and whose establishment and/or maintenance is required in order to acquire a certificate of occupancy for a proposed use.

**Replacement:** Replacement of dead, dying, diseased, or removed trees with trees of equal or comparable size, species, vigor and health. (This is not really possible for large trees, plus in some instances you may not want the same species replaced.) Replacement of dead, dying, diseased or removed trees will be determined on a site by site basis and by the Town Tree Board.

**Removal:** The cutting down of any tree or shrub and all other acts which cause the actual removal or the effective removal through damaging, poisoning or other direct or indirect actions resulting in the death of a tree or shrub.

**Small maturing tree:** Any tree whose mature height is less than 25 feet.



**Street Trees:** Street trees are herein defined as trees, shrubs, and all other woody vegetation growing between property lines on either side of all streets, avenues, or ways within the Town.

**Town:** The Town of Wilkesboro, North Carolina.

**Town attorney:** The Town Attorney for the Town of Wilkesboro or his/her designee.

**Town property:** All real property which is owned or leased by the town or which is maintained by it or any part of any town right-of-way.

**Topping:** Any pruning practice that results in pruning back the main leader stem of the tree or causes disfigurement of the normal shape of the tree, or the Indiscriminate cutting of tree branches to stubs or lateral branches that are not large enough to assume the terminal role often causing disfigurement of the normal shape of the tree.

**Tree evaluation formula:** A guide for appraising the value of plants as published by the International Society of Arboriculture.

**Unsafe tree:** For a tree to be considered unsafe, one of the following criteria must apply:

- 1) A combination of a structural defect and a target.
  - a. A structural defect which predisposes the tree to failure; i.e., dead tree, trunk decay, dead branches, weak branch unions, cankers, signs of decay organisms, root problems, poor tree architecture and cracks.
  - b. A target such as a structure, road, walkway, campsite or other area where property exists or people reside. In urban areas, target areas are almost always in close proximity to trees; or
- 2) A tree that is otherwise structurally sound trees but which interfere with the routine activities of people. Such interference might include obstructions, sight distance problems for motorists, underground utilities, buckling of sidewalks or interference with utilities

### **1.3 - Creation and Establishment of a Town Tree Board**

The Town Council may establish a Town Tree Board which shall consist of five (5) voting members who are residents of the Town of Wilkesboro. A slate of members shall be approved by the Town Council. The term of the five (5) persons to be appointed by the council at large shall be three (3) years, except that the term of two of the members appointed to the first board shall be for two years and the term of one member of the first board shall be for four years. In the event that a vacancy shall occur during the term of any member, his/her successor shall be appointed for the remaining portion of the term. Members of the board shall serve without compensation.

The Tree Board shall serve under the direction of the Town Planning Department. The Tree Board shall be staffed by the Planning Department Director or the director's designee. Non-voting members may be added to the Tree Board as necessary. Such non-voting members may include, but are not limited to, persons from the Town Public Works Department, the Town Parks and Recreation Department, the local public utility servers and the local Cooperative



Extension Service representative. Non-voting members may be nominated by any voting member of the Tree Board and shall be installed by a simple majority vote.

#### **1.4 - Tree Board Duties and Responsibilities**

- 1) It shall be the responsibility of the Board to study, develop and/or update annually, specifications for the care, protection, pruning, planting and replacement of publicly owned trees and shrubs in parks, along streets, and in other public areas. Such information and reports will be presented annually to the Town Council by the Tree Board Chairman with staff assistance provided by the Planning Director. The Board, when requested by the Town Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.
- 2) The Board shall choose its own officers, make its own rules and regulations, and keep records of its proceedings. A majority of the members shall be a quorum for the transaction of business.
- 3) The Town Tree Board develops and maintains arboricultural specifications for tree care and replacement as follows:
  - a. A list of trees for planting along streets in three size classes based on mature height: small (under 25 feet,) medium (25-45 feet) and large (over 45 feet).
  - b. A manual of tree planting, maintenance and landscape design specifications.

#### **1.5 - Administration**

- (a) **Public Works Director:** For the purpose of carrying out the provisions of this chapter, the public works director shall have responsibility and control over all trees and shrubs planted or growing in or upon town property. The public works director shall also have responsibility and control over all regulated trees, unsafe and diseased trees located upon private property.
- (b) **Planning Department Director:** The planning department director shall facilitate all functions of the Tree Board. This shall include, but not be limited to, setting meeting times and place, establishing an agenda, functioning as a liaison to the Town Council and serving as the Tree Board representative at public forums.

