

City of Norcross

Gwinnett County

Atlanta MSA

2003 Population Estimate 9,294; +9.3% change from 2000 Census.

Tree City USA for 2 years.

City Tree Board with 5 members; no meeting frequency required by ordinance.

Chapter 16 PLANNING AND DEVELOPMENT ARTICLE V. TREES, SHRUBS AND OTHER PLANTS IN PUBLIC RIGHTS-OF-WAY

Year first adopted or last revised unknown.

Addresses public property.

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Chapter 16 PLANNING AND DEVELOPMENT*

***Cross references:** Administration, ch. 2; standing committees of city commission, § 2-51; certain boards designated, § 2-78; buildings, ch. 5; flood damage prevention, ch. 10; parks, recreation and cultural affairs, ch. 15; soil erosion and sedimentation control, ch. 18; streets and sidewalks, ch. 20; subdivisions, ch. 21; utilities, ch. 22; zoning, ch. 23.

Related law references-- Rome-Floyd County Development Authority, art. I; Rome-Floyd County Industrial Development Authority, art. II.

State constitution references: Planning and zoning, art. IX, § II, par. IV; development authorities, art. IX, § VI, par. III.

State law references: Urban redevelopment, O.C.G.A. § 36-61-1 et seq.; development authorities, O.C.G.A. § 36-62-1 et seq.; coordinated and comprehensive planning by counties and municipalities, O.C.G.A. § 36-70-1 et seq.; department of community affairs, O.C.G.A. § 50-8-1 et seq.

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ARTICLE V. TREES, SHRUBS AND OTHER PLANTS IN PUBLIC RIGHTS-OF-WAY*

*Cross references: Street trees in subdivisions, § 21-136.

DIVISION 1. GENERALLY

Sec. 16-131. Definitions.

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

Park trees means trees, shrubs, bushes, and all other woody vegetation 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, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the city.

(Ord. No. 90-5-4, § 8-11002, 5-21-90; Code 1981, § 8-11002)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 16-132. Purpose.

It is the purpose of this article to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance, and removal of trees, shrubs, and other plants within the rights-of-way of the city.

(Ord. No. 90-5-4, § 8-11001, 5-21-90; Code 1981, § 8-11001)

Sec. 16-133. Street tree species to be planted.

The following list constitutes the official street tree species for the city. It is a suggested list only and is not to be considered all inclusive.

TABLE INSET:

Small Trees	Medium trees	Large trees
Apricot Crabapple, Flowering (sp) Golden Rain Tree		

Hawthorne (sp)		
Bradford Pear		
Japanese Lilac		
Tree	Green Ash	
Flowering Peach	Hackberry	
Plum, Purpleleaf	Honeylocust	
Serviceberry	(thorn less)	Coffee Tree
Dogwood, Cherry	Linden or Bass-	Kentucky Maple
Trident Maple	wood (sp)	Silver Leaf Maple
American Horn beam	Red Mulberry	Sugar Maple
American Yellowwood	English Oak	Oak
Carolina Silver bell	Red Oak	Sycamore
Foster Holly	Pagdonatree,	London Plantree
Yaupon Holly	Japanese	Cottonwood (cot tonless, male)
Crape Myrtle	Pecan	Ginkgo
Japanese Holly	River Birch	Bald Cypress
Eastern Hophor beam	Osage Orange	Elm
Sourwood	(male, thornless)	Japanese Zelkova
Frazier's Photinia	Persimmon	Bur Sycamore
Chinese Pistache	White Poplar	
Carolina Laurel Cherry	Sassafras	
Aristocrat Pear		
Capitol Pear		

(Ord. No. 90-5-4, § 8-11007, 5-21-90; Code 1981, § 8-11007)

Sec. 16-134. Spacing.

The spacing of street trees shall be in accordance with the three species size classes listed in section 16-133, and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; except in special plantings designed or approved by a landscape architect or the tree board.

(Ord. No. 90-5-4, § 8-11008, 5-21-90; Code 1981, § 8-11008)

Sec. 16-135. Distance from curb and sidewalk.

