

City of Baxley

Appling County

Not located in a MSA.

2003 Population Estimate 4,379; +1.0% change from 2000 Census.

Tree City USA for 17 years.

City Tree Board with 7 members; quarterly meetings required by ordinance.

AN ORDINANCE FOR TREE MANAGEMENT; REPEALING PRIOR ORDINANCES IN CONFLICT; AND FOR OTHER PUPOSES

First adopted 1989. Last revised 2000.

Addresses public property and private property.

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For more information, contact:

Shane Crosby

Codes Enforcement Officer

912.367.8300 voice / 912.367.8304 fax

bldcode@yahoo.com

AN ORDINANCE

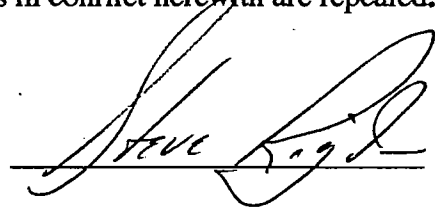
ENTITLED

**AN ORDINANCE FOR TREE MANAGEMENT; REPEALING
PRIOR ORDINANCES IN CONFLICT; AND FOR OTHER PURPOSES.**

BE IT ORDAINED by the Board of Commissioners of the City of Baxley, Georgia, and it is hereby ordained by the authority of same:

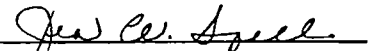
SECTION 1. The proposed "Tree Ordinance" amending Article II, Sec. 78-26 thru 78-37 of the Code of Ordinance of the City of Baxley, Georgia, to promote the public health, safety, and general welfare of the citizenry is hereby approve and adopted. A copy of said "Tree Ordinance" is attached hereto as Exhibit "A" and incorporated herein by reference as fully as if set forth verbatim.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are repealed.



A handwritten signature in black ink, appearing to read "Steve King", is written over a horizontal line.

ATTEST:


City Clerk

Adopted: July 25, 2000

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ARTICLE I - GENERAL PROVISIONS

SECTION I: SHORT TITLE

This ordinance shall be officially know as the "Tree Ordinance" of the City of Baxley.

SECTION II: INTENT

It is the intent of this ordinance to provide standards for the preservation of trees as part of the land development and building construction process; to protect, preserve and promote the aesthetic appeal, character and value of the city; and to promote public health and safety through the reduction of noise, wind protection, erosion prevention, storm water run-off, air pollution, visual pollution and artificial light glare. Any burden imposed by this ordinance should be compensated for by the resulting increases in property values, commercial activity and economic development.

SECTION III: OBJECTIVES

The objectives of this ordinance are to protect, maintain, and enhance both the immediate and long-term health, safety and general welfare of the citizens of the City of Baxley. The following objectives support this purpose by encouraging a productive balance between development and nature.

1. To encourage preservation of trees and prevent unreasonable or unnecessary damage to the City's tree canopy.
2. To promote and enhance the natural value of trees which contribute to the enhancement of public and private property values, contribute to air purification, oxygen regeneration, increased songbird habitat, groundwater recharge, storm water runoff control, noise abatement, to the reduction of energy needed for heating and cooling, and glare;
3. To promote energy conservation by maximizing the shading and cooling effects of trees.
4. To preserve a maximum amount of existing trees and to ensure that local stock of native trees is replenished;
5. To maintain natural beauty in developed areas by promoting the preservation and replanting of trees.

SECTION IV: CITY TREE BOARD, ESTABLISHMENT AND DUTIES

1. **Establishment**

There is hereby established a City Tree Board of the City of Baxley, which board shall consist of a seven members, one (1) of whom shall be a citizen appointed by the Mayor and each Commissioner

shall appoint one member; ex officio members will include the Georgia Forestry Commission Appling County Forester and the City of Baxley's Codes Enforcement Officer.

- (A) Initially, the term of the appointees from the Mayor's and Councilmembers from districts 1, 2, and 3 shall be for (4) years, the terms of the appointees from Councilmembers representing districts 4, 5, and 6 shall serve for (2) years each, and all members shall serve for two (4) years thereafter, except for the Codes enforcement Officer and County Forrester, who shall serve by virtue of his office.
- (B) Said Board member shall serve without compensation.

