



CITY OF ATLANTA

TREES

&

SHRUBBERY

ORDINANCE

Arboricultural Specifications and Standards of Practice

Department of Parks, Recreation and Cultural Affairs
236 Forsyth Street, S.W., Atlanta, GA 30303
July, 1989



CITY OF ATLANTA

ANDREW YOUNG
MAYOR

236 FORSYTH STREET, S.W., ATLANTA, GEORGIA 30303

SUITE 500

404 • 653-7130

FAX 404-658-6173

DEPARTMENT OF PARKS,
RECREATION & CULTURAL
AFFAIRS

BETSY C. BAKER
Commissioner

June 25, 1989

These standards and specifications for the City of Atlanta Trees and Shrubbery Ordinance have been developed to facilitate the smooth and accurate implementation of the City of Atlanta's Trees and Shrubbery Ordinance. They are effective July 1, 1989. Compliance with these guidelines is mandated by city law.

Guidance and enforcement are provided by the city arborist who can be reached at the following address and telephone number:

236 Forsyth Street
Suite 401
Atlanta, Georgia 30303
(404) 653-7150

Thank you for your interest and support of our efforts to protect trees as an important natural resource.

Betsy C. Baker

Commissioner
Department of Parks,
Recreation and
Cultural Affairs

CONTENTS

PURPOSE

SECTION	I.	AUTHORITY AND APPLICABILITY
SECTION	II.	DEFINITIONS
SECTION	III.	DESTRUCTION OR REMOVAL OF TREES
SECTION	IV.	PROCEDURES
SECTION	V.	METHODS OF TREE PROTECTION
SECTION	VI.	PUBLIC UTILITIES
SECTION	VII.	SPECIMEN TREES, HISTORIC TREES AND PUBLIC TREES
SECTION	VIII.	CRITERIA FOR SPECIMEN TREE DETERMINATION
SECTION	IX.	PLANTING OF PARK AND RIGHTS-OF-WAY TREES
SECTION	X.	AMENDMENTS
SECTION	XI.	GUIDELINES FOR REPLACEMENT OF TREES
SECTION	XII.	PROCEDURES FOR CALCULATING TREE DENSITY
SECTION	XIII.	PLAN REVIEW CHECKLIST
SECTION	XIV:	OVERSIZE BUILDING MOVING PERMITS
APPENDIX	1.	FIGURES 1 - 12
APPENDIX	2.	TREES AND SHRUBBERY ORDINANCE

ARBORICULTURAL SPECIFICATIONS AND STANDARDS OF PRACTICE

These specifications and standards that govern trees are set down in Section 10-2048. These standards are applicable to all public utilities, and all public and private agencies or groups. The purpose of these standards is to facilitate the protection and/or replacement of trees as part of the land development building construction process within the City of Atlanta.

POLICY: The policy of the Department of Parks, Recreation and Cultural Affairs, Bureau of Parks Maintenance shall be one of cooperation with the public and private property owners, other city departments, public utilities and appropriate non-profit organizations at all times.

GOAL: To maintain and or re-establish the canopy cover in the City of Atlanta and implement:

- 1) Improved control of soil erosion;
- 2) Moderation of storm water runoff, and improved water quality;
- 3) Interception of **airborn** particulate matter, and the reduction of **some** air pollutants;
- 4) Enhanced habitat for desirable wildlife;
- 5) Reduction of noise and glare;
- 6) Climate moderation;
- 7) Aesthetics, scenic amenity;
- 8) Increased property value.

SECTION I: Authority and Applicability

- A. Standards for tree protection and replacement are established under the authority of the City of Atlanta Trees and Shrubbery Ordinance. (See Appendix II)
- B. Terms and provisions of the Tree Ordinance, and the Arboricultural Specifications and Standards of Practice established herein, shall apply to any real property as follows:
 1. The covered area of historic or specimen trees;
 2. All undeveloped property;

3. The yard area of all developed property:
4. Public rights of way and parks.
5. All property zoned **R-1** through R-5 shall be excluded from the terms and provisions of these standards, provided, however, the covered area of historic and specimen trees shall be covered by the terms of these standards: provided further that in the event that a non-conforming use is permitted or a special use permit is granted on a property zoned R-1 through R-5 in the City of Atlanta, property shall be subject to the provisions of these standards, Section 10-2042.

SECTION **II**: Definitions

- A. All words in these standards have their **customary dictionary** definition except as specifically defined herein. The word **"shall"** and **"must"** are mandatory, and the words **"may"** and **"should"** are permissive.
 1. **Buildable Area** - The portion of a lot on which a structure of improvements may be erected according to current zoning requirements.
 2. **City Arborist** - The Agent of the Bureau of Parks Maintenance who is responsible for the administration of these standards and having the primary responsibilities of administration and enforcement of the Tree and Shrubbery Ordinance.
 3. **Dripline** - A vertical line extending from the outer surface of a tree's branch tips down to the ground.
 4. **DBH** - Diameter-at-Breast-Height is a standard measure of tree size, and is a tree trunk diameter measured in inches at a height of 4 1/2 feet above the ground. If a tree splits into multiple trunks below 4 1/2 feet, then the trunk is measured at its most narrow point beneath the split.
 5. **Grading Permits, Clearing and Grubbing Permits** - Official authorization issued by the City of Atlanta, Bureau of Buildings allowing defoliation or alteration of the site, or the commencement of any construction activities with the approval of the City Arborist.

6. Protected Zone - All lands that fall outside the buildable area of a parcel, all areas of a parcel required to remain in open space, and/or all, areas required as landscaping strips according to provisions of the City of Atlanta Zoning Ordinance, and conditions of zoning approval.
7. Revegetation - The replacement of trees into the minimum required landscape areas, and areas of open space, as determined by the zoning ordinance or conditions of zoning approval.
8. Specimen Tree - A tree which has been determined by the City Arborist to be of high value because of its type, size, age, or other professional criteria, and has been so designated in the official records of the city. General criteria for the determination of ~~specimen~~ trees are provided in Section VIII.
9. Tree Density Factor - A unit of measure used to ~~prescribe~~ and calculate required tree coverage on a site. Unit measurements are based upon tree size. (These factors pertain to sites which are being developed and have no existing canopy cover.)
10. Cover Area - That area which falls within the drip line of any tree.
11. Developed Property - Property upon which a building, structure, pavement or other improvements have been placed.
12. Undeveloped Property - Property upon which no building, structure, pavement, or other improvements have been placed.
13. Historic Tree - A tree which has been determined by the City Arborist to be of notable historic interest because of its age, size or historic association and has been sodesignated in the official records of the city.
14. Destroy - Any intentional or negligent act which will cause a tree to decline and die within a period of two (2) years, including, but not limited to, such damage inflicted upon the root system of a tree by the application of toxic substances, the operation of heavy machinery, the change of natural grade by excavation or filling the covered area or around the trunk of a tree, and damages from injury or from fire inflicted on trees which result in or permit pest infestation.

15. Tree Replacement Plan - A plan indicating the location, size, quantity and species of replacement trees.
16. Tree - Any self-supporting woody perennial plant which has a trunk diameter of two (2) inches or more when measured at a point six (6) inches above ground level and which normally attains an overall height of at least 10 feet at maturity, usually with one (1) main stem or trunk and many branches.
17. Yard Area - An open space on the same lot with a building, the space being unoccupied and unobstructed from the ground upward, with the exception of trees and other natural vegetation.
18. Public Agency - The city, the state, Fulton County, **DeKalb** County or any department, board agency, authority, or instrumentality of the city, the state, Fulton County or **DeKalb** County.
19. Public Tree - Any tree which exists on publicly owned or controlled property or right-of-way.
20. Public Utility - Any publicly, privately, or cooperatively owned line, facility or system for production, transmitting or distributing communications, power, electricity, light, heat, gas, oil products, water, steam, clay, waste, storm water not connected with highway drainage and other similar services and commodities, including publicly owned fire and police and traffic signals and lighting systems, which directly or indirectly serve the public or any part thereof. (Code 1965, Section **31A-26**)

SECTION III: Destruction or Removal of Trees in accordance with Section 10-2044.

No permit shall be issued for the destruction or removal of any tree unless one (1) of the following conditions exists:

- (1) The tree is located in the buildable area, yard area or street right-of-way of any property on which a structure or improvement is to be placed, which unreasonably restricts the permitted use of the property; or
- (2) The tree is diseased, injured beyond restoration, in danger of falling, so close to existing proposed structures so as to endanger them, interferes with utility services or creates unsafe visual clearance.

SECTION IV: Procedures

A. Land development, clearing and grading permit.

1. A tree protection/replacement plan shall be submitted with other permit drawings as part of the land development permit process. This plan shall include the following information. A sample plan is illustrated in Figure 1.
 - a). Definition of spatial limits using a site plan with foot prints to show:
 - (1). Limits of land disturbance, clearing, grading, and trenching;
 - (2). Tree protection zones;
 - (3)**. Specimen trees or stands of trees;
 - (4). Areas of revegetation, and tree density calculations.
 - b)**. Detail drawings of tree protection measures (where applicable).
 - (1). Protective tree fencing.
 - (2). Erosion control fencing.
 - (3). Tree protection signs.
 - (4). Transplanting specifications.
 - (5). Tree wells, and aeration systems.
 - (6). Staking specifications.
 - (7). Other applicable drawings.
 - c). Procedures and schedules for the implementation, installation, and maintenance of tree protection measures, which shall be in place before grading or clearing is to commence.
2. These plans shall be reviewed by the City Arborist for conformance with the City Tree Ordinance, these administrative standards, applicable provisions of the zoning ordinance, and any applicable conditions of rezoning. Reasons for denial shall be annotated on the tree protection plan, or otherwise stated in writing.

3. The City Arborist will conduct a preliminary on-site analysis of all projects prior to permitting to evaluate the potential for tree protection in terms of the proposed site design.
4. No specimen tree shall be removed or damaged without the express written consent of the City Arborist. Approval of the tree protection plan indicating those specimen trees to be removed, shall constitute this written consent.
5. Issuance of the land grading permit, or clearing and grubbing permit, is contingent upon approval of the tree protection plan by the City Arborist.
6. All tree protection measures shall be installed prior to land disturbance, and inspected by the City Arborist.
7. The City Arborist shall conduct follow-up site inspections and final inspections for enforcement of the **Tree Ordinance and its Arboricultural** Specifications and Standards of Practice.

B. Replacement of Trees (for sites with no canopy cover).

1. The replacement of trees shall occur in the minimum required open space and landscape areas, as determined by the zoning ordinance.
 - a). To establish the minimum tree density requirements for the site.
 - b). Where grading occurs outside the buildable area of the lot.
 - c). If the buildable area of the lot leaves no protected zone.
 - d). If no trees are present within an existing protected zone.
2. In all zoning districts except (Special Interest Districts) **SPI-1 through SPI-4** without **trees** on existing site the volume of replacement trees into a site, site must be sufficient so as to produce a total site-tree density factor of no less than:
 - a). 20 units per acre for residential properties;
 - b). 10 units per acre for non-residential properties:

- c). In SPI-1 through SPI-4 Districts, a **minimum of one (1) 4" caliper shade tree must** be provided for every **25 linear feet of road frontage** (clustering is **permitted, subject to approval** by the City Arborist) and planted behind the public rights of way plantings may be considered if all other areas will not support necessary tree requirements.

NOTE: The **terms** unit and tree are not interchangeable. Procedures for determining the site density and tree replacement requirements are provided in Section XI. A sample density calculation is provided in Table-1.

3. The spacing of replacement trees must be compatible with site spatial limitations, and with responsible considerations towards potential species size.
4. Where the City Arborist has determined that site spatial constraints result in an absolute inability to provide tree density, as many trees as possible must be planted on site. The remaining balance of required trees must be provided for planting on public properties. Tree bank arrangements will be made through the Parks Arboricultural Manager after approval has been granted by the City Arborist.
5. Species selected for replacement must be ecologically compatible with the specifically intended growing site and are subject to be reviewed by the City Arborist.
6. Quality of trees selected for planting must meet the minimum requirements as provided in the "**American Standard for Nursery Stock**", (ANSI Z60.1, 1980).
7. Trees selected for planting must be of good vigor, free from injury, insect pests, disease, structural deficiency, and root defects.
- a. Planting procedures shall follow standards established by the International Society of Arboriculture in the "**Trees and Shrub Transplanting Manual**". (Figures 2, 3, 4)
9. Specimen trees and stands of trees must be **replaced by** species with potential for comparable size and **quality**. **Tree** replacement in addition to the minimum **site tree density** may be required in recompense for the **removal of** specimen trees.
10. Species selection and replacement densities are subject to City Arborist approval.

11. When deemed necessary by the City Arborist, the owner/developer of a project shall be required to furnish a bond or other financial security to insure the installation of required plant materials or survival of protected trees for the duration of a required maintenance period. The bond amount shall be equal to or greater than 115 percent of the total required tree planting budget, including material and labor.