(a) The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in section 16-133, and no trees may be planted closer to any curb or sidewalk than the following: small trees, two feet; medium trees, three feet; large trees, four feet.

(b) No street tree shall be planted closer than 35 feet to any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than ten feet to any fireplug.

(Ord. No. 90-5-4, § 8-11009, 5-21-90; Code 1981, § 8-11009)

Sec. 16-136. Street tree spacing from utility lines.

No street trees other than those species listed as small trees in section 16-133 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. 90-5-4, § 8-11010, 5-21-90; Code 1981, § 8-11010)

Sec. 16-137. Public tree care.

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 insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The tree board may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electrical power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners, providing the selection and location of such trees is in accordance with sections 16-133 through 16-139.

(Ord. No. 90-5-4, § 8-11011, 5-21-90; Code 1981, § 8-11011)

Sec. 16-138. Tree topping.

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

Topping means 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.

(b) 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. 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 article at the determination of the tree board.

(Ord. No. 90-5-4, § 8-11012, 5-21-90; Code 1981, § 8-11012)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 16-139. Pruning; corner clearance.

(a) Every owner of any tree overhanging any street or right-of-way within the city may prune the branches so that such branches shall not obstruct the light from any streetlamp or 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. Such owner 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 visibility of any traffic control device or traffic sign.

(b) All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(Ord. No. 90-5-4, § 8-11013, 5-21-90; Code 1981, § 8-11013)

Sec. 16-140. Arborist's license.

It shall be unlawful for any person to engage in the business or occupation of pruning,

treating, or removing street trees or park trees within the city without first obtaining a city business license.

(Ord. No. 90-5-4, § 8-11015, 5-21-90; Code 1981, § 8-11015)

Cross references: Licenses, permits and business regulations, ch. 11.

Sec. 16-141. Penalty.

Any violation of any provision of this article shall be punishable as provided in section 1-9.

(Ord. No. 90-5-4, § 8-11017, 5-21-90; Code 1981, § 8-11017)

Secs. 16-142--16-165. Reserved.

DIVISION 2. TREE BOARD*

*Cross references: Administration, ch. 2.

Sec. 16-166. Established.

There is hereby created and established a city tree board within the city. This board shall consist of five members appointed by the city commission, three members of which shall be members of the community development and services committee of the city commission. The board shall operate under the auspices of the community development and services committee. All members of this board shall be residents of the city.

(Ord. No. 90-5-4, § 8-11003, 5-21-90; Code 1981, § 8-11003)

Sec. 16-167. Term of office.

The term of office of the five persons to be appointed by the city commission under this division shall be for four years.

(Ord. No. 90-5-4, § 8-11004, 5-21-90; Code 1981, § 8-11004)

Sec. 16-168. Compensation.

Members of the tree board shall serve without compensation.

(Ord. No. 90-5-4, § 8-11005, 5-21-90; Code 1981, § 8-11005)

Sec. 16-169. Duties and responsibilities.

(a) It shall be the responsibility of the tree board to study, investigate, counsel,

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

(b) The tree board 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. 90-5-4, § 8-11006, 5-21-90; Code 1981, § 8-11006)

Sec. 16-170. Interference with board.

It shall be unlawful for any person to prevent, delay, or interfere with the tree board, 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 article.

(Ord. No. 90-5-4, § 8-11014, 5-21-90; Code 1981, § 8-11014)

Sec. 16-171. Review by city commission.

The city commission shall have the right to review the conduct, acts, and decisions of the tree board. Any person may appeal from any ruling or order of the tree board to the city commission, which may hear the matter and make the final decision.

(Ord. No. 90-5-4, § 8-11016, 5-21-90; Code 1981, § 8-11016)

Secs. 16-172--16-200. Reserved.

ARTICLE I. IN GENERAL

Sec. 20-1. Obstructions prohibited; offensive deposits or discharges prohibited.

