

City of East Point

Fulton County

Atlanta MSA

2003 Population Estimate 37,220; -7.6% change from 2000 Census.

Not a Tree City USA.

No tree board established by ordinance.

Part 10 PLANNING AND DEVELOPMENT

Chapter 6. Tree Protection

CHAPTER 1. STREETS AND SIDEWALKS

Article B. Trees and Plantings

Year first adopted or last revised unknown.

Addresses public and private property.

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Part 10 PLANNING AND DEVELOPMENT

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CHAPTER 6. TREE PROTECTION*

***Editor's note:** Ord. No. 002-01, § 1, adopted Feb. 5, 2001, repealed former Ch. 6, §§ 10-6001--10-6010, 10-6012--10-6015, in its entirety which pertained to similar subject matter and derived from the Code of 1959 and Ord. No. 739-81, § 1, adopted Feb. 16, 1981.

Cross references: Trees and plantings, §§ 8-1031--8-1044; landscaping requirements, § 10-2062 et seq.

- § 10-6001. Definitions.
- § 10-6002. Applicability.
- § 10-6003. Vegetation disturbance permit required.
- § 10-6004. Vegetation disturbance permit for developed single-family lot.
- § 10-6005. Appeal procedure.
- § 10-6006. Tree protection requirements.
- § 10-6007. Guidelines for protection.
- § 10-6008. Guidelines for tree replacement.

Sec. 10-6001. Definitions.

Clearing: An activity which removes or disturbs the vegetative cover including trees.

Crown dripline: A vertical line extending from the outer surface of a tree branch tips to the ground.

DBH (diameter-at-breast height) is a standard measure of tree size, and is the trunk diameter, measured in inches at a height of four and one-half (4.5) feet above the ground. If a tree trunk splits into multiple trunks below four and one-half (4.5) feet, each trunk is measured separately and the trunk diameters are added together. A tree which splits into multiple trunks above four and one-half (4.5) feet is measured as a single tree at four and one-half (4.5) feet.

Deciduous tree: Any tree which drops its leaves at the end of a growing season.

Dripline area: The total area underneath a tree which encompasses all crown driplines.

Evergreen: Any tree which retains its foliage throughout the year.

Land disturbance permit: A permit issued to authorize the disturbance of land and vegetation.

Landscaping: Any additions to the natural features of land to restore construction disturbance and make it more attractive, as by adding ground cover, shrubs and trees to the natural environment.

Landscaping areas: An area set aside for the installation and maintenance of planting materials.

Landscaping ordinance: City Code sections 10-2062--10-2069 which establishes minimum requirements as to the number, size, type and location of vegetation for landscaping improvements.

Natural vegetation: A generally undisturbed, maintenance free, self perpetuating stand of vegetation comprising indigenous shrubs, flowers, wild grasses and trees.

Natural vegetation area: The areas within the boundaries of a given lot which is devoted

to natural vegetation.

Protection area: All land which falls outside the buildable area of a lot or parcel of land, all areas of the parcel required to remain open space, the dripline areas beneath a tree or clusters of trees to be retained, and/or all areas required to remain landscape strips or buffers according to the City of East Point zoning ordinance or conditions of zoning approval.

Shrub: A woody plant or bush of relatively low height (two (2) to twelve (12) feet).

Specimen tree or Stand: Any tree or grouping of trees which has been determined to be of high value because of its species, size, historic significance, age or location. General criteria for the determination of specimen trees or stands as follows:

- (1) Any deciduous tree whose DBH exceeds thirty (30) inches.
- (2) Any evergreen tree whose DBH equals or exceeds twenty-four (24) inches.
- (3) Any understory tree whose DBH exceeds ten (10) inches.
- (4) Any tree which has historical value and can be documented through historical records or otherwise.

The city shall mean the City of East Point, Georgia.

Understory tree: Any tree or woody plant which is of lesser height and spread than the surrounding evergreens or deciduous trees but which still provides shade and a degree of protection to the earth and vegetation beneath it.

