

# **City of Douglas**

## **Coffee County**

**Not located in a MSA.**

**2003 Population Estimate 10,753; +1.2% change from 2000 Census.**

**Tree City USA for 17 years.**

**No tree board established by ordinance.**

### **Tree and Landscape Ordinance**

**First adopted 1978. Last revised 2002.**

**Addresses public and private property.**

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Article VI, Section 606.65, Parking Lot Landscaping

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## Chapter 94

### VEGETATION\*

#### Article I. In General

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- Sec. 94-3. Area between property line and street.
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- Sec. 94-5. Same—Periodic clearing by owner.
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- Sec. 94-7. Same—Failure to remove.
- Secs. 94-8—94-30. Reserved.

#### Article II. Trees and Shrubs

- Sec. 94-31. Short title.
- Sec. 94-32. Definitions.
- Sec. 94-33. Intent.
- Sec. 94-34. Properties affected.
- Sec. 94-35. Permit—Required for removal of trees.
- Sec. 94-36. Same—Plot plan required.
- Sec. 94-37. Same—Application review.
- Sec. 94-38. Hazardous conditions.
- Sec. 94-39. Protection of trees during development.
- Sec. 94-40. Attachments to trees.
- Sec. 94-41. Removal of trees partially on public lands.
- Sec. 94-42. Obstructions at intersections of public rights-of-way, drives, walkways, etc.
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- Sec. 94-44. Enforcement.
- Sec. 94-45. Appeals.
- Sec. 94-46. Penalty.

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\*Cross references—Buildings and building regulations, ch. 18; cemeteries, ch. 26; erosion and sedimentation control, § 38-61; offenses and miscellaneous provisions, ch. 62; solid waste, ch. 74; subdivisions, app. B.

**ARTICLE I. IN GENERAL****Sec. 94-1. Trimming of trees interfering with utility lines.**

The city shall have the right, power and authority to cut the limbs from the trees which cause or may cause damage to overhead utility lines. The city shall use proper pruning techniques.

(Code 1978, § 21-18)

**Sec. 94-2. Trees and shrubbery; planting.**

All persons planting trees or shrubbery of any nature or kind upon the sidewalks of the city or on property owned by the city shall plant such trees and shrubbery according to such rules and regulations as might be established by the city manager, the director of the community services department, grounds maintenance division and the board of commissioners. All trees shall be planted in a line with other trees on the same sidewalk. In case of any failure to comply with this section the city manager may have all trees and shrubbery that are planted in violation of the same removed at the expense of the person so offending.

(Code 1978, § 21-16)

**Sec. 94-3. Area between property line and street.**

It shall be unlawful for any property owner or lessee within the city to allow any weeds, or rank vegetation of any character to grow within the area between the property line and the outer edge of the street curb. It shall be the duty of such owner or lessee to keep grass plots between the property line and the outer curb properly cut or mown.

(Code 1978, § 12-3)

**Sec. 94-4. Vacant property—Overgrowth prohibited.**

It shall be unlawful for owners of vacant property within the city to allow same to become encumbered by growth of weeds or other vegetation not contemplated in the city's tree ordinance or in the cultivation of a garden or truck farm.

(Code 1978, § 12-4)

**Sec. 94-5. Same—Periodic clearing by owner.**

All property covered by growth of weeds or undergrowth prohibited above shall be cleared of the same by the owner thereof not later than August 1 each year, and not later than July 15 each year.

(Code 1978, § 12-5)

**Sec. 94-6. Same—Removal of vegetation obstructing utility meters.**

Where an electric, gas or water meter is located on private property, the city shall at all times have the right and authority to go upon such premises for the purpose of trimming and pruning vegetation which obstructs the reading of such meter.

*Plantings* means any flower, bush, vegetable, grass, etc., other than a tree or shrubbery.

*Shrubbery* means any perennial woody growth with branches at or near the ground.

*Tree* means any self-supporting woody plant usually with one or more main stem or trunk normally growing to a minimum overall height in excess of 15 feet.

(Code 1978, § 21½-3)

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

#### **Sec. 94-33. Intent.**

By the adoption of this article it shall be the intent of the city commission to ensure the preservation and maintenance of trees within the city; to establish protective regulations for the planting and maintenance of trees, shrubbery, plantings, etc., within the public rights-of-way and within publicly owned land; to establish minimum regulations governing the removal and/or destruction of certain trees within privately developed land areas within the city; to encourage the planting and growth of enumerated tree species within the city; to prescribe the location and species of tree planting on public property; to protect the public utilizing public rights-of-way and property by regulating the installation and/or maintenance of any structure, fencing, trees, shrubbery, plantings or growth of any nature interfering with the safety and welfare of persons utilizing the public rights-of-way within the city.

(Code 1978, § 21½-2)

#### **Sec. 94-34. Properties affected.**

The terms and conditions of this article shall apply to all real property within the city with the exception of that property occupied as a single-family residence and including all public lands and rights-of-way.

