

City of Fitzgerald

Ben Hill County

Not located in a MSA.

2003 Population Estimate 8,752; -2.9% change from 2000 Census.

Not a Tree City USA.

Tree Board with 5 members; quarterly meetings required by ordinance.

ARTICLE II. TREES

First adopted 1999. No revisions.

Addresses public and private property.

TABLE OF CONTENTS

Section 24-51.	Definitions
Section 24-52.	Inventory of trees.
Section 24-53.	Tree planting program.
Section 24-54.	Cutting and removal.
Section 24-55.	Tree board.
Section 24-56.	Requirements for tree removal.
Section 24-57.	Restrictions and limitations.
Section 24-58.	Development or improvement.
Section 24-59.	Quantity of trees.
Section 24-60.	Replacement trees.
Section 24-61.	Tree protection.
Section 24-62.	Placement of replacement trees. [actually refers to "replacement" of replacement trees]
Section 24-63.	Violation of any provision of this ordinance.
Section 24-64.	Right of appeal.

For more information, contact:

Cam Jordan

Community Development Director
229.426.5060 voice / 229.426.5066 fax
camjordan@mchsi.com
www.fitzgeraldga.org

ARTICLE II. TREES

Sec. 24-51. Definitions.

Building. Any structure having a roof supported by columns or walls that encloses a space and is intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature or as further defined in the city's building codes.

Building inspector. The city official charged with enforcing the city's building codes and zoning ordinance.

Caliper. Tree trunk diameter measured at a point six (6) inches above ground level.

City. The City of Fitzgerald, Georgia.

City arborist. The person charged by the mayor and council of the city with the duty of administering this chapter.

Critical root zone. The land area circular in shape and centered on the trunk of a tree, the radius of which circle is defined by the farthest canopy dripline.

DBH. A tree's diameter at breast height (4.5 feet above ground level). If a tree splits into multiple trunks below 4.5 feet, then each trunk is measured and counted as a separate tree.

Development area. Under an approved tree protection plan, the portion of a tract exempted from the tree protection zone; it consists of:

- (1) The area to be occupied by buildings;
- (2) The area to be occupied by unenclosed accessory uses; and
- (3) The area necessary to meet minimum parking requirements.

Dripline or canopy dripline. A vertical line extending from the outer surface of a tree's branch tips down to the ground.

Existing density factor. See subsection 24-9(b)(1).

Height. Of mature specimens under favorable growing conditions. If expressed as a range, the midpoint of the range is the "average height" and the bottom of the range is the "minimum height."

Large tree. A tree with a height at maturity of forty (40) feet or more.

Replacement density factor. See subsection 24-9(b)(2).

Shade tree. A broad leaf tree having an average height at maturity of at least twenty (20) feet and having a broad spread relative to its height (excluding trees with pyramidal, conical or columnar crowns) and a dense canopy, so as to provide shade to structures or parking areas in the summer months.

Site density factor. (Total site area, in acres) X 25.

Small tree. A tree with a height at maturity of not more than forty (40) feet.

Tree. Any self-supporting woody perennial plant, usually with one (1) main stem or trunk and many branches, which has a trunk diameter of two (2) inches or more measured at a point six (6) inches above ground level and which normally attains a height of at least ten (10) feet at maturity.

Tree protection zone. The crown width of a tree, constituting the area surrounding a preserved or planted tree that is essential to that tree's health and survival, and is protected within the guidelines of this chapter.

(Ord. No. 99-1259-1, § 1, 10-11-99)

Sec. 24-52. Inventory of trees.

The building inspector shall periodically, but not less often than once every ten (10) years, prepare a complete inventory of all trees growing on city property and having a caliper of at least two (2) inches or a DBH of at least two (2) inches.

(Ord. No. 99-1259-1, § 2, 10-11-99)

Sec. 24-53. Tree planting program.

Each year the city, through the building inspector, shall organize and conduct a tree planting program, designed at least to replace trees that have been cut from city property during the previous year. Replacement trees shall have the following qualities: Spacing and the potential size of species chosen shall be compatible with spatial limitations of the site on which they are to be planted; the species must be ecologically compatible with the specifically intended growing site; replacement trees must have the potential for size and quality comparable to the removed trees; and preference shall be given to specimens of no more than three (3) inches DBH. The number (expressed in units having a minimum caliper of two (2) inches) of replacement trees to be planted shall be determined with reference to the DBH of each tree that was cut during the previous year, according to the following table:

TABLE INSET:

DBH	UNITS	DBH	UNITS
1	2.0	8	6.0
2	2.5	9	7.0
3	3.0	10	8.0
4	3.5	11	9.0
5	4.0	12	10.0
6	4.5	13	11.0
7	5.0	14	12.00

(Ord. No. 99-1259-1, § 3, 10-11-99)

Sec. 24-54. Cutting and removal.