Vegetative buffer: That portion of a lot set aside with adequate natural and planted vegetation to accomplish visual and sound screening to separate incompatible land uses or street right-of-way from the developed portion of a lot or parcel of land.

(Ord. No. 002-01, § 1, 2-5-01)

Sec. 10-6002. Applicability.

Exemptions from the City of East Point tree protection ordinance are:

- (a) Orchards, tree nurseries and land used for silviculture in active operation.
- (b) Dead, diseased or infested trees as determined by qualified employees of the Georgia Forestry Commission, or the local office of the University of Georgia's Cooperative Extension Service.
- (c) On developed single-family residential Lots, the owner may remove any trees not defined as specimen tree elsewhere in these regulations.

(Ord. No. 002-01, § 1, 2-5-01)

Sec. 10-6003. Vegetation disturbance permit required.

(a) Prior to issuance of a vegetation disturbance permit for any site, covered by this ordinance seven (7) copies a tree protection plan (TPP) must be submitted to the City of East Point community services department. The department shall review the plan to ascertain compliance to the city tree protection ordinance. It is required that a qualified landscape architect, surveyor or Georgia Forestry Commission certified urban forester, or certified arborist prepare the TPP.

(b) The TPP must include:

- (1) The exact location of all existing trees and specimen trees over ten (10) inches DBH, clearly indicating which will be retained to meet the tree protection requirements, their size, dripline area and species.
 - (2) The location size and species of all replacement trees.
 - (3) The boundaries of all required buffer areas.
 - (4) The boundaries of all existing and proposed landscape areas.
 - (5) The boundaries of all proposed building areas.
 - (6) The boundaries of all vehicle and pedestrian use areas.
 - (7) All existing and proposed utilities.
- (c) Upon submittal of the TPP the department shall:
- (1) Conduct a preliminary review of the TPP.
 - (2) Conduct an on-site inspection to determine if there are any specimen trees.
 - (3) Return a copy of the TPP either approved or with changes which must be made prior to the disturbance of vegetation.
- (d) After final approval of the TPP the developer shall install tree protection measures prior to disturbance of vegetation.

(Ord. No. 002-01, § 1, 2-5-01)

Sec. 10-6004. Vegetation disturbance permit for developed single-family lot.

Upon application, as described in section 10-6003 of this chapter, a permit for specimen tree removal from a single-family residential lot may be issued for up to ten (10) trees for which is demonstrated the existence of disease or damage to the owner or to the public. In such case no tree protection plan and tree replacement shall be required.

(Ord. No. 002-01, § 1, 2-5-01)

Sec. 10-6005. Appeal procedure.

- (a) Any submitter who is aggrieved by a decision of the department relating to the application of this ordinance shall have the right to appeal the decision to the city planning and zoning commission.
- (b) Such appeal shall be filed, in writing, no later than ten (10) days after the decision in question. The appeal shall be heard no later than thirty (30) days after filing of the appeal.
- (c) The planning and zoning commission shall have right to overturn, modify, or affirm the decision of the department.

(Ord. No. 002-01, § 1, 2-5-01)

Sec. 10-6006. Tree protection requirements.

Property subject to this chapter shall retain a minimum of twenty (20) percent of all trees ten (10) inches or larger DBH.

(Ord. No. 002-01, § 1, 2-5-01)

Sec. 10-6007. Guidelines for protection.

Listed below are guidelines for tree protection to be followed during the grading and construction process.

- (a) All individual stand-alone trees to be retained on site must be marked with orange engineering tape, tied around the trunk of the tree at a height of five (5) feet above ground.
- (b) The tree protection area (dripline area) of stand-alone trees and stands of trees will be marked with standard construction fencing (orange) with stakes placed every ten (10) feet.
- (c) If initial development is limited to streets, drainage easements and utilities, a TPP indicating only those trees ten (10) inches DBH or larger which are to be removed during initial development must be submitted. Vegetation disturbance shall be limited to those areas accounted for on the TPP.
- (d) If it is determined that irreparable damage has been done to a tree in a tree protection area the developer, shall be responsible for the replacement of that tree as provided in this chapter under section 10-6008.
- (e) Subdivision of residential tracts exceeding twenty-five (25) acres may utilize an alternative protection plan approved by the zoning administrator.