(Code 1978, § 21½-4)

#### **Sec. 94-35. Permit—Required for removal of trees.**

It shall be unlawful for any person, without first obtaining a permit from the building official of the city to do so as herein provided to remove, or effectively remove through damaging, any tree with a trunk d.b.h. of four inches within the city. Any trimming of trees in the public rights-of-way shall be under the direction and supervision of the city.

(Code 1978, § 21½-5)

#### **Sec. 94-36. Same—Plot plan required.**

The request for a tree removal permit shall be accompanied by a plot plan showing:

- (1) Location of all trees and general identification of species.
- (2) Location of existing and/or proposed structures.
- (3) Identification of trees to be removed and those to be retained.
- (4) Location of all means of ingress and egress to the property affected.

(b) *Commercial-industrial development.* In the development of commercial and/or industrially zoned property, all applications for building permits shall be accompanied by a plot plan as outlined in section 94-36. In the establishment of parking areas required to serve commercial and industrial property, there shall be presented by the developer of such property a plot plan on which is shown those trees to be removed and those which shall remain after installation of the parking facilities.

(c) *Minimum trees required in parking facilities.* There shall be required within the overall landscape plan of any commercial or industrial parking lot development a minimum of one tree for every ten parking spaces contained in the developed parking lot, with a minimum of one tree for each business establishment served by the parking lot.

(d) *Substitution of trees.* If, due to development conditions beyond control of the developer of any commercial or industrial property within the city, there does not exist the minimum number of trees as required in subsection (c) of this section, the developer/owner of the property shall ensure the installation and continued maintenance of the required number of trees as directed by the community services department of the city or in the alternative, the developer/owner shall install and maintain shrubbery and/or planting as directed by the community services department of the city up to the value of the trees required to be installed under the terms and conditions of this article. All trees required to be installed under the conditions of this section shall be a minimum of eight feet in height at time of installation, one inch caliper, and comply with the American Standard for Nursery Stock, on file in the community development office.

(e) *Paving around trees.* No pavement consisting of concrete, asphalt or other impervious material shall be permitted within three feet of the outside diameter of any tree located in any parking lot area within the city.

(Code 1978, § 21½-9)

#### **Sec. 94-40. Attachments to trees.**

It shall be unlawful for any person to tie on, tack, nail or attach in any manner any banner, sign or placard of any kind to any tree.

(Code 1978, § 21½-10)

#### **Sec. 94-41. Removal of trees partially on public lands.**

The removal of any trees located partially on public land shall be permitted only when it is determined the trunk of such tree at ground level is located more than 50 percent on private property. The person requesting removal of such tree shall be responsible for all costs incurred in connection with the removal, including restoration of public land, utilities and appurtenances to their original condition.

(Code 1978, § 21½-11)

Chapters 95–97

**RESERVED**

- (o) Service and repair establishments, except those specifically mentioned elsewhere in this subsection: One space per 400 square feet of net floor area.
- (q) Automobile service stations: Three spaces for each bay, grease rack, washing stall, or similar facility.
- (r) Automobile, farm equipment, machinery and furniture sales and repair establishments: One space for each 150 square feet of net floor area.
- (s) Mortuaries and/or funeral homes: One space per 3 fixed seats and one space for each 25 square feet of floor area available for the accommodation of movable seats in the largest assembly area
- (t) Planned shopping centers: one space for each 225 square feet of net floor area
- (v) Schools, including both public and private educational institutions: Elementary and middle schools – 2 per classroom; High School – 5 per classroom; College, Trade and Vocational Tech – 10 per classroom.
- (w) Mobile Home Parks: Two per mobile home site.
- (x) Adult Entertainment Businesses: One space per 200 square feet of net floor area.

By Amending Article VI, Section 606.65, Parking Lot Landscaping, by adding the following:

(h) Irrigation System- For parking lots with 20 or more spaces, an underground irrigation system with electrical time clock, to serve and support all landscaped areas is required.

(i) Minimum of 60% area of landscaped islands in all parking areas shall be comprised of trees, shrubs and ground cover. 100% requirement for trees, shrubs and ground cover in landscaped areas adjacent to buildings and minimum of 30% coverage of trees, shrubs and ground cover in landscaped areas around the periphery of all paved parking areas and behind public sidewalks. All trees and shrubs shall be thoroughly mulched. Shrubs are generally defined as multi-stemmed evergreens and deciduous trees. This includes perennials, the likes of lirioden, desmettes, monkey grass, etc. but not regular grass.

- (j) Compliance and Enforcement – The department shall perform an inspection following the installation of new trees, shrubs or other landscape materials plants to meet the requirements of this ordinance, and must verify that it meets the requirements before issuance of a certificate of occupancy or final plat approval as appropriate to the project. The department will also inspect the site one year following the installation to verify that the plantings are being properly being maintained.
- (k) Violation and Penalty - Any person violating any provision of this ordinance shall be guilty upon conviction by a court of competent jurisdiction and shall be punished for each offense according to Section 1-12 of the Code of