

CHAPTER 27: TREE ORDINANCE

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Section 27-101 DEFINITIONS

- 1) "Trees" are defined as woody perennial plants, either single- or multi-stemmed, commonly exceeding ten (10) feet in height at maturity; shrubs or bushes, and all other woody vegetation on lands lying within the City Limits of Greensboro, regardless of size.
- 2) "Private Lands" are defined as all real properties lying within the City Limits of Greensboro, Georgia, less and except lands hereinafter designated and defined as "Public Lands."
- 3) "Public Lands" are defined as real properties lying between the property lines on either side of all streets, avenues, or ways within the City, all lands owned by the City, and all lands to which the public has free access.
- 4) "Person" is herein defined as any person, firm, corporation, or other legal entity, including public entities, other than the City of Greensboro or any legal department thereof.
- 5) "Administrative Guidelines" are defined as the written Guidelines incorporated into this Ordinance by reference, as may be adopted, amended, altered, or revised hereafter, which constitutes the rules for implementation of this Ordinance.
- 6) "City" means the City of Greensboro, a municipal corporation wholly located within Greene County, Georgia.
- 7) "Tree City Board" is defined as that body established by this Ordinance to administer and amend said Ordinance from time to time as deemed necessary.
- 8) "DBH" is defined as Tree Diameter at Breast Height, usually taken at 4 feet above the ground.
- 9) "Tree Protection" is defined as barriers constructed around trees at construction sites sufficient to prevent damage or injury to trunks, limbs, and roots.
- 10) "Permit" means that written authorization or certification issued by the City Manager to allow and applicant to plant, cut, prune, or remove trees on public lands. (This is not be confused with business license or Occupation Registration to perform such operations on a contract basis.)
- 11) "Planting Plan" is defined as a written plan with drawings by the applicant or his agent with details of tree locations, tree removals, tree replanting, with each tree designated as to species or common name on each parcel to be developed. Plan shall comply with this Tree City Ordinance and shall include inventory of existing Guidelines.

Section 27-102: CREATION AND ESTABLISHMENT OF A TREE CITY BOARD

There is hereby created and established a Tree City Board for the City of Greensboro, Georgia, which shall consist of the following:

- 1) Membership: There shall be appointed seven members by the Mayor of Greensboro or his designee. Members shall live in or have a vested interest in the City of Greensboro.
- 2) Compensation: Members of the Tree City Board shall serve without compensation.
- 3) Term of Office: The term of the seven persons to be appointed by the Mayor shall be three years except that the term of two of the members of the first Board shall be for

two years. In the event that a vacancy should occur during the term of any member, his successor shall be appointed to serve the remainder of the term.

4) Duties and Responsibilities: It shall be the responsibility of the Tree City Board to study, investigate, counsel, and develop and/or update, and administer a written plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs on public lands within the City of Greensboro. The Tree City Board shall also examine plans submitted pursuant to the Administrative Guidelines and monitor compliance therewith. The Tree City Board, when requested by the City Manager, shall consider, investigate, make findings, report, and recommend upon any special matter or question coming within the scope of its work. Any person dissatisfied with a decision of the Tree City Board shall have the right, upon proper notice to the Tree City Board, to request a hearing before the City Council, who shall be the ultimate arbiter as to the interpretation and application of this Ordinance and the Administrative Guidelines.

5) Operation: The Tree City Board shall elect a Chairperson, a Vice-Chairperson, and a Secretary. The Secretary shall maintain official minutes of all meetings and proceedings. The Tree City Board shall meet as often as necessary in regular or special meetings, which shall be called and conducted in accordance with the Georgia Open Meetings Law. A majority of its members shall constitute a quorum for the transaction of business.

Section 27-103: ADOPTION OF ADMINISTRATIVE GUIDELINES

On or before March 1 each year, the Tree City Board shall draft and recommend Administrative Guidelines for Tree Preservation and Planting within the City of Greensboro. Said Administrative Guidelines shall be submitted to the City Council for its approval. A public hearing shall be held prior to approval and before any final action on future meetings of this Ordinance. Notice of the time, date, and location of the hearing shall be published in the official news organ at least fifteen (15) days prior to the hearing.

