

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA
WITH RESPECT TO COMMUNITY TREE MANAGEMENT; AND FOR OTHER
PURPOSES.

The Commission of Athens-Clarke County, Georgia, hereby ordains as follows:

SECTION 1. Section 8-7-2 of the Code of Athens-Clarke County, Georgia, entitled "*Purpose*," is hereby deleted in its entirety with the following new section inserted in lieu thereof:

"Sec. 8-7-2. – Purpose

Community trees provide many environmental, social, and economic benefits. Large maturing trees are particularly effective in providing these benefits.

Therefore, the purpose of this chapter is to sustain and enhance the functions and benefits of trees and the community forest for the citizens of Athens-Clarke County and to utilize trees for their value and positive effects on air quality, water quality, stormwater runoff, local climate, environmental health, property values, business revenues, scenic quality, urban design, human health and well-being, outdoor recreation, forest products, and wildlife."

SECTION 2. Section 8-7-10 of the Code of Athens-Clarke County, Georgia, entitled "*Community tree council*," is hereby amended by deleting the first sentence of said section and inserting the sentence "There is established an Athens Clarke County Community Tree Council, which shall be known as the Community Tree Council, CTC, ACC Community Tree Council, Athens Community Tree Council, or Athens Tree Council," in lieu thereof, so that said new section is:

"Sec. 8-7-10. - Community tree council.

There is established an Athens-Clarke County Community Tree Council, which shall be known as the Community Tree Council, CTC, ACC Community Tree Council, Athens Community Tree Council, or Athens Tree Council.

- (a) *Membership.* The council shall consist of 14 members, appointed by the mayor and commission. The community forester shall be an additional member and shall serve as Athens-Clarke County's official liaison and council secretary.
- (b) *Ex-officio members.* There may be up to ten ex-officio members of the council. One representative from each of the following may be included:
 - (1) Athens Area Utility Coordinating Committee.
 - (2) Athens Area Homebuilders Association.
 - (3) Athens-Clarke County Cooperative Extension Service.
 - (4) Athens Garden Club Council.

Adopted the 1 day of April, 2020
Douglas Kelly, Jr.
G.A. Castle
Clerk of Commission

Approved the 4 day of April, 2020
Douglas Kelly, Jr.
Kelly, Jr.
Mayor

- (5) Clarke County School District.
- (6) Federation of Neighborhood and Community Associations.
- (7) Georgia Forestry Commission.
- (8) Keep Athens-Clarke County Beautiful.
- (9) Oconee Rivers Greenway Commission.

Other organizations may be asked to send representatives as appropriate but the total number of ex-officio members shall not exceed ten.

- (c) *Term of office.* The term of office of the members of the council shall be three years. Term starting dates shall alternate so no more than 1/3 of membership terms expire in a one year period. In order to achieve staggered terms, initial appointments shall be: five members for one year, five members for two years and four members for three years.
- (d) *Assistance from Athens-Clarke County departments.* Athens-Clarke County departments are hereby authorized to offer assistance to the council as deemed appropriate by the manager.
- (e) *Rules and regulations.* The council is hereby authorized to adopt by-laws for its own administration and to recommend rules and regulations affecting trees located on public and private property.
- (f) *Responsibility and authority.* The council shall be advisory in nature and shall, in all matters related to trees:
 - (1) Provide information, long-range planning, and community forest evaluation to Athens-Clarke County staff.
 - (2) Provide tree-related information and education to the public and private sectors.
 - (3) Seek federal, state, and private funds for the operation of the council and its programs.
 - (4) Hear appeals for applications for landmark tree designation.
 - (5) Develop networks and coordination among community tree management partners.
 - (6) Attend training available through state, federal or private agencies to further the education of the council members.
 - (7) Provide guidance and recommendations on community tree policy and procedures.
 - (8) Serve as a partner to the central services department, landscape management division in its implementation of the community tree program.
- (g) *Budgetary authority and accountability.* The council is hereby authorized to develop and maintain an annual budget to cover the costs of operation and shall account to the mayor and commission for the expenditure of funds.
- (h) *Reports.* The council shall make an annual report to the mayor and commission in conjunction with Arbor Day each year and other such reports as may be requested.”

