

City of Bay St. Louis Tree Protection and Mitigation Ordinance

Section 1: Purpose and Intent

1.1. The City of Bay St. Louis recognizes the invaluable ecological, aesthetic, and economic significance of Live Oak (*Quercus virginiana*) and Magnolia (*Magnolia grandiflora*) trees within its boundaries. These trees contribute to the distinctive allure of the city, provide vital habitat for wildlife, offer cooling shade, and enrich air quality.

1.2. The purpose of this ordinance is to establish regulations for the preservation and safeguarding of Live Oak and Magnolia Trees exceeding 12 inches in circumference at 54 inches above the ground, henceforth referred to as "Protected Trees," and to address the loss of these trees through a structured mitigation program.

Section 2: Definitions

2.1. "Protected Trees": Live Oak and Magnolia Trees with a circumference exceeding 12 inches, excluding those identified as dead or diseased by a certified arborist in accordance with city tree ordinances.

2.2. "Mitigation Trees": Deciduous or evergreen tree species approved by the Bay St. Louis Building Department for planting to offset the removal of Protected Trees.

2.3. "Caliper": The diameter of a tree trunk measured at a height of 6 inches above ground level.

2.4. "Circumference": The measurement around the trunk of a tree, taken at a height of 54 inches above the ground level.

Section 3: Removal of Protected Trees

3.1. No individual or entity, whether private or commercial, shall engage in the removal of any Live Oak or Magnolia tree within the City of Bay St. Louis without first securing a tree permit from the Bay St. Louis Building Department.

3.2. Removal of Protected Trees shall be subject to the following mitigation requirements unless the tree is certified as dead or diseased by a certified arborist:

Circumference of Protected Tree Removed	# of Mitigation Trees
12-30"	2
31-50"	3
51-70"	5
71-90"	7
91-120"	9
121-150"	12
151-180"	14
181" and above	Bay St Louis Administration Determines

3.3. Mitigation planting shall be conducted within a reasonable timeframe as determined by the Bay St. Louis Administration.

3.4. If the Bay St. Louis Administration determines that Protected Trees are present on a parcel and their removal is necessary due to safety concerns or hardship, the administration will determine mitigation requirements.

Section 4: Mitigation

4.1. Mitigation Trees shall adhere to the following criteria:

- Must have a minimum circumference of 10 inches measured at 54 inches above ground level.
- Must have a minimum height of 8 feet at the time of planting.
- The Bay St. Louis Administration shall approve species selection for mitigation trees to ensure compatibility with the local ecosystem.

4.2. Developers or property owners unable to plant mitigation trees onsite may choose to remit a fee to the City of Bay St. Louis, which will be directed towards enhancing the beauty of Bay St. Louis in lieu of planting. The fee shall be \$2,000 multiplied by the number of trees required for mitigation.

4.3. The Bay St. Louis Administration or designated authority shall oversee the mitigation process and ensure compliance with the stipulations of this ordinance.

Section 5: Permit Requirement and Fees

5.1. Any individual or entity intending to remove a Live Oak or Magnolia tree must obtain a tree permit from the Bay St. Louis Building Department prior to commencing any removal activities.

5.2. The fee for a tree permit shall be \$75, payable upon application.

Section 6: Enforcement and Penalties

6.1. Violations of this ordinance shall incur penalties as follows:

- (a) A maximum fine of \$2,000 per offense
- (b) The requirement to mitigate the removed protected trees up to 2 times the mitigation requirement as stated in Section 3
- (c) And potential imprisonment for up to 6 months, at the court's discretion, for each offense
- (d) Revocation of contractor license within the City of Bay St. Louis for contractors found guilty of violating this ordinance.

6.2. The Bay St. Louis Building Official or Bay St. Louis Police Department is authorized to issue citations and penalties for breaches of this ordinance.

6.3. Any individual or entity found in contravention of this ordinance shall bear all costs associated with restoring or replacing the Protected Trees in accordance with the mitigation requirements outlined herein.

Section 7: Severability

7.1. If any provision of this ordinance is deemed invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining provisions, which shall remain fully operative.

Section 8: Effective Date

8.1. This ordinance shall become effective upon its passage.

Section 9: Repeal

9.1. All ordinances or parts thereof conflicting with this ordinance are hereby repealed to the extent of such conflict.