

# **City of Cedartown**

**Polk County**

**Not located in a MSA.**

**2003 Population Estimate 9,583; +1.1% change from 2000 Census.**

**Tree City USA for 12 years.**

**City Tree Board (also referred to as "Tree Commission") with 5 members;  
no meeting frequency required by ordinance.**

## **Chapter 2. ADMINISTRATION**

### **Division 4. Tree Commission**

## **Chapter 86 VEGETATION**

**Year first adopted or last revised unknown.**

**Addresses public property.**

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## Chapter 2 ADMINISTRATION\*

**\*Charter references:** Administrative affairs, § 4.10 et seq.

**Cross references:** Personnel, ch. 62; zoning, ch. 94.

**State law references:** Supplemental powers of municipalities and counties enumerated, Ga. Const. art. 9, sec. 2, par. 3; powers relating to administration of municipal government generally, O.C.G.A. § 36-34-2; The Municipal Home Rule Act of 1965, O.C.G.A. § 36-35-1 et seq.

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**DIVISION 4. TREE COMMISSION****Sec. 2-136. Created; members.**

(a) There is hereby created and established a city tree board for the city which shall consist of five members, composed of citizens and residents of this city, who shall be appointed by the city commission and shall be referred to as the Cedartown Tree Commission.

(b) The term of the members shall be for three years. For the initial appointment to the first board, one member shall be appointed for a one-year term, two members shall be appointed for a three-year term. If a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

(c) The tree commission members shall serve without compensation.

(Ord. No. 3-1994, § 1, 2-14-94)

**Sec. 2-137. Organization, records, rules of procedure.**

The tree commission shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

(Ord. No. 3-1994, § 1, 2-14-94)

**Sec. 2-138. Responsibilities, duties.**

It shall be the responsibility of the tree commission to study, investigate, counsel and develop and/or update annually and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees in the parks, along streets and in other public areas. Such plan will be presented annually to the city commission and upon its acceptance and approval shall constitute the official comprehensive city tree plan for the city. The tree commission, as requested by the city commission, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of these duties.

(Ord. No. 3-1994, § 1, 2-14-94)

## Chapter 86 VEGETATION\*

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**\*Cross references:** Buildings and building regulations, ch. 18; environment, ch. 38.

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Article I. In General

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## ARTICLE II. TREES

### Sec. 86-31. Definitions.

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

*Official tree species list* means the official list of trees authorized for planting, class and distance of each species to curbs or curbing and sidewalks as maintained by the city manager, as approved by the city commission.

*Park trees* means those trees 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 lying between property lines on either side of all streets, avenues or ways within the city.

(Ord. No. 3-1994, § 1, 2-14-94)

**Cross references:** Definitions generally, § 1-2.

### Sec. 86-32. Specifications for tree plantings.

(a) *Species.* No species of street tree shall be planted unless specifically listed on the official tree species list.

(b) *Spacing.* Spacing of street and park trees will be in accordance with the tree species size and class listed on the official tree species list and no trees may be planted closer together than specified on the official tree species list except in special plantings designed or approved by a landscape architect.

(c) *Distance from curbs, sidewalks.* The distance trees may be planted from curbs, curbing and sidewalks will be in accordance with the distance specified on the official tree species list. No street trees other than those species listed as small trees on the official tree species list may be planted closer than 35 feet from any curbs or curblines. No street tree shall be planted closer than ten feet from any fireplug.

(d) *Distance from utility installations.* No street trees other than those species listed as small trees on the official list may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

(Ord. No. 3-1994, § 1, 2-14-94)

### Sec. 86-33. City authority to plant, maintain and remove trees.

(a) 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 the public grounds. The city tree commission may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or

other public improvements, or is affected with any injurious fungus, insect or other pest.

(b) No tree, except any tree which is an immediate threat to the safety and welfare of the citizens of Cedartown due to the tree's damage by storm, lightning or other calamity, shall be removed and/or cut down without the approval of the city commission. The tree commission may recommend removal of any tree to the [city] commission, but ultimate authority concerning the removal of such tree shall be vested in the [city] commission.

(Ord. No. 3-1994, § 1, 2-14-94; Ord. No. 28-1998, § 1, 12-14-98)

#### **Sec. 86-34. Tree topping requires authorization.**

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 inches in diameter within the tree's crown to such a degree so 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 obstructions where other pruning practices are impractical may be exempted from this section at the determination of the city tree commission.

(Ord. No. 3-1994, § 1, 2-14-94)

#### **Sec. 86-35. Pruning; corner clearance, clear space along public way.**

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 view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street or sidewalk. The owners shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

(Ord. No. 3-1994, § 1, 2-14-94)

#### **Sec. 86-36. Tree removal and pruning on private property.**

The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The city tree commission will notify in writing the owners of such trees. Removal shall be done by the owners at their own expense within 60 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove the trees and charge the cost of removal to the owner as provided by law.

(Ord. No. 3-1994, § 1, 2-14-94)

#### **Sec. 86-37. 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 does not project above the surface of the ground.

(Ord. No. 3-1994, § 1, 2-14-94)

**Sec. 86-38. Interference with tree commission.**

It shall be unlawful for any person to prevent, delay or interfere with the city tree commission or any of its agents while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees, or trees on private grounds, as authorized in this division.

(Ord. No. 3-1994, § 1, 2-14-94)

**Sec. 86-39. Arborist's license and bond.**

It shall be unlawful for any person to engage in the business or occupation of pruning, treating or removing street or park trees within the city without first applying for and procuring a license. The license fee in the amount set forth in the schedule of fees and charges in appendix C of this Code shall be paid annually in advance; provided, however, that no license shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000.00 for bodily injury and \$100,000.00 for property damage indemnifying the city or any person injured or property damaged resulting from the pursuit of such endeavors as described in this section.

(Ord. No. 3-1994, § 1, 2-14-94)

**Sec. 86-40. Penalty.**

Any person violating any provision of this article shall, upon conviction or a plea of guilty, be punished as provided in section 1-13.

(Ord. No. 3-1994, § 1, 2-14-94)