SECTION 3. Section 8-7-16 of the Code of Athens-Clarke County, Georgia, entitled “*Protected trees*,” Subsection (e), entitled “*Replacement of protected trees*,” is hereby amended by adding the words “encouraged, but,” so that said new subsection is:

“Sec. 8-7-16. – Protected trees.

(e) *Replacement of protected trees.* The property owner shall replace any protected tree that dies or is removed from a site if such removal results in the decrease of the tree canopy cover on the site or lot less than that required. Replacement is required by the next tree-planting season with a tree of the same or similar species and canopy size in the same location. Replacement of landmark trees for which tree canopy cover credit was received during development shall be at the rate of two times the landmark tree's actual tree canopy cover or two times the future tree canopy cover, whichever is greater. Replacement is encouraged, but not required for landmark trees removed from single-family residential lots. All tree replacement shall be in accordance with the tree establishment standards set forth in section 8-7-19(i).”

SECTION 4. Section 8-7-9 of the Code of Athens-Clarke County, Georgia, entitled “*Technical Standards*,” is hereby deleted in its entirety and the following new section is inserted in lieu thereof:

“Sec. 8-7-19. - Technical standards.

American National Standards Institute (ANSI) Technical standards and International Society of Arboriculture (ISA) Best Management Practices (BMPs) for tree conservation, protection, establishment, pruning, and maintenance are hereby established and shall be the minimum standards required. All activities associated with protected trees shall conform to these technical standards. In addition, all tree conservation, protection, establishment, pruning, and maintenance shall conform to applicable American National Standard for Arboricultural Operations – Safety Requirements Z133.1 safety standards, published by the American National Standards Institute, and as officially revised and amended from time to time.

(a) *Professional assistance.* Any person or firm subject to the requirements of this chapter is encouraged to seek professional assistance from a registered forester or certified arborist. A list of consulting foresters and arborists is available from the Georgia Forestry Commission, and certified arborists can be located online on the International Society of Arboriculture's website.

(b) *Arboricultural (tree) services.* Any person or firm subject to the requirements of this chapter is encouraged to hire only qualified, established businesses to perform arboricultural services, to require references for similar work before hiring, and to require adequate insurance for property damage, personal liability, vehicles, and workers compensation. The hiring of arboricultural businesses and tree services that employ certified arborists who can supervise the requested work is recommended.

(c) *Administrative waiver of technical standards.* The community forester or the Athens-Clarke County Arborist may waive any technical standard in section 8-7-19 to best meet the purpose and intent of this chapter. When granted, waivers shall be recorded in

writing on the application for landmark tree designation, the right-of-way encroachment permit, the tree management plan, or other permanent record.

- (d) *Tree conservation standards; forested areas.* The conservation of forested areas shall meet the minimum criteria below.
 - (1) Each area shall be at least 2,500 square feet.
 - (2) At least 50 percent of the area shall be contiguous.
 - (3) Each area shall be a minimum of 20 feet wide in any one dimension.
 - (4) Each area shall include the tree protection zones of all trees, and the trees shall be protected according to the tree protection standards set forth in section 8-7-19(h).
 - (5) Areas shall remain in a natural, undisturbed condition.
 - (6) Turf is not permitted.
 - (7) Mowing is not permitted.
 - (8) Clearing of underbrush is not permitted, except for the removal of invasive species.
 - (9) No new tree maintenance shall be required, except for that necessary to maintain a healthy stand of trees.
 - (10) Areas dominated by kudzu or Chinese privet will not be eligible for tree canopy cover credit.
 - (11) Tree removal without prior approval is not permitted, except for hazard trees.
 - (12) Activities permitted and prohibited within the area shall be as listed in section 9-14A-13 for open space, except that no active recreation areas, timber harvesting, or tree removal shall be allowed.
- (e) *Tree conservation standards; individual trees.* The conservation of individual healthy trees or groups of healthy trees shall meet the minimum criteria below.
 - (1) Each tree must meet the definition of a conservable tree.
 - (2) The tree protection zone of each tree shall be conserved and the tree protected according to the tree protection standards set forth in section 8-7-19(h).
 - (3) Each tree shall be mulched in accordance with the mulching standards set forth in section 8-7-19(k).
- (f) *Forest regeneration area establishment standards.* Forest regeneration shall meet the minimum criteria below.
 - (1) Each area shall be at least 2,500 square feet.
 - (2) Soils shall be aerated to a depth of eight inches.
 - (3) Soils shall have a minimum of five percent organic matter.
 - (4) Wood chips less than three months old shall not be used to provide organic matter.