#### **1.6 - Public Trees - Care and Protection**

Except as hereinafter provided, no person shall cut, prune, injure, spray with any chemicals, oils or whitewash, or remove a tree or plant growing on public property or public rights of way; no person shall cut or disturb roots; no person shall place or attach any foreign objects, such as



posters, signs, barricades or wires to a public tree or tree guard; no person shall remove any devices installed to provide protection for any public trees.

- (a) No person shall pile construction or other materials, within the critical root zone or around any public tree, plant or shrub potentially causing injury.
- (b) No person shall pave or place gravel, soil or other such material within twelve (12) feet of any tree on public property, unless approved by the administrator.
- (c) No person shall dump, pour, store or spill any oil, landscape chemicals or other deleterious substances or containers on or around any public tree or public gutter.
- (d) No person shall use any public property or places to dump grass clippings, tree trimmings, rocks or landscape products such as leaves or compost.
- (e) No person shall decorate a tree or shrub on any public property either with lights or other decorative materials, or place advertising matter, posters or political placards on trees or in public properties.

#### **1.7 - Private and Government/Institutional Landowner Responsibilities and Rights**

- (a) Every owner of any tree growing on private property adjacent to any street or right of way within the town shall prune the branches so they shall not obstruct the view of any street intersection and so that there shall be a clear space of thirteen (13) feet above street surface or eight (8) feet above the sidewalk surface. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs that constitute an unsafe tree. The town shall have the right to prune any tree or shrub on private or government/institutional property when it interferes with visibility of any traffic control device, sign or line of sight necessary to ensure safety.
- (b) Nothing in this section is intended to prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with planting specifications of this ordinance and that any such plantings conducted under utility lines shall be limited to planting material taken from the first two classes (small and medium) of the Tree Board's list of desirable trees.

#### **1.8 - Unsafe Trees**

- (a) The public works director may cause or order to be removed any tree or shrubs or part thereof on private or public property which is deemed an imminent threat to the public health, safety or general welfare by the Public Works Director or a designated appointee. In situations involving private property and an imminent threat to the public health, safety or general welfare, the town may act without prior notification to the property owner but written notice shall be given within 14 days.
- (b) The public works director or a designated appointee may enter upon public property to spray, or otherwise treat any tree infected or infested by any parasite, insect, disease



organism or pest to prevent the breeding or dissemination of said problems and to minimize hazards to the citizens and properties of the Town.

- (c) Whenever, in the opinion of the public works director, the removal of a tree or shrubbery on government/institutional property shall be necessary, under the provisions of this section, the public works director shall have the power to remove such tree or shrubbery or cause or order the same to be done upon notice and an opportunity to be heard to the property owner.
- (d) When a private tree or shrub poses no imminent threat to public safety, the public works director shall give the owner notice, detailing the corrective action to be taken and provide the owner the opportunity to correct the condition. The request shall be in writing to the property owner in question and shall be acted upon within 30 days. If, after 30 days, the owner has not corrected the condition or undertaken action that would lead to a timely correction of the condition, the public works director may enter upon the property, perform the work necessary to correct the condition and bill the owner for the actual costs incurred.

## **1.9 - Tree Care and Maintenance**

**Declaration of Intent:** The Town Council finds and declares that regulation of pruning of trees within the town will help ensure that the health, function and value of trees are protected, and will help to prevent dangerous branching conditions that may result in danger or injury to citizens or property.

### **1.10 - Care and Maintenance of Trees on Public Property**

- (a) The town shall have the right to establish, maintain and remove trees and any plants within the lines of all streets, alleys, avenues, lanes, public grounds, right-of-ways and squares, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.
- (b) All tree work taking place on public property being conducted by contractors, sub-contractors, or town employees will conform to American National Standards Institute Standards for Professional Arborists standards for tree care operations (ANSI A-300) and standards for tree care practices (ANSI Z-133).
- (c) It shall be unlawful as a normal practice for any person, firm, or town department to top any tree growing on public property or public rights of way.
- (d) It shall be unlawful for any entity, utility, citizen, or tree care company or government to trench, cut, grade, or fill within the critical root zone of any public tree without the written consent of the Administrator.

### **1.11 - The Regulation of Tree Care Professionals**

- (a) It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing any public tree without first applying for and procuring a permit.



