

City of Avondale Estates

DeKalb County

Atlanta MSA

2003 Population Estimate 2,630; 0% change from 2000 Census.

Tree City USA for 22 years.

Tree Board/Environmental Committee with 8 members; no meeting frequency required by ordinance.

ARTICLE II. TREE BOARD/ENVIRONMENTAL COMMITTEE; TREES

Year first adopted or last revised unknown.

Addresses public and private property.

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Sec. 17-33. Protection of sidewalk, curb and gutter.

No substance of a greater weight than four hundred (400) pounds shall be handled upon the sidewalk, curbing or guttering of the city, unless such sidewalk, curbing or guttering be sufficiently covered with wood so as to protect it from damage. (Code 1973, § 2-7192)

Cross reference—Traffic and vehicles, ch. 18.

Secs. 17-34–17-39. Reserved.

**ARTICLE II. TREE
BOARD/ENVIRONMENTAL
COMMITTEE; TREES**

Sec. 17-40. Definitions.

The following words, terms and phrases when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Park trees means trees, shrubs, bushes and other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

Street trees means trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on both sides of all streets and other public ways within the city.

(Ord. No. 798, § 1, 11-26-84; Ord. No. 857, § 1(17-40), 9-27-93)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 17-41. Tree board/environmental committee—Created and established; membership.

(a) *Created and established.* There is hereby created and established a city tree board/environmental committee.

(b) *Appointment of members.* The members of the board/committee shall be appointed by the mayor.

(c) *Term of office.* The terms of the members of the city tree board/environmental committee shall be two (2) years.

(d) *Compensation.* Members of the city tree board/environmental committee shall serve without compensation.

(Ord. No. 798, §§ 2–4, 11-26-84; Ord. No. 857, § 1(17-41), 9-27-93)

Sec. 17-42. Same—Duties and responsibilities.

It shall be the responsibility of the city tree board/environmental committee to study, investigate, counsel and advise the city manager who will administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the governing body and upon its acceptance and approval shall constitute the official comprehensive city tree/environmental plan. The city tree board/environmental committee, when requested by the governing body shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.

(Ord. No. 798, § 5, 11-26-84; Ord. No. 857, § 1(17-42), 9-27-93)

Sec. 17-43. Same—Organization.

The city tree board/environmental committee shall choose its own officers and make its own rules and regulations. A majority of the members shall be a quorum for the transaction of business. (Ord. No. 798, § 6, 11-26-84; Ord. No. 857, § 1(17-43), 9-27-93)

Sec. 17-44. Same—Review of its acts, etc.

The governing body shall have the right to review the conduct, acts and decisions of the city tree board/environmental committee. Any person may appeal any ruling or order of the city tree board/environmental committee to the governing body, which will make the final decision.

(Ord. No. 798, § 15, 11-26-84; Ord. No. 857, § 1(17-44), 9-27-93)

Sec. 17-45. Same—Interference therewith.

It shall be unlawful for any person to prevent or interfere with the city tree board/environmental committee, or any of its agents, while engaging in

the planting, cultivating, mulching, pruning, spraying or removing of any street tree, park tree, or tree on private grounds, as authorized in this article.

(Ord. No. 798, § 13, 11-26-84; Ord. No. 857, § 1(17-45), 9-27-93)

Sec. 17-46. Official tree species list.

The following list constitutes the official street tree species list for the city. No species may be planted as street trees without written permission of the city tree board/environmental committee:

Park/Plaza Trees

Ash
 Birch, River
 Cedar, Deodar
 Chaste Tree
 Cherry, Flowering:
 Kwanzan
 Okame
 Yoshino
 Cherry Laurel
 Chinese Tallow
 Crabapple, Flowering
 Crape Myrtle
 Cypress, Leyland
 Dogwood
 Elm
 Fringe Tree
 Ginkgo (male variety)
 Golden Raintree
 Hawthorn, Washington
 Hemlock
 Holly (all species)
 Magnolia, Southern
 Maple:
 Armstrong
 Florida
 Japanese
 Red
 Trident
 Oak:
 Pin
 Southern Red
 Peach, Flowering
 Plum, Flowering
 Redbud

Sourwood
 Wax Myrtle
 Willow

Street Trees

Crape Myrtle
 Dogwood
 Maple:
 Armstrong
 Florida
 Red
 Trident

Oak:
 Pin
 Southern Red

Redbud
 Zelkova

(Ord. No. 798, § 7, 11-26-84; Ord. No. 857, § 1, 9-27-93)

Sec. 17-47. Planting, maintaining, removing trees, plants.