(a) The cutting or removal on city property of any tree having a DBH of two (2) inches or greater without the approval of the tree board shall be unlawful. Any person violating this section or authorizing another to violate this section shall be guilty of a misdemeanor.

(b) The removal from private property of any tree having a DBH of four (4) inches or greater without a permit or except in connection with an approved tree protection plan shall be unlawful. Any person violating this section or authorizing another to violate this section shall be guilty of a misdemeanor.

(c) A person whose application for a tree removal permit has been denied shall have the right to file a written appeal of such denial to the tree board, within thirty (30) days of the date of such denial.

(Ord. No. 99-1259-1, § 4, 10-11-99)

Sec. 24-55. Tree board.

(a) There is hereby established a tree board for the city (hereinafter referred to as the "board.").

(b) The purpose of the board shall be to perform the duties specified in this chapter and to perform such other duties as shall be provided from time to time by chapter.

(c) The board shall consist of five (5) members appointed and removable by majority vote of the mayor and council. Members of the board shall be residents of the county.

(d) The term of office of each member of the board shall be on a calendar year basis for a two-year period; provided that in the appointment of the first board two (2) members shall be appointed for an initial one-year term and three (3) members shall be appointed for an initial two-year term. Any member shall be subject to removal either with or without cause by the mayor and council at any time.

(e) Members of the board shall receive no compensation for their services except that they may be reimbursed for any out-of-pocket expenses incurred by them in direct connection with the performance of their duties, subject to the approval of such reimbursements by the mayor and council and in accordance with such documentation and other requirements as may be imposed by the mayor and council.

(f) Meetings of the board shall be held quarterly or more often as may be necessary for the board to perform its duties and responsibilities. The board shall have the power to adopt such rules, policies, procedures and regulations for the transacting of its business and for the determination of issues and matters coming before the board as it deems necessary or appropriate. The board shall elect from among its members a chairman and a vice chairman. The city clerk shall serve as secretary of the board. The city attorney shall be the legal advisor and legal representative of the board and shall render such legal assistance to the board as shall be necessary.

(g) Should any member of the board have any personal or financial interest or relationship with respect to any person, matter or issue pending before the board, then such member shall be disqualified to participate in board deliberations in connection with such person, matter or issue.

(h) The board shall generally investigate and advise officials of the city regarding the care, preservation, pruning, planting, replanting, removal and disposition of trees growing on city property. The board shall develop lists of trees recommended for planting within the city. The board shall, upon request by the mayor, investigate and advise city officials with respect to specific matters relating to trees within the city. The board shall hear and determine such issues

and matters as may come before it, and exercise such powers, and perform such duties, as may be provided by this or any other city ordinance.

(i) The city's annual budget shall include appropriations for the administration of this chapter, in such amounts as each year are determined to be appropriate.

(Ord. No. 99-1259-1, § 5, 10-11-99; 01-1277, §§ 1, 2, 2-12-01)

Sec. 24-56. Requirements for tree removal.

The city arborist, with the advice of the tree board, from time to time shall have the right and power to authorize the removal of a tree from city property only upon a showing that the tree has a life expectancy of less than fifteen (15) years, or that extensive decay within the trunk is present, or that the tree suffers from significant insect or pathological problems, or that the tree has suffered significant damage from lightning, wind or other causes, or that threatens to cause injury to the public or damage to existing structures, or that the tree interferes with the construction of a new structure or an addition to an existing structure, or that the tree interferes with the construction, protection, or maintenance of public utilities or streets.

(Ord. No. 99-1259-1, § 6, 10-11-99)

Sec. 24-57. Restrictions and limitations.

Nothing in this chapter shall restrict or limit the right of the city to prune any tree whether growing on public or private property that threatens the safety of persons or property on city property, or that interferes with public utilities or other public improvements or the safe or convenient utilization of public streets, or that is infected with any injurious fungus, insect, pest or disease.

(Ord. No. 99-1259-1, 7, 10-11-99)

Sec. 24-58. Development or improvement.