Said Administrative Guidelines shall provide for the preservation and planting of trees on public lands within the City of Greensboro and all matters relating thereto, including but not limited to the requirements for planting and maintaining trees within the City; limitations on paving public lands for driveways or parking; use of pesticides; and Applications for grading, building, and change of use permitting; and development and similar matters affecting Greensboro's urban forest. The Administrative Guidelines, when approved as provided for herein, shall be considered as part of this Ordinance and be enforceable as such. Upon the failure of the Tree City Board to submit to the City Council a new set of Administrative Guidelines by March 1 of each year, the existing Administrative Guidelines shall be considered as the proposed guidelines for the current year.

Section 27-104: TREE SURGEON AND LANDSCAPING LICENSE

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing trees, for profit, within the City of Greensboro, without first applying for and procuring an Occupation Registration. No Occupation Registration shall be issued until the applicant first files evidence of liability insurance coverage in the minimum amount of Fifty thousand dollars (\$50,000) for bodily injury and One hundred thousand dollars (\$100,000) property damage resulting from the pursuit of such endeavors. Where workers' compensation coverage is required by state law, the failure to have and maintain such coverage shall be grounds for denial or revocation of such license. If a person, business, or other legal entity possesses an Occupation Registration in another City or County, the City of Greensboro will accept reciprocity from the other legal jurisdiction. The City of Greensboro may maintain trees under the supervision of the Tree City Board.

Section 27-105: PERMITS

Before any person, corporation, or association plants, removes, destroys, cuts, sprays, or prunes any tree on public land in the City of Greensboro or performs any work or function which results in disturbing, digging into, compaction or displacing of said property, or contracts with another person or corporation to perform such acts, a permit must be obtained from the City. Such permit shall be in addition to all other permits, authorizations, and procedures required by law for work within in disturbing, digging into, compacting, or displacing said property; or contracts with another or along public rights of way, including the State Highway System. A written planting plan for the planting, pruning, cutting, removal, or spraying of trees or trenching on public lands must be submitted to the City Manager for review by the Tree City Board prior to any work being performed. The Tree Board shall approve or deny the plan within ten (10) days of submittal. Any plan not acted upon within ten (10) days shall be deemed approved. All such plans shall conform to this Ordinance and the Administrative Guidelines. Failure to submit such a plan and/or commencing work on public lands without the aforesaid permit shall be considered a violation of this Ordinance. If the plan, as submitted, shall be approved by the Tree City Board, the City Manager or his designee shall issue the permit. The City may impose such permit fees as approved from time to time by the City Council. Individual permits shall not be required for the City of Greensboro, other licensed public utilities, or the Georgia Department of Transportation, as long as the same adopt and adhere to the Tree City Ordinance. Public and private utilities which maintain and install overhead and underground utilities, including CATV, water, sewer, etc., shall be required to accomplish all such work on public lands subject to this Tree City Ordinance to insure proper pruning and cutting of trees, including protection of roots.

Section 27-106: LANDSCAPE STRIPS/ISLANDS

- 1) Size of Landscape Strips: The width of a landscape strip must as a minimum be such that a five (5) foot diameter circle fit inside, and be at least fifty (50) square feet total. Excepted are landscape strips that were created on or before March 1, 2003.
- 2) Curb and Gutter: Curb stops or the like must be used to prevent vehicle overhang into landscape strips or parking islands.
- 3) Indemnification: Indemnification and maintenance agreements must be recorded with the Greene County Superior Court Clerk prior to permitting irrigation or plantings within County right-of-ways.
- 4) Trees: Trees within landscape strips should be planted to adhere to the following:
 - a) Landscape strips twenty five (25) feet wide or less shall contain a minimum of one tree for every thirty (30) linear feet of landscape strip.
 - b) Landscape strips greater than twenty five (25) feet wide shall contain a minimum of one tree for every twenty (20) linear feet of landscape strip.
 - c) Trees do not have to be planted in straight lines; clumping is permitted.

Section 27-107: TREE CUTTING

It shall be unlawful for any person to cut any tree on public lands without obtaining in advance of such cutting, a permit from the City based on a plan approved by the Tree City Board. "Cutting" is defined as the removal or cutting back of limbs larger than three (3) inches in diameter from trees or shrubs within the crown to such a degree so as to remove the normal canopy and disfigure the tree. Likewise, it shall be a violation of this Ordinance for any person to attach to any trees on public land any rope, wire, chain, sign, or other device.