(Ord. No. 002-01, § 1, 2-5-01)

Sec. 10-6008. Guidelines for tree replacement.

If the tree preservation requirements of this chapter make reasonable use of a property impossible or if a tree in a tree protection area is irreparably damaged, the following replacement requirements shall be followed after the construction process is complete:

- (a) The trees shall be replaced diameter inch for diameter inch with minimum three-inch DBH trees of the same species. If the species of the existing tree is unsuitable for replacement (see list Appendix C) or is unavailable, an inch for inch replacement of minimum three (3) inch DBH trees of a suitable species (see Appendix A and B) shall be planted.
- (b) All trees selected for replacement must be quality specimens free of disease, injury or infestation: and must be ecologically compatible with the specifically intended growing area (see appendices A and B).
- (c) All replacement trees must be planted before a certificate of occupancy is issued or subdivision streets and easements will be accepted.
- (d) Replacement trees planted shall fall under the maintenance provisions of the city landscaping ordinance [sections 10-2062--10-2069.
- (e) Specimen trees shall be replaced with specimen trees and understory trees shall be replaced with understory trees (see Appendices A and B).
- (f) Where the minimum tree diameter can not be met due to natural site constraints, the developer, builder shall provide the remaining balance of the required trees for planting on public property.

(Ord. No. 002-01, § 1, 2-5-01)

Editor's note: Appendices A--C are not set out herein but are available in the office of the city clerk.

CHAPTER 1. STREETS AND SIDEWALKS

Article A. General Provisions

- § 8-1002. House numbers—Duty of owners or occupants to apply for proper numbers.
- § 8-1003. Same--Size, material, etc.
- § 8-1004. Same--Method of numbering.
- § 8-1005. Same--Improper numbering; failure to number.
- § 8-1006. Enclosure of streets, etc.—During emergency.
- § 8-1007. Same--Breaking or removing material.
- § 8-1008. Same--Unlawful entry.
- § 8-1009. Duty of abutting property owners to keep sidewalks clean and safe.
- § 8-1009.1. Obstruction of sidewalks, gutters and streets.
- § 8-1010. Dangerous conditions in streets, sidewalks, buildings.
- § 8-1011. Closing of street crossings.
- § 8-1012. Erection of structures over streets; permit required.
- § 8-1013. Lighting of obstructions placed on streets.
- § 8-1014. Awnings, height.
- § 8-1015. Use of heavy equipment on private or public roads; consent of owner or permit from city engineer required.
- § 8-1016. Outside burning prohibited.
- §§ 8-1017–8-1030. Reserved.

Article B. Trees and Plantings

- § 8-1031. Public shade trees—Authority of council.
- § 8-1032. Same--Permits for cutting required.
- § 8-1033. Trimming of trees and tree branches constituting hazard to utility lines or citizens.
- § 8-1034. Planting of trees near streets, sidewalks.
- § 8-1035. Removal of trees causing injury to pavement--Duty of engineer to do so; exceptions.
- § 8-1036. Same--Inspection to determine, remedial action.
- § 8-1037. Same--Notice to city attorney.
- § 8-1038. Same--Condemnation proceedings.
- § 8-1039. Same--Interference with officials.
- § 8-1040. Trimming shrubbery near driveways--Required.
- § 8-1041. Same--Notification of violators.
- § 8-1042. Same--Compliance with notice.
- § 8-1043. Same--When community development to trim; levying of costs.
- § 8-1044. Restrictions on the planting of lawns.
- §§ 8-1045–8-1060. Reserved.

