

Replaced
11/02-17

ORDINANCE 99-4

AN ORDINANCE TO REPEAL SKY VALLEY ORDINANCES 98-16 AND 97-5 AND TO ESTABLISH AN ORDINANCE FOR THE REGULATION OF THE CUTTING OF TREES WITHIN THE CITY LIMITS OF SKY VALLEY, AND TO PROMOTE AND PROTECT THE PUBLIC HEALTH, SAFETY, GENERAL WELFARE, AND AESTHETIC VALUE OF THE CITY BY REGULATING THE PLANTING, MAINTENANCE, CUTTING AND REMOVAL OF TREES, SHRUBS AND OTHER PLANTS.

The Council of the City of Sky Valley hereby ordains and adopts the following Ordinance:

SECTION 1

DEFINITIONS:

TREE: Any tree, shrub, bush or other woody vegetation, exceeding eight inches in diameter at eighteen inches above the ground.

TREE COMMITTEE: The committee, herein established whose duty and responsibility it shall be to study, investigate, counsel, develop, update and administer the provisions of this Ordinance.

SECTION II

- a. Creation of the Tree Committee: There is hereby created a "Tree Committee" consisting of three members who shall be appointed to the Committee by the President of the Council. The Committee shall have the responsibility to carry out the provisions of this Ordinance, to make recommendations to the whole Council, to grant or to deny permits under this Ordinance, and will have the authority to grant variances at it's discretion. In carrying out its duties the Tree Committee may consider adjacent property, value of the trees to be removed, cut, topped or trimmed, the effect on surrounding vegetation, streams and lands, whether the action is requested in order to enhance the land owners primary view, the effect on the aesthetic value of the City and the needs of the land owner.
- b. Members of the Committee shall serve without compensation.
- c. Decisions of the Committee shall be made in writing within (30) thirty days of a request for permit or variance and may be appealed to the full Council by submission of a letter to the Council by any person seeking such appeal at the next regularly scheduled City Council session. No appeal of a Committee decision will be heard by the Council unless

presented to the City Clerk, in writing, within (30) thirty days of a written Committee decision. Decisions of the full Council will be final. The Committee shall grant hearings as soon as practical when requested by a person seeking a permit.

- d. Interference with the Committee: It shall be unlawful for any person to prevent, delay or interfere with the Committee, or any agent thereof, while such Committee is engaging in investigating, studying, observing or otherwise carrying out it's duties.

SECTION III

Any person, firm, corporation or other entity or agents thereof violating this ordinance shall be upon conviction or plea of guilty, subject to a fine not to exceed \$250.00 (Two hundred and fifty dollars) per violation. A violation will occur each time a tree is cut in violation of this Ordinance. A violation will occur for each tree not pruned, cut back, or removed in accordance with this Ordinance. A violation shall occur each day any debris from tree cutting is not removed in accordance with the Ordinance.

SECTION IV

CUTTING AND REMOVAL OF TREES:

- a. No tree shall be cut from public or private land without a written permit issued by the Tree Committee, unless such circumstance falls under SECTION IV (d) below. Requests for a permit may be presented orally or in writing to any member of the Tree Committee, or in writing to the City Clerk. All permits shall include at least two signatures of members of the tree cutting Committee.
- b. The Tree Committee shall, when so requested, investigate any proposed cutting or removal of trees, either in person or through an agent, and thereafter issue or deny a permit. The Committee may, at its discretion, permit all or part of the requested cutting or removal. The person requesting a permit or variance may request a hearing before the Tree Committee pursuant to SECTION II (c.) above.
- c. Permits shall expire (30) thirty days from the date of issue.
- d. No permit is required for the following :
 - a. Cutting or Removal of trees within fifteen feet (15) of the foundation of any home or approved homesite pursuant to a building permit.
 - b. Cutting or Removal of trees within fifteen (15) feet of a septic tank or drain field or of a septic tank or drain field as shown on an approved building permit.
 - c. Tree Cutting or Removal of trees which are reasonably believed to be a danger to health, safety, public rights of way, or are clearly an existing hazard likely

to damage private property.

- d. Cutting or Removal of Trees which are obviously diseased and present an obvious danger of infecting other vegetation.
- e. Cutting or Removal of Trees necessary for an existing drive-way or a drive-way clearly shown on an approved building permit.

