

AN ORDINANCE

BY PLANNING AND DEVELOPMENT COMMITTEE

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN of the City of Atlanta as follows:

SECTION 1. Purpose and Intent.

The purpose of this ordinance is to establish protective regulations for trees in the City of Atlanta in order to better control problems of flooding, soil conservation, air pollution, and noise in the City of Atlanta and to make the City of Atlanta a more attractive, healthier and safer place in which to live.

The intent of the ordinance is to encourage the protection of trees for which Atlanta is nationally recognized and which the City stands to lose unless protective measures are taken. The intent is not punitive; or to cause hardship to any individual, governmental agency, private or public company who use every care and diligence to protect trees within the City of Atlanta; nor is it meant to inflate the cost of development over a reasonable value of the trees involved.

SECTION 2. Definitions.

Tree: Any woody plant except Dogwood that has a single trunk with a caliper of five inches or more at six inches above the ground. A Dogwood with a caliper of two inches or more six inches above the ground is defined as a tree.

Street: Any officially recognized public right-of-way in the City of Atlanta.

Buildable Area: That part of any lot exclusive of the front, side and rear yards as established by the Zoning Ordinance.

Park: Any publicly owned land set aside for park and recreation purposes.

Public Places: All lands located in the City of Atlanta which are owned by the City of Atlanta or any public corporation or authority created by Georgia law benefiting residents of the City of Atlanta.

Tree Protective Zone: That portion of any lot covered by the front, side and rear yard requirements as established by the City of Atlanta Zoning Ordinance.

General Manager: The General Manager of the Department of Parks and Recreation or his authorized representative.

Annual Tree Permit: That written consent given by the City Arborist to a person, public or private firm or agency to prune, treat or remove any tree in the City of Atlanta.

SECTION 3. City Arborist.

The position of City Arborist shall be created within the Department of Parks and Recreation.

The City Arborist, as the agent of the Department of Parks and Recreation, shall direct, regulate, and control the care of and necessary removal of all trees growing now or hereafter in the City of Atlanta.

SECTION 4. Official Tree of Atlanta.

The Dogwood (*Cornus florida*) shall be the official tree of Atlanta.

SECTION 5. Tree Planting and Maintenance Regulations.

The General Manager shall prepare Tree Planting and Maintenance Regulations subject to the approval of the Mayor and Board of Aldermen after a public hearing with reasonable notice of the hearing to those affected, to implement this ordinance.

SECTION 6. Tree Protection Prior to Development.

To prevent the unnecessary destruction of trees on land where a building permit or subdivision approval has not been issued, the destruction, within any five-year period, of more than 25 per cent of the trees on any one parcel of real property within the City, without prior approval of the City Arborist, shall be prohibited.

SECTION 7. Tree Protective Zone.

The Tree Protective Zone shall correspond with that portion of the lot covered by the front, side and rear yard requirements as established by the Zoning Ordinance.

To prevent the unnecessary destruction of trees during development or redevelopment of any tract or lot within the City of Atlanta, trees shall not be cut, otherwise damaged or destroyed within the Tree Protective Zone except in accordance with the Tree Planting and Maintenance Regulations and the provisions of this ordinance.

SECTION 8. Submission of Site Plans for Development to City

Arborist.

A site plan for the development or improvement of any tract of land located in the City of Atlanta shall be submitted to the City along with the application for a building permit. No building permit shall be issued until the site plan has been reviewed and approved, in writing, by the City Arborist and a permit as provided in Section 10 has been issued. Such plans shall be reviewed and either approved or denied and a permit as provided in Section 10 issued or denied within fourteen (14) days of submittal. Otherwise such plans shall be considered approved and such permit considered issued by the City Arborist. In the event such plans are denied the reasons therefore shall be reported, in writing, to the applicant. The site plan shall show, in addition to the usual requirements the following information.

A. All existing trees within the Tree Protective Zone which are at least 5 inch caliper at 6 inches above the ground and all Dogwood trees which are at least 2 inch caliper at 6 inches above the ground.

B. Trees to be removed and trees to be maintained.

C. Specifications for the removal of existing trees and protection of existing trees during construction.

D. Grade changes or other work adjacent to a tree which would affect it adversely with specifications on how the grade, drainage and aeration will be maintained around the tree.