SECTION V: Methods of Tree Protection

- A. Planning considerations. Tree space is the most critical factor in tree protection throughout the development process. The root system of trees can easily extend beyond the **dripline** of the tree canopy (Figure 5). The root system within the **dripline** region is generally considered to be the critical root zone. Disturbance within this zone can directly affect a tree's chances for survival. To **protect these** critical root zones the following standards shall apply:
 1. The use of tree save islands and stands is encouraged rather than the protection of individual (non-specimen) trees scattered throughout a site. This will facilitate ease in overall site organization as related to tree protection.
 2. The protective zone of specimen trees or stands of trees or otherwise designated tree save area shall include no less than the total area beneath the tree(s) canopy as defined by the farthest canopy **dripline** of the tree(s). In some instances, the City Arborist may require a protective zone in excess of the area defined by the **dripline** of the tree.
 3. Layout of the project site utility and grading plans should accommodate the required tree protective zones. Utilities must be placed along corridors between tree protective zones.
 4. Construction site activities such as parking, material storage, concrete washout, **burnhole** placement, etc., shall be arranged so as to prevent disturbances within tree protective zones.
 5. No disturbance shall occur within the protective zone of specimen trees or stands of trees without prior approval by the City Arborist.

B. Protective Barriers

1. Active protective tree fencing shall be installed along the outer edge of and completely surrounding the critical root zones of all specimen trees or stands of trees, or otherwise designated tree protective zones, **prior to any** land disturbance.
2. These fences will be a minimum of 4 feet high, constructed in a post and rail configuration. A 2 inch x 4 inch **post** and a double 1 inch x 4 inch rail is recommended. Four foot orange polyethylene safety fencing is also acceptable (Figure 6).
3. Passive forms of tree protection may be utilized to delineate tree save areas which are remote from areas of land disturbance. These areas must be completely surrounded with continuous rope or flagging (heavy mill, minimum 4" wide). All passive tree protection must be accompanied by **"Keep Out"** or **"Tree Save" signage** (Figure 7).
4. All tree protection zones should be designated as such with "tree save area signs posted visably on all sides of the fenced in area. These signs are intended to inform subcontractors of the tree protection process. Signs requesting **subcontractor cooperation** and compliance with tree protection standards are recommended for site entrances.
5. All specimen trees or stands of trees, or otherwise designated tree protective zones must be protected from the sedimentation of erosion material.
 - a). Silt screening must be placed along the outer uphill edge **of** tree protective zones **at the** land disturbance interface (Figure 6).
 - b). Silt screening should be backed by 12 gauge 2 inch x 4 inch wire mesh fencing in areas of steep slope.
6. All tree fencing and erosion control barriers must be installed prior to and maintained throughout land disturbance process and building construction, and should not be removed until landscaping is installed.

- C. Encroachment. **Most trees** can tolerate only a small percentage of critical root zone loss. If encroachment is anticipated within the critical root zones of specimen trees, stands of trees, or otherwise designated tree protective zones, the following preventive measures shall be employed:
1. Clearing activities: Roots often fuse and tangle amongst trees. The removal of trees adjacent to tree save areas can cause inadvertant damage to the protected trees. Whenever possible, it is advisable to cut minimum 2 foot trenches (e.g., with a "**ditch-witch**") along the limits of land disturbance, so as to cut, rather than tear, roots. Tunnelling may be required for the protection of specimen trees.
 2. Soil compaction: Where compaction might occur due to traffic or materials storage, the tree protective zone must first be mulched with a minimum 4 inch layer of processed pine bark or wood chips, or a 6 inch layer of pine straw.
 3. Trenching: The installation of utilities through a protective zone should occur by way of tunneling rather than trenching (Figures 8 and 9).
 4. Grade changes: Moderate fill can be tolerated within a tree's critical root zone with the prior installation of an aeration system. Aeration system specifications are provided in Figures 10 and 11. Commercially available aeration systems are subject to approval by the City Arborist. A decrease in grade is best accomplished with the use of retaining walls or through terracing (Figure 12).
 5. Where the City Arborist has determined that irreparable damage has occurred to trees within tree protective zones, the trees must be removed and replaced.

SECTION VI: Public Utilities

- A. All public utilities shall be required to obtain an annual permit issued by the Tree Preservation Review Board. Applicants are to be obtained at the office of the City Arborist. All applications are to be accompanied by a list of sub-contractors by name, address and city business license number.
1. Periodic work schedules are to be submitted to the Bureau of Parks Maintenance, Office of the City Arborist, showing the proposed location and the extent of tree work to be performed.
 2. All work to be performed on trees growing on or over the public rights-of-ways shall be done according to the methods as described in Part IX, Section D, General Maintenance, of this document.

SECTION VII: Specimen Trees, Historic Trees and Public Trees

- A. Damage or destruction to street rights-of-way and park trees:
- * 1. No person shall, without the written permission of the City Arborist remove, destroy, break, cut or deface any tree or shrub that is growing in any public right-of-way or city park.
 2. No person shall directly or indirectly permit any toxic chemical or any toxic substance to seep, or drain or be emptied on or about any tree that is growing in public right-of-way or city park.
 3. No person shall directly or indirectly place stone or cement or other substance about any tree growing in the street right-of-way which will impede the free entrance of water or air to the roots of such trees without leaving an open space of ground about the trunk of such tree of not less than sixteen (16) square feet.
- * Section 17-10005 It shall be unlawful for any person to molest, injure or destroy foliage, plants, shrubs, flowers, trees, birds or bird nests, squirrels, or rabbits in or upon any **public** park public property or the property of another without the permission of the owner, as to private property or the mayor or his designee, as to the property of the city (Code 12965, Section 20-204).

4. No person shall remove, damage or misuse, or attach any foreign object to any guard or device placed or intended to protect any tree, plant or shrub growing in any public right-of-way or city park.
5. No person shall attach or place any rope, wire, sign poster, handbill or any other thing on any tree or shrub growing in any public right-of-way or city park.
6. In the cases of erection, demolition, or repair of any building or structure, the owner thereof shall place or cause to be placed such guards around all nearby trees growing in the street right-of-way so as to prevent injury to them.

B. Tree Assessment Value

1. Specimen trees, historic trees and public trees destroyed by willful acts or by motor vehicle accidents will be assessed using the International Society of Arboriculture's Shade Tree Evaluation formula or replacement value when applicable.

C. Tree Replacement Requirements

1. Street rights-of-way trees that are in sound condition but are to be removed to facilitate construction of driveways, utilities, curbs, sidewalks, or street widening **must be replaced using the tree trunk diameter (caliper) measured at 54" above the ground (DBH) as the replacement factor.**

Example: The removal of one (1) 24" DBH tree requires replacement of six (6) 4" trees, eight (8) 3" trees or twelve (12) 2" trees.

2. Replacement tree species shall be determined by the City Arborist. Replacement shall not necessarily be **confined** to the site from which the tree was removed. **Value of 2" trees, acceptable replacement could include planting on city rights-of-way.**

SECTION VIII: General Criteria for the Determination of Specimen Trees or Stands of Trees

A. Specimen Tree:

1. Any tree in fair or better condition which equals or exceeds the following sizes:
 - a. Large hardwoods, eg. oaks, hickories, yellow poplars, sweetgums, etc., 30" dbh.

- b. Large softwoods, eg. pines, deodar cedars, etc., **36"** dbh.
 - c. Small trees, eg. dogwoods, redbuds, **sourwoods**, etc., 12" dbh.
- 2. A tree in fair or better condition must meet the following minimum standards:
 - a. A life expectancy of greater than 15 years.
 - b. A relatively sound and solid trunk with no extensive decay or hollow, and less than 20 percent radial trunk **dieback**.
 - c. No more than one major and several minor dead limbs (hardwoods only).
 - d. No major insect or pathological problem.
 - 3. A lesser sized tree can be considered a specimen if it is a rare or unusual species, of exceptional quality, or historical significance.
 - 4. A lesser sized tree can be considered a specimen if it is specifically used by a builder, developer, or design professional as a focal point in a project of landscape.
- B. Specimen Tree Stands - A contiguous grouping of trees which has been determined to be of high value. Determination is based upon the following criteria:
- 1. A relatively mature even aged stand.
 - 2. A stand with purity of species composition or of a rare or unusual nature.
 - 3. A stand of historical significance.
 - 4. A stand with exceptional aesthetic quality.

SECTION IX: Planting of Park and Rights-of-Way Trees

A. Size

- 1. Unless otherwise specified by the City Arborist, all medium to large deciduous tree species and varieties, shall conform to American Association of Nurserymen Standards and be at least **1/4** to **1/2** inches in Caliper, six (6) inches above ground level, single stem, and at least (8) to ten (10) feet in height when planted. The crown shall be in good balance with the trunk.

2. All small tree species and their cultivars or varieties, shall be at least five (5) to six (6) or more in height and have six (6) or more branches.

B. Grade

1. Unless otherwise allowed for specific reasons, **all trees** shall have comparatively straight trunks, well developed leaders and tops, and root characteristic of the species or variety showing evidence of proper nursery pruning. All trees **must be free of insects, disease, mechanical injuries** and other objectionable features at the time of planting.

C. Location and Spacing

1. Based on a forty (40) year growth cycle, no tree with a projected trunk growth diameter greater than twenty-four (24) inches, shall be planted in a sidewalk grass strip right-of-way less than three (3) **feet wide**. In sidewalk grass strip areas less than three (3) feet in width, or where overhead utility wires or building setbacks present a special problem, the selection of site and species shall be determined by the City Arborist.
2. Where the sidewalk grass strip is less than three (3) feet in width, steps should be taken to plant on the backside of the sidewalk or private property, or larger planting areas may be developed in the sidewalk areas.
3. Trees shall be planted at least forty (**40**) feet from street intersections or as directed by the City of Atlanta, Bureau of Traffic Engineering.
4. The following shall be used as a guide for tree planting on public right-of-way unless otherwise approved by City Arborist:

FROM FIXED OBJECTS AND VEHICULAR WAYS MIN. PLANTING DISTANCE

Alleyways	15'
Driveways	10'
Fire Hydrants	10'
Manholes in grass strips	5'
Street Lights	15'
Removed tree stumps	3'
Utility meters or valves	5'
Utility poles	10'

D. General Maintenance

1. Pruning and Approved Removals

- a. No topping or dehorning of trees shall be permitted except by express permission of the city Arborist.
- b. All large, established trees shall be pruned to sufficient height to allow tree passage of pedestrians and vehicular traffic: ten (10) feet over all street except those that are subject to truck traffic which **shall have** a clearance of sixteen (16) feet.
- c. All cuts shall be made with a saw or pruner and only at the nodes or crotches. No stubs shall be left. No spurs or climbing irons shall be used in the trees, except when trees are to be removed.
- d. All dead, crossed, or rubbing branches shall be removed.
- e. All tools being used on a tree suspected to be infected with a contagious disease shall be disinfected before being used on another tree.
- f. The stumps of all removed trees shall be cut to at least three (3) inches below the ground, and soil shall be replaced and the area leveled. If the area where the tree is removed is to be paved, the tree should be cut or stump removed at least six (6) inches below the ground. (This work is to be done by the City of Atlanta, Department of Public Works.)

2. Spraying

- a. Suitable precautions shall be taken to protect and warn the public that spraying is to be done.
- b. Spraying shall be done only for the control of specific diseases or insects, with the proper materials in the necessary strength, and applied at the proper time to obtain the desired control. All spraying practices shall **conform to** federal and state regulations.
- c. All spraying of trees is to be done according to state licensing requirements for pesticides and fungicides.

3. Fertilization

- a. Formulations, rates and methods of application of fertilization shall be specified by the City Arborist.

SECTION X: Amendments

- A. The City Arborist shall have the authority to modify, amend, or extend with the approval of the Department of Parks, Recreation and Cultural Affairs, the Arboricultural Specifications and Standards of Practice at any time that experience indicated improved methods or whatever circumstances makes it advisable.

SECTION XI: General Guidelines for Replacement of Trees for all sites except developed **R1-R5** and areas with no existing vegetation.

When required, the applicant, in the discretion of the City Arborist, may be required to replace any tree being removed with the suitable **replacement tree** elsewhere on site. The determination of tree replacement numbers will be based on caliper inches (striving for **1"** for **1"** caliper inch replacement on the site). To determine if the replacement is reasonable the city Arborist shall consider intended use of:

1. Existing tree coverage, size and type.
2. Number of trees to be removed on the entire property.
3. Area to be covered with structures, parking and driveways.
4. Grading plan, and drainage requirements.
5. Character of the site and its environs.
6. No site will be allowed to receive occupancy permit or Use permit until tree canopy has been established.
7. Sites completely void of trees will still be required to establish a tree canopy as set down in Section IV B.
8. Existing sites which do not meet the canopy requirement will have five (5) years from the acceptance of this article to **comply** with the requirements of the office of the Arborist.
9. In parking areas, one canopy tree shall be planted in the lot for each five (5) parking spaces and on all properties with the exception of those in Special Public Interest Districts A minimum of five (5) square feet or green space per **900** square foot of pavement shall be provided.