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The city tree board/environmental committee may recommend the removal of any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest.

(Ord. No. 798, § 8, 11-26-84; Ord. No. 857, § 1(17-47), 9-27-93)

Sec. 17-48. Tree topping.

It shall be unlawful as a normal practice for any person or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstruction, where other pruning practices are im-

practical, may be excepted from this section at the determination of the city manager.

(Ord. No. 798, § 9, 11-26-84; Ord. No. 857, § 1(17-48), 9-27-93)

Sec. 17-49. Pruning and removal of vegetation.

(a) Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or interfere with visibility of any traffic control device or sign, or obstruct the view of any street intersection.

(b) There shall be a clear space of eight (8) feet above the surface of the street or sidewalk.

(c) Such owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a hazard to the safety of the public or harbor insects or diseases which constitute a potential threat to other trees within the city.

(Ord. No. 798, § 10, 11-26-84; Ord. No. 857, § 1(17-49), 9-27-93)

Sec. 17-50. Removal on private property.

(a) The city shall have the right to cause the removal or pruning of trees, limbs or shrubs as necessary as indicated in section 17-49.

(b) The city manager or his designee shall notify, in writing, the owners of such trees.

(c) Removal shall be done by such owners at their own expense within ten (10) days of written notification.

(d) In the event of failure of owners to comply with such provisions, the city shall have the authority to remove or prune such trees and shrubs and add the cost of removal to the property tax of the owner.

(Ord. No. 798, § 11, 11-26-84; Ord. No. 857, § 1(17-50), 9-27-93)

Sec. 17-51. Removal of stumps.

All stumps of street and park trees shall be removed below the surface of the ground so that the

top of the stump shall not project above the surface of the ground.

(Ord. No. 798, § 12, 11-26-84; Ord. No. 857, § 1(17-51), 9-27-93)

ual may petition for writ of certiorari to the superior court as provided by law. Nothing herein precludes an aggrieved party from filing any other action in the superior court including, but not limited to, a mandamus petition pursuant to O.C.G.A. § 9-6-1, et seq.

(Ord. No. 0109, § 1, 11-26-01; Ord. No. 0204, § 1, 11-25-02; Ord. No. 0307, § 1, 9-22-03)

Sec. 5-382. Severability and amendments.

(a) It is hereby declared to be the intention of the governing authority that the sections, paragraphs, sentences, clauses and phrases of the sign ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this article shall be declared unconstitutional or invalid by judgment or decree of any court of competent jurisdiction, the unconstitutional or invalid phrase, clause, sentence, paragraph shall be struck and the remaining phrases, clauses, sentences, paragraphs, and sections shall be effective as if the unconstitutional or invalid portion had not existed.

(b) If any provision of this article conflicts with any other provision of this article, any provision of the Standard Building Code or its amendments as adopted by the governing authority, any other applicable ordinance, statute, or law, the provision that contains the more stringent regulation shall be enforced.

(Ord. No. 0109, § 1, 11-26-01; Ord. No. 0204, § 1, 11-25-02; Ord. No. 0307, § 1, 9-22-03)

Sec. 5-383. Effective date of this article.

The effective date of this article shall be immediately upon passage by the governing authority. All ordinances and parts of ordinances concerning signs in conflict with this article are hereby repealed.

(Ord. No. 0109, § 1, 11-26-01; Ord. No. 0204, § 1, 11-25-02; Ord. No. 0307, § 1, 9-22-03)

Secs. 5-384—5-405. Reserved.

ARTICLE X. TREE PROTECTION AND PRESERVATION

Sec. 5-406. Purpose and intent of article.

(a) Trees are declared to be beneficial public resources, deterring soil erosion, increasing air purification, aiding in noise, glare and heat abate-

ment, enhancing property values and contributing to the general health, safety and well-being of the citizens. To that end, it shall be unlawful to cut down, damage, poison or in any manner destroy or cause to be destroyed any trees covered by this article, except in accordance with the provisions of this article.

(b) The provisions of this article shall apply to any person removing trees on any lot or tract of land which is zoned in any category other than residential, whether for himself or on behalf of another person, including all tree removal companies, utility companies or persons in the business of tree removal or construction.