1. Duties

Among other duties said Board shall present short and long range planning recommendations to the Mayor and the City Commission no less than once each calendar year, in writing and;

- (A) The Tree Board shall meet from time to time as convened by any (4) members, or by the Chairman, but in all events shall convene and meet not less than once quarterly.
- (B) Said Tree Board shall supersede and succeed to the duties of the present City Tree Committee.

SECTION V: DEFINITIONS

As used in this ordinance, the following terms shall mean as follows:

Building Area: That portion of site upon which development may or does occur..

Caliper: This diameter of a tree, which shall be measured twelve (12) inches above the soil line for trees required to have a four (4) inch or greater caliper; or, for smaller trees which shall be measured six (6) inches above the soil line, except that grafted trees shall be measured one (1) inch above the graft union if union can be seen. Measurements of one-half (1/2) inch or more are rounded to the next higher caliper.

Certificate of Occupancy: A certificate issued by the Building Inspection Department certifying that all requirement for development or redevelopment of property have been met and authorizing occupancy of building and structures.

Clearing: The removal of tree of four (4) inch caliper or greater

Crown: The main point of branching or foliage of a tree, or the upper portion of a tree canopy.

DBH: (Diameter at breast height); the diameter of a tree measured at a breast height of fifty-four (54) inches above the ground. If a tree splits into multiple trunks below fifty-four inches, then the trunk is measured at its most narrow point beneath the split. Measurements of one-half (1/2) inch or more are rounded to next higher DBH.

Developed area: The site upon which any building, structure, pavement, landscape material, storm water facility, or other improvement has been or will be placed.

Development Activity: As defined in land disturbance activity below.

Land Disturbance Activity:

- a. The new construction or installation of a structure or parking lot; or
- b. Clearing, or otherwise removing trees (4"DBH or greater) on a site; or
- c. Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, or otherwise significantly disturbing the soil of a site, which would affect trees.

Land Disturbance Approval: An official authorization issued by the City of Baxley allowing the commencement of any land disturbance activities.

Person: Any individual, landowner, lessee, building contractor, developer or other entity involved in the use of real property, including agents, employees, independent contractors or other in privity with any of the above, whether natural persons, corporations, partnerships, joint ventures, or governmental bodies, agencies or officials.

Preserved Tree: Any tree indicated on a site development plan that is to be protected during land disturbance for incorporation into final landscaping.

Site: The total area within the property boundaries of a principal parcel to be developed, or contiguous parcels intended for development under a common scheme or plan.

Specimen Tree: Any tree or grouping of trees which has been determined to be of a high value because of its species, size, age or other professional criteria.

Tree: Any woody plant that normally grows to an overall height of fifteen (15) feet and develops an average mature spread of crown of twelve (12) feet in the Appling County area.

Tree Credit (Tree Density Factor): a numerical representation used to assign values to trees of various sizes to calculate either credit against reforestation requirements, as in the case of trees protected during the development process, or to determine the extent of replanting required, as in the case of removal of protected trees, (see Section VII. B.).

Tree Removal : Removal of a tree means any act which causes a tree to die within a period of two (2) years, including but not limited to,

(A) damage inflicted upon the root system by machinery, storage of materials, or soil compaction;

(B) changing the natural grade of the root system within the drip line;

(C) excessive pruning; paving with concrete, asphalt, or other impervious materials within such proximity as to be harmful to the tree.

SECTION VI: GENERAL EXEMPTION

Utility companies, and governmental agencies constructing or maintaining easements for water, sewer, electricity, gas, drainage, telephone or television transmission shall be exempt from the provisions of this ordinance if the applicable company, or agency has executed an agreement with the city which, at a minimum:

1. Recognizes the need to minimize the cutting or trimming of trees and specimen trees;
2. Establishes, design guidelines for construction and maintenance which identifies the saving of trees and specimen trees as a factor to be considered in the design process;
3. requires a consultation process with the Codes Enforcement officer before the commencement of a major construction project, or maintenance, or the removal of trees and specimen trees;
4. Provides that a breach of such agreement constitutes a violation of this ordinance and a loss of exemption from the requirements of this ordinance.
5. All pruning of trees shall comply with the National Arborists Association, Pruning Standards for Shade trees.