A proposal for development or improvement of any tract of land involving the expenditure of at least twenty thousand dollars (\$20,000.00) shall include a tree protection plan, including trees to be planted in order to meet the minimum requirements of this ordinance. The tree protection plan may be included in the soil erosion and sedimentation control plan. Such plan shall be submitted to and approved by the building inspector prior to any grading, bulldozing or other removal of the existing vegetation that may affect the health of existing tree coverage. The plan shall show the following:

- (1) Names and addresses of owner(s) of record and the applicant.
- (2) Boundary lines of the tract by lengths and bearings, streets adjoining the property, total area of the tract, north point, graphic scale and date.
- (3) All trees ten (10) inches DBH or greater, including the crown width of each individual tree, which will remain on the site and be protected during construction; and trees less than ten (10) inches DBH which are submitted for credit against the number of replacement trees to be planted to achieve the required site density factor (SDF), and the common and botanical names and the size of each tree. In heavily wooded areas that will not be disturbed, that plan may show only the boundaries of each stand of trees and a list of the number, size and species of ten (10) inches DBH or larger trees in each stand.

- (4) Locations of proposed buildings, structures and paved areas.
- (5) Locations of all utility lines. Utility lines must be placed along corridors between critical root zones of trees which will remain on the site.
- (6) Limits of land disturbance, clearing, grading, and trenching.
- (7) Limits of tree protection zones, showing trees to be maintained and planted, specifying species and size.
- (8) Grade changes or other work adjacent to a tree which would affect it adversely, with drawings or descriptions as to how the grade, drainage, and aeration will be maintained around the tree.
- (9) Planting schedule.

(Ord. No. 99-1259-1, § 8, 10-11-99)

Sec. 24-59. Quantity of trees.

(a) The minimum required quantity of trees on a site after development must produce a total SDF of twenty-five (25) units per acre. The SDF is determined as follows:

$$\text{SDF} = (\text{total site area, in acres}) \times 25.$$

(b) The number of new trees to be planted on a site after development is determined as follows:

(1) Using Table 1, calculate the existing density factor (EDF) of trees ten (10) inches DBH or greater which will remain on the site and be protected during construction. Existing trees of at least two (2) inches DBH, but less than ten (10) inches DBH, which will remain on the site and be protected during construction, may be counted as 0.5 unit each provided such trees have grown in uncrowded conditions and have developed normal spread. Add together the individual units for each tree to get the EDF.

Table 1 - Conversion from DBH to EDF:

TABLE INSET:

DBH	UNITS	DBH	UNITS
10	6	16	11
11	7	17	11
12	8	18	11
13	9	19	11
14	10	20	12
15	11	21	12

(2) To calculate the replacement density factor (RDF), subtract the EDF from

the SDF.

Table 2 - Conversion from DBH or Caliper to RDF:

TABLE INSET:

CALIPER	UNITS	DBH	UNITS	DBH	UNITS
1	1.5	1	2.0	8	6.0
2	2.0	2	2.5	9	7.0
3	2.5	3	3.0	10	8.0
4	3.0	4	3.5	11	9.0
5	3.5	5	4.0	12	10.0
6	4.0	6	4.5	13	11.0
		7	5.0	14	12.00

(c) Application of density factors to the plan:

(1) No tree shall be planted closer to a building foundation or water, sewer, electrical or natural gas line, than as follows:

- a. Five (5) feet for a mature small tree.
- b. Ten (10) feet for a mature medium tree.
- c. Fifteen (15) feet for a mature large tree.

(2) No tree shall be planted under overhead utility distribution lines if the average mature height of the tree is greater than the lowest overhead wire.

(3) Landscape islands shall be provided within parking areas of six (6) or more spaces, but shall not be required within vehicle storage or display areas.

a. The total area of such islands shall comprise at least five (5) percent of the parking lot area in commercial and residential zoning districts or three (3) percent of the parking lot area in industrial zoning districts; plus one (1) percent of other vehicle use area on the property such as loading, storage or display areas.

b. Each island shall contain a minimum of fifty (50) square feet. It shall be so shaped that a five-foot diameter circle will fit within the island. No portion of an island less than three (3) feet in width may be counted in the area.

c. Landscape islands shall be located in such a manner as to divide and break up the expanse of paving.

d. Vehicles may overhang a landscape island provided said island is at least three and one-half (3.5) feet in depth per abutting parking space, at least five (5) feet in depth overall (except in cases where one (1) or more

large trees are present on the island in which case the island must be at least ten (10) feet in depth overall), and protected by wheel stops or curbing. Two (2) feet of said landscaped area may count as part of the required depth of each abutting parking space.

(d) At least one (1) shade tree shall be planted in each required landscape island, and at least one (1) tree shall be planted for every thirty (30) linear feet of length in the side and rear setback areas required by the city's zoning ordinance.