(Ord. No. 861, § 1(5-180), 1-17-94)

Sec. 5-407. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Buildable area means that portion of a lot which is not located within any minimum required yard, landscaped area or buffer; that portion of a lot wherein a building may be located according to current zoning requirements.

Conifer tree means any tree with needle leaves and a woody cone fruit including, but not limited to pine, juniper and cedar species.

Critical root zone means the minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The critical root zone (CRZ) will typically be represented by a circle centering on the tree's trunk with a radius equal in feet to one (1) times the number of inches of the trunk diameter. Example: The CRZ radius of a tree which has a diameter of twenty (20) inches is twenty (20) feet.

Density factor means a unit of measure used to prescribe the calculated tree coverage on a site. See section 5-409.

Development activity means any alteration of the natural environment which requires the approval of a development or site plan and issuance of a development permit. Development activity

shall also include the thinning or removal of trees from undeveloped land in conjunction with a forest management program, and the removal of trees incidental to the development of land or to the marketing of land for development.

Diameter breast height means the diameter in inches of a tree measured at four and one-half (4½) feet above the existing grade.

Drip line means an imaginary, perpendicular line that extends downward from the outermost tips of the tree branches to the ground. The circular area of land surrounding the tree from the trunk to the outermost branches.

Enforcement officer means the city manager or the manager's duly authorized representative.

Hardwood tree for the purposes of this article, means any tree that is not coniferous (cone bearing) shall be classified as a hardwood.

Person means any individual, partnership, corporation, association or other legal entity, including the plural as well as singular, and including utility companies and all tree removal companies and persons removing trees on behalf of others.

Special hardship. A special hardship will be deemed to exist when, in the opinion of the enforcement officer, the planting of the trees required by this article will create unusual problems, including, but not limited to, the following:

- (1) There is inadequate space on the site to permit the normal, anticipated growth and spread of the trees proposed for the site;
- (2) The topography of the site makes planting of the trees particularly difficult or survival of the trees unlikely;
- (3) The placement of the trees would create unsafe conditions for vehicular traffic.

Specimen tree means any tree with a trunk diameter of ten (10) inches or greater or circumference of thirty-two (32) inches or greater as measured at the diameter breast height.

Tree means any self-supporting, woody, perennial plant usually having a single trunk diameter of two (2) inches or more and which in the city

would normally grow to an overall height of a minimum of fifteen (15) feet at maturity.

Tree density means a figure arrived at by measuring the diameter of trees at the diameter breast height. See section 5-409.

Tree planting list means the recommended species of trees as adopted by the board of mayor and commissioners.

Tree protection zone means all lands that fall outside the buildable area of a parcel, including driveways and parking areas, all areas of a parcel required to remain in open space, and/or all areas required as yard areas, buffers or landscaped areas according to the provisions of the zoning ordinance of the city, or by conditions of zoning and variance approval, and/or these administrative guidelines.

(Ord. No. 861, § 1(5-181), 1-17-94)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 5-408. Application—Required; procedure.

(a) Prior to the commencement of any development activity upon any lot or tract of land which is zoned in any category other than residential, the owner or agent responsible for such property shall submit an application for a development permit. No person shall remove, cause to be removed, poison, damage, trim or transplant any tree without first having completed such application, including all information required by this article, and receiving a permit for the development activity proposed.

(b) Each application submitted shall include the following:

- (1) *Identification.* The name, address and telephone number of the owner or tenant of the property shall be shown as well as the lot number and street address of the tract of land included in the application.
- (2) *Site plan.* A map or plat drawn to scale prepared and sealed by a registered surveyor or certified engineer, and in the case of proposed construction, the intended location of

any structures and any related site development which would require the removal of any trees from the site.

(3) *Tree survey.* A map or plat drawn to scale such as the site plan showing the location of every existing tree on the property which is two (2) inches or greater at diameter breast height. The survey shall show the desired location of any structure proposed for the site and any trees which will have to be removed to allow construction and/or related site development. In the event of a development activity which does not involve construction, every existing tree on the property which is two (2) inches or greater at diameter breast height shall be shown, and the proposal shall identify all trees for which removal is planned. In all cases, the tree survey shall identify the species of the tree and the diameter of the trunk of the tree at diameter breast height. Example: Ten-inch red maple, eight-inch pin oak, six-inch white pine.

(4) *Density calculation sheet.* A sheet provided by the city upon which the person shall show the density factor prior to any development activity, the density of trees which will remain if the development activity is permitted, and the density of trees which will need to be added to meet the requirements of this article.