- (b) In order to receive a permit, applicants must first sign an affidavit agreeing to abide by American National Standards Institute Standards for Professional Arborists standards for tree care operations (ANSI A-300) and standards for tree care practices (ANSI Z-133). A copy of the most recent ANSI A-300 Standards and ANSI Z-133 Standards will be available from the Administrator.
- (c) No permit shall be required of any public service company including electric utilities and their agents and contractors or town employee doing such work in the pursuit of their public service endeavors.
- (d) Before any permit shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$300,000 for bodily injury and \$100,000 property damage indemnifying the town or any person injured or damaged resulting from the pursuit of such endeavors as herein described.
- (e) The Administrator is authorized to suspend or revoke the tree care license of any person or business that performs work which does not comply with tree care standards as specified in this ordinance and the related ANSI standards.

#### **1.12 - Maintenance of Regulated Planting Spaces**

Regulated spaces are those physical areas in which trees and landscape materials are required by the Tree Ordinance, Subdivision Ordinance, and Floodplain Ordinance, Zoning Ordinance or other statute of the Town of Wilkesboro.

- (a) The owner or lessee of the property where landscaping is required shall be responsible for the maintenance and protection of all plant and screening material. Landscaped areas shall be maintained in good condition and kept free of debris.
- (b) Failure to maintain or replace dead, damaged, or diseased material or to repair a broken fence or wall shall constitute a violation of this chapter and shall be subject to the penalty provisions in section **1-21** if not replaced within 30 days of notification.
- (c) If an act of God or other catastrophic event occurs which destroys a large quantity of vegetation, the owner or lessee shall have 120 days to replant. Replaced plant material must be in compliance with the minimum size, spacing, and quantity standards of this chapter.

#### **1.13 - Removal of regulated trees**

No regulated tree shall be removed without first acquiring an approved tree removal permit from the Administrator. Failure to do so shall constitute a violation of this chapter and shall be subject to the penalty provisions in section **1-21**.

#### **1.14 - Landscaping Requirements for Commercial Development**

- (a) Applications for zoning permits shall include a landscape plan, which is to be reviewed and approved by a landscape design professional, if one or more of the five following conditions are met:



1. The subject property is zoned for non-residential use, grading is imminent and building is to ensue within 12 months from the date of the start of grading.
  2. Building is planned within 12 months on a previously graded site.
  3. Property contains existing commercial use and a disturbance of 50% or more of the land area is planned for the purpose of renovation or addition.
  4. Property contains existing commercial use and the cost of a planned addition or renovation will meet or exceed 50% of the assessed value of the property as determined by the Wilkes County tax assessor.
  5. Property contains existing commercial facility and the existing parking lot contains more than one hundred and fifty (150) aggregate spaces on site.
- (b) The landscape plan shall be submitted in written/design form and shall conform to the general provisions of this section and all specifications set out in the applicable guidelines as issued by the town. The landscape plan must address the following three vegetative areas:
1. Street tree plantings
  2. Buffers (buffer strips or conservation buffers) between non-compatible zoning
  3. Parking lot plantings
- (c) A landscape plan shall be submitted prior to the issuance of a zoning or a building permit. Landscaping must be installed and inspected prior to receiving a certificate of compliance/occupancy. Vegetation shall be planted to ensure the best chance of survival and to reduce the potential expense of replacing damaged plant materials. If the season or weather conditions prohibit planting the materials, the developer may provide a bond, an irrevocable letter of credit, or other financial surety in an amount equal to 150 percent of the cost of installing the required landscaping to guarantee the completion of the required planting. Upon approval of the financial surety, the certificate of compliance/occupancy shall be issued. The financial surety shall be canceled and/or returned upon completion of the required landscaping.
- (d) All trees planted pursuant to this article must be planted in amended soils as specified in the guidelines. The trees also must be from an approved list supplied by the city. Where trees are specified to be two-inch caliper, the minimum height shall be eight feet. If multi-stem trees are used, they must have three (3) to five (5) stems and possess an average height of eight (8) feet or greater at the time of planting.
- (e) A stand of grass or mulch cover shall be established within sixty (60) days upon any area where soil has been disturbed through grading. This sixty (60) day period shall begin upon the first day of grading. A stand of grass shall be considered established when grass blades three inches tall or taller cover 80% or more of the bare earth. Mulch cover shall be considered sufficient when a layer of organic material is placed on 80% of the exposed surface area to a depth of 2 inches or more.
- (f) If water restrictions are imposed the establishment periods for grass will be extended based on the particular landscape plan and climate conditions. Establishment periods will be determined at the discretion of the Public Works Director.
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### **1.15 - Street Tree Plantings**

A continuous perimeter planting strip, located on private or government/institutional property abutting the public right-of-way, with a minimum width of eight feet, shall be required.