The function of the City Arborist in the review of site plans will be to assure that trees are retained in lawn or paved areas within the Tree Protective Zone without making demands on the owner which would deny him the reasonable use of his land.

SECTION 9. Tree Protection During Development.

During any building, renovating or razing operations, the builder shall erect suitable protective barriers around all trees specified to be maintained and shall not allow storage of equipment, materials, debris or fill to be placed in this area except as may be necessary for a reasonable time if no other storage space is available.

SECTION 10. Permits.

A. None of the following acts to any tree within the Tree Protective Zone or on public property shall be committed without the proper permit of the City Arborist, except as provided in Section 11.

1. Cutting, pruning, damaging, removing or killing a tree by any means.
2. Paving with concrete, asphalt or other impervious material within 5 feet of the outside diameter of tree.

B. A written application for a permit is required for any work on or affecting trees as listed in Section A above.

1. Such application for a permit must be made to the City Arborist in advance of the time the work is to be done.
2. The City Arborist shall specify the work to be done, according to the Tree Planting and Maintenance Regulations, and may inspect the work in progress and make a final inspection upon the completion of the work if necessary.

SECTION 11. Permits - Exemptions.

A. Public utility companies, governmental agencies and private companies employing tree experts shall be exempted from the provisions of this ordinance, provided, however, that such companies or agencies shall obtain from the City Arborist an Annual Permit.

Such permit shall certify the familiarity of such companies or agencies and their agreement to comply with the Tree Planting and Maintenance Regulations following their issuance and approval.

B. The owners of property of their authorized representatives in areas zoned R-1 through R-7 will not be subject to obtaining permits for work to be performed on trees located on such property under the provisions of Section 8 and 10, except where more than two adjacent lots are being developed at one time.

SECTION 12. Building Moving Permits.

The City Arborist, along with any other affected city department, shall review and approve all applications for building moving permits before the City will grant said permit.

SECTION 13. Transmittable Diseases.

The City shall have the authority to require that property owners treat, or require property owners to have treated any trees or stored portions of trees containing tree killing insects or vectors of tree diseases. If the City Arborist determines the disease warrants immediate action to curb its spread to healthy trees, the City may cut or destroy said trees or stored portions thereof using the minimum action required to prevent the

spread of disease.

SECTION 14. Trees Interfering with Use of Streets.

The City Arborist shall have the authority at any time to remove any tree or parts thereof, growing on public or private property which interferes with or endangers the use of a street or other public place in the City of Atlanta. The owner, where practicable, shall be notified in writing by certified mail of the existence of the condition interfering with or endangering the use of a street or other public place in the City and given a reasonable time for its correction or removal. If not corrected or removed within the time allotted, the City Arborist shall cause the condition to be corrected or removed.

SECTION 15. Emergencies.

In case of emergencies such as windstorms, ice storms or other disasters, the requirement of Section 10 may be waived by the General Manager during the emergency period so that the requirements of this ordinance would in no way hamper private or public work to restore order in the City.

SECTION 16. Enforcing Authority.

The Department of Parks and Recreation shall be charged with the enforcement of this ordinance.

SECTION 17. Violation and Penalty.

Any person violating or failing to comply with any of the provisions of this ordinance, upon conviction thereof, shall be fined a sum not exceeding \$500.00, or may be imprisoned for a term not exceeding 60 days, or both for each offence.

SECTION 18. Appeals.

In the event any person is dissatisfied with a decision of the City Arborist adversely affecting such person involving the application of this ordinance, such person may make a written request to the Chairman of the Parks Committee of the Board of Aldermen, which Committee, together with the Building Official, shall hear any complaints of such person. After a full and complete hearing of the complaints of such person, the appeal board consisting of the above-named parties shall render its written opinion affirming, overruling or modifying the decision of the City Arborist as may be fit and proper under the existing circumstances.

SECTION 19. Fines.

Money collected from fines shall be deposited in the City's General Fund.

SECTION 20. Other Ordinances Repealed.

Any and all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 21. Legality of Ordinances or Parts Thereof.

Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of any other provision of this ordinance.

SECTION 22.

This ordinance shall become effective upon adoption by the Board of Aldermen and approval of the Mayor.