

City of Warner Robins

Houston County

Atlanta MSA

2003 Population Estimate 54,264; +9.2% change from 2000 Census.

Tree City USA for 15 years.

**Municipal Tree Board with 9 voting members;
no meeting frequency required by ordinance.**

ORDINANCE NO. 47-91

First adopted 1991. No revisions.

Addresses public property.

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Keep Warner Robins Beautiful

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No. 47-91
CITY OF WARNER ROBINS
COUNTY OF HOUSTON
STATE OF GEORGIA

ORDINANCE

WHEREAS, the Warner Robins Clean Community Commission is seeking certification through the National Arbor Foundation as a "TREE CITY U.S.A."; and

WHEREAS, such certification requires the adoption of a tree preservation ordinance; and

WHEREAS, this ordinance is adopted for the purpose of establishing regulations for trees in the public areas of Warner Robins for the purposes established under Section 1 below.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Warner Robins hereby adopt the following ordinance.

TREE ORDINANCE

SECTION 1.

The intent of this ordinance is to establish regulations for trees in the public areas of the City of Warner Robins in order to better control problems with flooding, soil conservation, air pollution and noise in the City and to make the City a healthier, more attractive and safer place in which to live.

SECTION 2.

It is hereby created and established a Municipal Tree Board for the City of Warner Robins which shall consist of ten (10) members [nine (9) of whom shall be voting members], all residents of the City of Warner Robins area who have an interest in the purposes and goals of this ordinance, who shall be appointed by the Mayor and Council of the City.

The ten (10) members of the Board shall be as follows: six (6) members appointed by the Mayor and Council of the City of Warner Robins, the Director of Public Works for the City of Warner Robins (or designee) and the Director of the City Development Department (or designee), and a member of the Mayor and City Council; in addition, the Executive Director of the Warner Robins Clean Community Commission (or designee) shall serve as the non-voting secretary of the Board. The respective terms of the six members appointed by the Mayor and Council shall be as follows: two members shall serve for a term of one year; two members shall serve for a term of three years; and two members shall serve for terms of four years; and thereafter, upon the expiration of such terms, successors shall be appointed for a term of four years by the Mayor and Council. Vacancies caused by death, resignation or otherwise shall be filled for the unexpired term by the Mayor and Council.

SECTION 3.

Members of the Board shall serve without compensation.

SECTION 4.

The Board herein created shall have the power and authority:

- (a) To study and determine the problems and needs of the City of Warner Robins for the planting of trees and shrubberies in public places;
- (b) To recommend to the proper authorities and officials of the City of Warner Robins, the types and kinds of trees or shrubs to be planted upon the right-of-way of municipal streets, public parks, and public facilities;
- (c) To assist the City in a program to protect and maintain existing trees, shrubs and green areas on all City-owned property and public properties;
- (d) To recommend to Mayor and Council removal of any trees or shrubbery deemed to be hazardous to the public safety or public health;

- (e) To assist the proper officials and make available to the general public news and information regarding the selection, planting and maintenance of trees, shrubbery and other greenery within the corporate limits of the City; to recommend from time to time as necessary ordinances and other programs that will be beneficial to protect and maintain existing trees, shrubs and green areas and to encourage the development of private property owners of landscaped areas with trees and shrubs; and
- (f) When requested by the Mayor, to consider, investigate, make findings, report and recommend upon any special matter of question, within the scope of its work.

SECTION 5. OFFICERS AND MEETINGS

Upon appointment of the initial Board by Mayor and Council, said Board shall meet and elect one of its members as Chairman and one of its members as Secretary. The Board shall then provide for the rules and procedures for the holding of regular and special meetings of the Commission as deemed advisable and necessary.

SECTION 6. DEFINITIONS

Street Trees: evergreen or deciduous trees or shrubs located on the public right-of-way lying between the paved areas and private property lines on either side of all streets, avenues, or ways within the City.

Park Trees: evergreen or deciduous trees or shrubs on land designated as public park land, owned by the City or land to which the public has free access as a park.

Shade Trees: any self-supporting woody plant of a species that is well shaped, well branched and well foliated which normally grows to an overall height of at least thirty-five (35) feet and normally develops an average mature crown spread greater than thirty (30) feet in Warner Robins, Georgia.

Crown Spread: the distance measured across the greatest diameter of a plant.

A listing of Street, Park and Shade Trees, approved by the Tree Board, shall be maintained by the Office of the Clean Community Commission of the City of Warner Robins.

Small Trees: Ornamental trees that would not grow more than 30 feet (i.e. crepe myrtle, Bradford pear, cherry, dogwood, etc.) in Warner Robins, Georgia.

SECTION 7. DISTANCE FROM STREET CORNERS AND FIREPLUGS.

No street tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersection curbs or curblines. However, shrubs maintained less than 3 feet in height are acceptable. No street tree shall be planted closer than 10 feet of any fire hydrant. The planting of any trees or shrubs with 35 feet of any street corner or the radius thereof shall be subject to the prior approval of the City Department of City Development.

SECTION 8. UTILITIES.

No tree, other than those small trees in this ordinance, may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, power line or other utility.

SECTION 9. PUBLIC TREE CARE.

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the rights-of-way, alleys, avenues, lanes, squares, and public grounds, as may be necessary to insure public safety and to preserve or enhance the symmetry and beauty of such public grounds.

The City shall have the right to remove or cause or order to be removed, any street tree or part thereof which is in an unsafe condition or

which by reason of its nature is injurious to sewers, streets, electrical power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest.

SECTION 10. TREE TOPPING.

It shall be unlawful as a normal practice for any person, firm 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 where other pruning practices are impractical shall be exempted from this ordinance.

SECTION 11. PRUNING, CORNER CLEARANCE.

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 light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of ten (10) feet above the surface of the street or sidewalk. Said 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 endangers vehicular traffic or 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.

SECTION 12. 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 shall not project above the surface of the ground, the remains removed and any resulting hole filled with topsoil and properly grassed.

SECTION 13. INTERFERENCE WITH BOARD.

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

SECTION 14. ARBORISTS LICENSE AND BOND.

It shall be unlawful for any person or firm 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 shall be \$115.00 annually in advance; provided, however, that no license shall be required of any public utility company or city employee doing such work in the pursuit of their public service endeavors but shall be required of any contractor retained by same. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$100,000 property damage indemnifying the City or any person injured or damage resulting from the pursuit of such endeavors as herein described.

SECTION 15. REVIEW BY BOARD.

The Mayor and Council shall have the right to review the conduct, acts and decisions of the Board. Any person may appeal any ruling or order of the Board to the Mayor and Council who may hear the matter and make final decision.

SECTION 16. PENALTY.

Any person violating any provision of this ordinance shall be, upon conviction or plea of guilty, subject to punishment as provided in the City Charter.

If any provisions of this ordinance shall be held invalid, such invalidity shall not affect any of the other provisions which can given effect without the invalid provision, and, to this end, the provisions of this ordinance are declared to be severable.

This 16th day of September, 1991.

CITY OF WARNER ROBINS, GEORGIA

BY: *William E. Mosteller, Jr.*
WILLIAM E. MOSTELLER, JR.
MAYOR PRO-TEM

ATTEST:

Roderick Burch
RODERICK BURCH