



**A RESOLUTION
BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES**

AS SUBSTITUTED AND AMENDED BY FULL COUNCIL

**A RESOLUTION OPPOSING STATE LEGISLATION
THAT WOULD PREEMPT THE CITY'S TREE
ORDINANCE; AND FOR OTHER PRUPOSES.**

WHEREAS, in Senate Bill 294, the State Legislature is proposing a change to the State law regarding tree removal, O.C.G.A. section 12-6-24; and

WHEREAS, Senate Bill 294 currently states that tree ordinances shall not apply to "(B) The trimming or cutting of any tree or trees located upon the residential property of a homeowner when such trimming or cutting is done by or at the direction of such homeowner"; and

WHEREAS, Senate Bill 294 will pre-empt a large portion of the Tree Ordinance of the City of Atlanta ("City") by making it inapplicable to any and all trees located on "residential property"; and

WHEREAS, Senate Bill 294 does not define terms such as "residential property" or "homeowner", and thereby allows for the unintended consequence of the Bill's being utilized by certain developers to avoid compliance with the City's Tree Ordinance; and

WHEREAS, the City has experienced large tracts of land being clear-cut, thereby adding to soil erosion, air and water pollution, and the City wishes to prevent such clear-cutting in the future; and

WHEREAS, the City wishes to promote re-development and growth within the City, but wishes to do so in a responsible manner that is consistent with environmental protection; and

WHEREAS, while the City supports individual property rights, it firmly believes that it is important to balance said rights with the long-established policy of protecting the environment, air and water quality, and the general public health in our communities; and

WHEREAS, the City has been designated by the Environmental Protection Agency as a Non-Attainment area, and the City experiences severe "heat island" effects, and therefore the City has an obligation to its citizens to pass laws that help to correct those problems; and

WHEREAS, the City recognizes the importance of and is committed to protecting its tree canopy, both on public as well as private property, as a means of helping to correct the City's Non-Attainment area and "heat island" problems; and



WHEREAS, the City should be permitted to determine its own priorities, to decide what is in the best interest of its citizens, and to retain the local control necessary to implement laws accordingly, including but not limited to local land use and zoning laws; and

WHEREAS, the City recognizes the need to modify its Tree Ordinance to provide greater protection to the individual property owner's need for tree removal, but believes strongly that such modifications should be made by the City, not by the State;

WHEREAS, the City believes that any modifications to the City's Tree Protection Ordinance should be determined by the City's legislative process rather than statewide legislation; and

WHEREAS, tree protection ordinances are fundamentally about protecting the character of neighborhoods, which is a quintessentially local matter; and

WHEREAS, the City supports agencies such as the Georgia Municipal Association and the Association of County Commissioners that are opposing Senate Bill 294, as the City recognizes that Senate Bill 294 will detrimentally impact numerous Georgia municipalities and counties; and

WHEREAS, the City opposes the State's legislating about how the City should govern its own jurisdiction; and

WHEREAS, the City is opposed to Senate Bill 294.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: The City of Atlanta opposes Senate Bill 294 as that Bill: 1) pre-empts a large portion of the City's Tree Ordinance; and 2) interferes with the right of the City's governing body to determine the best interests of its citizens and pass legislation accordingly.

Section 2: The City of Atlanta hereby requests that the 2005 General Assembly refrain from passing any legislation restricting local governments' ability to enact and enforce tree protection ordinances.

Section 3: The City of Atlanta commits to revisit its Tree Protection Ordinance expeditiously to review the balance between the rights and privileges of private property owners versus the benefits to the neighborhood, city, and region of a healthy and vibrant tree canopy.

Section 4: The Municipal Clerk is directed to transmit a copy of this Resolution to the members of the General Assembly.

A true copy,

Shonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED as amended by Council
APPROVED by the Mayor

March 7, 2005
March 15, 2005



A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 12-6-24 of the Official Code of Georgia Annotated, relating to
2 county and municipal regulation of timber harvesting, so as to provide for additional
3 limitations regarding tree ordinances; to provide an effective date; to repeal conflicting laws;
4 and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Code Section 12-6-24 of the Official Code of Georgia Annotated, relating to county and
8 municipal regulation of timber harvesting, is amended by striking paragraph (3) of subsection
9 (c) and inserting in its place a new paragraph (3) to read as follows:

10 '(3) The provisions of paragraphs (1) and (2) of this subsection shall not preclude
11 counties, municipalities, and other political subdivisions from enacting and enforcing tree
12 ordinances, landscape ordinances, or streamside buffer ordinances; provided, however,
13 that such ordinances shall not apply to:

14 (A) Timber ~~timber~~ harvesting as described in subparagraph (A) of paragraph (4) of this
15 subsection or in unzoned tracts as described in subparagraph (B) of paragraph (4) of
16 this subsection; or

17 (B) The trimming or cutting of any tree or trees located upon the residential property
18 of a homeowner when such trimming or cutting is done by or at the direction of such
19 homeowner.