Step 4. The RDF can be converted back to caliper inches using Table 3, Page 20. Any number or combination of transplantable size trees can be used so long as their total density factor units will equal or exceed the RDF.

<u>NUMBER</u>	<u>SIZE</u>	<u>SPECIES</u>	<u>DENSITY FACTOR</u>
12	1"	Pines	(12 x .4) = 4.8
10	2"	Red Maples	(10 x .5) = 5.0
2	6 "	Oaks	(2 x 1.0) = <u>2.0</u>
			11.8

11.8 is greater than the RDF of 11.6 thus the minimum requirements have been satisfied.

TABLE 1 SAMPLE TREE DENSITY CALCULATION

Required DFS

2.2 acres x 20 units/acre = 44 units required

EDF (Existing Density Factor)

SIZE	UNITS	NUMBER	TOTAL UNITS
24"	3.1	2	6.2
18"	1.8	10	18.0
10"	0.6	8	<u>4.8</u>
		Total EDF	29.0

RDF (Replacement Density Factor)

SIZE	UNITS	NUMBER	TOTAL UNITS
2" - 3"	.5	10	5.0
1"	.4	100	40.0
		Total RDF	45.0

EDF + RDF = > or = DFS

29 + 45.0 = 74.0 > or = 44, therefore Density Satisfied

TABLE 2 EXISTING TREES TO REMAIN - Conversion from DBH to density factor units for trees remaining on site.

DBH	UNITS	DBH	UNITS	DBH	UNITS
1-4	.1	22	2.6	37	7.5
5-7	.3	23	2.9	38	7.9
10	.6	25	3.4	40	8.7
11	.7	26	3.7	41	9.2
12	.8	27	4.0	42	9.6
13	.9	28	4.3	43	10.1
14	1.1	29	4.6	44	10.6
15	1.2	30	4.9	45	11.0
16	1.4	31	5.2	46	11.5
17	1.6	32	5.6	47	12.0
18	1.8	33	5.9	48	12.6
19	2.0	34	6.3	49	13.1
20	2.2	35	6.7	50	13.6
21	2.4	36	7.1		

TABLE 3 REPLACEMENT TREES - Conversion from caliper to density factor units for replacement trees. (1,2)

CALIPER	UNITS	CALIPER	UNITS
1	.4	8	1.3
2	.5	9	1.5
3	.6	10	1.7
4	.7	11	1.9
5	.9	12	2.1
6	1.0	13	2.3
7	1.2	14	2.5

1. Container grown pine trees are given replacement credit as follows:

	<u>SIZE</u>	<u>UNITS</u>	
	7 Gallon	.4	* The use of 1 and 3 gallon pines is permitted only with prior approval.
*	3 Gallon	.2	
*	1 Gallon	.1	

2. Tree relocation: Replacement units will be granted to trees relocated **on** site. Tree relocation is subject to City Arborist approval.

SECTION XIII: Checklist for Tree Protection/Tree Planting Review

A. Tree Protection

A tree protection/tree planting plan shall be submitted as a separate drawing to include the following:

- a. All tree protection zones, and areas of revegetation.
- b. Approximate location of all specimen trees or stands of trees.
- c. Exact location of all specimen trees when their preservation is questionable, or might result in a change of the site design.
- d. Indicate those specimen trees to be removed. Removal of specimen trees is subject to City Arborist approval.
- e. Limits of clearing and land disturbance such as grading, trenching, etc. where these disturbances may affect protection zones.
- f. Proposed location of underground utilities.
- g. Methods of tree protection shall be indicated for all tree protection zones, including tree fencing, erosion control, retaining walls, tunneling for utilities, aeration systems, transplanting, staking, **signage**, etc.
- h. Indicate staging areas for parking, material storage, concrete washout, and debris burn and burial holes where these areas might affect tree protection.
- i. The required site tree density factor must be satisfied. Compliance shall be demonstrated on the tree protection plan. Existing trees or stands of trees used in the density calculation must be indicated on the drawing.
- j. The use of flowering ornamental replacement trees may not be used in density calculation.
- k. Replacement trees used in density calculations must be ecologically compatible with the intended growing site.
- l. The final parking area will have not less than one (1) shade tree for each five (5) parking spaces.

B. Landscaping

1. Indicate the location of all proposed trees.
2. Include planting schedules with proposed tree names (botanical and common) and any special planting notes.
3. Provide planting and staking details.

C. **Notes**

1. The following notes shall be indicated on both tree protection plans and grading plans in large letters.
 - a. Contact the Bureau of Parks Maintenance at 653-7135 to arrange a Pre-Construction Conference with the City Arborist prior to any land disturbance.
 - b. All **tree** protection measures **shall be** installed prior to grading.

SECTION **XIV:** Oversize Building Moving Permits - Section 10-2047

The City Arborist shall review and approve all applications for oversize building moving permits before the City will grant the permit.

Appendix 1

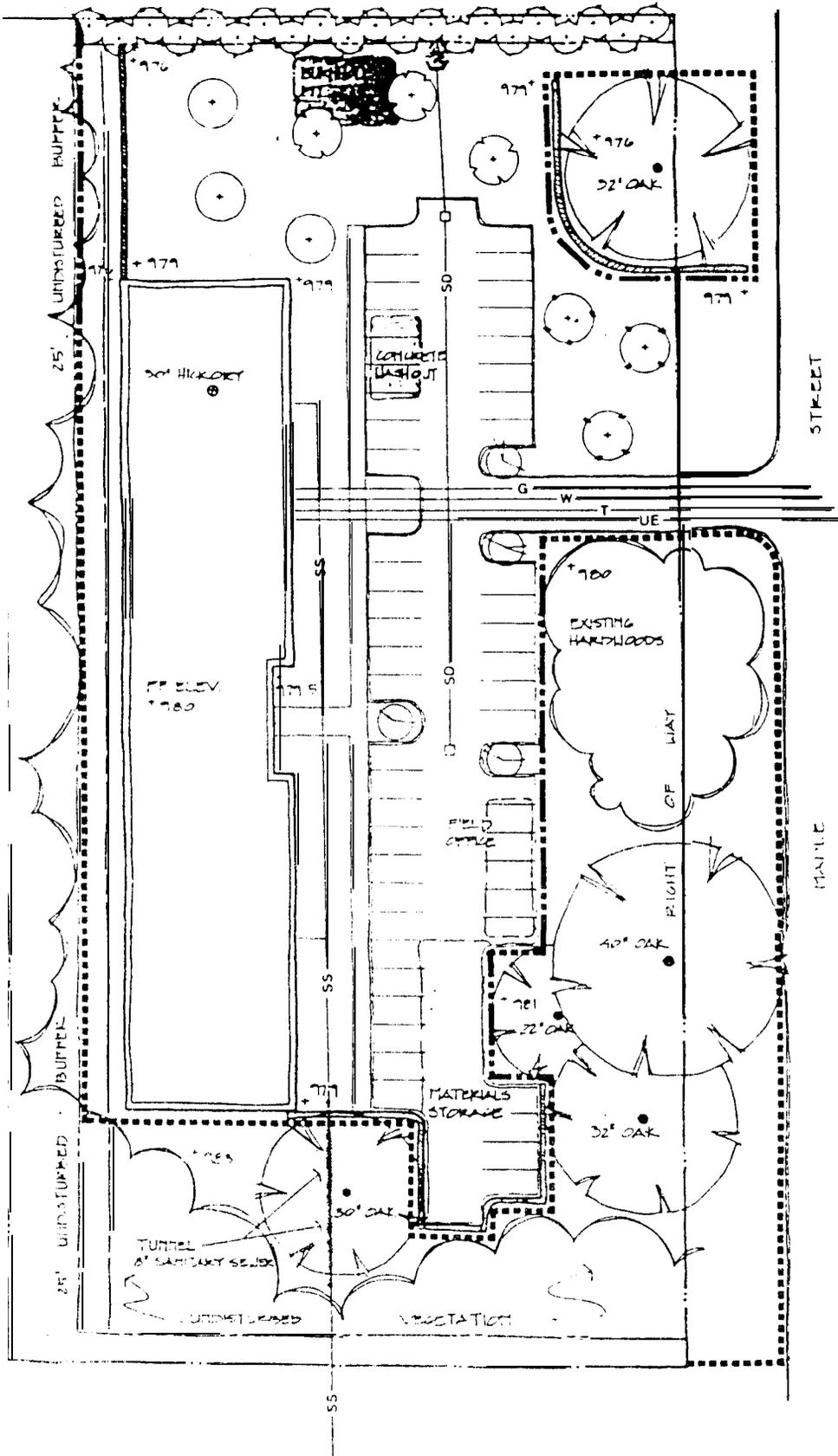
PLANT LIST

SPECIES	SIZE	QUANT	CODE	APPROX
VIRGINIA PINE PINUS VIRGINIANA	4'HT	21	B+B	12'00
WILLOW OAK QUERCUS PHellos	6'DBH	4	SPRUE	45'00
PIN OAK QUERCUS PALUSTRIS	8'DBH	5	SPRUE	55'00
WHITE OAK QUERCUS ALBA	8'DBH	5	SPRUE	55'00
SCARLET OAK QUERCUS COCCINEA	8'DBH	5	SPRUE	55'00

LEGEND

- TREE FENCING
- FENCING W/ EXPOSURE CONTROL
- ===== RETAINING WALL
- ===== TUNNEL
- G----- GAS
- UE----- UNDERGROUND ELECTRIC
- W----- WATER
- T----- TELEPHONE
- SS----- SANITARY SEWER
- SD----- STORM DRAINAGE
- ⊙ REMOVED TREE
- ⊙ EXISTING TREE
- PROPERTY LINE
- BUILDING SETBACK LINE

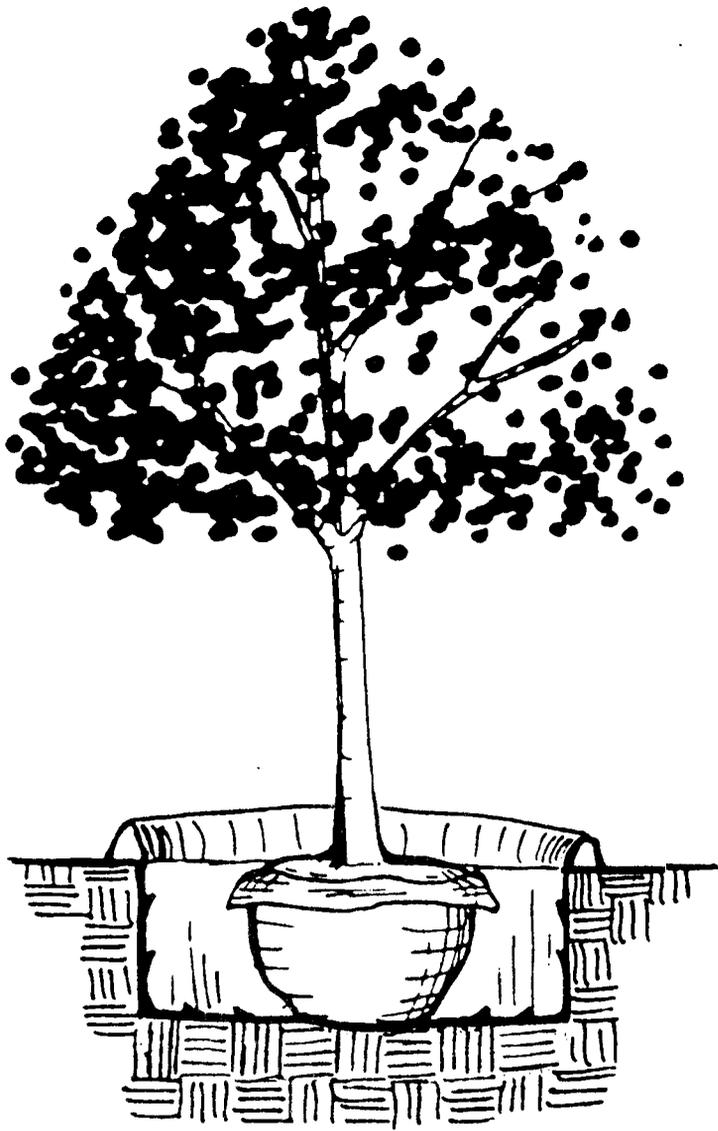
NOTES



SAMPLE TREE PROTECTION PLAN

FIGURE 1





- TREE WRAP
- BERM/DIKE TO FACILITATE WATERING.
- MULCH 4 - 6" DEEP
- TREE SHALL BEAR SAME RELATION TO FINISHED GR. AS IT BORE TO PREVIOUS EXISTING GRADE,
- FINISH GRADE
- REMOVE BURLAP AND TIES FROM AROUND TREE COLLAR
- USE NATIVE SOIL FOR BACKFILL, TAMP LIGHTLY
- SCARIFY BOTTOM AND SIDE OF HOLE,
- HOLE TO BE TWO TIMES WIDER THAN ROOT BALL,
- UNDISTURBED GRADE
- STAKE WHERE APPROPRIATE

