



FAQs for Tree Removal on Private Property in the City of Durham

1. What does this code apply to?

This code applies to the removal of all trees from private property within the City of Durham that are not connected to a land use or development approval decision.

2. Does this code apply to all tree removals in Durham?

No. This code applies only to plants that meet the definition of a tree under this code. It does not regulate tree removals connected to a land use approval under the Durham Development Code, or trees on property owned by the City of Durham.

3. What is the difference between this code and the development tree code?

This municipal tree code applies to tree removal on private property not connected to development. Tree removal associated with land use and development activity is governed separately by the Durham Development Code.

4. What counts as a "tree" under this code?

A tree is a woody plant with a diameter at breast height (DBH) of six inches or larger, or any mitigation tree required to be planted under this chapter.

5. What is DBH?

DBH means diameter at breast height, which is the diameter of the tree trunk measured at 4.5 feet above the ground.

6. What counts as "removal"?

Removal includes cutting down a tree, removing more than half of its crown, trunk, or root system, or topping or damaging a tree so that it declines, dies, or becomes a hazard tree. Routine trimming and pruning that does not have those effects is not considered removal.

7. Do I need a permit before removing a tree?

Yes. A tree removal permit must be obtained before removing a tree from private property in the City, except when a tree qualifies under the emergency provision that allows for the immediate removal of a tree and is promptly followed by a tree removal application to the City. A separate permit is required for each tree.

8. What kinds of tree removal permits are available?

The code provides the following permit types:

- Hazard Tree Removal Permit
- Dead or Declining Tree Removal Permit
- Property Damage Tree Removal Permit
- One Tree Per Year Removal Permit
- Emergency Tree Removal Permit

- Removal of Trees Pursuant to Issued Building Permit(s)

9. What is a hazard tree permit?

The City will issue a hazard tree removal permit if the City Arborist determines that the tree is a hazard tree, meaning it presents a high or extreme risk under the International Society of Arboriculture qualitative tree risk assessment.

10. What is a dead or declining tree permit?

The City will issue this permit if the City Arborist determines that the tree is dead or in a state of progressive and irreversible decline under the code's criteria.

11. Can I remove a tree if it is damaging my property?

Possibly. The City will issue a Property Damage Tree Removal Permit if the applicant shows that the tree is causing, or is reasonably likely to cause, material damage to an existing structure or utility service, and the City determines that the structure or utility cannot reasonably be moved and the damage cannot reasonably be prevented through measures such as root pruning or root barriers.

12. Can I remove one small tree each year?

Yes. The code allows one tree per year, per physical address, to be removed if the tree is between 6 inches and 10 inches DBH.

13. What qualifies as an emergency tree removal?

An emergency exists when a tree presents an immediate danger to people or property. The code lists examples such as a tree beginning to uproot, progressively leaning, cracking where major branches connect to the trunk, leaning on a structure, leaning on another tree, or being in immediate danger of collapse.

14. Can I remove an emergency tree before the City issues the permit?

Yes, but only in limited circumstances. If the owner determines that a tree presents an immediate danger, the owner may remove it before the permit is issued, provided the owner applies for an emergency tree removal permit within five business days after removal. If the City later determines the tree did not qualify, the removal is a violation.

15. How quickly will the City act on an emergency application?

The City will review and issue or deny an emergency tree removal permit within two business days of accepting the application. Please call City Hall as soon as soon as a complete application has been submitted.

16. What if tree removal is needed to carry out an issued building permit?

The City may issue a permit for tree removal needed to execute an issued building permit, but the application must generally preserve:

- at least 20% of all trees on the property,
- at least 40% of the property's existing canopy coverage, and
- preserved trees across at least 50% of the applicable site area.

17. What if a building-permit-related tree removal cannot meet those preservation standards?

The applicant may submit a written narrative and supporting information showing that compliance is not possible and that additional tree removal is necessary because of utilities that cannot reasonably be relocated or because of topography, cuts, or fills that threaten the life of the tree or trees.

18. Who can apply for a tree removal permit

Only the property owner may apply. If the tree trunk straddles multiple property lines, the owners of each affected property must collectively apply for a tree removal permit.

19. What information must be included in an application?

At minimum, the application must include the owner’s contact information, a statement that the applicant is the owner, the tree’s species and DBH, a site plan showing the tree’s location, the reason for removal and permit type requested, photo or video evidence, information about mitigation feasibility if relevant, consent for City entry and assessment, a signed statement that the application is complete and truthful, applicable fees, and any other information reasonably required by the City.

20. Will the City inspect the tree?

Yes. The application must include the applicant’s consent for City officials, including the City Arborist, to enter the property to conduct a tree assessment.

21. How long does it take for the City to review an application?

Except under extenuating circumstances, the City must act within:

- 2 business days for emergency applications,
- 10 business days for hazard tree applications, and
- 15 business days for all other application types.

22. What can the City do after reviewing an application?

The City may issue the permit, deny the permit, or request additional information needed to determine whether the application meets the code.

23. Is mitigation required when a tree is removed?

Yes. Mitigation is required for any tree removed under a permit issued under this chapter and also for any tree removed in violation of the chapter.

24. How is mitigation satisfied?

Mitigation is satisfied in one of two ways:

- planting a replacement tree from the City’s approved species list that, at maturity, will provide at least as much canopy coverage as the removed tree, or
- paying an in lieu fee if the City Arborist determines that on-site replanting is not feasible.

25. When does the in-lieu fee have to be paid?

If the City Arborist determines replanting is not feasible and a payment in lieu of planting fee must be paid within 30 calendar days of the issuance of the permit.

26. When must mitigation planting be completed?

Mitigation planting must be completed, and proof submitted to the City, within six months of the issuance of the tree removal permit.

27. What happens if a mitigation tree dies?

If a mitigation tree dies within the first two years after planting, it must be replaced. The replacement tree is also subject to the mitigation requirements of the code.

28. Can a tree removal decision be appealed?

Yes. A permit decision or penalty may be appealed by the applicant or violator to the City Council. The written notice of appeal must be submitted within 10 calendar days of the mailing date of the City's determination and must include the required appeal information and fee.

29. When will an appeal be heard?

Most appeals will be heard at the first regular City Council meeting following receipt of the appeal, but not sooner than 14 calendar days after the appeal is received. Appeals of hazard tree permit denials are heard at the first regular Council meeting following the appeal notice.

30. What happens if someone removes a tree without a permit?

Removing a tree without the required permit is a violation of the chapter and may result in civil penalties. The code allows for maximum penalties of up to:

- \$4,000 for removing a tree without a permit,
- \$500 per month for mitigation-related violations, and
- \$2,500 per month for other violations.

31. Can the City place a lien on the property?

Yes. If the owner does not pay a penalty imposed under the chapter, the City may impose a lien on the real property where the violation occurred.

32. Does this FAQ replace the actual ordinance?

No. This FAQ is a summary for general informational purposes only. The adopted ordinance and any related City resolutions, forms, fee schedules, and approved tree lists control.