No person shall obstruct or cause to be obstructed the streets, alleys, sidewalks, culverts, or ditches, nor shall any person throw or discharge anything upon them so as to render such streets, sidewalks, or other public ways offensive.

(Code 1981, § 5-1001)

Sec. 20-2. Obstructing to vend or advertise merchandise prohibited.

No auctioneer, commission merchant or other merchant shall obstruct any public street or sidewalk for the purpose of selling, vending, showing, or disposing of their wares and merchandise or of delivery of the same. Nor shall an assemblage of persons as bidders be assembled for the purpose of bidding for the same, so as to obstruct free passage on the sidewalks or streets of the city.

(Code 1959, § 27-4; Code 1981, § 5-1002)

Sec. 20-3. Placing goods on sidewalk prohibited; exception.

No person occupying any store, stall, shop, or other place of business or any residence, hotel, apartment house, or other place of residence, shall obstruct the sidewalk in front of the place so occupied, or the view of the street, to or across the sidewalk, by placing any sign, goods, or article of any kind, on or over such sidewalk; provided, however, that such person may place such goods or articles on the sidewalk for such a length of time only as may be necessary in delivering same to or from places so occupied.

(Code 1959, § 27-5; Code 1981, § 5-1003)

Sec. 20-4. Encroachments upon sidewalks.

It shall be unlawful for any person to make an encroachment upon or to place any obstruction in or upon any street, lane, alley or sidewalk of the city, whether the same is of a permanent or temporary nature, without first obtaining permission from the city authorities to do so. Any person making any encroachment or placing any obstruction upon the streets, lanes, alleys, or sidewalks, or causing the same to be done, shall remove the same immediately upon notice from the director of public works or the chief of police or his representative. Should such person, after notice, fail or refuse to remove the same then the city shall have the same removed and an itemized bill of the expense for removing the encroachment or obstruction shall be presented to the person placing, or causing the same to be placed, in the street, lane or sidewalk, and immediate payment of same demanded. Should any person fail or refuse to promptly pay the bill, then the secretary shall forthwith issue an execution against the person, which shall be placed in the hands of the chief of police, who shall proceed to collect the same by levy and sale, as is by law provided in the cases of tax sales, and the same when collected shall be turned into the city treasury to replace the amount expended for the removal of the encroachments or obstructions. Anyone violating this section shall be punished as prescribed in section 1-9.

(Code 1959, § 27-7; Code 1981, § 5-1005)

Sec. 20-5. Utility poles.

No public utility shall erect any telephone, telegraph, or power poles, nor string any wires, either above ground or below ground, within the city without the prior approval of the director of public works. Such utility shall, upon request of the director of public works, move and reset any poles or wires when necessary for the convenience of the city in the city's maintaining, widening, or laying out of streets. Such removal shall be at the expense of the public utility.

(Code 1981, § 5-1006)

Sec. 20-6. Dirt, gravel, rocks, etc.; digging or carrying away prohibited.

It shall be unlawful for any person to dig or scrape up and carry away gravel, earth, dirt, rocks, or sand from any street, lane, or alley, or from the river banks of the city.

(Code 1959, § 27-8; Code 1981, § 5-1007)

Sec. 20-7. Obstructing drainage or flow of water.

No person shall, by the erection of a dam or obstruction of any kind, prevent the natural flow of water and cause the same to be dammed up or collected in pools upon any street or alley. Provided, that the provisions of this section shall not prevent owners or others from filling up lots as they may desire if sufficient drainage or water detention area is provided through or across the same for such natural flow; and provided, that the above shall not prevent the changing of the grade of any street as may be for the public interest.

(Code 1959, § 27-11; Code 1981, § 5-1008)

Sec. 20-8. Shrubbery and trees--Planting in rights-of-way prohibited.

It shall be unlawful for any person to plant or cause to be planted any trees or shrubbery upon the rights-of-way of the public streets and alleys of the city without receiving prior approval from the public works committee of the city commission. Such prohibition of the planting of trees and shrubbery applies especially to that portion of the streets which lies between the paved portion of the streets and the sidewalks.