(Ord. No. 861, § 1(5-182), 1-17-94)

Sec. 5-409. Same-Density calculations.

Each application for a permit to remove, trim or transplant trees as required under this article shall be accompanied by a calculation which will determine the number and size of the trees required to comply. The applicant shall determine the size of the tract and the size of the area to be developed. The difference shall be the tree protection zone. The applicant shall also determine the number and size of trees necessary to meet the requirements of the article, the number and size of the trees to be left on the tract, and the number and size of the new trees which will be required to

comply. Example: On a ten thousand-square-foot lot, a person wants to construct a three thousand-square-foot building, resulting in a tree protection zone of seven thousand (7,000) square feet. At a rate of four (4) inches of diameter per one thousand (1,000) square feet, the person would need twenty-eight (28) inches of tree measured at diameter breast height. In this example, the lot already has three (3) trees which will remain after the development activity, and these measure nine (9) inches, five (5) inches and four (4) inches in diameter for a total of eighteen (18) inches; therefore, additional trees with diameters totaling ten (10) inches are required. This could be accomplished by planting two (2) trees with diameters of three (3) inches and two (2) trees with diameters of two (2) inches.

(1) Calculation of required tree density:

Size of Lot: _____ square feet
Size of Structure: _____ square feet
Difference: _____ square feet (Tree Protection Zone)

(Trees required: 4 inches at diameter breast height per 1,000 square feet)

a. (Tree Protection Zone ÷ by 1000 sq. feet) × 4 inches = _____ inches (Required Density)

(2) Density of existing trees:

a. Density of existing trees on lot proposed for development: _____ inches
b. Density of trees to be removed: _____ inches
c. Density remaining after development activity: _____ inches

Note: These figures come from a separate sheet supplied by applicant on which there appears a list of every tree on the site greater than two (2) inches at diameter breast height. List must show the species and diameter of every tree and a notation of all trees to be left in the Tree Protection

Zone, with a total of the diameter of those trees.

(3) Additional density of trees needed:

From (1)a, density of trees required: _____ inches
 From (2)c, density remaining after development activity: _____ inches
 Additional density needed: _____ inches

(Ord. No. 861, § 1(app. A), 1-17-94)

Sec. 5-410. Inspection of site; project approval.

(a) The enforcement officer shall review the application which shall, upon filing, be deemed to constitute consent from the applicant to the enforcement officer and such person as the code enforcement may designate for entry upon land for the purposes of inspection. In reviewing the application, the enforcement officer may consult with the environmental committee, landscape architects, foresters, elected officials and others as he may deem necessary and advisable.

(b) Upon completion of the development activity, the enforcement officer shall inspect the property to determine compliance with the permit and tree density requirement. If the enforcement officer finds that the project does not meet the requirements of this article or that it varies from what was proposed in the application, he shall withhold final approval of the project and notify the applicant of the deficiencies which must be corrected. The applicant shall take prompt action to bring the project into compliance.

(c) When the enforcement officer is satisfied that the project is in compliance, he shall grant his final approval in writing. It shall be the responsibility of the applicant to see that all trees included in the calculation to fulfill the tree density requirement of this article, whether new or existing trees, remain alive for a period of two (2) years from the date of the final approval. Trees that die shall be replaced and the tree density requirement shall be maintained throughout the two-year period.

(Ord. No. 861, § 1(5-183), 1-17-94)

Sec. 5-411. Trees required.

(a) For every tract of land covered by the application described in the preceding section, a determination shall be made of the square footage of the tree protection zone. As a condition of granting a permit, the enforcement officer shall require the applicant to assure that there be a density factor of no less than four (4) inches of tree diameter, measured at diameter breast height, per one thousand (1,000) square feet of area in the tree protection zone. This may be accomplished by calculating the diameter breast height of trees already existing in the tree protection zone, plus any trees transplanted from the buildable area of the tract or from elsewhere. See section 5-409.

