

## ORDINANCE NO. 1080

**AN ORDINANCE TO AMEND THE CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF BRUNSWICK TO AMEND THE NOTICE REQUIREMENTS; TO AMEND THE PERMITTING PROCESS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

### SECTION ONE:

The Code of Ordinances of the City of Brunswick, Georgia, is hereby amended by adding a chapter, to be numbered Chapter 28 “Tree Ordinance” which reads as follows:

#### **Sec. 28-6. Permitting, enforcement and penalties.**

(a) *Permit to remove, destroy, injure, or relocate public trees.*

- (1) Applications for permission to remove, destroy, injure, or relocate a tree shall be submitted to the tree board as prescribed by the administrative authority.

At least 15 days but not more than 45 days prior to the public hearing before the Tree Board, the City shall place a sign or signs stating the date, time, and place of the public hearing. One such sign shall be placed in a conspicuous location along the closest street in relation to the subject tree. If the property has no street frontage, the sign shall be placed in a conspicuous location as close to the subject tree as possible. The tree will also be banded or marked designating it as the proposed tree for removal.

- (2) At least 15 days prior to the Tree Board public hearing, the Administrative Authority shall cause a notice to be mailed to all persons owning property located abutting or across any street for the property containing the tree(s) in question. The written notice shall be mailed to the property owners as such names and addresses appear on the county’s ad valorem tax records. The notice shall state the approximate location, the species, and the DBH of the subject tree.
- (3) At least 15 days prior to the Tree Board public hearing, the Administrative Authority shall cause notice to be placed on the City website. The notice shall include the approximate location, species, and DBH of the tree.
- (4) The authorization of the removal, replacement, or relocation of a tree shall be subject to a determination by the administrative authority. Prior to authorization by the administrative authority, the tree board shall submit a recommendation determining whether the removal, replacement, or relocation of a tree conforms to all regulations set forth herein and elsewhere in this chapter.

- (5) Within 30 days of receipt of the tree board recommendation, the city shall approve the application, deny the application, or remand the application to the tree board for further review and consideration.
  - (6) Permits authorizing the removal, replacement, or relocation of a tree shall be valid only for that particular tree.
- (b) *Permit compliance.*
- (1) Approved permits are to be posted on site, legible and visible from the street prior to commencement and throughout completion of the work.
  - (2) All protected trees proposed for removal are to be designated on site in a nonpermanent, harmless, and plainly visible manner so that city personnel can easily locate such trees during a site inspection.
- (c) *Enforcement.* The city code enforcement officers, administrative authority, the department of planning, development and codes shall be charged with the enforcement of this article. The administrative authority may place conditions on the issuance of construction, demolition, and other land development permits when necessary to safeguard protected trees during the execution of such permits or when recommended as a condition of approval for a tree removal permit. The administrative authority shall have the authority to review and approve, deny, or require changes to the proposed replacement tree species to encourage species diversity.
- (d) *Penalties.*
- (1) Any person who shall injure, damage, or destroy any public tree situated on the public right-of-way of any street, alley, sidewalk, park, or other public property within the city limits shall promptly notify the administrative authority of such fact and all, within such a reasonable time as specified by the city, repair or replace the same to the satisfaction of the administrative authority. Species must be native or noninvasive, regionally adapted, and comply with the acceptable city planting list, and all other city standards, and shall not be on the prohibited species list.
  - (2) Should the person or entity fail or refuse to repair or replace the damaged or destroyed trees within such a reasonable time, the city shall do, or cause to be done, the necessary repairing or replacement and the costs of this work shall be recovered from the person or entity responsible for the damage or destruction by a proper action of law. In addition, the city may recover for any other damages or losses to which it is entitled by law. Each tree removed or destroyed in violation of this article represents a separate offense.
- (e) *Criteria for removal, destruction, injury of relocation.*
- (1) *Minimum canopy coverage standards.* The city desires to maintain the current tree canopy cover across all land uses within the city's jurisdiction.
    - a. The spacing of trees will be in accordance with the species size classes and no trees may be planted closer together than the following: small ornamental trees, 30 feet; large trees; 40—50 feet; except in special plantings designed or approved.
    - b. The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the species size classes listed and no trees may be planted closer to any curb or sidewalk than the following:

Small trees Two feet; and

Large trees Four feet.

- c. Replacement trees shall have a trial period of one year from the final inspection date. At the end of the trial period, the applicant shall request an inspection of all replacement trees. Those trees, as determined by the administrative authority, that are in a poor or unhealthy condition shall be replaced in accordance with the tree permit with a new trial period of one year.
- d. Regardless of caliper or diameter at breast height, replacement trees shall not subsequently be removed or destroyed without a permit.

(2) *Replacement trees.* The following list constitutes the official approved replacement trees.