(a) Wherever planting strips are free of overhead lines they shall be planted with large maturing trees, planted not more than thirty feet apart and not less than fifteen feet apart. In cases where overhead utility lines exist, a small maturing tree shall be planted, not more than twenty (20) feet apart and not less than eight (8) feet apart. Each tree shall have a minimum two-inch caliper when planted.

(b) The public property in the right-of-way may not be used to fulfill requirements for minimum width or area.

(c) Planting materials must be selected from the approved plant materials list of the Town of Wilkesboro Tree Maintenance and Planting Specification Manual or be approved by the Tree Board. Shrubs, ground covers and other vegetative plantings may be included in landscaped buffer strips but are not required.

### **Sec. 1-16. Buffers between Non-compatible Zoning.**

Certain land uses may create an adverse impact when developed adjacent to other less intensive land uses. Buffers shall provide screening between a proposed development and a dissimilar existing land use or zoning designation to provide a transition between them. A buffer is a strip of land together with some form of screening such as existing vegetation, planted vegetation, a landscaped earthen berm, a fence, a wall, or a combination of the above.

- a) Landscaped buffer must be a minimum width of fifteen feet. Total number of plants required for every 100 linear feet shall equal or exceed 18.
- b) Grade changes in areas to be included in the landscaped buffers shall not exceed five (5%) percent from the pre-development profile, except wherein an earthen berm is incorporated as part of the landscaped area.
- c) All dumpsters, loading docks, or utility structures visible from a public street or adjacent property line shall be screened unless already screened by an intervening building or buffer. Landscaping shall not interfere with the access and operation of any such structure or facility. All unenclosed outdoor storage areas greater than 25 square feet shall also be screened from adjacent properties and streets. Screen types shall include one or a combination of the following:
  1. a continuous hedge of evergreen and/or densely twigged deciduous shrubs,
  2. a row of evergreen trees planted no more than eight feet apart, or
  3. a fence or wall with a minimum height of six feet.



### 1.17 - Parking Lot Plantings

- a) Interior parking areas shall be landscaped in addition to the required landscaped buffer strip. Trees must be provided in each parking lot at a minimum average density of one (1) shade tree (two-inch caliper minimum) for each fifteen (15) parking spaces provided, or any fraction thereof. In the case of mini warehouses, such parking spaces shall be determined by the number of parallel parking spaces contained in the required loading and unloading lanes.
- b) The minimum area to be set aside per tree planted is one hundred forty (140) square feet. The minimum width for any one dimension of a parking lot planting space shall be eight (8) feet.
- c) Additionally, interior parking lot landscaping shall include a minimum area equal to 6.5% of the total project area as depicted in the landscape plan.
- d) Interior landscaped area for individual trees may be reduced by ten percent when required plantings are grouped together. Example: minimum square footage for one tree planted singularly: 140 square feet; minimum square footage for two trees planted together: 252 square feet ( $140 \times 2 - 28 = 252$ ). A maximum of twenty-five (25%) percent of the trees planted in compliance with this ordinance may be grouped as specified above. This credit will not apply to parking lots with less than eight (8) trees required.
- e) Interior landscaped area may be reduced by thirty percent on any portion of parking lot where water pervious surface material, such as, gravel, brick pavers, porous concrete or fractured slate is used.

### 1.18 - Credit for existing vegetation

Existing preserved trees and shrubs may be credited towards required buffer trees, street trees, and parking lot trees.

Credits and other incentives to preserve vegetation. Preserved trees may be credited at the rate of:

2"-6" caliper tree = 1 tree

7"-12" caliper tree = 2 trees

13"-18" caliper tree = 3 trees

19"-24 " caliper tree = 5 trees

25" + caliper tree = 6 trees



In order to receive credit, preserved vegetation must be in good health and condition. Trees designated to be preserved must be indicated on the landscape plan. Plans should include specifics on how the vegetation will be protected.

### **1.19 - Alternative Compliance**

Modifications for alternative compliance with the requirement of the Tree Ordinance may be issued by the Tree Board. The petitioner must show due cause why said requirements can not be met. Any alternative compliance measures agreed to by the Tree Board must meet with the intention of the Tree Ordinance and must equal or exceed in beneficial effect those of the standard requirements.