FIGURE 2

TREE PLANTING DETAIL

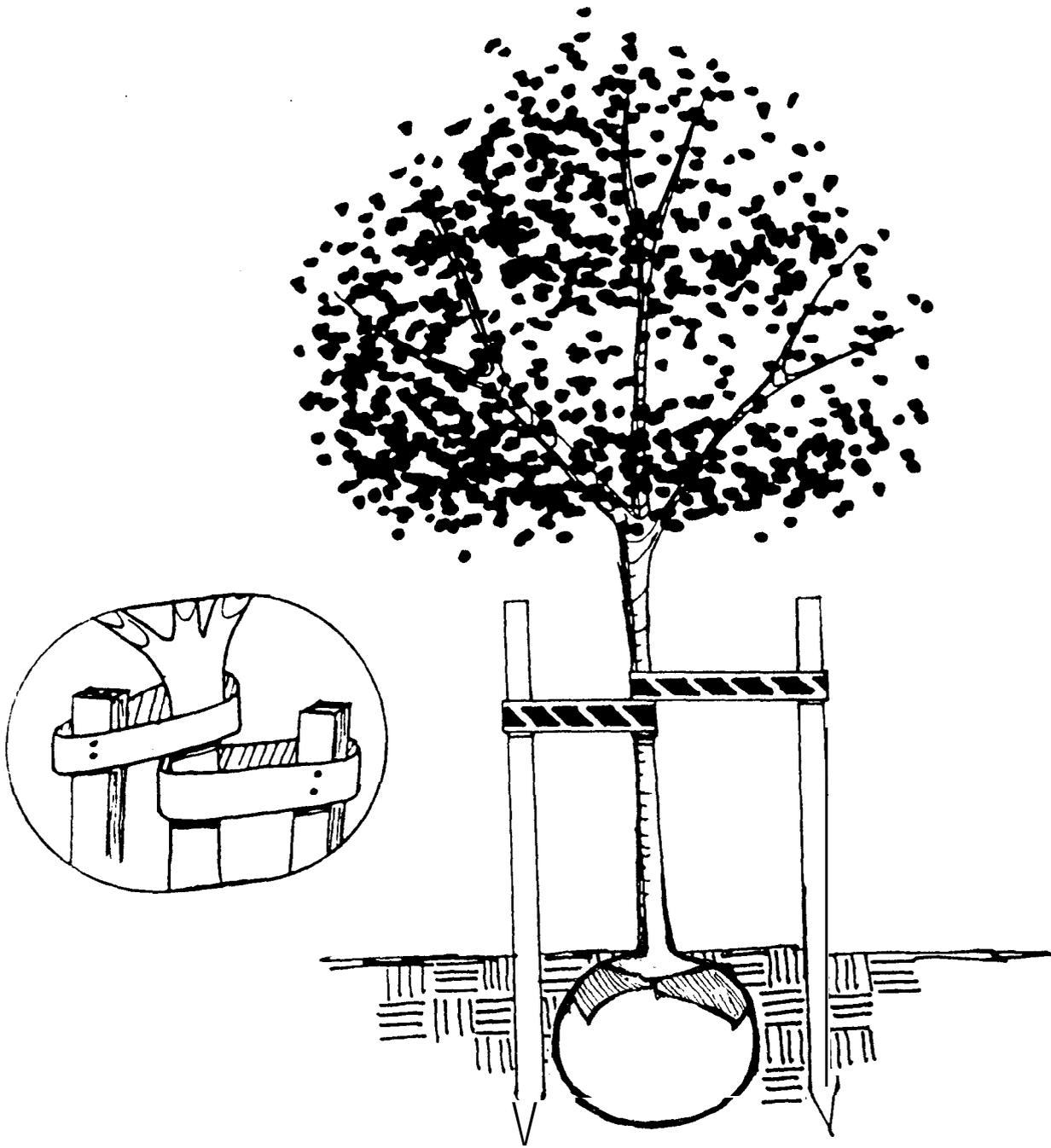
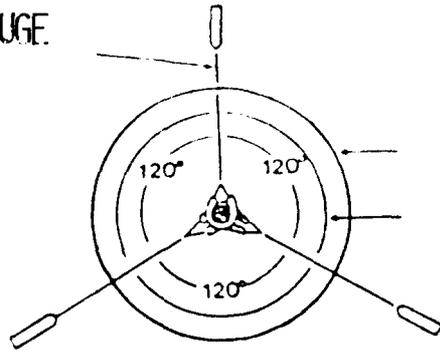