20 SECTION 2.



without such approval.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

Plano-51

RCS# 6548
3/07/05
4:29 PM

Atlanta City Council

Regular Session

05-R-0410

REQUEST STATE LEGISLATURE UTILIZE CITY'S
PROPOSED LANGUAGE AMEND OCGA SEC 12-6-24
ADOPT SUB AMEND

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 1
ABSENT 3

Y Smith	Y Archibong	Y Moore	Y Mitchell
B Starnes	Y Fauver	Y Martin	Y Norwood
E Young	Y Shook	Y Maddox	B Willis
B Winslow	Y Muller	Y Sheperd	NV Borders

05-R-0410

RCS# 6547
3/07/05
4:28 PM

Atlanta City Council

Regular Session

05-R-0410

REQUEST STATE LEGISLATURE UTILIZE CITY'S
PROPOSED LANGUAGE AMEND OCGA SEC 12-6-24
AMEND#2/NORWO#1

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 1
ABSENT 3

Y Smith	Y Archibong	Y Moore	Y Mitchell
B Starnes	Y Fauver	Y Martin	Y Norwood
E Young	Y Shook	Y Maddox	B Willis
B Winslow	Y Muller	Y Sheperd	NV Borders

05-R-0410

RCS# 6546
3/07/05
4:26 PM

Atlanta City Council

Regular Session

05-R-0410

REQUEST STATE LEGISLATURE UTILIZE CITY'S
PROPOSED LANGUAGE AMEND OCGA SEC 12-6-24
AMEND#1/SHOOK#1

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 1
ABSENT 3

Y Smith	Y Archibong	Y Moore	Y Mitchell
B Starnes	Y Fauver	Y Martin	Y Norwood
E Young	Y Shook	Y Maddox	B Willis
B Winslow	Y Muller	Y Sheperd	NV Borders

05-R-0410

RCS# 6545
3/07/05
4:25 PM

Atlanta City Council

Regular Session

05-R-0410

REQUEST STATE LEGISLATURE UTILIZE CITY'S
PROPOSED LANGUAGE AMEND OCGA SEC 12-6-24
SUB FWD

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 1
ABSENT 3

Y Smith	Y Archibong	Y Moore	Y Mitchell
B Starnes	Y Fauver	Y Martin	Y Norwood
E Young	Y Shook	Y Maddox	B Willis
B Winslow	Y Muller	Y Sheperd	NV Borders

05-R-0410

05 - R - 0410

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A RESOLUTION BY DEVELOPMENT/HUMAN RESOURCES AS SUBSTITUTED AND AMENDED BY FULL COUNCIL

A RESOLUTION OPPOSING STATE LEGISLATION THAT WOULD PREEMPT THE CITY'S TREE ORDINANCE; AND FOR OTHER PURPOSES.

ADOPTED BY MAR 07 2005 COUNCIL

SUBSTITUTE AS AMENDED

- CONSENT REFER
REGULAR REPORT REFER
ADVERTISE & REFER
1st ADOPT 2nd READ & REFER
PERSONAL PAPER REFER

Date Referred
Referred To:
Date Referred
Referred To:
Date Referred
Referred To:

First Reading
Committee
Date
Chair
Referred To

See Back of this Cover
Committee
Date
Chair

Action
Fav, Adv, Hold (see rev. side)
Other
Members

Refer To

Committee

Action
Fav, Adv, Hold (see rev. side)
Other
Members

Refer To

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other
Members

Refer To

Committee

Action
Fav, Adv, Hold (see rev. side)
Other
Members

Refer To

FINAL COUNCIL ACTION
2nd
1st & 2nd
3rd
Consent
V Vote
RC Vote

CERTIFIED
ATLANTA CITY COUNCIL PRESIDENT
MAR 07 2005

CERTIFIED
MAR 07 2005

MAYOR'S ACTION

Handwritten signature and date MAR 15 2005

BAVON