

1 **STATE OF GEORGIA**

2 **CITY OF COLLEGE PARK**

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4

ORDINANCE 2016-17

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6 AN ORDINANCE AMENDING ARTICLE XII, TREES, OF CHAPTER 5, BUILDINGS,
7 CONSTRUCTION AND RELATED MATTERS, OF THE CODE OF ORDINANCES OF THE
8 CITY OF COLLEGE PARK, TO PROVIDE FOR THE INSPECTION OF POTENTIALLY
9 DANGEROUS TREES AND TO PROVIDE A PROCEDURE TO ENSURE THAT
10 CORRECTIVE ACTION IS TAKEN WITH REGARD TO SUCH TREES DETERMINED TO
11 BE DANGEROUS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING
12 ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

13 **WHEREAS**, the governing authority of the City of College Park (“City”) is the Mayor
14 and Council thereof; and

15 **WHEREAS**, the governing authority of the City has the authority and power, in the
16 interest of health, sanitation and the public safety and welfare to provide for the clearing,
17 cleaning off and making and keeping sanitary and/or free from fire or other hazard, any and all
18 real property, either vacant or improved, within the corporate limits of the City; and

19 **WHEREAS**, the governing authority of the City has the authority to provide for the
20 removal from real property within the corporate limits of the City all debris, grass, weeds or
21 other growth, or other unsanitary or combustible matter or materials; to take necessary and
22 proper means for keeping the corporate limits of the City free from garbage, trash and filth of all
23 kinds; and to provide for the height and trimming of hedges, shrubbery and other growth; and

24 **WHEREAS**, the City acknowledges that trees provide many environmental, social, and
25 economic benefits—they filter pollutants, provide shade and homes for animals, create desirable
26 living and working places, increase property value, attract shoppers and businesses, help control
27 storm-water runoff and soil erosion, and decrease cooling costs; and

28 **WHEREAS**, the City also acknowledges that dangerous trees not only negatively impact
29 the health and safety of the City’s residents, but they present an eyesore; and

30 **WHEREAS**, the governing body desires to amend its Code of Ordinances to create
31 provisions for the inspection of potentially dangerous trees and a procedure to ensure that
32 corrective action is taken towards trees determined to be dangerous; and

33 **WHEREAS**, the health, safety, and welfare of the citizens of College Park, Georgia, will
34 be positively impacted by the adoption of this Ordinance.

35 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
36 **THE CITY OF COLLEGE PARK, GEORGIA**, and by the authority thereof:

37 **Section 1:** The City’s Code of Ordinances is hereby amended by inserting a new Section
38 5-264, Trees that present a dangerous condition, to Article XII, Trees, of Chapter 5, Buildings,
39 Construction and Related Matters, and inserting the following text therein to read and to be
40 codified as follows:

41 “Sec. 5-264. – Trees that present a dangerous condition.

42 (a) It shall be unlawful for any person to allow to remain on his or her property any tree that
43 presents a dangerous condition. Dangerous trees include but are not limited to:

44 (1) A tree or any part of a tree that is likely to fail (fall) as a result of structural defects,
45 root damage, disease, decay, decline or death; and where failure of a tree or any part
46 of a tree would result in potential property damage or injury.

47 (2) A tree that by its proximity interferes with traffic or pedestrian sight distance,
48 drainage or utility lines and easements so as to create an unsafe condition on or off
49 the site or easement.

- 50 (3) A tree of any species or variety which, because of any other circumstances, poses a
51 danger to public health or safety.
- 52 (b) The director of the department of inspections (or designee or agent thereof) is authorized
53 and empowered to enter upon any lot or parcel of land in the city for the purpose of
54 inspecting and evaluating any tree which is suspected to present a dangerous condition. It
55 shall be unlawful for any property owner to take any action to prevent or interfere with
56 the inspection and evaluation of potentially dangerous trees.
- 57 (c) The director of the department of inspections (or designee or agent thereof) shall obtain
58 the services of an arborist, who shall be employed by or under contract to perform
59 services for the city, for the purpose of inspecting and evaluating suspected dangerous
60 trees. Such arborist shall be an agent of the department of inspections for such purpose.
- 61 (d) If it is determined by the director of the department of inspections (or designee or agent
62 thereof) that a tree presents a dangerous condition, the director of the department of
63 inspections (or designee or agent thereof) shall serve the owner of record of the lot or
64 parcel of land on which said tree is located, a written notice requiring such owner to take
65 corrective action to remove the tree or its dangerous part(s) to eliminate the dangerous
66 condition. This written notice shall include a time frame to complete the corrective
67 action.
- 68 (e) If a property owner fails, neglects, or refuses to trim or remove such tree within the stated
69 time frame, the city's department of inspections may proceed to take the corrective action
70 and assess the resulting costs to the property owner. The amount of such costs shall be
71 paid by the owner to the city.
- 72 (f) The assessment of the costs of work done by the city against the property owner shall
73 include the actual cost of work performed in addition to the penalties imposed for any
74 violation or noncompliance with any provision of this section, plus administrative fees.
- 75 (g) If the property owner fails to pay the costs assessed by the department of inspections, a
76 lien shall be placed on the subject property for the cost of the work performed, penalties,
77 and fees.

78 Secs. 5-265—5-269. – Reserved.”

79 **Section 2.** The preamble of this Ordinance shall be considered to be and is hereby
80 incorporated by reference as if fully set out herein.

81 **Section 3.** This Ordinance shall be codified in a manner consistent with the laws of the
82 State of Georgia and the City.

83 **Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that all
84 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
85 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

86 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
87 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
88 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
89 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
90 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this
91 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase
92 of this Ordinance.

93 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
94 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
95 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the
96 express intent of the Mayor and Council that such invalidity, unconstitutionality or
97 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
98 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or
99 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,
100 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,
101 enforceable, and of full force and effect.

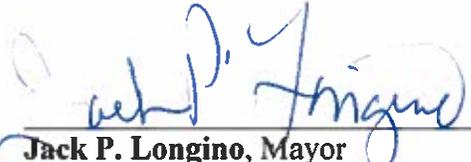
102 **Section 5.** All ordinances and parts of ordinances in conflict herewith are hereby
103 expressly repealed.

104 **Section 6.** The effective date of this Ordinance shall be the date of adoption unless
105 otherwise stated herein.

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ORDAINED this 16th day of May, 2016.

CITY OF COLLEGE PARK, GEORGIA

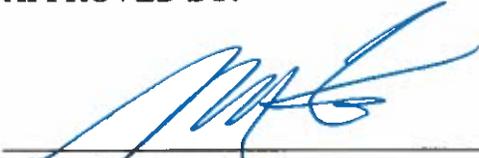


Jack P. Longino, Mayor

ATTEST:

Melissa Brooks, City Clerk

APPROVED BY:



Steven M. Fincher, City Attorney