(b) In fulfilling the planting requirements of this article, the following rules shall apply:

- (1) As there is a desire to expand the presence of hardwoods, no more than twenty-five (25) percent of trees planted to meet the requirements shall be conifers.
- (2) In determining the tree density factor, no tree of less than two (2) inches at diameter breast height shall be counted, and no trees planted to meet the requirements of this article shall be less than two (2) inches diameter at diameter breast height nor less than eight (8) feet high at time of planting.
- (3) New trees required shall not be located in one (1) particular area of the property but shall, as much as possible, be planted across the entire tract in a manner acceptable to the enforcement officer.
- (4) Where specimen trees exist on the tract, every effort shall be made to avoid their removal.
- (5) During any development activity, every effort shall be made to prevent harm or damage to all trees located in the tree protection zone and no encroachment, placement of solvents, material, construction machinery or temporary soil deposits shall be allowed within six (6) feet of the area inside the drip line of any specimen tree within the zone. Fencing, barricades, or other sub-

stantial devices shall be used to adequately protect trees during construction and any development activity.

- (6) When parking areas are developed on a tract, every effort shall be made to protect existing trees or newly planted trees from damages by motor vehicles. This may be accomplished through the use of curbing or other devices. In addition, efforts shall be made to avoid the placement of impervious material in a tree's critical root zone area.
- (7) All replacement trees and existing trees used to meet the density factor shall be maintained properly to ensure their survival, and any such tree which dies within two (2) years of the date the project receives final approval shall be replaced with trees of sufficient diameter to maintain the density factor.
- (8) Nothing in this article shall be construed to allow the removal of vegetation in a required buffer, except for authorized buffer improvements.

(c) The requirements set forth in this section may be varied by the enforcement officer upon showing that such requirements will create a special hardship in the use of the site as defined in section 5-407. The enforcement officer shall make diligent effort to review various alternatives which would allow compliance with this article, and may suggest the relocation of new structures planned for the site. Following this effort, if the enforcement officer determines that variations are justified, and the tree density factor cannot be met on a particular site, the officer shall be empowered to reach an agreement wherein the applicant may make a contribution to the city which shall be used for the purchase, placement and care of trees. These trees shall be located on property within the city which is under the control of the city or another governmental entity. The amount of the contribution by the applicant shall be based upon the fair market value of the number, size, and type of trees that cannot be planted on the site to meet the tree density requirement plus labor to secure and plant the trees and to maintain the trees for a period of two (2) years after they are planted. The city shall be responsible for selecting

the species and size of the trees and for making arrangements for planting any trees falling under this alternative. Every effort shall be made to assure that the property under development comes as nearly as possible into full compliance with this article. Should it be necessary to grant a variation, in no instance shall more than fifty (50) percent of the required tree density for a particular lot or tract be met through this alternative method. If the variation is granted, the limitation on the percentage of conifers planted shall still apply, and no more than twenty-five (25) percent of whatever trees are planted shall be conifers. (Ord. No. 861, § 1(5-184), 1-17-94)

Sec. 5-412. Tree removal, relocation, or trimming.

(a) When a person desires to remove, relocate or trim a tree as defined in this article, an application shall be filed with the enforcement officer. Upon review of the application, the enforcement officer may issue a permit if one (1) or more of the following conditions is found to exist:

- (1) The tree is located in an area where a structure or improvement will be placed in accordance to an approved plan, and the tree cannot be relocated on the site because of age, type or size of tree.
- (2) The tree is diseased.
- (3) The tree is injured.
- (4) The tree is in danger of falling on or close to existing or proposed structures.
- (5) The tree interferes with existing utility service.
- (6) The tree creates unsafe vision clearance for vehicular movement.
- (7) The tree conflicts with other ordinances or regulations.

(b) The enforcement officer, in reviewing applications for removal and relocation of trees, may suggest possible alternatives which might prevent the loss of particular trees. When a tree must be removed, the applicant shall determine that tree's diameter at diameter breast height and replace that tree with trees of equal diameter. Such

replacement trees shall be located on the same tract from which trees were removed or, if approved by the enforcement officer, they may be located on governmental property within the city.

(c) When a permit for removal is granted, it shall be the responsibility of the applicant to see that all debris from the trees cut or substantially damaged shall be removed from the site in a timely manner, including the removal of any portion of the tree stump above the original natural grade or elevation of the land.
(Ord. No. 861, § 1(5-185), 1-17-94)

Sec. 5-413. Exceptions.