SECTION VII. REPLACEMENT TREES

Replacement trees shall be from the accepted species list (as designed by the University of Georgia Cooperative Extension Service, Bulletin Number 625, "Landscape Plant Material for Georgia."), and shall be a mixture of appropriate species from that list. At least twenty-five (25) percent shall be from the large tree category, unless existing trees remaining on site satisfy the large tree requirement.

SECTION VIII. TREE DENSITY REQUIRED

A. TREE DENSITY REQUIRED

Land cleared for development, or land being proposed for development shall have, after development, not less than fifteen (15) units per acre tree density on a given site larger than one (1) acre. On sites of one (1) acre or less, not less than 7.5 units per acre tree density are required (see section VIII. B.). No credit shall be given to trees that are not on the recommended list without prior approval of the Codes Enforcement Officer.

B. CALCULATION REQUIRED TREE DENSITY UNITS

Step 1 - Multiply the number of acres of site, larger than one (1) acre, by 15 to get required units. On sites of one (1) acre or less multiply the DBH to density units, number of acres of the site by 7.5 to get required units. (Example: A 2.2 acre site requires 33 units) $2.2 \times 15 = 33$

Step 2 - Locate trees to remain on site, and measure DBH of those trees. Convert diameter in inches using Table 1.

Step 3 - Calculate any necessary replacement units by subtracting Step 2 from Step 1. Go to Table 2 for density units for replacement trees.

Table 1. EXISTING TREES TO REMAIN. Conversion from DBH to density follow units for trees remaining on site.

DBH	UNITS	DBH	UNITS	DBH	UNITS
1	.4	19	4.0	37	9.4
2	.5	20	4.3	38	9.7
3	.6	21	4.6	39	10.0
4	.7	22	4.9	40	10.3
5	.8	23	5.2	41	10.6
6	.9	24	5.5	42	10.9
7	1.0	25	5.8	43	11.2
8	1.1	26	6.1	44	11.5
9	1.2	27	6.4	45	11.8
10	1.3	28	6.7	46	12.1
11	1.6	29	7.0	47	12.4
12	1.9	30	7.3	48	12.7
13	2.2	31	7.6	49	13.0
14	2.5	32	7.9	50	13.3
15	2.8	33	8.2		
16	3.1	34	8.5		
17	3.3	35	8.8		
18	3.6	36	9.1		

TABLE 2. REPLACEMENT TREES. Conversion from caliper to density factor units for replacement trees:

CALIPER

UNITS

1	.4
2	.5
3	.6
4	.7
5	.8
6	.9
7	1.0

C. PARKING LOTS OF MORE THAN 100 PARKING SPACES

1. Where the tree density requirements have been met by trees left on the site, the parking lots shall be designed as to place additional trees to break up the large expanse of the paved area.
2. On sites where the tree density criteria has not been met, the site shall be so designed as to plant some of the trees in the large expanse of the paved parking lot to meet the required tree density units.
3. As a general design criteria for 1 and 2 above, it is the intent of this ordinance to require that planting of suitable trees in the parking lot so as to avoid large expanses of pavement and create any environment where the trees will survive and thrive.
4. Multi-level or covered parking areas are exempt from the requirement of this sub-part C.

SECTION IX: ENFORCEMENT

It shall be the duty of the Codes Enforcement Officer to enforce this Ordinance. The City Code Enforcer shall have the authority to revoke, suspend, or void any Land Disturbance Approval and shall have the authority to stop work or suspend all work on a site or any portion thereof. Each preserved tree removed without approval, shall constitute a separate offense.

SECTION X. APPEALS AND PENALTIES

1. Any appeals from the decision of the Codes Enforcement Officer or his designee placing a stop work order on a site, or not granting a building permit, or final occupancy permit shall be taken to the Mayor and Council. The appeal shall be filed with the City Manager, in writing, not less that twelve (12) calendar days prior to the meeting at which the appeal will be heard, and shall specify the reason for the appeal. The appeal shall be heard at the next regularly scheduled meeting of the City Council.

2. Violations of this ordinance or failure to comply with any of the requirements hereof shall be punishable by a fine, which shall not exceed two hundred (\$200.00) dollars for each violation of the tree ordinance. Additionally, damages to the trees shall be repaired to the maximum extent feasible.

If preserved trees are removed without approval of City Engineer, the number of required replacement tree credits in the tree density criteria and fines shall be doubled.