Article C. Construction

- § 8-1061. Street, drive, walk, sewer, storm drain improvements; contract and bond requirements.
- § 8-1062. Notice to owner of impending construction and/or repair to be assessed.
- § 8-1063. Minimum width of new streets.
- § 8-1064. Liability insurance--Required; evidence of responsibility.
- § 8-1065. Same--Requisites for approval.
- § 8-1066. Acceptance of public improvements.
- § 8-1067. Excavations in streets and sidewalks--Permit required; application for permit.
- § 8-1068. Same--Responsibility of permittee.
- § 8-1069. Same--Refilling excavations.
- § 8-1070. Same--Lighting and flagging excavations.
- § 8-1071. Same--Notification of abutting property owners to make necessary stub-outs prior to street or sidewalk paving; required.
- § 8-1072. Same--Excavations upon failure of abutting property owners to make necessary stub-outs prior to paving.
- § 8-1073. Charge for engineering services furnished private persons.
- §§ 8-1074–8-1090. Reserved.

Article D. Sidewalks, Curbs

and Driveways

- § 8-1091. Sidewalk and driveway specifications.
- § 8-1092. Construction of driveway approaches--Specifications.
- § 8-1093. Same--Owner's expense.
- § 8-1094. Same--Permit required.
- § 8-1095. Grading or paving sidewalks--By private person; permit required.
- § 8-1096. Same--Line and grade to be obtained.
- § 8-1097. Same--Time of completion.

§ 8-1098. Refusal of city to give line or grade for curbs or sidewalks.

§ 8-1099. Authority of director of public works.

§§ 8-1100--8-1102. Reserved.

ARTICLE A. GENERAL PROVISIONS

Sec. 8-1001. Official block numbers.

The city block numbers as prepared and placed on the 1915 city map by C.S. Roberts, county surveyor, are hereby adopted as the official block numbers of the city.

(Code 1959, § 19-1)

Sec. 8-1002. House numbers--Duty of owners or occupants to apply for proper numbers.

Each owner or occupant of a house, or part thereof, shall apply to the city engineer for the proper number of his house.

(Code 1959, § 19-2)

Sec. 8-1003. Same--Size, material, etc.

The owner or occupant of any house shall have the right to determine the size, material and location of such numbers, except that the numbers shall be inscribed or affixed in a conspicuous place, and shall be of such size, color or character that may be readily read from the street by any person of ordinary vision.

(Code 1959, § 19-3)

Sec. 8-1004. Same--Method of numbering.

All houses fronting on the various streets and alleys in the city shall be numbered under the supervision of the city engineer.

(Code 1959, § 19-4)

Sec. 8-1015. Use of heavy equipment on private or public roads; consent of owner or permit from city engineer required.

It shall be unlawful for any person to use any public or private road, street, alley, lane, sidewalk, way, drive or driveway for the purpose of operating any heavy vehicle on, over, along or across the same, or any part thereof, or for moving any heavy machinery, equipment, freight, load or thing on, over, along or across any such road, street, lane, alley, drive, sidewalk, way or walkway, so that such operation or use results in more injury or damage to such road, street, way, drive, alley, lane, sidewalk, driveway or walkway than is inflicted by common everyday traffic by the general public, without the consent of the owner, if the road, street, lane, alley, sidewalk, drive, walkway, driveway or way be private, nor without a special permit from the city engineer issued pursuant to uniform city standards if it be public.

(Code 1959, § 19-27)

Sec. 8-1016. Outside burning prohibited.

The outside burning of trash, debris, leaves, wood, tree limbs or other similar substances, including the open burning of grass, weeds or vegetation is unlawful in the City of East Point and shall be prohibited except that grills, pits or outdoor fireplaces may be used for cooking purposes only.

(Code 1959, § 11-29; Ord. No. 853-83, § 1, 8-15-83; Ord. No. 1008-90, § 1, 10-1-90)

Editor's note: Provisions designated as § 6-2044 by Ord. No. 1008-90, § 1, adopted Oct. 1, 1990, have been included herein at the direction of the city as § 8-1016.

Cross references: Fire prevention and protection, Part 6, Ch. 2.

Sec. 8-1017. Reserved.

Editor's note: Section 1 of Ord. No. 903-86, adopted May 19, 1986, repealed § 8-1017, relative to routes and hours for moving houses and penalties therefor, which provisions derived from Ord. No. 841-83, § 1, adopted March 21, 1983.

Secs. 8-1018--8-1030. Reserved.