The following shall be exempt from the provisions of this article:

- (1) The routine or seasonal pruning or transplanting of trees.
- (2) In the case of emergencies, such as hurricane, windstorm, flood, freeze or other disasters, whether for one (1) lot or the entire city, the enforcement officer shall be authorized to waive these requirements upon finding that such a waiver is necessary so that public or private work to restore order in the city will not be impeded.
- (3) The requirements of this article shall not apply to any property which is zoned for residential use.
- (4) The removal of trees from horticultural properties such as farms, nurseries or orchards; however, this exception shall not be interpreted to include lumber harvesting incidental to development of the land.
- (5) The necessary removal of trees by a utility company within dedicated utility easements; however, for utility work within street rights-of-way or on public property, compliance with this article is required.
- (6) The removal of trees on public rights-of-way conducted by, on behalf of, or any activity pursuant to work to be dedicated to, a federal, state, county, municipal or other governmental agency in pursuance

of its lawful activities or functions in the construction or improvement of public rights-of-way.

- (7) The removal of trees from golf courses, lakes, detention ponds and drainage easements.
- (8) The removal of any tree which is or threatens to become a danger to human life or property.

(Ord. No. 861, § 1(5-186), 1-17-94)

Sec. 5-414. Fees.

The fee schedule to review applications for permits covered in this article shall be as follows:

(1) Site of 1 acre or less in size.	\$25.00
(2) Site greater than 1 but less than 5 acres.....	50.00
(3) Site greater than 5 acres:	
For first 5 acres	75.00
For each additional acre....	5.00

(Ord. No. 861, § 1(5-187), 1-17-94)

Sec. 5-415. Appeals.

Any person adversely affected by a decision of the enforcement officer in the enforcement or interpretation of this article may appeal such decision to the board of appeals. Such appeal shall be taken by filing written notice thereof with the enforcement officer within ten (10) days after the decision of the enforcement officer. Each such appeal shall be accompanied by payment of the fee established for appeals to said board under section 15 of the city's zoning ordinance.

(Ord. No. 861, § 1(5-188), 1-17-94)

Sec. 5-416. Display of permit.

(a) Any permit issued herein shall be valid for a period of two (2) years from the date of issuance. Failure to commence the work within six (6) months from the date of issuance of the permit shall make the permit void and require that a new application with necessary fees be filed with the city.

(b) The applicant shall prominently display on the site the permit issued. Such permit shall be

displayed continuously while trees are being removed or replaced or work is done as authorized by the permit.

(Ord. No. 861, § 1(5-189), 1-17-94)

Sec. 5-417. Penalty.

Any person violating or failing to comply with any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to the penalties as provided in section 1-8. In addition thereto, such person may be enjoined from continuing the violation. Each tree cut, damaged or poisoned shall constitute a separate offense.

(Ord. No. 861, § 1(5-190), 1-17-94)

Secs. 5-418—5-430. Reserved.

**ARTICLE XI. TELECOMMUNICATIONS
TOWERS AND ANTENNAS**

Sec. 5-431. Definitions.

As used in this article, the following terms shall have the meanings indicated below:

Alternative tower structure shall mean manmade trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna shall mean any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.

FAA shall mean the Federal Aviation Administration.

FCC shall mean the Federal Communications.

Governing authority shall mean the governing authority of the City of Avondale Estates.

Pre-existing towers and antennas shall have the meaning set forth in this section.

Height shall mean, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

Public officer as used in O.C.G.A. § 41-2-17, shall mean the city manager of City of Avondale Estates, or his appointed representative.

Tower shall mean any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

(Ord. No. 879, § 1, 5-27-97)

Sec. 5-432. Purpose.

The purpose of this article is to control the location of towers and antennas and establish height limitations in applicable zoning districts. Height restrictions applicable to buildings and structures shall not apply to towers and antennas.

(Ord. No. 879, § 1, 5-27-97)

Sec. 5-433. Applicability.

Antennas or towers located on property owned, leased, or otherwise controlled by the city, shall be exempt from the requirements of the article. All licenses, permits and/or leases authorizing such antenna or tower must be approved by the governing authority. This article shall not govern any tower and/or in installation of any antenna, that is less than seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only antennas. Any tower or antenna for which a permit has been properly issued, prior to the effective date of this article, shall not be obligated to meet the requirements of this article. However, subsection (e) and (f) of section 5-434, are in effect and will apply. Any such towers or antennas shall be referred to in this article as "pre-existing towers" or "pre-existing antennas." All antenna or tower development activity shall be subject to the requirements of this article.

(Ord. No. 879, § 1, 5-27-97)

Sec. 5-434. Guidelines and requirements.

(a) *General.* This article establishes the following guidelines:

- (1) Location of towers shall be in nonresidential areas;