

TREES
ORDINANCE NO. 87

AN ORDINANCE TO PROVIDE FOR THE PUBLIC HEALTH, SAFETY, WELFARE AND AESTHETIC BEAUTY OF THE TOWN OF DAUPHIN ISLAND, ALABAMA.

WHEREAS, the Town Council of the Town of Dauphin Island may enact ordinances to protect the health, safety, and welfare of Dauphin Island and;

NOW THEREFORE BE IT ORDAINED by the Town Council for the Town of Dauphin Island, Alabama that the Tree Ordinance shall be as follows:

TREE AND VEGETATION PRESERVATION AND PLANTING

Section A. Purpose

The purpose of this section is to preserve, protect, replace and properly maintain trees and vegetation within the Town because such plantings:

- 1) Are an important public resource.
- 2) Preserve and enhance the Town's physical and aesthetic environment, especially its natural and unique atmosphere;
- 3) Enhance the air quality by filtering air pollutants;
- 4) Reduce topsoil erosion by the holding effect of their roots;
- 5) Reduce storm water runoff;
- 6) Provide a buffer and screen against noise pollution;
- 7) Reduce energy consumption by acting as a wind break and producing shade;
- 8) Preserve and enhance nesting areas for birds and other wildlife which, in turn, assist in the control of insects;
- 9) Protect and enhance property values;
- 10) Protect and enhance the quality of life and the general welfare of the town.
- 11) Improve the compatibility of uses by providing privacy and enhancing the aesthetic transition between uses.

For the purpose of this section, tree is defined as a self-supporting, woody plant, together with its root system, having a well-defined stem or trunk or a multi-stemmed trunk system, a more or less well-defined crown, and a minimum height of eight (8') feet. "Tree" does not include trees in containers or nursery stock trees kept or maintained for resale.

"Vegetation" is herein defined as perennial bushes and shrubs meeting minimum size requirements at planting.

Section B. Tree removal permit

- 1) Permit required. No person shall remove or destroy any tree which is 4" or greater in diameter on any lot without first obtaining a tree removal permit from the Inspections Department in accordance with the procedures

set forth in this section. Further, no person shall remove or destroy any such tree located in the common open space of any development without first obtaining a tree removal permit.

- 2) Each tree permitted for removal shall be replaced on a 3 to 1 ratio. Replacement plantings must be 1" in diameter or greater with a mature height not less than 8'. Diameter will be measured at breast height. A replacement tree list must be approved prior to issuance of a tree removal permit.
- 3) Issuance of permit. Tree removal permits shall be issued only after the Inspector has received the required tree removal plan and a completed application for such permit which has been signed by the property Owner. In determining whether to grant or deny a permit the Inspector shall consider:
 - a) the effect of the proposed tree removal upon the stabilization of soil;
 - b) the intended use of the property and feasible alternatives which would preserve existing trees;
 - c) the existing topography, proposed changes in the topography and proposed landscaping;
 - d) the hardship imposed or the reasonable use denied to the applicant as a result of permit denial;
 - e) historical value of the trees;
 - f) good horticultural and forestry practices;
 - g) the effect of the proposed action will adversely affect the control of flooding or soil erosion;
 - h) the likelihood that the proposed action will adversely affect the control of flooding or soil erosion;
 - i) the impact of such action on surrounding property or persons;
 - j) the consistency of the proposed action with the purpose of this section.
- 4)
 - (a) A permit shall expire and become null and void if work authorized is not commenced within six (6) months from the date of the permit or if such work, when commenced, is suspended or abandoned at any time for a period of six months.
 - (b) If work has commenced and the permit becomes null and void or expires because of lack of progress or abandonment, a new permit for the proposed tree removal activity shall be obtained before proceeding with further work.
- 5) Removal of any size tree within ten feet of a house shall be allowed provided the requirements of section B are adhered to.
- 6) Each tree permitted for removal shall be replaced on a 3 to 1 ratio. Replacement plantings must be a minimum one (1) inch in diameter with a mature height of not less than eight (8) feet. A replacement tree list must be approved prior to issuance of a tree permit. Replacement

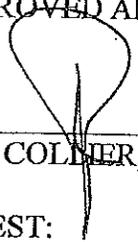
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and Penalty shall not apply to trees destroyed as a result of an Act of God.

VIOLATIONS AND PENALTIES

- 1) It shall be an offense for any person to remove a tree without having first obtained a Tree Permit. It shall be an offense for a property owner to employ, authorize or direct any third person or entity to remove a tree without having first obtained a Tree Permit.
- 2) A separate offense shall be deemed to have been committed for each tree removed without a Tree Removal Permit in violation of the provisions of this section.
- 3) Each offense under this section shall be punishable as prescribe in ordinance 64-B section 4 which reads: ...shall be punishable by fine of TWO HUNDRED AND FIFTY (\$250.00) or not more than FIVE HUNDRED and 00/100 (\$500.00) DOLLARS plus Court costs or by imprisonment in jail for a period not to exceed Six (6) MONTHS, or by community service, or by both such fine and Court cost and imprisonment and/or community service at the discretion of the Judge, unless otherwise prohibited by State law.

APPROVED AND ADOPTED THIS 15TH DAY OF SEPTEMBER, 2009.



JEFF COLNER, MAYOR

ATTEST:

NANNETTE DAVIDSON, TOWN CLERK

1 st Reading:	09/01/09
Council Public Hearing:	09/01/09
2 nd Reading:	09/15/09
Adopted:	09/15/09
Posted:	09/16/09
Effective Date:	09/22/09