SECTION XI: CONFLICT

Where these provisions conflict with other landscape provision contained within the Zoning Ordinance, the stricter provision shall govern.

SECTION XII: SEVERABILITY

Each separate provision of this ordinance is deemed independent of all other provisions herein so that should any portion or provisions of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

SECTION XIII: EFFECTIVE DATE

This ordinance shall take effect upon the date of its approval.

**ARTICLE II - TREE PROTECTION ON PUBLIC RIGHTS-OF-WAY AND
OTHER PUBLIC LANDS**

SECTION I: APPLICABILITY

The provisions of this ordinance apply to any land disturbing activities affecting trees on public right of ways or other public lands.

SECTION II: APPROVAL PROCEDURES

Request for pruning, removal and replanting of trees shall be forwarded to the Codes Enforcement Officer for approval.

SECTION III: MAINTENANCE OF PUBLIC TREES

All pruning, and tree caring of preserved trees shall be done in accordance with the National Arborists Association, Pruning Standards for Shade Trees.

ARTICLE III - TREE PROTECTION ON PRIVATE PROPERTY

SECTION I: EXEMPTIONS

This article is subject to the following exemptions:

(A) Residential exemption. All single-family and duplex lots in any zone where permitted by the City of Baxley Zoning Ordinance except those lots located in zones that border main thoroughfares. Thoroughfares include: U.S. 1, U.S. 341, S.R. 144, S.R. 15

(B) Agricultural Exemption. Any land zoned agricultural shall be exempt from the provisions of this ordinance.

(C) Commercial tree Operations. Trees grown specifically for sale, such as Christmas trees and nursery stock, are exempt from the provisions of this ordinance.

(D) In the event that any tree shall be determined to be imminently hazardous or dangerous condition so as to immediately endanger the public health, safety or welfare or cause imminent harm to a building, and requires immediate trimming or removal (in some cases) without delay, verbal authorization may be given by the Codes Enforcement Officer or his designee and the tree trimmed or removed in other cases where trimming will not remove the imminent danger.

(G) During the period of an emergency such as a flood, ice storm, thunderstorms, windstorms, tornadoes, or any other act of nature, the requirements of this ordinance may be waived by the Codes Enforcement Officer or his designee.

SECTION II : CLEARING APPROVAL PROCEDURE

1. Approval required for land Disturbance Activity

Except for the exemptions stated above, a property owner shall not commence any land disturbance activity on his/her property without first obtaining a land Disturbance Approval.

Applications for approval for land-disturbance activities shall be submitted by the land owner or an authorized agent on a form provided for this purpose. Such applications shall be submitted to the Codes Enforcement Officer along with all required attachments.

2. All plans and related documentation shall be reviewed by the codes enforcement officer for conformance to the provisions of this ordinance and either approved, returned for revisions, or denied within 14 days of receipt. If denied, the reason for denial shall be annotated on the plan or otherwise stated in writing.

3. A tree protection plan shall show:

- a. The location of existing and proposed buildings, parking, and other pertinent areas of development
- b. The location and species of all trees to be retained on the site for which tree density credit are to be claimed. Applicant shall make a reasonable effort to save large trees on site.
- c. The location of all trees to be planted on site for which tree density credit are to be claimed, giving their respective species.
- d. All tree protective measures to be utilized for trees that are to remain on the site.

4. If a tract is to be developed in phases, then a separate approval shall be required for each phase as appropriate.

SECTION III OFF-SITE REPLANTING REQUIREMENTS

On sites to be developed with fewer than 100 parking spaces, when impractical to meet the criteria for replanting on the confines of the property to be developed, shall provide for replanting to occur on other properties within the city, public or private, that are acceptable to the codes officer, provided all other requirements are met.

As an option to provision for off site replanting, the applicant may pay to the city \$100 per tree density unit to plant the required number of replacement trees on public lands and right of ways.

SECTION IV: BUILDING PERMITS AND OCCUPANCY PERMITS

No building permit shall be issued unless and until a land disturbance approval has been secured. A final occupancy permit shall not be issued until the application is in compliance with this ordinance upon final inspection or that provisions satisfactory to the codes officer have been made for compliance, in no event more than 6 months after occupancy.

SECTION V: TREE MAINTENANCE

Care and maintenance of trees is encouraged to minimize health and safety risk.