- (5) Soils shall have a pH between 5.8 and 7.0.
- (6) Trees shall be planted at a rate of at least 245 trees per acre.
- (7) All species planted shall be native to the Piedmont area of Georgia.
- (8) A minimum of 15 percent of the trees planted shall be large canopy trees that are at least 1.5 inches caliper and at least five feet tall at the time of planting, and shall be evenly distributed throughout the forest regeneration area.
- (9) A minimum of 30 percent of the trees planted shall be medium canopy trees at least .5 inch caliper and at least three feet tall at the time of planting, and shall be evenly distributed throughout the forest regeneration area.
- (10) The remaining 55 percent of the trees planted shall be a mixture of small, medium, and large canopy trees and shall be at least one-year old seedlings, at least 1.5 feet tall at the time of planting, and shall be evenly distributed throughout the forest regeneration area.
- (11) No more than 15 percent of any one species shall be planted.
- (12) Only native grasses and shrubs may be planted within the forest regeneration area, except that non-native vegetation approved for soil sedimentation and erosion control may be used.
- (13) The area shall remain free from English ivy, Chinese privet, Japanese honeysuckle, kudzu, and other invasive or non-native plants.
- (14) Turf is not permitted.
- (15) Mowing is not permitted.
- (16) Tree removal without prior approval is not permitted, except for hazard trees.
- (17) At least 200 healthy trees per acre must be maintained within the forest regeneration area or replanting to meet this minimum shall be required.
- (18) Activities permitted and prohibited within the area shall be as listed in section 9-14A-13 for open space, except that no active recreation areas, timber harvesting, or tree removal shall be allowed.

(g) *Future forest area establishment standards.* The establishment of a future forest area shall meet the minimum criteria below.

- (1) Each area shall be at least 2,500 square feet.
- (2) Soils and existing vegetation shall remain undisturbed.
- (3) No prohibited activities, as described in section 8-7-19(h)(1) and (2) shall be allowed.
- (4) The area shall remain free from English ivy, Chinese privet, Japanese honeysuckle, kudzu, and other invasive or non-native plants.
- (5) Turf is not permitted.
- (6) Mowing is not permitted.

(7) Activities permitted and prohibited within the area shall be as listed in section 9-14A-13 for open space, except that no active recreation areas, timber harvesting, or tree removal shall be allowed.

(h) *Tree protection standards.* Athens-Clarke County trees or trees on private property conserved and planted to meet tree canopy cover requirements shall be actively protected during development, based on ANSI and ISA BMPs, and passively throughout their life in accordance with the requirements for protected trees set forth in section 8-7-16.

(1) *Prohibited activities.* The following activities and conditions, and any other activities and conditions harmful to a tree's roots, trunk, or crown, within the tree protection zone are prohibited:

- a. Vehicle or equipment traffic, parking, or storage.
- b. Materials or supplies storage.
- c. Placement of temporary or permanent structures.
- d. Equipment maintenance or washout.
- e. Wounding of trunk.
- f. Wounding or breakage of scaffold limbs or branches greater than six inches in diameter.
- g. Topping or other improper pruning, such as stub cuts or flush cuts.
- h. Fires; excessive heat from equipment exhaust pipes.

(2) *Limited activities.* The following activities and conditions within the tree protection zone are limited to one side of the tree in the outer ½ of the critical root zone, but in no case closer than 2.5 feet to the trunk of a planted tree and ten feet to the trunk of a conserved tree:

- a. Site or lot clearing or grubbing.
- b. Soil excavation.
- c. Soil cuts.
- d. Soil fill.
- e. Grading.
- f. Trenching.
- g. Tilling.
- h. Edging.
- i. Soil compaction.
- j. Top dressing with soil greater than two inches in depth.
- k. Paving.