ARTICLE B. TREES AND PLANTINGS**Sec. 8-1031. Public shade trees--Authority of council.**

The city council shall have under its control all shade trees growing on the public streets of the city. It shall cause all statutes and ordinances made for the protection of the trees to be strictly enforced, and shall cause legal proceedings to be instituted against all persons violating such statutes and ordinances.

Sec. 8-1032. Same--Permits for cutting required.

No person shall cut or trim any shade tree growing on the public streets for the purpose of stringing wires thereon, or for any similar purpose, without the permission of the council.

(Code 1959, § 19-32)

Sec. 8-1033. Trimming of trees and tree branches constituting hazard to utility lines or citizens.

It shall be the duty of the director of public utilities to cause to be trimmed, trees and tree limbs and branches which overhang sidewalks, streets, or utility lines maintained by the city when such trees, limbs, or branches constitute a hazard to such utility lines or to citizens using the streets and sidewalks.

(Code 1959, § 19-32.1)

Sec. 8-1034. Planting of trees near streets, sidewalks.

It shall be unlawful to plant or replant any tree within ten (10) feet of any street or sidewalk or public driveway within the city.

(Code 1959, § 19-33)

Sec. 8-1035. Removal of trees causing injury to pavement--Duty of engineer to do so; exceptions.

It shall be the duty of the city engineer to remove or cause to be removed, trees, the roots of which are breaking up sidewalks, street paving and street curbing, such roots to be removed also, at the expense of the owners thereof, unless such owners will permit the city engineer to remove such trees on behalf of the city without charging the city for such trees.

(Code 1959, § 19-34)

Sec. 8-1036. Same--Inspection to determine, remedial action.

It shall be the duty of the city engineer to inspect the streets, street curbing and sidewalks of the city to determine where roots of trees are causing such street paving, street curbing, and sidewalks to be injured and to determine the ownership of such trees. In cases where the city owns the trees, they shall be removed by the city engineer, and in cases where such trees are not owned by the city, it shall be the duty of the city engineer to obtain, if he can, permission and authority from the owner of such tree to remove the same without expense to such owners, if such owners do not charge the city for such trees or for removing the same.

(Code 1959, § 19-35)

Sec. 8-1037. Same--Notice to city attorney.

Where the owner of a tree, the roots of which are injuring the street paving or street curbing or sidewalk, will not permit or allow the city to remove such trees and such roots, it shall be the duty of the city engineer to forthwith notify the city attorney of such fact, in which notice the city engineer shall give the city attorney the specific location of such tree and the roots which are injuring the sidewalk, street paving or street curbing and the name of the street, and

the name of the owner of the property with a brief description of such location of the owner's property, stating whether it is on the north side, east side, west side, or south side of the street, and the house number of such owner, if such owner is a resident of the city, and if not a resident of the city then such address as the city engineer is able to obtain.

(Code 1959, § 19-36)

Sec. 8-1038. Same--Condemnation proceedings.

Upon receiving the notice from the city engineer as prescribed in section 8-1037, it shall be the duty of the city attorney, the city engineer and the mayor to determine the value of such tree and the amount of the damage which would result to such owner's other property if such tree is condemned and removed, and thereupon to offer such owner the amount of such value and such damage, and upon the refusal of such owner to accept such amount, it shall be the duty of the city attorney to immediately institute condemnation proceedings for the purpose of condemning and removing such tree and to cause the proper amount to be paid to the clerk of the Superior Court of Fulton County when it has been determined as provided by law, whereupon it shall be the duty of the city engineer to forthwith remove such tree and its offending roots, and to keep record of the costs of such removal which are hereby assessed against such owner of such tree, and a bill for such costs shall be promptly presented to such owner; and on his refusal to pay the same promptly on demand by the city engineer, it shall be the duty of the city engineer to notify the city clerk of such fact, whereupon it shall be the duty of the city clerk to issue an execution for the amount of such cost against such owner and the real estate of such owner from which such tree was removed and place such execution in the hands of the city marshal for levy and sale; whereupon it shall be the duty of the city marshal to levy such execution or cause the same to be levied by a police officer upon such real estate of such owner. After advertisement once a week for four (4) weeks as in a tax advertisement for sale of real estate, it shall be the duty of such city marshal to sell such real estate to the highest bidder for cash in front of the council chamber on the first Tuesday in the month next succeeding the expiration of such four (4) weeks' advertising, and the purchaser of such sale shall have the same rights as in the case of a purchaser at a tax sale conducted by the city.