Section 27-108: STUMPS

All stumps of trees on Public Lands shall be removed below the surface of the ground by the City or other authorized entities so that the top of the stump does not project above the surface of the ground.

Section 27-109: USE OF CHEMICALS AND HERBICIDES

Use of toxic chemicals or herbicides to kill or retard plant growth under concrete or asphalt paving within ten (10) feet of any tree on Public Lands is prohibited.

Section 27-110: PUBLIC TREE CARE

The City of Greensboro shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, and public grounds as may be necessary to insure public safety or to preserve

or enhance the symmetry and beauty of such public lands.

The Tree City Board may remove 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, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious disease, fungus, insect, or other pest. This section does not prohibit the planting of street trees by adjacent property owners, providing that the selection and location of said trees is in accordance with the other sections of this Ordinance.

Section 27-111: 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 land. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may, after review by the Tree City Board, be exempted from this ordinance.

Section 27-112: PRUNING AND CORNER CLEARANCE

Every owner of any tree overhanging a street or right-of-way within the City of Greensboro shall prune the branches so that such branches shall not obstruct the light from any street light or obstruct the view of any street intersection, and so that there shall be a clear space of at least eight (8) 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 said tree or shrub interferes with the proper spread of light along the street from a street light or interferes the visibility of any traffic control device or sign.

Section 27-113: REMOVAL OF DEAD OR DISEASED TREES

The City shall have the right to cause the removal of any dead or diseased trees on private property within the City when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees within the City. The Tree City Board will notify in writing the owners of said trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal to the owners.

Section 27-114: APPLICATION OF ORDINANCE TO PRIVATE PROPERTY

The provisions of this Ordinance shall not apply to private property; however, in addition to landscaping requirements imposed by the Zoning Ordinance, developers and owners of private property are strongly encouraged to promote, develop, and protect the existing urban forest within the City of Greensboro and to use the Administrative Guidelines in the landscaping of their properties.

For those properties abutting the public right-of-way on any street, it is encouraged that plantings be made no closer than 12.5 feet (at maturity) of the right-of-way or any utility easement. Planting is discouraged in areas reserved for drainage easements if such planting would impede or alter the flow of surface waters. For properties abutting upon the intersection of two or more right-of-ways, consideration should be given to plantings which may obstruct the vision of motorists entering such intersection.

Section 27-115: INTERFERENCE WITH TREE CITY BOARD

It shall be unlawful for any person to prevent, delay, or interfere with the Tree City Board, or any of its agents, which engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street tree, park tree, or trees on private lands as authorized in this Ordinance.

Section 27-116: ADMINISTRATIVE REVIEW BY CITY COUNCIL

Any person may appeal any adverse ruling or order of the Tree City Board to the City Manager. If the City Manager and the complainant cannot come to agreement, the matter shall be resolved by the City Council, who shall hear the matter at its next regularly scheduled meeting and make a final decision. Any matter not appealed within ten (10) days shall be deemed final.

Appeals shall be commenced in writing and filed with the City Council, setting forth in sufficient detail the ruling objection and the basis for rejection. Notice of the date, time, and location of the hearing shall be mailed to the appellant via first class mail, certified, return receipt mail at least ten (10) days prior thereto unless the appellant waives said ten day notice in writing. Hearings shall be conducted in conformity with minimum due process requirements.

Section 27-117: SEVERABILITY

In the event that any section, subsection, sentence, clause, or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this Ordinance, which shall remain in full

force and effect, as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof.

Section 27-118: PENALTY

Violation for the enforcement of the provisions of this Ordinance shall be an offense against the City and punishable in the manner provided therefore by citation to the Municipal Court. Any person violating any provision of this Ordinance shall be, upon conviction or plea of guilty, subject to a fine not to exceed \$100.00. In addition to any fine imposed, any person or firm violating the same shall:

- 1) Bear the costs of replacement and incidentals for the planting of a replacement tree(s) of equal value. Maintenance may be required for two (2) years.
- 2) The type(s) of tree(s), the location of said tree(s), and the time of planting shall be in conformity with a plan submitted to the Tree City Board and approved by it.

(Adopted 6/21/04)