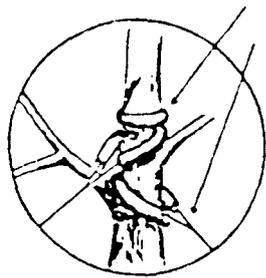
FIGURE 3 STAKING FOR TRUNK SUPPORT AND ROOT ANCHORAGE

2 STRANDS #10 GAUGE
WIRE TWISTED

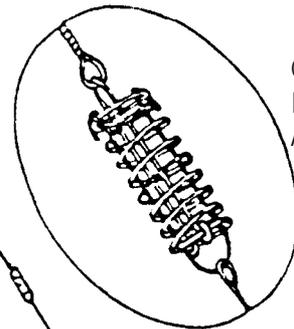


TREE PIT
TREE BALL

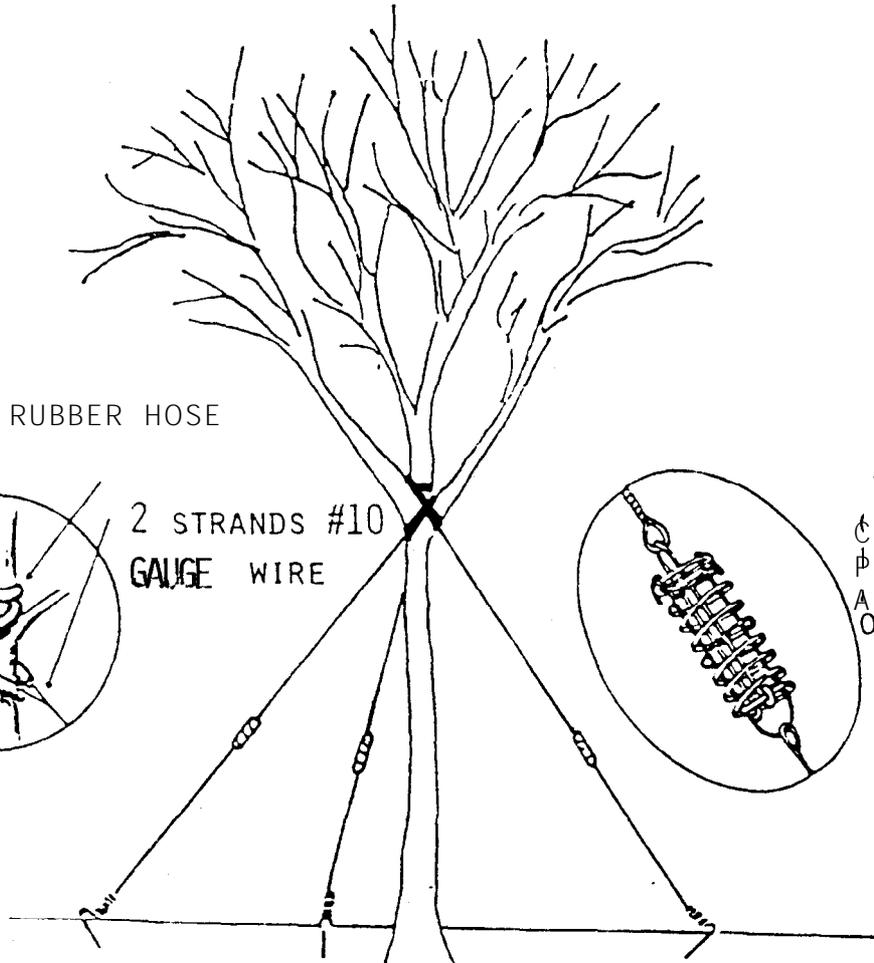
REINFORCED RUBBER HOSE



2 STRANDS #10
GAUGE WIRE



COMPRESSION SPRING
PROVIDE FLEXIBILITY
AND REDUCE STRAIN
ON ANCHOR STAKE



ANCHOR STAKES

- A. ARROW HEAD SHAPED
LAND ANCHORS
- B. WOODEN STAKES
- C. DEADMAN ANCHOR

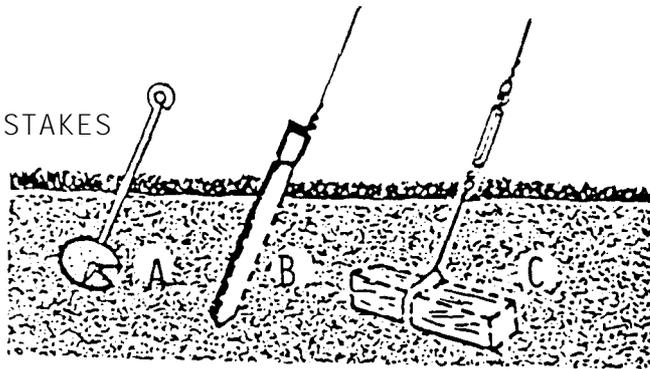


FIGURE 4 GUYING FOR SUPPORT AND ANCHORAGE
OF LARGE TRANSPLANTED TREES

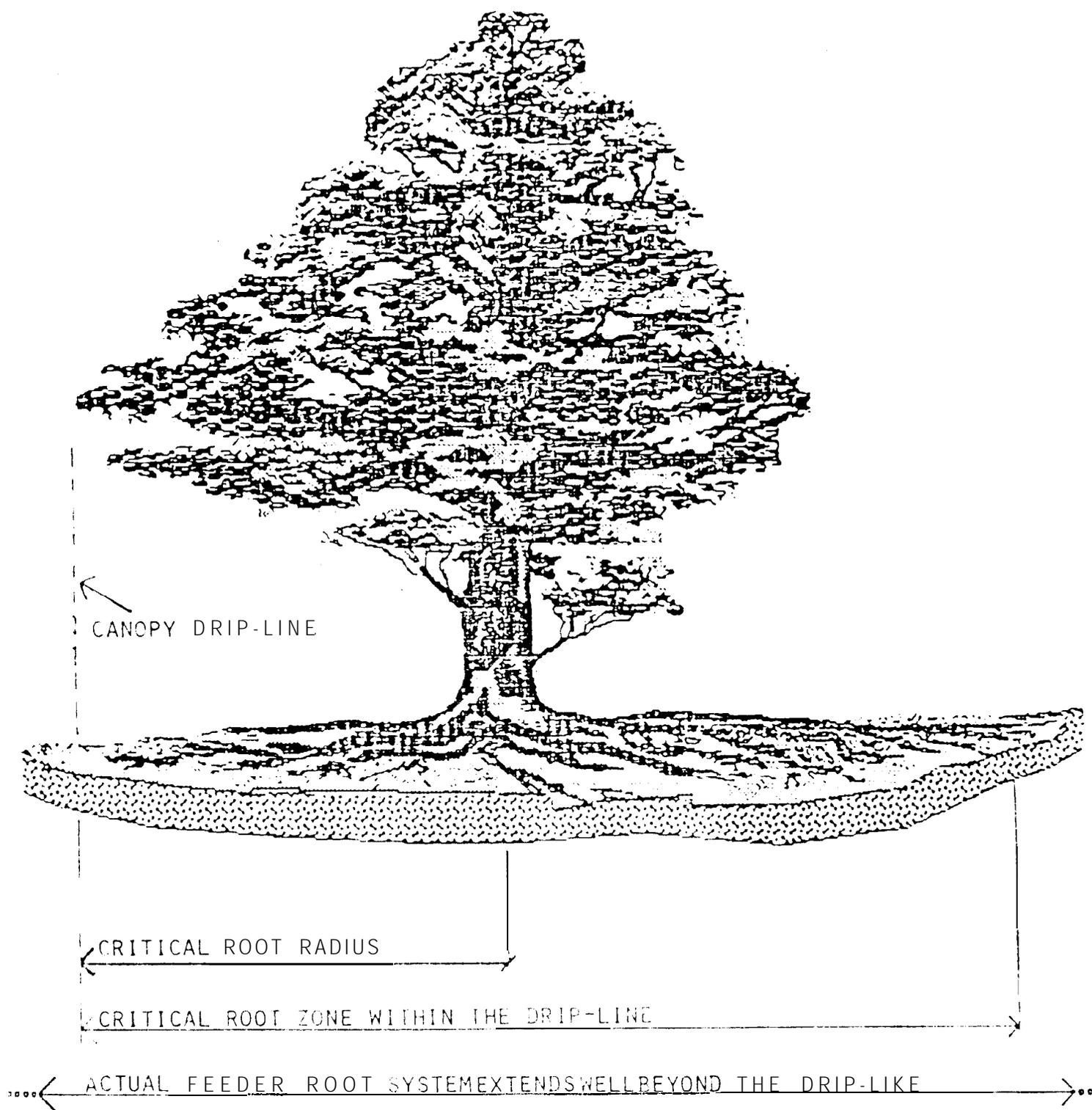


FIGURE 5 TYPICAL CRITICAL ROOT ZONE

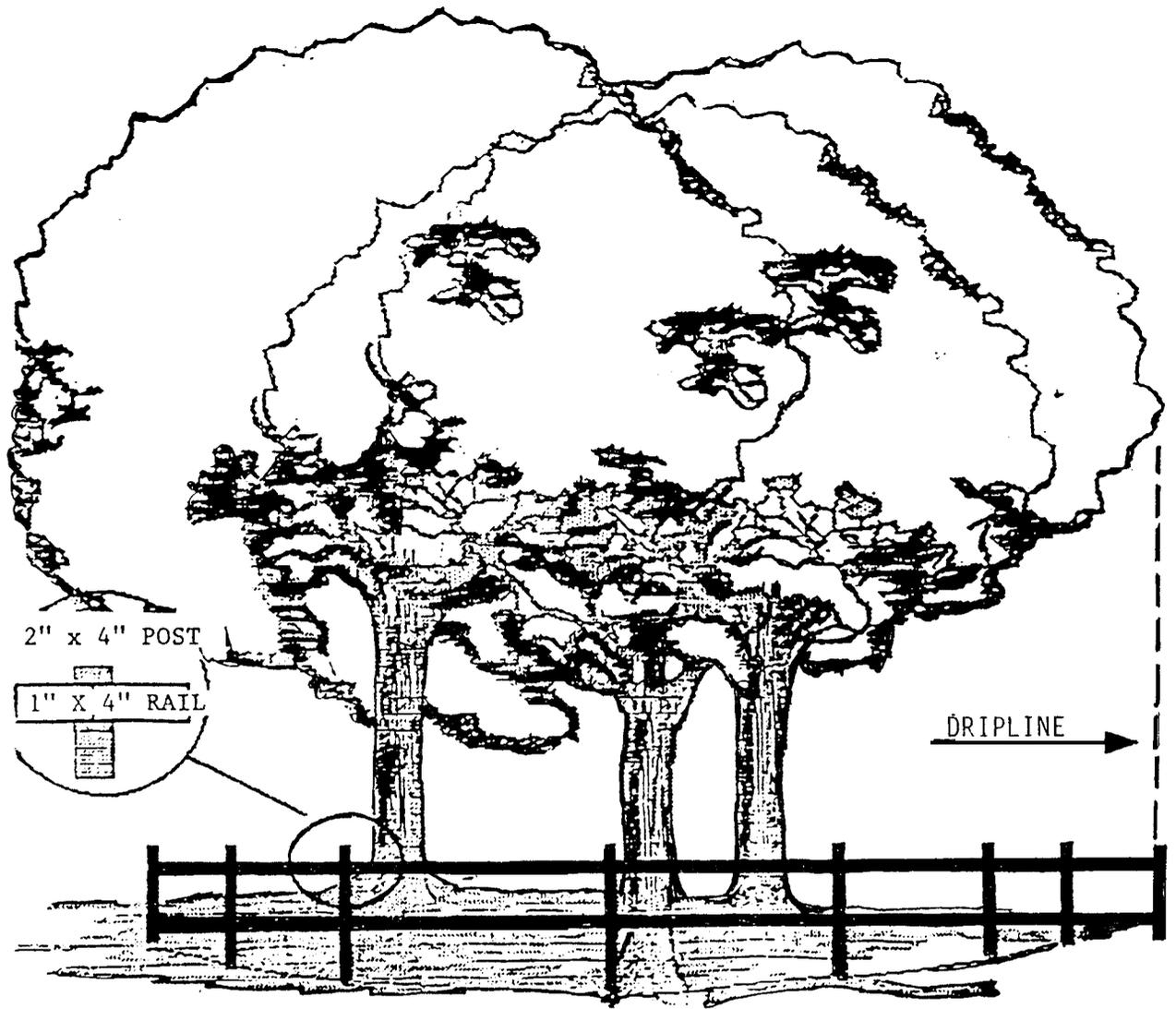
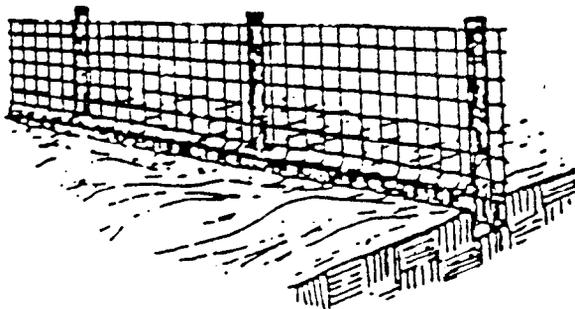


FIGURE 6 ACTIVE PROTECTIVE TREE FENCING
BARRICADE TREES AT DRIPLINES

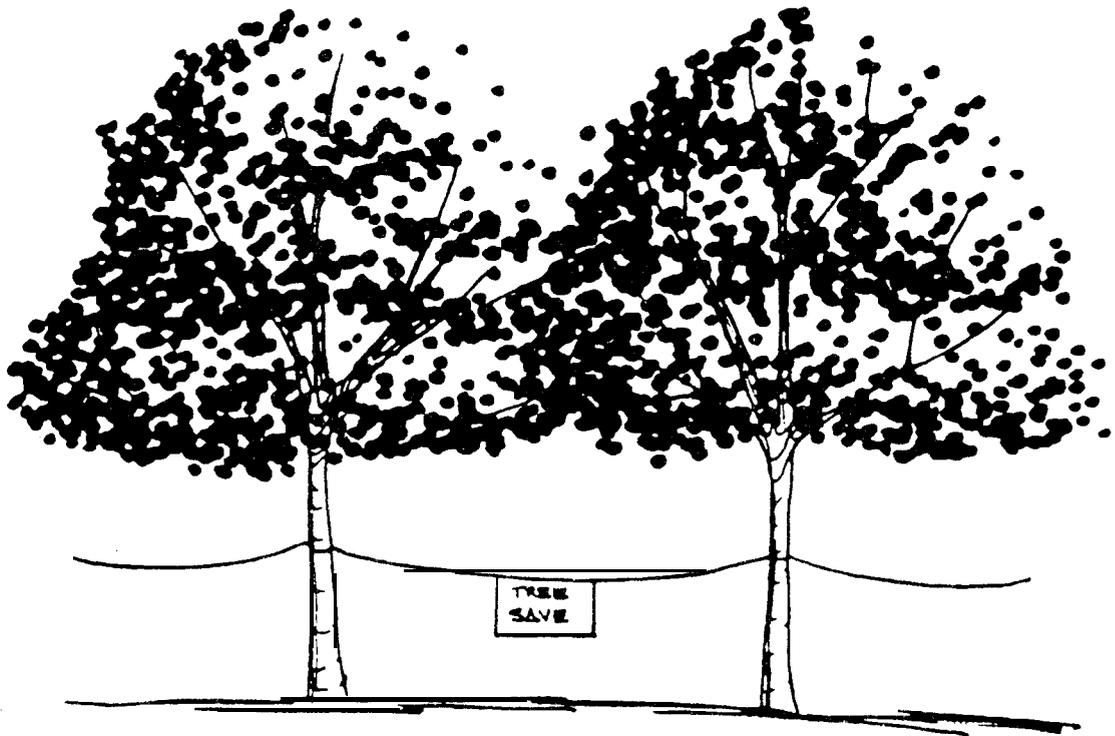


ALTERNATIVE TREE FENCING
4' HIGH, ORANGE,
POLYETHYLENE LAMINAR
SAFETY NETTING,

MINIMUM 4", HEAVY MILL, PLASTIC, DARK LETTERING ON BRIGHT BACKGROUND

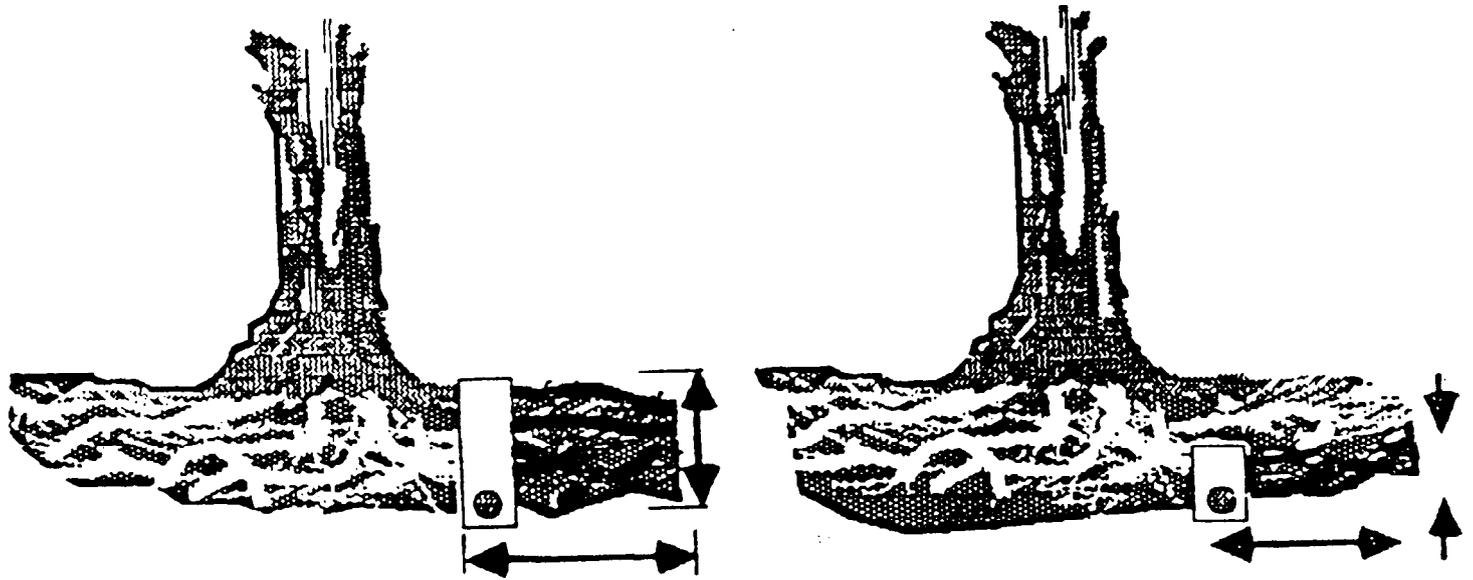
TREE PROTECTION AREA
CAUTION DO NOT ENTER

← CONTINUOUS →



PASSIVE PROTECTION WITH ROPE AND SIGNAGE

FIGURE 7 PASSIVE PROTECTION DETAIL



DAMAGED ROOT AREA

TRENCHING

TUNNELING

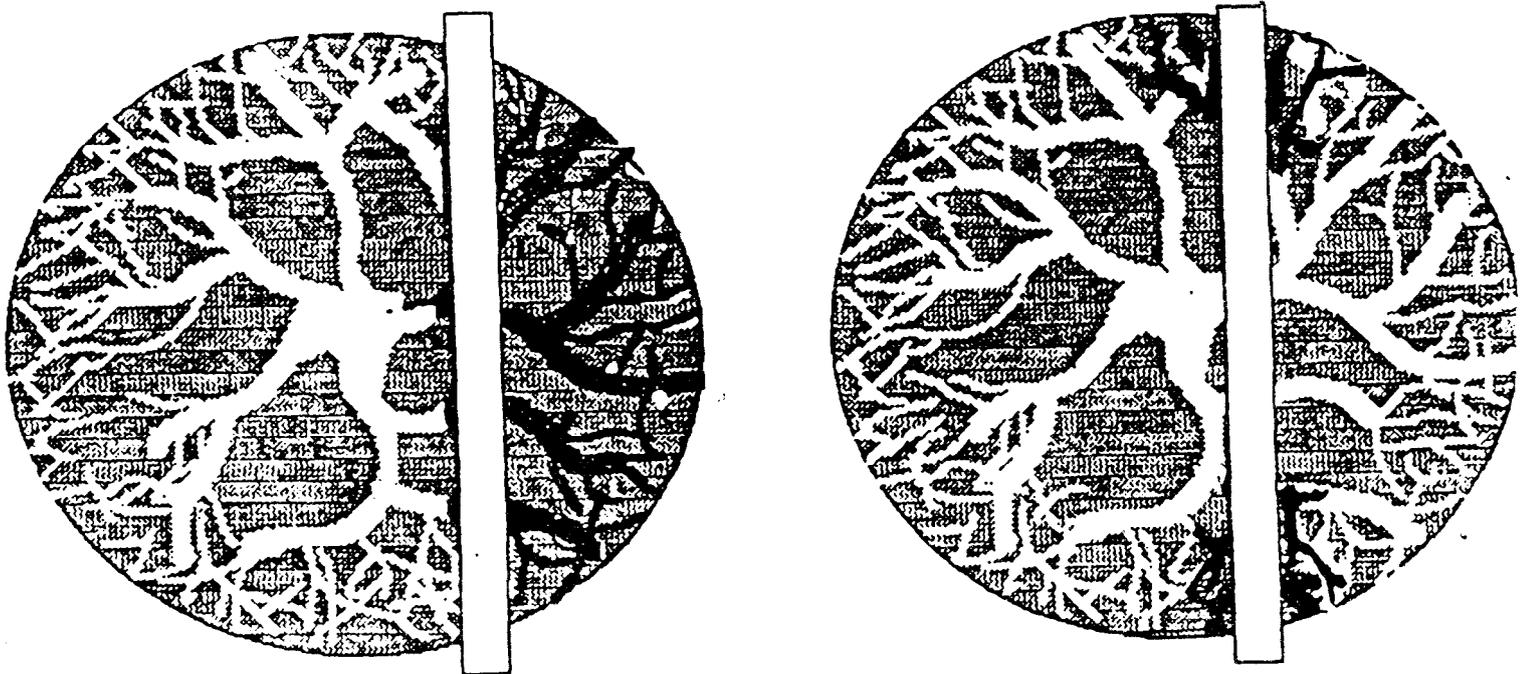


FIGURE 8 ROOT LOSS FROM TRENCHING VERSUS TUNNELING
HEAVY SHADING DENOTES AREAS OF DAMAGED ROOTS.