(3) *Active tree protection standards.* Active tree protection shall meet the following minimum criteria:

- a. Tree protection fencing shall be installed prior to any land development or land disturbance activity around a tree at the location of the tree protection zone and shall remain in place until construction activities end or a certificate of occupancy is issued, whichever is later.
- b. Tree protection fencing shall be four feet high, high-visibility polypropylene fencing erected with sturdy posts.
- c. Activities described in section 8-7-19(h)(1) and (2) shall be prohibited within the tree protection zone.
- d. Low hanging limbs that may be damaged by equipment traffic or other construction activities shall be pruned prior to the commencement of any land development/land disturbance activity; all pruning shall be in accordance with the pruning standards set forth in section 8-7-19(j).
- e. When equipment movement is such that damage to tree trunks is possible, then tree trunks shall be wrapped vertically with one layer of two inch by four inch lumber spaced a maximum of 12 inches apart, and covered with corrugated cardboard secured with strapping. The wrapping shall remain on throughout the period of potential damage.

(4) *Active tree protection area sign standards.* Prior to any land development or land disturbance activity and after tree protection fencing is installed around any conserved trees or tree conservation area, tree protection area signs shall be installed. Signs shall be installed along the perimeter of all tree protection zones at least every 50 feet and shall include, at a minimum, the following text: "Tree Protection Area, Entry Prohibited, No Construction Activity, Materials or Equipment Storage, Equipment Washout, or Vehicle Traffic Allowed". The sign shall be fabricated out of a sturdy material, shall be at least 18 inches wide by 24 inches high, and shall be placed on a sturdy post with the bottom of the sign at a minimum height of 30 inches above the ground. The signs must remain present at all times during construction.

(5) *Passive tree protection standards.* Passive tree protection shall be required throughout the life of a protected tree and shall require, at a minimum, the avoidance of all prohibited activities described in section 8-7-19(h)(1) and (2) within the tree protection zone.

(i) *Tree establishment standards.* Tree establishment involves a series of steps that includes site selection, species selection, quality tree selection, site preparation, tree planting, and new tree maintenance. Tree establishment standards, based on ANSI standards, shall be as set forth in subsections (1) through (7) below.

(1) *Site selection standards.* Trees shall be placed such that they have adequate space to grow unobstructed to maturity. Minimum distances, at the time of planting as measured from the tree trunk, to structures and infrastructure shall be required as listed in Table 2. In addition, the following standards apply:

- a. Trees shall not be planted directly over property boundary lines or corners.
- b. In no case shall a planting site be less than three feet wide in any one direction.

Table 2. Minimum Distances in Feet Required between Trees and Structures or Infrastructure by Tree Canopy Size Category

Structure/Infrastructure Description	Tree Canopy Size Category from the Athens-Clarke County Tree Species List			
	Large	Medium	Small	Very Small
Street intersections, measured from the right-of-way boundary	35	35	35	35
Traffic signs	20	20	20	20
Light poles	20	20	15	15
Overhead utility lines	30	20	0	0
Underground utility lines	5	5	5	5
Mailboxes	5	5	5	5
Fire hydrants, electrical transmission boxes, water meters, other similar structures	5	5	5	5
Curb, sidewalk, or pavement edge	3.5	3	2	2
Buildings	15	10	5	5

(2) *Species selection standards.* Species planted to satisfy the requirements of this chapter shall be selected from the *Athens-Clarke County Tree Species List*, and shall conform to the following standards:

- a. Species shall be selected that are tolerant of the growing conditions existing on the site, including growing space, sunlight, soil moisture, temperature, and soil volume.

- b. [Reserved]
- c. No more than 30 percent of any one species shall be planted on a lot, except in forest regeneration areas where no more than 15 percent of any one species shall be planted.
- d. For street trees, where no obstructions to growth exist, large canopy trees shall be planted; where obstructions to growth exist for large canopy trees, medium canopy trees shall be planted; where obstructions to growth exist for medium canopy trees, small canopy trees shall be planted.

(3) *Tree size and quality standards.* Trees planted to satisfy the requirements of this chapter shall meet minimum quality standards as established in the *ANSI Z60.1 American Standard for Nursery Stock* and published by the American Horticulture Industry Association, as officially revised and amended from time to time. Trees shall also conform to the following standards to be eligible for tree canopy cover credit:

- a. Trees shall be a minimum of two inches in caliper for deciduous trees, a minimum of eight feet in height for evergreen trees, and a minimum of one inch caliper per trunk for multi-trunk trees at the time of planting.
- b. Trees outside of forest regeneration areas may be container grown or balled and burlapped.
- c. Trees within forest regeneration areas may be bare root, container grown, or balled and burlapped.
- d. Trees with forked stems and included bark shall not be counted for tree canopy cover credit.
- e. Trees that require staking to stand upright shall not be counted for tree canopy cover credit.