(e) Where trees must be added to achieve the SDF, such additions shall be made between the street and the front of the building until such additions together with the existing trees comprise one-half (1 / 2) of the SDF.

(f) Existing trees which are in excess of the minimum SDF requirement but are outside the development area shall not be removed unless adjacent development would cause irreparable damage to the critical root area.

(Ord. No. 99-1259-1, § 9, 10-11-99)

Sec. 24-60. Replacement trees.

The criteria for replacement trees in sites under development shall be as follows:

(a) Spacing and the potential size of species chosen shall be compatible with spatial limitations of the site on which they are to be planted.

(b) The species must be ecologically compatible with the specifically intended growing site.

(c) Replacement trees must have the potential for size and quality comparable to the removed trees.

(d) Preference shall be given to specimens of no more than three (3) inches DBH.

(e) Where the proposed development area is so large that the minimum SDF cannot be achieved, the development area shall be reduced by removing parking spaces in excess of the minimum required, additional planting islands shall be placed within the development area, and/or the area to be occupied by buildings shall be reduced until the minimum SDF is achieved.

(Ord. No. 99-1259-1, § 10, 10-11-99)

Sec. 24-61. Tree protection.

Existing trees and replacement trees on a site under improvement or development shall be protected by tree protection devices and restrictions on activities and conditions within the tree protection zone.

(a) Each tree and groups of trees to be preserved shall be protected during site development or improvement by completely surrounding the critical root zone of each tree, using as active tree protection (required in areas in proximity to construction activity) chain link fencing, orange laminated plastic fencing, or wooden post and rail fencing, and in areas where the tree is in jeopardy of being damaged by equipment, 2 X 4 inch boards strapped around the tree trunk, and using as passive protection (in all areas other than in proximity to construction) heavy mil plastic flagging a minimum of four (4) inches wide with dark letters on a bright background reading "Tree Protection Zone - Do Not Enter" or equivalent

signage on a continuous durable restraint.

(b) The tree protection plan shall indicate in each instance whether the protection is to be active or passive.

(c) No construction within a tree's dripline will be allowed, unless protective measures to insure the survival of the tree or trees are detailed in the tree protection plan and approved by the building inspector.

(d) All tree protection devices shall be installed prior to any clearing, grubbing or grading, and must remain in functional condition throughout all phases of the development. Such devices must be inspected and approved by the building inspector before the issuance of a land disturbance permit.

(e) Felling trees into tree protection zones or disturbance of the critical root zone is not permitted.

(f) No erosion or sedimentation control measures may be installed in a manner so as to result in the accumulation of sediment within a tree protection zone.

(g) All boring under the tree protection zone shall be done at a depth of at least thirty-six (36) inches O.C. and must begin and end outside the tree protection zone.

(h) Trenching outside a tree protection zone shall follow these specifications:

(i) Crushed or torn roots shall be cleaved back to good wood and a sharp clean cut shall be made to promote regrowth.

(ii) Work in the area and foot traffic shall be confined to the side of the trench away from the tree.

(iii) All exposed root ends shall be kept moist.

(i) All tree pruning shall be done according to ANSI A300 - Standard practices for tree care operations - trees, shrubs, and other woody plant maintenance.

(1) All pruning shall start beyond the branch bark ridge of the tree.

(2) Pruning shall be done so as to remove branch weight as much as possible before final cut to prevent tearing of bark and cambium.

(3) In all pruning, the branch collar, part of the trunk, shall remain intact and uninjured.

(j) All tree care operations shall comply with ANSI 2133.1 1994 - Safety requirements for pruning, trimming, repairing, maintaining, and removing trees and cutting brush.

(Ord. No. 99-1259-1, § 10, 10-11-99)

Sec. 24-62. Placement of replacement trees.

On private property under the provisions of this chapter, the property owner and his successors in title shall maintain such trees in perpetuity and replace such trees if they die or are irreparably damaged.

(Ord. No. 99-1259-1, § 11, 10-11-99)

Sec. 24-63. Violation of any provision of this ordinance.

The violation of any provision of an approved tree protection plan, shall be unlawful and shall be punished as for a misdemeanor.

(Ord. No. 99-1259-1, § 12, 10-11-99)

Sec. 24-64. Right of appeal.

A person whose tree protection plan has been rejected shall have the right to file a written appeal of such rejection to the tree board, within thirty (30) days of the date of such denial.

(Ord. No. 99-1259-1, § 13, 10-11-99)