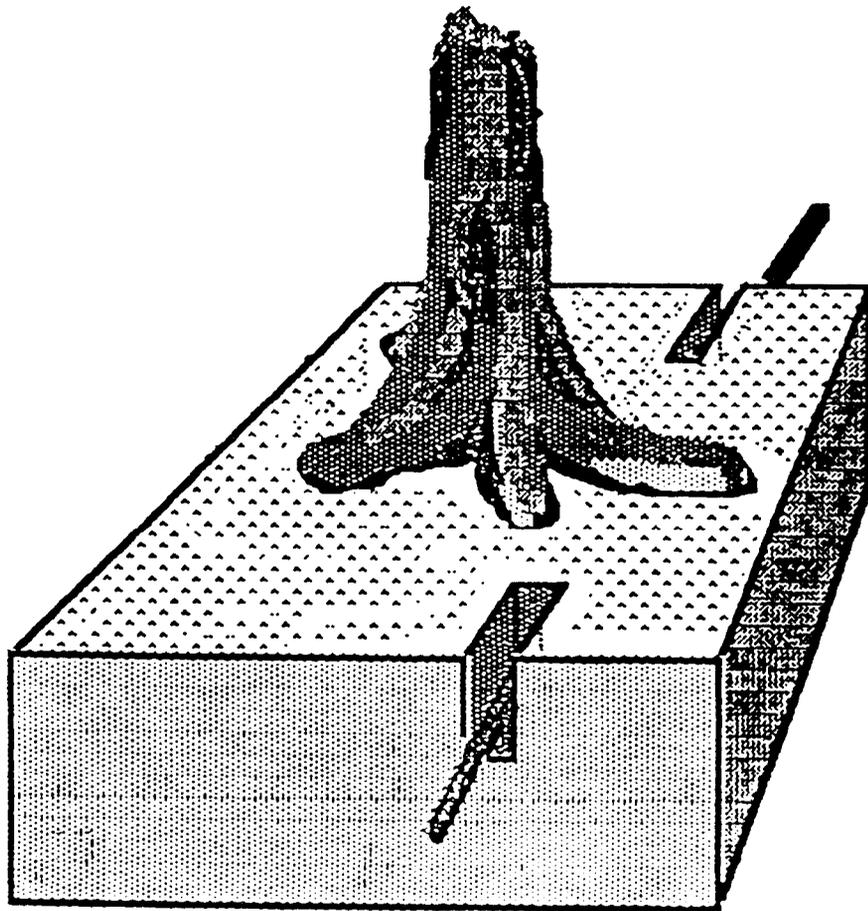


FIGURE 9 TUNNELING FOR UNDERGROUND UTILITIES

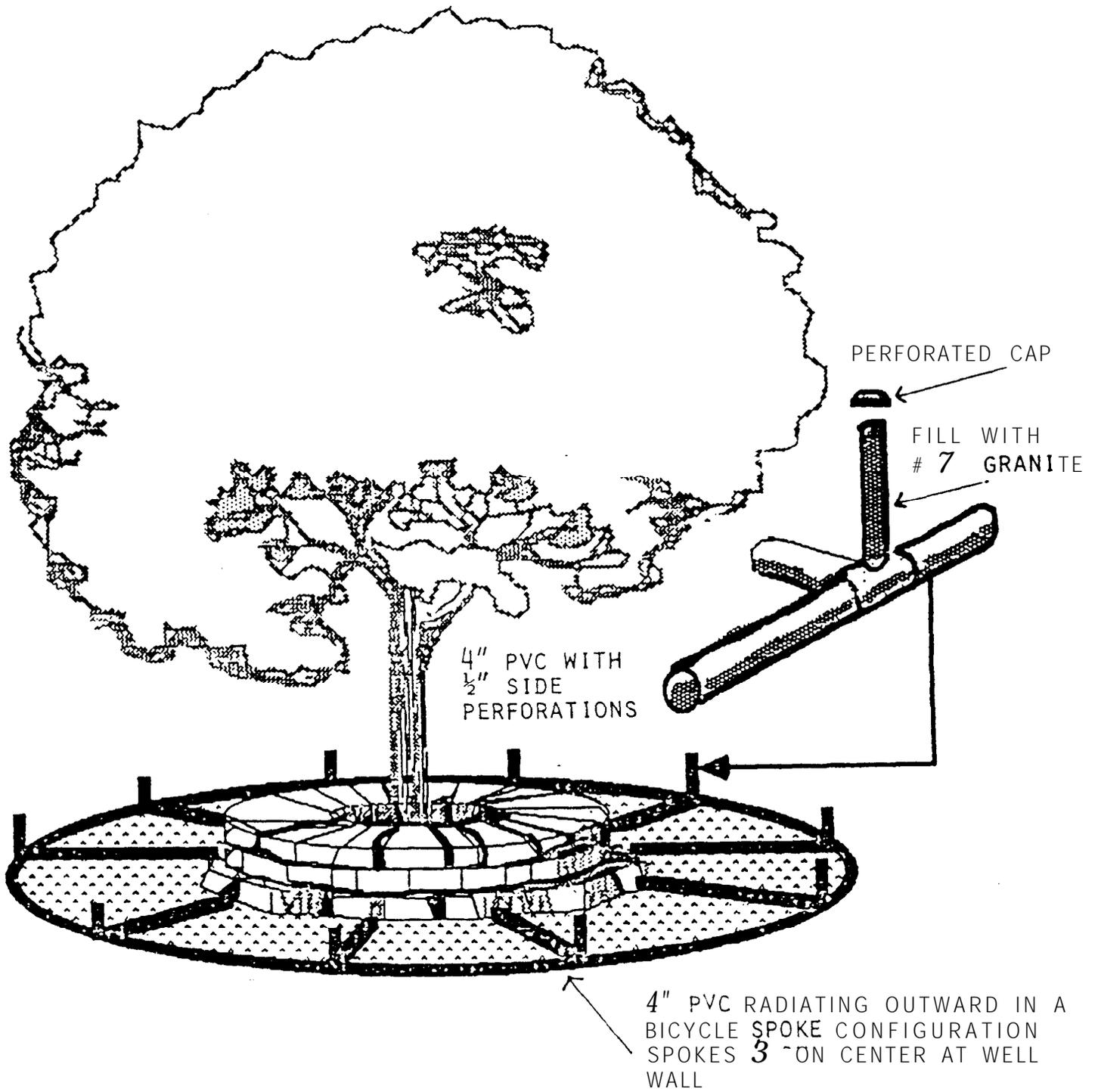


FIGURE 10 AERATION SYSTEM

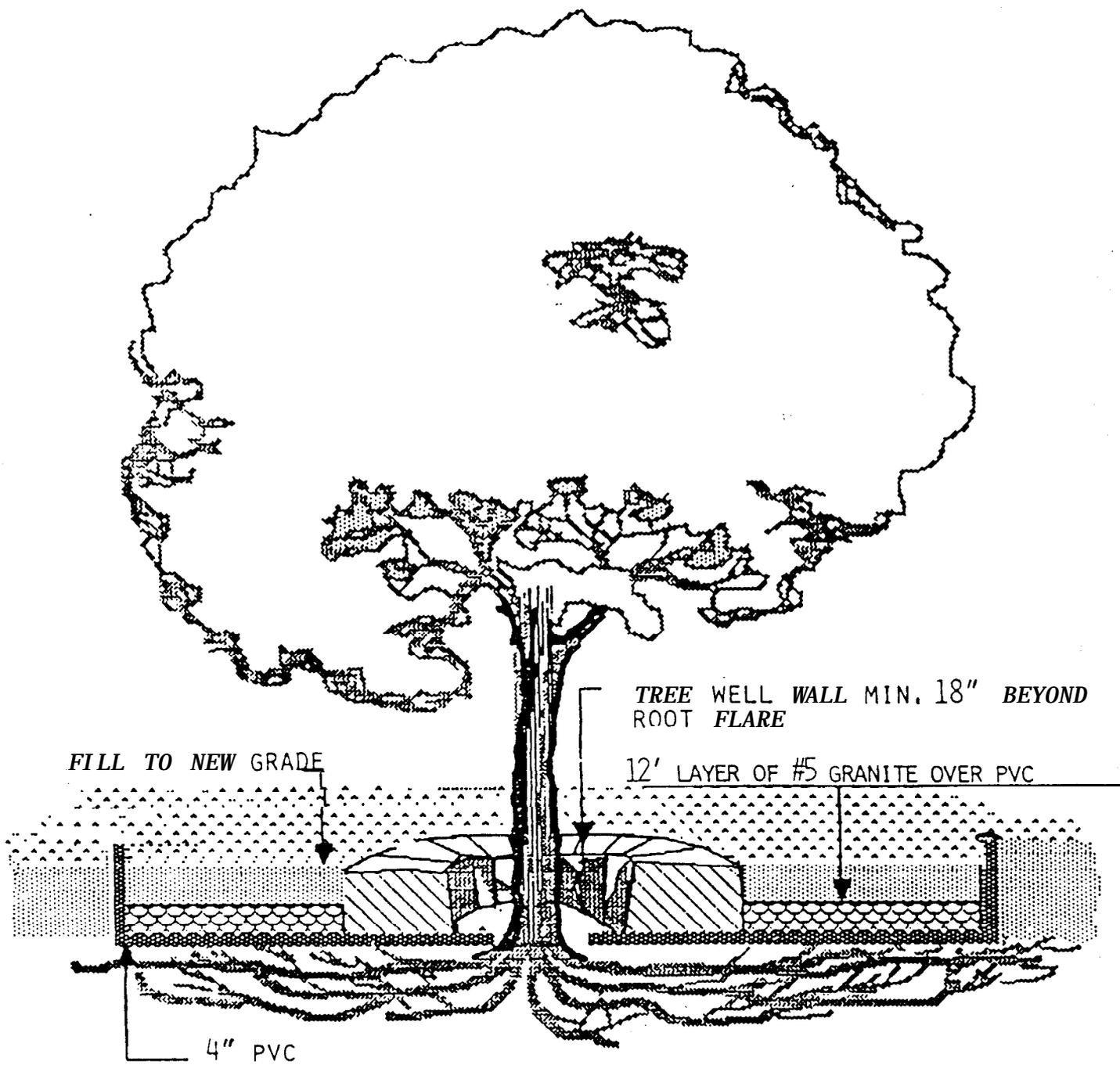


FIGURE 11 AERATION SYSTEM VERTICAL PROFILE

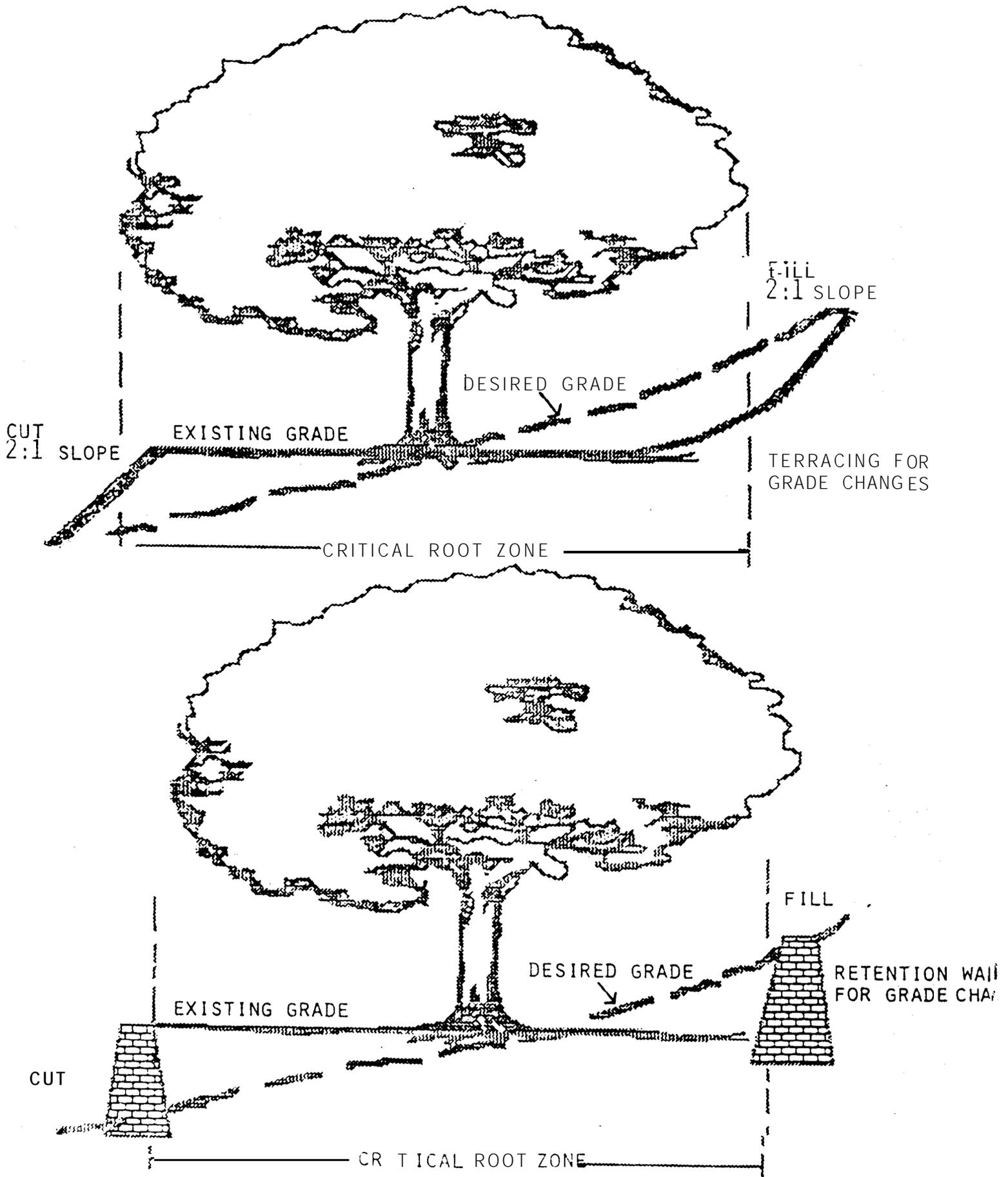


FIGURE 12 GRADE CHANGES

Appendix 2

City of Atlanta
Trees and Shrubbery
Ordinance

(From the Code of Ordinances of the City of Atlanta, Georgia)

ARTICLE B

Trees. and Shrubbery

Division 1. General Provisions

Section 10-2031 Official tree of Atlanta.

The dogwood (*Cornus florida*) shall be the official tree of Atlanta. (Code 1965, Sec. 31A-4)

Section 10-2032 Dead or diseased trees; nuisances.

(a) It is hereby found that many properties within the corporate limits of the City of Atlanta, as well as the city's residents, are endangered by dead or diseased trees. Any dead or diseased tree or part of a tree is a nuisance when, by reason of such condition, natural forces may, more readily than if such tree or part thereof were live or not diseased, fell or blow such tree or part thereof onto public ways or public property, or onto private ways or private property (including other trees) off of the property of the owner of such tree, and thereby imperil life or property or impede traffic. Upon receiving a written opinion from the city arborist that any tree or part thereof is a nuisance as herein defined, the director of the bureau of buildings shall commence abatement proceedings.

(b) *Notice to Owner To Remedy Conditions, Failure To Comply.* The director of the bureau of parks maintenance shall give written notice to the owner or the person in possession, charge or control of the property where a tree nuisance as herein defined exists, stating that in the city arborist's opinion the tree or part of a tree does constitute a nuisance that has to be removed, and requesting that such removal be done within a reasonable time to be specified in such notice. Such notice shall further state that unless the tree or part thereof is voluntarily removed within the time specified, it will be the duty of the director to cause summons to be issued requiring the party notified to appear in the municipal court to have there determined whether the tree or part of a tree involved constitutes a nuisance and should be abated. If the tree is not removed within the time specified by the director, it shall be the duty

of such director to cause the owner of such tree, or the person in possession, charge, or control thereof, to be summoned to appear before the judge of the municipal court to determine whether or not the tree or part of a tree involved constitutes a nuisance. (Ord. No. 1985-64, Sec. 1, 10/9/85)

(c) *Hearing; Failure To Comply With Order To Abate:* If upon such a hearing as provided for before the judge of the municipal court, he shall find that the tree or part of a tree constitutes a nuisance and orders the defendant to abate the same within a specified time, then each 10 days that the conditions adjudicated to be a nuisance by the judge are maintained subsequent to the expiration of the time fixed in the judgment of the judge for the same to be abated, shall constitute an offense. (Ord. of 4/26/76)

Amendment Note: Section 1 of Ord. No. 1985-64, adopted 10/7/85, approved 10/9/85, changed "director of the bureau of buildings" in subsection (b), first sentence, to "director of the bureau of parks maintenance."

Section 10-2033 through section 10-2040 reserved.

Division 2. Removal and Relocation of Trees

Section 10-2041 Definitions.

(a) *Buildable Area:* That portion of a lot on which a structure or improvements may be erected according to current zoning requirements.

(b) *City Arborist:* The agent of the bureau of parks and recreation who is responsible for administering this article.

(c) *Cover Area:* That area which falls within the drip line of any tree.

(d) *Developed Property:* Property upon which a building, structure, pavement or other improvements have been placed.

(e) *Undeveloped Property:* Property upon which no building, structure, pavement, or other improvements have been placed.

(f) *Drip Line:* A vertical line extending from the outermost portion of a tree canopy to the ground.

(g) *Historic Tree:* A tree which has been determined by the city arborist to be of notable historic interest because of its age, size or historic association and has been so designated in the official records of the city.

(h) **Destroy:** Any intentional or negligent act which will cause a tree to decline and die within a period of two (2) years, including, but not limited to, such damage inflicted upon the root system of a tree by the application of toxic substances, the operation of heavy machinery, the change of natural grade by excavation or filling the covered area or around the trunk of a tree, and damages from injury or from fire inflicted on trees which result in or permit pest infestation.

(i) **Specimen Tree:** A tree which has been determined by the city arborist to be of high value because of its type, size, age or other professional criteria, and has been so designated in the official records of the city.

(j) **Tree Replacement Plan:** A plan indicating the location, size, quantity and species of replacement trees.

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

(1) **Yard Area:** An open space on the same lot with a building, the space being unoccupied and unobstructed from the ground upward, with the exception of trees and other natural vegetation.

(m) **Public Agency:** The city, the state, Fulton County, DeKalb County or any department, board, agency, authority, or instrumentality of the city, the state, Fulton County or DeKalb County.

(n) **Public Utility:** Any publicly, privately, or cooperatively owned line, facility or system for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil products, water, steam, clay, waste, storm water not connected with highway drainage and other similar services and commodities, including publicly owned fire and police and traffic signals and lighting systems, which directly or indirectly serve the public or any part thereof. (Code 1965, Sec. 31A-26)

Amendment Note: Paragraphs (m) and (n) above were added by an ordinance approved on 9/23/75.

Section 10-2042 Application.

(a) The terms and provisions of this article shall apply to real property as follows:

(1) The covered area of historic or specimen trees;

(2) All undeveloped property;

(3) The yard area of all developed property; and

(4) Public rights-of-way and parks.

(b) All property zoned R-1 through R-5 shall be excluded from the terms and provisions of this article; provided, however, the covered area of historic and specimen trees shall be covered by terms of this article; provided further that in the event that a nonconforming use is permitted or a special use permit is granted on property zoned R-1 through R-5 in the City of Atlanta, the property shall be subject to the provisions of this article. (Code 1965, Sec. 31A-27, as amended by Ord. No. 1977-98, 12/19/77; Ord. No. 1978-7, 2/27/78; Ord. No. 1985-14, Sec. 1, 3/21/85)