(4) *Site preparation standards.* The soil around a planted tree shall meet the following standards:

- a. The soil within the open soil surface area shall be well aerated to a depth of eight inches, except that in tree planting islands surrounded by pavement it shall be well aerated to a depth of 18 inches.
- b. The soil shall contain at least five percent organic matter.
- c. Soil pH shall be with a range of 5.8 to 7.0.
- d. An approved chamber system of structural soil mix containing 80 percent rock aggregate, 15 percent mineral soil, and a sticking agent may be used within parking lots and other paved areas to increase the rooting volume available to trees.
- e. Permeable or porous pavements may be used within a parking lot or other paved area, in which case the open soil surface area required may be reduced by up to 20 percent.

(5) *Tree planting standards for container grown, or balled and burlapped trees.* The following standards shall apply to container grown and balled and burlapped trees:

- a. In undisturbed soils and prepared soils the planting hole shall be at least two times as wide and no deeper than the root ball of the tree, shall have sides sloping inward from the top, and the bottom shall be firm soil.
- b. In compacted soils, the planting hole shall be at least three times as wide and no deeper than the root ball of the tree, shall have sides sloping inward toward the bottom, and shall have firm soil on the bottom.
- c. The tree shall be planted no deeper than it was growing in the container or field and the trunk flare shall be visible above the ground.
- d. All strapping, webbing, twine, strings, and other such material shall be removed from the root ball.
- e. The burlap and wire basket, if present, shall be removed to a minimum depth of 12 inches and to a greater extent if possible.
- f. In no case shall any burlap be located above the soil surface.
- g. Tree staking is not required, but if installed it shall be removed no later than one year after planting.

(6) *Tree planting standards for bare root saplings and seedlings.* The following standards shall apply to all bare root saplings and seedlings:

- a. The roots of saplings and seedlings shall remain moist at all times prior to planting.
- b. A planting hole shall be dug of sufficient depth to accommodate the root system of the tree without bending or creating a j-shaped root.
- c. Trees shall be planted no deeper than they were growing in the field.
- d. The soil shall be massaged around the roots after planting and measures, such as watering in, should be taken to eliminate air pockets.

(7) *New tree maintenance standards.* For newly planted balled and burlapped or container grown trees that are planted to satisfy the requirements of this chapter, except for those planted in forest regeneration areas, the property owner shall comply with the following maintenance standards for the first three years after planting:

- a. Trees shall be mulched immediately after planting in accordance with the mulching standards set forth in section 8-7-19(k)(1).
- b. When natural rainfall is less than one inch per week, trees shall be provided with the equivalent of one inch of water per week after planting and throughout the growing season and throughout the open soil surface area.
- c. Trees shall be pruned immediately after planting to remove dead, broken, diseased, dying, or rubbing branches.

- d. Tree pruning shall be done as necessary to remove dead branches, train tree structure, and maintain clearance over walkways and vehicles in accordance with the tree pruning standards set forth in 8-7-19(j).
- e. Tree staking materials shall be removed within one year after planting.

(j) *Tree pruning standards* . Protected trees shall be pruned in accordance with the American National Standard for Tree Care Operations A300 published by the American National Standards Institute and Best Management Practices published by the International Society of Arboriculture, as officially revised and amended from time to time. Tree owners and their agents are encouraged to hire businesses that employ certified arborists who can supervise the pruning work on site and ensure that proper pruning is being done. In addition, the following standards shall apply to protected trees:

- (1) Pruning activities shall not disturb nesting, rare, or endangered wildlife to the greatest extent possible.
- (2) Co-dominant stems less than four inches in diameter at the fork shall be subordinated or removed and one main stem shall remain.
- (3) Pruning shall be done such that a tree's natural form is maintained to the greatest extent possible.
- (4) Tree topping or heading is not permitted.
- (5) Reasons for which tree pruning is not permitted include, but are not limited to:
 - a. Sign installation, clearance, or visibility, excluding traffic, directional, warning, or information signs owned by any public or semipublic agency.
 - b. Clearance for temporary or permanent equipment traffic or storage, the erection of temporary structures, or materials storage within the tree protection zone.