### **1.20 - Removal of historic trees**

Please Refer to the Town of Wilkesboro Historic Preservation Commission Design Guidelines, Section II, Project Review and Approval.

### **1.21 - Enforcement**

*Notice and appeal.*

1. Any person who violates any provision of this chapter shall be notified by the Public Works director of the specific violation by certified or registered mail, return receipt requested, or by hand delivery. The notice shall set forth the nature of the violation, the measures required to comply with this chapter, if compliance is at all practicable, and a reasonable time period within which compliance must be had.
2. If any aggrieved person disagrees with a decision of the Public Works Director, such person may request a hearing within ten working days of receipt of the violation. The request must be in writing and directed to the Tree Board's secretary. The secretary shall immediately assemble an appeals board from among the membership of the Tree Board. The chairperson of the Town of Wilkesboro Tree Board shall always serve on the appeals board as the chairperson and shall not vote except to cast the deciding vote in case of a tie. The members to sit on the board shall be selected on a rotating basis. The owner shall have the right to be represented by counsel, examine and cross-examine witnesses at said hearing. The town attorney shall serve as the appeals board's legal advisor during said hearing. The appeals board shall render its written decision within 30 days after the hearing.
3. The appeals board may modify, amend or revise the decision appealed. The decision of the appeals board shall be served upon the appealing party by registered or certified mail, return receipt requested, or by hand delivery:
4. If any aggrieved party is dissatisfied with the decision of the appeals board, an appeal may be taken to the Wilkes County Superior Court. Notice of the appeal must be filed within ten working days of receipt of the appeals board's decision. The parties may stipulate that the appeal to the Wilkes County Superior Court shall be a review of the record only. In the absence of a mutual stipulation, the review shall be de novo.
5. Any aggrieved party may request an injunction to preserve the status quo during the pending of any appeal in accordance with applicable North Carolina law.
  - a) *Civil penalty.* Any person who violates any of the provisions of this chapter shall be subject to a civil penalty. The amount of the civil penalty shall be \$100.00 except as hereinafter provided. Each day of a continuing violation shall constitute a separate



violation. The appeals board shall determine and assess the civil penalty, if any, at the time of the appeals hearing, if one is requested. In the absence of an appeal, the public works director shall submit a request to the chairperson of the appeals board who shall assemble the appeals board and assess the civil penalty with supporting documentation upon prior notice to the violating party of the date and time of the appeals board hearing. At least ten days notice shall be given to the violating party of the date, time and location whereby the appeals board will consider the request to assess a civil penalty. In determining the amount of the civil penalty, the appeals board shall take into consideration the amount of money that the violator would be required to spend in order to be in compliance with the provisions of this chapter, the amount of money saved by the violator in violating the ordinance, the cost of replacement of any removed tree, shrubbery or regulated tree. In determining the specific amount of the civil penalty for damage or destruction to regulated trees, the appeals board shall use the standard tree evaluation formula provided by the International Society of Arboriculture, as it may be amended from time to time. The standard tree evaluation formula is made a part of this chapter and adopted herein by reference. A maximum fine of \$5,000.00 is hereby set for that portion of the civil penalty dealing with replacement cost of an individual tree. The appeals board shall have no discretion to vary the cost figures set forth in the formula. The appeals board may however, recommend that the amount of the civil penalty be modified as part of a negotiated settlement with the city. Upon failure of the violator to pay the assessed penalty or reach an equitable settlement within 30 days, an action in the nature of debt in the name of the city in the appropriate division of the general courts of justice may be instituted by the city attorney for recovery of a debt.

- b) *Criminal penalty.* A violation of this Chapter subjects the offender to a civil penalty,
- c) Pursuant to the authority granted by N.C. Gen. Stat. sec. 160A-175, and does not subject the offender to the criminal penalty provisions of N.C. Gen. Stat. sec. 14-4.
- d) *Injunctive relief* Whenever there exists reasonable cause to believe that any person is violating this chapter or any standards adopted pursuant to this chapter or any term, condition or provision of an approved permit, the city may, either before or after the institution of any other action or proceeding authorized by this chapter, institute a civil action in the name of the town for a mandatory or prohibitory injunction and an order of abatement demanding the violator to correct the unlawful condition upon or cease the unlawful use of the property.