

ORDINANCE NO. 72

CITY OF HAMPTON

AN ORDINANCE TO ESTABLISH PROTECTIVE REGULATIONS  
FOR TREES AND SHRUBS IN THE PUBLIC AREAS OF THE CITY;  
TO REGULATE TREES ON PRIVATE PROPERTY;  
TO PROVIDE FOR PENALTIES; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and City Council of the City of Hampton recognize that it is in the public interest that the City provide for protective regulations for trees and shrubs in the public areas of the City in order to better control problems with flooding, soil conservation, air pollution and noise in the City, and regulate trees on private property where necessary to make the City a healthier and safer place in which to live;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HAMPTON AND IT IS HEREBY ORDAINED BY AUTHORITY OF THE SAME AS FOLLOWS:

Section 1. Intent.

The intent of this Ordinance is to establish protective regulations for trees in the public areas of the City in order to better control problems with flooding, soil conservation, air pollution and noise in the City, and to regulate trees on private property where necessary to make the City a healthier and safer place in which to live.

Section 2. Creation and Establishment of a City Tree Board.

There is hereby created and established a City Tree Board for the City of Hampton, Georgia, which shall consist of five members, being citizens and residents of this City, who shall be appointed by the Mayor and Council.

Section 3. Term of Office.

The term of the five persons to be appointed by the Mayor and City Council shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.

Section 4. Compensation.

Members of the Board shall serve without compensation.

Section 5. Duties, Responsibilities, and Operation.

It shall be the responsibility of the Board to study, investigate, and council for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. The Board, when requested by the Mayor and City Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work. The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

Section 6. Definitions.

Street Trees: "Street Trees" are herein defined as either evergreen or deciduous trees or shrubs growing on land lying within the public right-of-way on either side of all streets, avenues, or ways within the City.

Park Trees: "Park Trees" are herein defined as either evergreen or deciduous trees or shrubs on land designated as public park land, owned by the City or land to which the public has free access as a park.

Shade Trees: "Shade Trees" are herein defined as any self-supporting woody plant of a species that is well shaped, well branched and well foliated which normally grows to an overall height of at least thirty-five (35) feet and normally develops an average mature crown spread greater than thirty (30) feet.

Small Trees: "Small Trees" are herein defined as either evergreen or deciduous trees or shrubs which do not normally exceed twelve (12) feet in height at maturity. No small tree shall be permitted to exceed twelve (12) feet in height.

Crown Spread: "Crown Spread" is defined herein as the distance measured across the greatest diameter of a plant.

A listing of Street, Park, Shade, and Small trees approved by the Tree Board, shall be maintained by the City Tree Board of the City of Hampton.

Section 7. Distance from Street Corners and Fireplugs.

No Tree (whether street tree, park tree, shade tree or small tree) shall be planted closer than thirty-five (35) feet to any street corner, measured from the point of nearest intersecting curbs or curb lines. However, shrubs maintained less than 3 feet in height are permitted. No tree shall be planted closer than ten (10) feet of any fire hydrant. This section shall apply only the planting of new trees and shall not be interpreted to require the removal of trees in the ground on the date this Ordinance is adopted.

Section 8. Utilities.

No Street Trees other than those species meeting the definitions of Small Trees as set forth in this Ordinance may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground water line, sewer line, power line or other utility. This section shall apply only to the planting of new trees and shall not be interpreted to require the removal of trees in the ground on the date this Ordinance is adopted.

Section 9. Public Tree Care.

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to insure public safety and to preserve or enhance the symmetry and beauty of such public grounds.

The City shall have the right to remove or cause or order to be removed, any tree or part thereof within a public area or right-of-way which is in an unsafe condition or which by reason of its nature is injurious to sewers, electrical power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest.

Section 10. Tree Topping.

It shall be unlawful as a normal practice for any person, firm or City Department to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires where other pruning practices are impractical shall be exempted from this Ordinance.

Section 11. Pruning, Corner Clearance of Trees on Private Property.

Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8) feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

The following information was obtained from the records of the Department of Health and Social Security in connection with the case of the deceased. It is noted that the deceased was born on 15/11/1910 and died on 10/11/1971. The cause of death was recorded as heart failure.

Medical History

The deceased had a long history of hypertension, which was first diagnosed in 1945. He was treated with various antihypertensive drugs, including reserpine, which was discontinued in 1965 due to side effects. He also had a history of diabetes mellitus, treated with insulin.

There was no history of chest pain or other symptoms suggestive of coronary artery disease. The deceased was a heavy smoker and a regular drinker of alcohol. He had no known allergies and was not taking any other medication at the time of his death.

Family History

The deceased's father died of a heart attack at the age of 55. His mother died of cancer at the age of 75. There is no history of diabetes or hypertension in the immediate family. The deceased had three children, all of whom are currently living and well.

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Section 12. Dead or Diseased Tree Removal on Private Property.

The City shall have the right to cause the removal of any dead or diseased trees on private property within the City, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the City. The City shall have the authority to take such action whenever necessary in cases of emergencies presenting a clear and immediate danger of irreparable harm to persons or property. Otherwise, the City Tree Board shall initiate action to have the tree removed by following the provisions of the Nuisance Ordinance of the City of Hampton, as now or hereafter amended.

Section 13. Removal of Stumps.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

Section 14. Interference with City Tree Board.

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

Section 15. Arborists License and Bond.

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street trees, park trees and/or small trees within the City without first applying for and procuring a license. The license fee shall be Twenty Five Dollars (\$25.00) annually in advance; provided, however, that no license shall be required of any public utility company or City employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$100,000 for bodily injury and \$50,000 for property damage, which coverage shall indemnify the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

Section 16. Review by Mayor and City Council.

The Mayor and City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal any ruling or order of the City Tree Board to the Mayor and City Council who may hear the matter and make final decision.

Section 17. Penalty.

It shall be unlawful for any person or legal entity to violate any provision of this Ordinance. Any person violating the terms of this Ordinance or rules and regulations promulgated pursuant thereto shall be punished in Municipal Court by a fine not to exceed Five Hundred Dollars (\$500.00) and/or sixty (60) days in jail for each separate violation. Each day the violation continues shall be considered a separate offense.

BE IT ORDAINED that any Ordinance or Resolution in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

BE IT ORDAINED that should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

This Ordinance is hereby adopted this the 9 day of JUNE, 1992.

FIRST READING: April 14, 1992


SECOND READING AND ADOPTION: JUNE 9, 1992

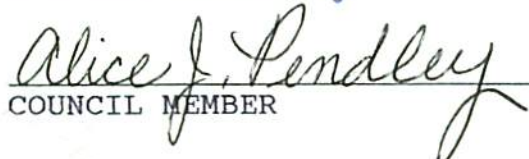
  
MAYOR

  
COUNCIL MEMBER

  
COUNCIL MEMBER

  
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COUNCIL MEMBER

  
COUNCIL MEMBER

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COUNCIL MEMBER

ATTEST:

  
CITY CLERK