Amendment Note: Section 1 of Ord. No. 1985-14 changed "R-7" to "R-5."

Section 10-2043 Permits.

(a) No person, firm, organization, public agency or society shall directly or indirectly destroy or remove any tree situated on property described in section 10-2042 of this article without obtaining a permit as provided herein.

(b) **Application for Permit:** Permits shall be obtained by making application, in a form prescribed by the city to the bureau of buildings (the "bureau"); and the application shall be referred to the city arborist. The application shall be accompanied by a written statement citing the necessity for the destruction or removal of any tree. The application, when made in conjunction with an application for a building permit, shall also include a site plan and tree replacement plan.

(c) **Application Review:** Upon receipt of an application by the bureau, the city arborist shall review the application and shall report his findings in writing to the bureau. The bureau shall be bound by the findings of the city arborist. The bureau shall approve or reject the application within

14 days of its original receipt by the bureau. If the application is not acted upon by the bureau within the **14-day** period, the application shall stand automatically approved. If the application is rejected by the bureau, notification of the reasons for rejection must be made in writing to the applicant. If the application is rejected by the bureau, the applicant may submit to the bureau within 14 days of the rejection of the original application an alternate application. The city arborist shall review the alternate application and report his findings in writing to the bureau. The

bureau shall be bound by the findings of the city arborist. The bureau shall either approve or reject the alternate application within 14 days of its original receipt by the bureau. If the alternate application is not rejected by the bureau within the 14 days, the alternate application shall stand automatically approved. If the alternate application is rejected by the bureau, notification of the reasons for rejection must be made in writing to the applicant. If the alternate application is rejected by the bureau, the applicant may appeal the denial as provided for in this chapter. (Code 1965, Sec. **31A-28**)

Amendment Note: The present wording of the provisions codified as subsection (c) above was approved on **9/23/75**.

Cross Reference: Control over removal of trees. Charter, App. **I(21)**.

Section 1 O-2044 Destruction or removal of trees.

No permit shall be issued for the destruction or removal of any tree unless one (1) of the following conditions exists:

(1) The tree is located in the buildable area, yard area or street right-of-way of any property on which a structure or improvement is to be placed, which tree unreasonably restricts the permitted use of the property; or

(2) The tree is diseased, injured beyond restoration, in danger of falling, so close to existing proposed structures so as to endanger them, interferes with utility services or creates unsafe visual clearance. (Code 1965, Sec. **31A-29**)

Section 10-2045 **Replacement** of trees.

When required, the applicant, in the discretion of the city arborist, may be required to replace, in accordance with suitable replacement plan, any tree being removed with the suitable replacement tree elsewhere on the site. In determining whether the replacement of trees is reasonable and shall be required, the city arborist shall consider the intended use of the property together with an evaluation of the following:

(1) Existing tree coverage, size and type;
 (2) Number of trees to be removed on the entire property;

(3) Area to be covered with structures, parking and driveways;

(4) Grading plan and drainage requirements; and

(5) Character of the site and its environs. (Code 1965, Sec. **31A-30**)

Section **10-2046 Site plan requirements.**

(a) Site plans, when required, shall include the following information:

(1) Location of all existing or proposed structures, improvements and site uses, properly dimensioned and referenced to property line;

(2) Location of all trees six (6) inches in diameter and above, measured six (6) inches above ground level, giving their size, common or botanical name, and designating the trees to be maintained or removed. Groups of trees may be designated as clumps of trees provided the predominate species is given along with estimated number of trees and average trunk diameter;

(3) Existing and proposed contours shown at two-foot intervals. Spot elevations are to be given in the covered areas of trees to be maintained where grading (cutting and filling) is to occur;

(4) Location of all existing and proposed utilities; and

(5) A legend listing each tree to be removed, common or botanical name, size (measured six (6) inches above ground level), condition and reason for removal.

(b) The city arborist may in his discretion waive any or all of the above requirements. In determining whether to waive any or all of the said requirements, the city arborist shall consider the intended use of the property together with an evaluation of the following:

(1) Existing tree coverage, size and type;

(2) Number of trees to be removed on the entire property;

(3) Area to be covered with structures, parking and driveways;

(4) Grading plan and drainage requirements; and

(5) Character of the site and its environs. (Code 1965, Sec. **31A-31**)

Section 10-2047 Oversize building moving permits.

The city arborist shall review and approve all applications for oversize building moving permits before the city will grant the permit. (Code 1965, Sec. 31A-32)

Section 10-2048 Arboricultural **specifications** and standards of practice.

The mayor or his designee shall prepare arboricultural specifications and standards of practice governing the protection, maintenance, fertilization, pruning, bracing and spraying of trees in street rights-of-way, parks and on historic or specimen trees. The arboricultural specifications and standards of practice shall be **applicable** to all public utilities and to all public agencies. (Code 1965, Sec. 31A-33)

Amendment Note: The present wording of the last sentence of the provisions codified in the above section was approved on 9/23/75.

Section 10-2049 Exceptions.

(a) In the event that any tree shall be determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety, and requires immediate removal without delay, verbal authorization may be given by the city arborist and the tree removed without obtaining a permit as herein required.