SECTION V

TOPPING OR TRIMMING OF TREES:

- a. No tree shall be topped or trimmed from public or private land without a written permit issued by the Tree Committee, unless such tree falls within one of the exceptions listed below in SECTION V (c). Requests for a permit may be presented orally or in writing to any member of the Tree Committee, or in writing to the City Clerk. All permits shall include at least two signatures of members of the Tree Committee.
- b. The Tree Committee shall, upon request investigate any proposed topping or trimming of trees, either in person or through an agent and thereafter issue or deny a permit. The Committee may, at its discretion, permit all or part of the requested topping or trimming.
Persons requesting the topping or trimming may request a hearing before the Tree Committee.
- c. No permit is required for the following:
 - a. Topping or Trimming of Trees within (15) fifteen feet of the foundation of any home or approved homesite pursuant to a building permit.
 - b. Topping or Trimming of Trees within (15) five feet of a septic tank or drain field or of a septic tank or drain field on a homesite approved pursuant to a building Permit.
 - c. Topping or Trimming of Trees which are reasonably believed to be a danger to health, safety, public rights of way, or are clearly an existing hazard likely to damage private property.

SECTION VI

REMOVAL OF DEBRIS

- a. It shall be the responsibility of the landowner to remove all debris from the cutting, removal, topping or trimming of trees within (30) thirty days from the date that the cutting, removal, topping or trimming of trees occurred.

SECTION VII


Marking

The Tree Committee shall designate the tree or trees to be cut, topped or trimmed by marking same with a vertical painted stripe. The landowner is then authorized to cut, top or trim only those trees so marked.

THIS ORDINANCE READ AND ADOPTED by the Mayor of City Council of the City of Sky Valley Georgia at the regular meeting of said council on the 15th Day of November 1999.

The effective date of this Ordinance shall be the 1st Day of November, 1999.

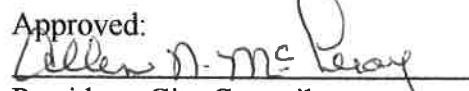
SO ORDAINED, this the 15th Day of November 1999



Mayor, City of Sky Valley

Attested:

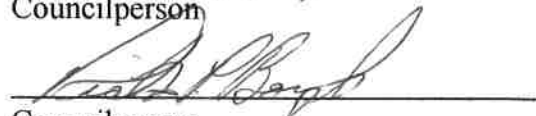

City Clerk

Approved:


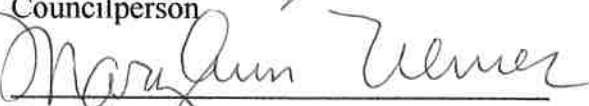
President, City Council



Councilperson



Councilperson



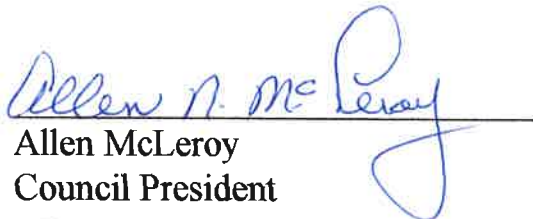
Councilperson

Councilperson

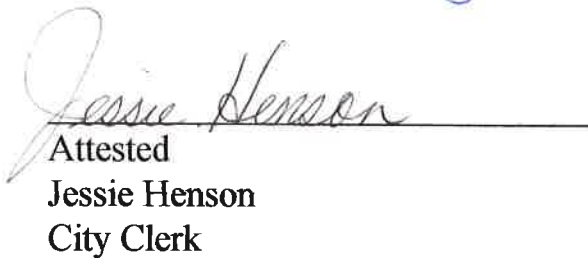
TREE COMMITTEE APPOINTMENTS


Pursuant to Section II-a of Ordinance 99-4, I hereby appoint the following persons to the Tree Committee:

- 1) City Marshal
- 2) City Coordinator
- 3) Any Councilmember


Allen McLeroy
Council President


Date

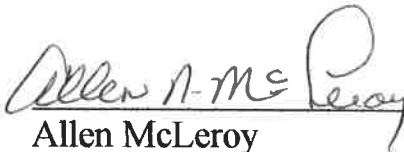

Attested
Jessie Henson
City Clerk


Date

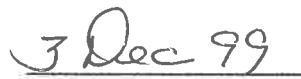
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