



City of Durham

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FAQ's Regarding Tree Removals

1. Is the maintenance cost of pruning my tree a reason for allowing the removal of a tree?

A: No, cost of maintenance is not a reason for removing a tree. Homes have exterior maintenance costs and landscaping costs that are part of home-ownership. Maintaining trees are part of these costs.

2. Is the fact that a tree drops a branch in a storm or seasonal debris a reason to remove a healthy tree?

A: No, trees will naturally drop branches and debris upon occasion. This is common among ALL the trees in Durham and something that all residents share because of having trees in our community. The potential for limbs to fall during a storm falling does not qualify a tree as dangerous. On-going pruning can mitigate limbs falling in storms. While inconvenient, dropping debris does not qualify a tree as potentially destructive or dangerous.

3. Is the fact that the roots of the tree are disturbing a non-structural improvement reason to remove a healthy tree?

A: No, there are various landscaping options to deal with roots that do not require the removal of the tree.

4. Is the fact that the roots of the tree are visible above ground a reason to remove a healthy tree?

A: No, there are various landscaping options to deal with visible roots.

5. I'm afraid my tree may fall down in the wind. Can I take it down because it is dangerous?

A: Trees can sway a great deal in the wind. It does not necessarily mean they will fall down. Large trees in Durham have weathered many storms without falling down. A determination that a tree is dangerous needs supporting documentation.

6. Can I remove a tree to place non-permanent improvements such as sheds or play structures?

A: Maybe, depending on the constraints of your property. The Planning Commission would review your landscape plan to make a determination that no alternative design could accommodate the proposed improvement.

7. Do pavers qualify as an improvement under a Type C Permit?

A: No, pavers are a non-permanent improvement that can be placed around trees without disturbing the tree or tree roots.

8. It's my property; I should be able to take down any tree I want to improve the value and use of my property.

A: Trees add value to your home and improve the community. Landscaping with trees can increase property values. Trees also help cool your home and neighborhood in the summer, break the cold winds to lower heating costs in the winters, and filter air pollution. Trees in Durham also provide a natural noise barrier from the I-5 freeway. When mature trees are removed and replaced with new saplings, it takes decades for the replacement tree to reach maturity and match the benefits of existing trees. The purpose of the Durham Tree Protection Ordinance is to preserve as many trees as possible so that the City and residents may benefit from a large number of trees, both natural growth and those that have been planted. Additionally, there may be creative landscaping options that incorporate the tree into the landscape rather than removing it.

9. I'm doing a landscaping project at some time in the future. Can I remove the tree now?

A: Trees proposed to be removed for landscaping purposes should be applied for within 6 months of the proposed project.

10. I think my tree is diseased. Can I cut it down?

A: An arborist report is required to document that the tree is diseased and cannot recover.

11. Other jurisdictions would allow this tree to be removed under their tree ordinance so I should be allowed to cut it down.

A: Each City has its own tree removal criteria and process. Codes and tree removal decisions from other jurisdictions are not applicable in Durham.

12. My tree is at full height and has reached the end of its life. It will likely die in the future.

A: Trees can live a long time. Just because a tree is at its maximum height does not mean it is dying. The intent of the Tree Protection Ordinance is to maintain mature trees so that property owners and residents may benefit from them.

13. Do I have to plant another tree if I take down this tree?

A: It depends. For all permit types, the City can require mitigation or require mitigation beyond the minimum. If you are required to mitigate for your tree removal, you must plant a replacement tree on your property OR pay a \$250 per tree mitigation fee in lieu of planting a tree. The fee must be paid before you can cut down your tree. If you anticipate planting a mitigation tree, you should submit a plan showing the location

and species of tree to be planted with your tree removal application. The mitigation tree must be planted within 6 months of removing the tree.

14. Can I plant any tree I want as a mitigation tree?

A: The specific species of mitigation tree is the property owner's discretion. When full grown, the mitigation trees should equal the canopy of the tree being removed. Applicants should submit the proposed mitigation tree with their tree removal application. The Planning Commission reserves the right to reject any mitigation tree that does not meet the requirements. The City has a list of approved mitigation trees on the City website.

15. What about hazard trees or emergency situations?

A: A tree that presents an imminent danger should be immediately reported to the City. If a dangerous tree must be cut down to prevent loss of life or property outside the City's normal business hours, the property owner must report the tree removal to City Hall as soon as possible. The property owner must submit a tree permit application, photos, and fees to the City for retroactive approval.

16. My neighbor applied to cut down a tree. How do I comment?

A: Your comments should describe your interest in the tree and address the removal criteria in the Tree Protection Ordinance (228-05) and Chapter 5 of the Durham Development Code. You can email comments on an active tree removal application to cityofdurham@comcast.net before the Planning Commission meeting that considers the application, OR you can testify at the Planning Commission. Call the City to find out deadlines. You can also mail comments, but they must be received before the meeting.

17. What happens if I remove a tree without a permit?

A: The City can impose a fine of up to \$720 per tree for trees removed without a permit.

18. What should I do if I think a tree is being removed illegally?

A: All approved tree removals are posted on the City's website. If a property owner is removing a tree and you suspect that a permit was not issued, first check the list of approved tree permits on the website. If the property owner does not have a permit, call City Hall. If the tree was cut down after hours, the City can still make a determination of an illegal tree removal, and a fine will be imposed.