(k) *Tree maintenance standards*. In addition to pruning, tree maintenance includes mulching, fertilization, cabling and bracing, and lightning protection. When required for protected trees as set forth herein, these activities shall be based on ANSI A300 Standards and done in accordance with the standards set forth below.

- (1) *Mulching standards*. Individual planted trees, individual conserved trees, and groups of ten or less conserved trees shall be mulched in accordance with the following standards. For conserved groups of more than ten trees, forested areas, future forest areas, and forested buffers, the addition of mulch is not required; however, the ground surface and natural leaf litter within these areas shall remain present and undisturbed.
 - a. Mulch shall be composed of organic materials only and may include, but is not limited to, pine straw, leaves, wood chips aged at least three months, compost, and pine bark.
 - b. Grass clippings, plastic sheeting, and rocks or gravel shall not be used as mulch and shall not be applied within the tree protection zone.

- c. For all trees the critical root zone shall be mulched out from the trunk at least one-third the distance to the outer edge of the critical root zone, except that no mulch ring shall have a radius less than 2.5 feet or shall be required to be greater than ten feet.
- d. Mulch shall be three to four inches in depth, and shall be spread in an even layer from six inches out from the trunk to outer extent of the mulched area.
- e. Mulch is not allowed closer than six inches to the tree trunk.
- f. Mulch shall be applied at least annually, preferably in the late winter or early spring.

(2) *Fertilization standards.* Fertilization is not required for protected trees. However, if protected trees are fertilized, they shall be fertilized in accordance with the American National Standard for Tree Care Operations A300 (Part 2), published by the American National Standards Institute, and as officially revised and amended from time to time and Soil Management for Urban Trees (2014) and Tree and Shrub Fertilization, Third Edition (2013) published by the International Society of Arboriculture.

(3) *Tree support systems standards.* Any tree support systems placed in protected trees shall be designed, installed, and maintained in accordance with the American National Standard for Tree Care Operations ANSI A300 (Part 3), published by the American National Standards Institute, and as officially revised and amended from time to time.

(4) *Lightning protection systems standards.* Any lightning protection systems placed in protected tree shall be designed, installed, and maintained in accordance with the American National Standard for Tree Care Operations ANSI A300 (Part 4), dated August 30, 2002, published by the American National Standards Institute, and as officially revised and amended from time to time.

(1) *Tree removal standards.* The removal of protected trees shall be done in accordance with the standards set forth below.

- (1) Tree removal shall not disturb nesting, rare, or endangered wildlife to the greatest extent possible, and removal shall be delayed until nesting wildlife is safely removed.
- (2) Tree removal shall be approved if a tree meets one or more of the following conditions.
 - a. Dead.
 - b. Unhealthy condition.
 - c. Dieback of 50 percent or greater of the crown.
 - d. Insect infestation or disease condition for which treatment is impractical, causing tree decline, and with a high probability of spreading to other trees.
 - e. Trunk wounds greater than one-third the circumference of the trunk.

- f. Trunk cavity greater than two-thirds the diameter of the trunk at the point of the cavity.
- g. Structural defects in scaffold limbs, where defect correction through pruning will result in removal of 50 percent or greater of the tree's crown.
- h. Litter originating from the tree that creates an unsafe condition or poses a hazard to public health, safety, and welfare.
- i. Unresolvable conflict with infrastructure that is creating an unsafe condition or poses a hazard to public health, safety, and welfare.

(3) Reasons for which tree removal is not permitted include, but are not limited to:

- a. Sign installation, clearance, or visibility, excluding traffic, directional, warning, or information signs owned by any public or semipublic agency.
- b. Unwanted production of leaves, fruit, or other organic litter that does not create an unsafe condition or that is not a hazard to public health, safety, and welfare.

(4) *Stump grinding standards.* After removal, stumps of protected trees, except for landmark trees on single-family residential lots, that are greater than six inches in diameter shall be ground to a depth of 12 inches, and the resulting woody debris mixed with an equal part of soil. The surface of the ground in the area of the stump shall be level with the surrounding ground after grinding and incorporation of soil."

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