(Code 1959, § 27-13; Code 1981, § 5-1009)

Sec. 20-9. Same--Authority to permit.

The public works committee of the city commission is hereby empowered and directed to allow the planting of trees and shrubbery and shall grant permission to so do, if, in its opinion, the planting of the trees and shrubbery shall not damage the curb and gutters, the pavement and the sewers of the city.

(Code 1959, § 27-14; Code 1981, § 5-1010)

Sec. 20-10. Same--Violations; penalties therefor.

Any person violating the terms of sections 20-8 and 20-9 shall be punished as provided in section 1-9, and the judge of the municipal court may further order such trees and shrubbery removed at the expense of the violator. Each day the trees or shrubbery remain after the direction of the judge of the municipal court shall constitute another violation of such sections.

(Code 1959, § 27-15; Code 1981, § 5-1011)

Sec. 20-11. Excavations; permission required; refilling.

Any person who may desire to excavate any street for the purpose of laying sewer, gas, or water pipes, or for any other purpose, shall first apply and obtain permission from the director of public works. Such excavation shall be made at the expense of the person making such excavation. Refilling and replacing such excavation shall be under the supervision of the director of public works and at the expense of the excavator.

(Code 1959, § 27-16; Code 1981, § 5-1012)

Sec. 20-12. House numbering required; proper numbering information; numbers on houses; failure to number; penalty.

(a) All lots, houses, buildings, offices, and structures within the corporate limits of the city shall be properly and orderly numbered in accordance with the master plan of proper and orderly numbering in the office of the director of engineering services.

(b) The director of engineering services shall keep a chart showing proper street numbers and shall make available, to any person inquiring, the proper number by which a building or lot is to be designated.

(c) It shall be the duty of the owners and occupants of every house, building, and lot within the city to have placed thereon, in a place visible from the street, figures at least 2 1/2 inches high, showing the proper number of such house, building, or lot.

(d) Any person failing to so number any house, building, or lot owned or occupied by him shall be subject to penalty for violation of this section and if, after receiving notice to provide proper numbering, such person shall continue in his failure to do so, he shall be punished as provided in section 1-9 for each day, after notice, such failure continues.

(Code 1959, § 27-18; Code 1981, § 5-1013)

Cross references: Buildings, ch. 5.

Sec. 20-13. Driveways and private ways--New curb, guttering, and sidewalk required.

(a) In the construction or repair of driveways and private ways intersecting the streets of the city, the existing curb and guttering on the city street and the sidewalk, if there is a sidewalk, shall be removed in its entirety prior to the construction or repair of such driveway and private way, and a new guttering and sidewalk (if there is a sidewalk) shall be poured as an integral part of the driveway or private way.

(b) The installation of pipe in the gutter shall not be permitted.

(Code 1959, § 27-21; Code 1981, § 5-1014)

Sec. 20-14. Same--Material for new curb, guttering, sidewalk; thickness of sidewalk.

The new curbing and guttering and sidewalk shall be of the same material as the material removed, and the sidewalk shall be at least six inches thick.

(Code 1959, § 27-22; Code 1981, § 5-1015)

Sec. 20-15. Same--Radius of curb returns on new sidewalks.

The angle of the curb returns on the new sidewalk shall have a minimum radius of two feet with radius point being perpendicular to the existing curbline of the city street.

(Code 1959, § 27-23; Code 1981, § 5-1016)

Sec. 20-16. Grade of driveways and private ways.

The grade of driveways and private ways shall be such that motor vehicles will not drag upon being driven on and over such driveways or private ways.

(Code 1959, § 27-24; Code 1981, § 5-1017)

Sec. 20-17. Construction of driveways; inspection, approval of building inspector required.

Before the pouring, construction, and repair of any driveway, the building inspector must be notified and must make or cause to be made an inspection thereof, and the proposed improvement must receive his approval that the proposed improvement meets the standards set forth in this chapter.

(Code 1959, § 27-25; Code 1981, § 5-1018)

Secs. 20-18--20-30. Reserved.