(b) During the period of an emergency, such as a tornado, ice storm, flood or any other act of nature, the requirements of this article may be waived by the mayor or his designee.

(c) All licensed plant or tree nurseries or tree farms shall be exempt from the terms and provisions of this article only in relation to those trees which are planted and growing for sale or intended sale to the general public in the ordinary course of business, or for some public purpose. (Code 1965, Sec. 31A-34)

Section 10-2050 Enforcing authority.

The bureau of parks and recreation and the bureau of buildings shall be charged with the enforcement of this article. For the purposes of

enforcement of this article, the city arborist and an official of the bureau of buildings designated by the mayor by executive order are hereby clothed with police power to do all acts necessary to insure that the provisions of this article are not violated, including, but not limited to, the issuance of citations for the violation of any provision of this article. (Code 1965, Sec. 31A-35)

Section 10-2051 Violation and penalty.

(a) It shall be unlawful for any person, firm, organization or society to violate the provisions of this article or the **arboricultural** specifications and standards of practices adopted pursuant to this article. The removal or destruction of each tree shall constitute a separate offense under this article.

(b) The violation of this article by any person, firm, organization or society shall be grounds for the revocation or suspension by the bureau of buildings of any permit granted for the construction, remodeling or demolition of any building or structure on the site so involved. Upon the revocation or suspension, the person, firm, organization or society shall not be granted any new permit for the construction, **remodeling or** demolition of any period or structure on the site for a period of not less than one (1) month nor more than nine (9) months.

Amendment Note: The present wording of subsection (b) of the provisions codified in the above section was approved on 9/23/75.

Section 10-2062 Appeals.

In the event any applicant is dissatisfied with the decision of the bureau of buildings adversely affecting that applicant involving an application for permit under this article, or the revocation or suspension of any permit granted for the construction, remodeling or demolition of any building or structure on the site so involved, the applicant may make a written appeal to the tree preservation review board. The board shall render its written opinion, affirming, overruling or modifying the decision of the bureau of buildings as may be fit and proper under the existing circumstances. (Code 1965, Sec. **31A-37**)

Amendment Note: The present wording of the provisions codified in the above section was approved on 9/23/75.

Section 10-2063 Planting of trees; permit required.

(a) It shall be unlawful for any person, firm, partnership, corporation, organization, public agency, or society to plant any tree or shrub within any sidewalk or any unpaved area between the sidewalk pavement and the curb without first having obtained a permit, for the planting of such trees or shrubbery from the City of Atlanta. The mayor or his

designee shall promulgate rules and regulations to implement this ordinance.

(b) Permits shall be obtained by making application, in a form prescribed by **the** city and acted upon by the mayor or his designee.

(c) Upon obtaining a permit pursuant to this section, the issuing authority shall provide the permittee with a copy of the rules **and** regulations promulgated pursuant to this section.

(d) In any instance where the cutting of any paved sidewalk in a right-of-way of the City of Atlanta **is necessary** for the planting of any shrub **or** tree, such work shall be performed by the department of environment and streets.

(e) The location of any trees or shrubbery to be planted in a sidewalk right-of-way of the City of Atlanta shall be approved by the city, and such location shall be specified on the permit obtained **therefor** pursuant to this section.

(f) The department of environment and streets shall notify all public utility companies before cutting into any paved sidewalk right-of-way of the city for purposes **provided** herein.

(g) The permittee shall agree with the city, in writing, on behalf of the permittee and the successor in title to the property abutting the sidewalk where any tree or shrub is to be planted under the provisions of this ordinance, to maintain any such tree or shrub planted in the sidewalk right-of-way for a period of five (5) years from the date such tree or shrub is planted, or until such time **prior** to the end of said five-year period that the **city**, in its sole discretion, determines that the tree or shrub is diseased or defective and should be removed, as provided for herein. The maintenance of the tree or shrub by the permittee shall include the necessary watering, fertilizing and pruning in accordance with the rules and regulations promulgated pursuant to this ordinance by the mayor or his designee. After such tree or shrub has remained in the sidewalk area for a period of five (5) years from the date of planting, the city will take over the maintenance of such

tree or shrub and the permittee or successor in title to the property abutting the sidewalk will have no further responsibility toward the maintenance of said tree or shrub. The permittee shall agree in writing upon filing of the application for the planting of any such tree or shrub in any sidewalk area, including any unpaved area between the sidewalk pavement and the curb, that the title to any such tree or shrub shall vest in the city at the time such tree or shrub is planted and that the city shall thereafter have the right to remove any such tree or shrub if the city, in its sole discretion, deems that such removal is necessary.

(h) The permittee shall agree in writing to install a cover over the area where such tree or shrub is planted, in accordance with rules and regulations promulgated pursuant hereto by the mayor or his designee.

(i) If the permittee or any successor in title fails to perform the obligations of this agreement and fails to properly prune said tree or shrub or permits the covering of the area where any such tree or shrub is planted to become unsafe for pedestrian travel, the city shall take whatever steps are deemed necessary to return the sidewalk area to a reasonably safe condition. (Ord. of 4/12/77, Sec. 1, as amended by Ord. of 6/10/77; Ord. No. 1978-65, 9/26/78)

Amendment Note: The ordinance of 6/10/77 established the fee to be charged by the department of environment and streets as set forth in subsection (d). Ord. No. 1978-65, 9/26/78 amended subsection (d) to delete the fee.

Section 10-2064 Easements to plant trees on private property.

The mayor is hereby authorized to enter into agreements with the owners of private property located within the city for the purpose of acquiring easements to plant trees on such property, in consideration for which said private property owner shall acquire ownership of such trees as the city may plant. Provided, however, that any such agreement shall limit the duration of the

Supp. No. 8, IO-60

easement to a time period of two (2) years and shall limit the property interest acquired by the city to that distance sufficient to allow the planting of trees, in no case to exceed a maximum of a 15-foot setback from the property line or right-of-way held by the city. Provided, further that under such agreement the private property owner shall agree to maintain the trees planted thereon and shall also agree to hold the city harmless for any liability attributable to the planting or presence of the trees on the private property. (Ord. No. 1978-64, 9/26/78)

Section 10-2066 through section 10-2060 reserved.

DIVISION 3

Tree Preservation Review Board

Section 10-2061 Established; appointment of members.

There is hereby established a tree preservation review board of the City of Atlanta, Georgia, referred to in this article as the "board." The board shall consist of seven (7) members, to be appointed in the following manner:

(1) One (1) member shall be a registered landscape architect appointed by the mayor and confirmed by the council;

(2) One (1) member shall be either a botanist, forester, horticulturist or nurseryman appointed by the mayor and confirmed by the council;

(3) One (1) member shall be a registered architect appointed by the mayor and confirmed by the council;

(4) One (1) member shall be a member of an environmental organization appointed by the mayor and confirmed by the council; and

(5) Three (3) members shall be lay citizens interested in environmental protection. The members shall be appointed by the mayor and confirmed by the council. (Code 1965, Secs. 31A-46, as amended by Ord. of 4/9/76, Secs. 1, 2; Ord. No. 1980-17, 2/11/80)

Amendment Note: Ord. No. 1980-17, adopted 2/4/80, approved 2/11/80, revised subsection (2), which formerly prescribed a nurseryman as being a member of the board.

Section 10-2062 **Terms; vacancies;**
compensation; etc.

The initial board shall contain three (3) members appointed for a term of one (1) year and four (4) members appointed for a term of two (2) years. Thereafter, all subsequent appointments shall be for a term of two (2) years. Members of the board may be appointed for consecutive terms. The mayor shall recommend removal and replacement of a member of the board for nonperformance of duty. Any vacancy in the membership of the board shall be filled in the same manner **as** the initial appointment. All members shall serve without compensation. The board shall select from its members a chairman to serve for a one-year term. (Code 1965, Sec. **31A-47**, as amended by Ord. of **4/9/76**, Sec. 3)

Section 10-2063 Functions; powers;
duties.

Functions, powers and duties of the board shall consist of the following:

(1) The board, with the assistance of the city arborist, shall be responsible for establishing and maintaining a record of unique environmentally significant trees within the city.

(2) The board shall serve as the quasi-judicial body for reviewing the denial of an application for a permit to remove, relocate or replace trees made by the bureau of buildings pursuant to this chapter, when the appropriate appeal from the decision has been filed. The board shall hold hearings on the appeals and shall affirm, modify

or overturn the decision of the bureau of buildings. (Code 1965, Sec. 3 1A-48)

Amendment Note: The present wording of paragraph (2) above was approved September 23, 1975.

Section 1 O-2064 Meetings; rules of procedure.

The board shall meet at least once per quarter with all meetings open to the public. The members of the board shall adopt rules and procedures for the conduct of appeals, hearings, the conduct of meetings and attendance policies. (Code 1965, Sec. 3 1A-49)

Amendment Note: An ordinance of September 23, 1975, superseded the above section, added the reference to appeals and hearings. This article was approved July 11, 1975.

Section 1 O-2065 through section 1o-2070 reserved.

ARTICLE C

Cemeteries

Section 1 O-207 1 **Rules** and regulations designated by mayor.

The mayor, or his designee, may designate the use of any cemetery and may adopt appropriate rules and regulations governing the use of any cemetery and the general operation of all cemeteries .

Section 1 O-2072 Use of funds for restoration.

All revenues derived from the operation of Oakland Cemetery and the sale of spaces therein shall be used for the restoration of that cemetery.

Section 1 O-2073 Use of cemetery prohibited between hours of 7:00 p.m. and 7 :00 a.m.

No person unless authorized by the commissioner or director shall be within the limits of the cemetery between the hours of 7:00 p.m. and 7:00 a.m.

Section 1 O-2074 Care of lots.

(a) No tree, shrub, plant, or grass shall be planted on or removed from any private plot without the permission of the sexton.

(b) No lot shall be covered with gravel, cement or concrete.

Section 1 O-2075 No trespass on plots.

No person shall trespass on any plot within the cemetery.

Section 1 O-2076 No stone rubbings.

No person shall conduct any stone rubbings within the cemetery unless approved by the commissioner or director.

Section 1o-2077 Sale of merchandise.

No person shall sell merchandise in the cemetery except literature of the cemetery and tickets for conducted tours or cultural events.

or overturn the decision of the bureau of buildings. (Code 1965, Sec. 3 1A-48)

Amendment Note: The present wording of paragraph (2) above was approved September 23, 1975.

Section 1 O-2064 Meetings; rules of procedure.

The board shall meet at least once per quarter with all meetings open to the public. The members of the board shall adopt rules and procedures for the conduct of appeals, hearings, the conduct of meetings and attendance policies. (Code 1965, Sec. 3 1A-49)

Amendment Note: An ordinance of September 23, 1975, superseded the above section, added the reference to appeals and hearings. This article was approved July 11, 1975.

Section 1 O-2065 through section 1o-2070 reserved.

ARTICLE C

Cemeteries

Section 1 O-207 1 Rules and regulations designated by mayor.

The mayor, or his designee, may designate the use of any cemetery and may adopt appropriate rules and regulations governing the use of any cemetery and the general operation of all cemeteries.

Section 1 O-2072 Use of funds for restoration.

All revenues derived from the operation of Oakland Cemetery and the sale of spaces therein shall be used for the restoration of that cemetery.

Section 1 O-2073 Use of cemetery prohibited between hours of 7:00 p.m. and 7:00 a.m.

No person unless authorized by the commissioner or director shall be within the limits of the cemetery between the hours of 7:00 p.m. and 7:00 a.m.

Section 1 O-2074 Care of lots.

(a) No tree, shrub, plant, or grass shall be planted on or removed from any private plot without the permission of the sexton.

(b) No lot shall be covered with gravel, cement or concrete.

Section 1 O-2075 No trespass on plots.

No person shall trespass on any plot within the cemetery.

Section 1 O-2076 No stone rubbings.

No person shall conduct any stone rubbings within the cemetery unless approved by the commissioner or director.

Section 1 O-2077 Sale of merchandise.

No person shall sell merchandise in the cemetery except literature of the cemetery and tickets for conducted tours or cultural events.



Andrew Young, Mayor

**ATLANTA
CITY COUNCIL**

Honorable Marvin Arrington, President

Honorable Debby McCarty	Honorable Ira Jackson
Honorable Bill Campbell	Honorable Jim Maddox
Honorable Jabari Simama	Honorable Dozier Smith
Honorable Thomas Cuffie	Honorable Robert (Robb) Pitts
Honorable Hosea Williams	Honorable Carolyn Long Banks
Honorable Mary Davis	Honorable Elaine McGruder
Honorable Buddy Fowlkes	Honorable Barbara Miller Asher
Honorable Victor Maslia	Honorable Myrtle R. Davis
Honorable Archie Byron	Honorable Morris Finley

Betsy C. Baker, Commissioner
Department of Parks,
Recreation & Cultural Affairs

Hilliard M. Lee Jr., Director
Bureau of Parks Maintenance

Harriet Sanford, Director
Bureau of Cultural Affairs

Jim Washington, Director
Bureau of Recreation