*Large shade trees*

Acer floridanum	Florida Maple
Acer rubrum	Red Maple
Betula nigra	River Birch
Carpinus caroliniana	American Hornbeam
Carya illinoensis	Pecan
Carya ovata	Shagbark Hickory
Catalpa bignonioides	Southern Catalpa
Cedrus atlantica	Blue Atlas Cedar
Cedrus deodara	Deodar Cedar
Celtis laevigata	Sugarberry
Cryptomeria japonica	Japanese Cedar
Cunninghamia lanceolata	China Fir
Cupressus sempervirens	Italian Cypress
Diospyros virginiana	Persimmon
Ginkgo biloba	Ginkgo (Male Only)
Halesia carolina	Carolina Silverbell'
Juniperus virginiana	Eastern Red-Cedar
Liquidambar styraciflua	Sweetgum (Male)
Magnolia grandiflora	Southern Magnolia
Metsoquoia glyptostroboides	Dawn Redwood
Nyssa sylvatica	Black Tupelo
Ostrya carpinifolia	Hop Hornbeam
Pinus glabra	Spruce Pine
Quercus alba	White Oak
Quercus falcata	Southern Red Oak
Quercus laurifolia	Laurel Oak
Quercus lyrata	Overcup Oak
Quercus marilandica	Blackjack Oak
Quercus michauxii	Swamp Chestnut Oak
Quercus phellos	Willow Oak
Quercus stellata	Post Oak

Quercus virginiana	Live Oak
Taxodium ascendens	Pond Cypress
Taxodium distichum	Bald Cypress
Ulmus americana (hybrids only)	American Elm
Ulmus parvifolia	Chinese Elm or Lacebark Elm

*Small to medium trees, maximum of 35 feet.*

Aesculus pavia	Red Buckeye
Amelanchier arborea	Downy Serviceberry
Cercis canadensis	Eastern Redbud
Chionanthus virginicus	Fringetree
Cornus florida	Dogwood
Eriobotrya japonica	Loquat
Ilex casseine	Dahoon Holly
Ilex opaca	American Holly
Ilex vomitoria	Yaupon Holly
Ilex x attenuata 'east palatka'	East Palatka Holly
Lagerstroemia fauriei	Japanese Crape Myrtle
Lagerstroemia indica	Crape Myrtle
Magnolia virginiana	Sweetbay Magnolia
Magnolia x soulangeana	Saucer Magnolia
Vitex agnus-castus	Chaste Tree
X Cuprocyparis leylandii	Leyland Cypress
Zelkova serrata	Japanese Zelkova

- (f) *Protection of existing trees.* Protection of existing individual trees shall be incorporated as a required portion of initial design and project layout through project completion.
- (1) The city shall have the right to plant, prune, maintain and remove trees within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.
  - (2) *Utility companies/authorities.* Unless otherwise set forth in any franchise agreement, utility companies and authorities acting as utility companies shall provide 30 days' written notice to the administrative authority of any and all tree work or work impacting trees performed within the city prior to such work commencing, or as set forth in any franchise agreement. Utility companies shall provide written evidence to the administrative authority of adherence to established utility specialist guidelines (as recommended by the International Society of Arboriculture) for line clearance work. These guidelines shall cover the following areas:
    - a. *Tree trimming/pruning.* Topping is not permitted within the city;
    - b. Tree removal, especially historic and specimen trees;

- c. Brushing;
  - d. Right-of-way clearance for new utility conveyors on private right-of-way; and
  - e. Chemical brush control and appropriate precautions.
- (3) *Construction sites.* Protected trees located on or adjacent to property on which construction, renovation or other land disturbing activity is underway, shall be shielded from any potential negative impacts as a result of the construction, renovation or land disturbing activity.
- (4) The administrative authority shall supervise the tree related portion of all projects as necessary and may regulate or halt the project when it is deemed to be detrimental to any protected tree or when the cutting exceeds what is needed for continued utility service.

(Ord. No. 1067, § 1, 7-15-2020)

**Sec. 28-6.1 Permitting Review.**

- (a) Permits for construction, renovation, demolition. Permits to remove, destroy, or injure a Public Tree for construction, renovation or demolition shall be obtained by making application in a form prescribed by the Administrative Authority.
- (b) Application review; notice of preliminary approval or denial of permit to remove, destroy, or injure trees. Upon receipt of a complete application by the city to remove, destroy, or injure trees for construction, renovation, demolition, landscaping, silviculture, or other non-safety related purposes, the Tree Board shall review the application pursuant to the requirements of this article. The Tree Board shall either give a notice of preliminary approval of the application if the application meets the requirements of this article or shall give a notice of denial of the application if the application fails to meet the requirements of this article. The Tree Board may impose conditions to the issuance of the permit consistent with this article. An applicant may submit a new application at any time after a notice of denial of an application under this chapter. An applicant may appeal the notice of denial to the City of Brunswick Board of Commissioners as provided in this article. Any person aggrieved by the notice of preliminary approval may also appeal to the City of Brunswick Board of Commissioners.
- (c) A property owner responsible for a land-disturbing activity that causes damage to Protected or Public Property Tree which affects the health or growth of such tree, or requires removal of a tree, shall compensate the city for such tree loss or damage as set forth below.

The Administrative Authority shall establish the replacement cost of the removed or damaged tree. The property owner responsible for the land-disturbing activity which caused the removal or damage to such tree shall compensate the city for such tree loss or damage under one of the following options, subject to the approval of the Tree Board.

- 1. Plant or preserve additional trees on the development site that equals or exceeds the assessed replacement value of the removed or damaged tree.
- 2. Plant trees on adjacent city rights-of-way equal to or exceeding the replacement

costs that were assessed for the removed or damaged tree.

3. Make payment to the Administrative Authority as assessed for the replacement of the removed or damaged tree.
4. Meet any equivalent combination of the above as approved by the Tree Board.

SECTION TWO:

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION THREE:

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.


SECTION FOUR:

This Ordinance shall be effective immediately upon its adoption by the City Commission.

**SO ORDAINED BY THE CITY COMMISSION OF BRUNSWICK THIS 16<sup>th</sup> DAY OF AUGUST 2023.**

  
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Cosby H. Johnson, Mayor

ATTEST:

  
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Naomi D. Atkinson, City Clerk

