

ORDINANCE NO. 9

Tree Ordinance

(Formerly "Ordinance No. 3, Series 1992-1993") An Ordinance Relating to the Preservation of Trees

WHEREAS, the City of Druid Hills finds as public policy that trees are an important natural resource of the City that contributes to the value, aesthetic appeal and beneficial enjoyment of all lands in the City; and

WHEREAS, the City of Druid Hills has previously adopted a Tree Ordinance and now desires to amend the same; and

NOW THEREFORE, be it ordained by the City of Druid Hills that:

1. **INTENT.** It shall be unlawful to cut down, damage, substantially prune or in any manner, destroy or cause to be destroyed any trees located in the City of Druid Hills, except in accordance with the provisions of the Ordinance.
2. **DEFINITIONS.** For the purpose of this Ordinance, certain terms are defined as follows:

Person: Any individual, partnership, corporation, association, or other legal entity including the plural as well as the singular, including all tree removal companies and persons removing trees on the behalf of others.

Remove or Removal: The actual removal of a tree by digging up, cutting down, or the effective removal through damage and/or substantial pruning. *Actual removal of a tree includes and requires removal of the stump to existing grade.* Substantial pruning shall mean removal of branches representing more than 50% of a tree's volume and including branches that are 10 inches or more in diameter.

Tree: Any self-supporting, woody plant which is twelve inches or more in diameter, as the diameter is measured at four and one-half feet above the existing grade.

3. **APPROVAL PROCEDURE.** Any person wishing to remove a tree or tree(s) shall deliver a written **Request for Tree Removal** to any acting City Commissioner or the Mayor, stating specifically the action proposed, and clearly identifying the tree(s) to be affected. Approval to remove or substantially prune a tree subject to this Ordinance requires a **written approval by the current City of Druid Hills arborist**. Such written consent must be obtained in advance of any tree removal activity, except in cases of emergency as discussed herein. It shall be the responsibility of the person seeking such approval to allow the current City of Druid Hills arborist access to the real property for the purpose of inspection.
4. **CRITERIA FOR APPROVAL.** Upon receipt of a **Request for Tree Removal** the City Commissioners/Mayor receiving the request shall contact the current City of Druid Hills arborist. This arborist shall make an inspection of the identified tree and then forward a written report with his/her recommendation to the City Commissioner/Mayor. The City Commissioner/Mayor will then give their approval to removal if so recommended by the City arborist and if one or more of the following criteria is met:

A. Criteria for Removal.

1. The tree is located in an area where a structure or improvement will be immediately placed, it unreasonably restricts the economic enjoyment of the property, and the tree cannot be relocated on the site because of age, type, or size of the tree.
2. The tree is diseased, injured, judged to be structurally unsound, interferes with existing utility service, or creates unsafe vision clearance for vehicular traffic.

B. Basis for Denial.

The individual Commissioner, or the Mayor, upon a determination from the current City of Druid Hills arborist, that a Request for Tree Removal is to be denied, shall state the basis for such a denial specifically in writing and shall thus notify the applicant of the criteria upon which said denial is predicated.

C. Timelines of Response.

Every effort will be made to process a **Request for Tree Removal** in a timely manner. The resident will be notified within **ten working days** by a Druid Hills official of the status of the written request. If an inspection of an identified tree and/or status notification does not occur within this **ten day period**, then the request shall be considered automatically approved.

5. **EMERGENCIES.** Where imminent harm exists to person or property from a sudden change in the physical condition of a tree, prior written approval will not be required, but a written notification to the City of the action taken and the perceived justification for the removal action shall be required as soon thereafter as practicable. In the case of natural, City-wide emergencies, such as a windstorm or other disasters, the requirements of these regulations may be waived by the City upon finding that such a waiver is necessary so that public or private work to restore order in the City will not be impeded.
6. **TREE PROTECTION DURING CONSTRUCTION.** Before development, land clearing, or any land alteration, the builder, home-owner, or utility shall be required to meet with the City of Druid Hills officials, and/or the current City arborist for the purpose of discussing any effect the project may have upon existing trees. Should it appear that a tree or trees will be removed or substantially endangered, then the constructing party shall follow the procedures relating to tree removal previously set forth. Barriers will be required for all trees being protected.

No utilities overhead or underground will be strung, constructed, dug, trenched, or otherwise installed without prior written approval from the City. This includes new construction or repair and replacement along existing and proposed rights-of-way or private property.

7. **TRIMMING BY UTILITIES.** No utility shall trim any tree, whether or not located within the utility's right-of-way, without first meeting with City of Druid Hills officials, and/or the current City arborist and obtaining approval for the proposed trimming. If at any time the current City arborist deems trimming as performed by a utility to be detrimental to the health of the affected trees, or not required by an appropriate electric or safety code, the City Commissioners may seek enforcement of the Ordinance as permitted herein.

8. **PENALTY.** Any person, firm, or corporation violating any provision of this Ordinance may be fined up to \$5,000.00 for each offence **depending on the severity of the offense as determined by the City Commissioners.** *Failure to remove a stump in conjunction with the actual removal of a tree may result in a fine of not more than \$500.00 for each offense.* In addition to the penalties provided herein, the City Attorney is authorized to seek injunctive relief in order that the intent of this Ordinance may be carried out. The City may also seek to recover a civil penalty through such civil action equal to the total value of those trees illegally removed or damaged.

9. **SEVERABILITY.** The provisions of this Ordinance are hereby declared to be severable, and if any section phrase, or provision shall, for any reason, be declared invalid, such declaration or severability shall not affect the validity of the remainder of this Ordinance.

The Mayor and the City is authorized and directed to publish and advertise this Ordinance as required by law.

This Ordinance shall be effective upon publication.

FIRST READING: August 10, 1992

SECOND READING: September 14, 1992

First Revision passed and approved this 12th day of March, 2001.

Second Revision passed and approved this 9th day of April, 2001.

Third Revision passed and approved this 8th day of November, 2004.

Fourth Revision passed and approved this 13th day of December, 2004.

Fifth Revision passed and approved this 11th day of February, 2008.

Ben Franklin, Mayor

Caroline Westfall, Clerk