(Code 1959, § 19-37)

Sec. 8-1039. Same--Interference with officials.

It shall be unlawful for anyone to obstruct or interfere with the city engineer or city marshal in the discharge of their duties under sections 8-1035 through 8-1038.

(Code 1959, § 19-38)

Sec. 8-1040. Trimming shrubbery near drive-ways--Required.

It shall be unlawful to have or maintain any hedge or shrubbery along any sidewalk or driveway where motor vehicles are used without keeping the hedges and shrubbery so trimmed and cut back that persons using such sidewalks can do so without injury from motor vehicles emerging from a driveway hidden behind a hedge or all shrubbery, whether the users of such sidewalk be children or adults.

(Code 1959, § 19-39)

Sec. 8-1041. Same--Notification of violators.

It shall be responsibility of the community development department to notify the owner of every lot, improved or unimproved, having a hedge or shrubbery thereon in violation of section 8-1040 to comply with the provisions thereof, and if such owner fails or refuses to comply with such provisions within ten (10) days from the date of such notice, the city will cut or trim such hedge or shrubbery at the owner's expense, and will in addition, thereto prosecute such owner in the recorder's court for such offense.

(Ord. No. 927-86, § 1, 9-2-86)

Editor's note: Ord. No. 926-86, § 1 adopted Sept. 2, 1986, repealed former § 8-1041, relative to notification of violators of § 8-1040, which provisions derived from Code 1959, § 19-40. Ord. No. 927, § 1, adopted Sept. 2, 1986, enacted a new § 8-1041 to read as herein set out.

Sec. 8-1042. Same--Compliance with notice.

(a) It shall be the duty of every owner of any property within the city having hedge or shrubbery thereon, including growth, in violation of section 8-1040 to cut or trim the same to comply with such section within ten (10) days from the date notice to do so is served on such owner or the agent or tenant of such owner in possession of such property.

(b) No person shall be guilty of an offense under section 8-1040 for a violation of such section until the expiration of ten (10) days after service of such notice as provided in section 8-1041 of such violation.

(Code 1959, § 19-41)

Sec. 8-1043. Same--When community development to trim; levying of costs.

It shall be the duty of the community development department to have cut or trimmed, by the building and grounds department, all hedges and shrubbery in violation of section 8-1040 at the owner's expense after expiration of such ten (10) days' time allowed for the owner to comply with the notice as prescribed in section 8-1041, and to bill the owner with the expense. If the bill is not paid in ten (10) days, it shall be the duty of the clerk of the city to issue an execution for the expense against such lot and the owner thereof, which execution shall be a lien against such lot and the owner thereof prior and superior to any and all other liens, except liens for taxes, and it shall be the duty of the city marshal to collect the execution by levy and sale of such lot, if it be not paid on demand as in case of tax executions of this city.

(Ord. No. 927, § 1, 9-2-86)

Editor's note: Ord. No. 926-86, § 1, adopted Sept. 2, 1986, repealed former § 8-1043, which pertained to when the chief of police to trim hedges or shrubbery in violation of § 8-1040 and levying costs therefore. Ord. No. 927, § 1, adopted Sept. 2, 1986 enacted a new § 8-1043 to read as herein set out.

Sec. 8-1044. Restrictions on the planting of lawns.

It shall be unlawful for any lawn, yard or garden to be so laid out, planted, cultivated or maintained on any lot above or below the grade or level of the abutting street or sidewalk that the proper paving of the abutting street or sidewalk in the usual and ordinary manner will cause injury or damage to such yard, lawn, garden or flowers, which would not otherwise have occurred, or cause the abutting property to be washed away or to be flooded with surface water when heavy rains come, which washing or flooding would not have occurred otherwise.