

# Tree Protection and Preservation Ordinance

Effingham County Tree Ordinance – Draft

## Part II- Official Code, Chapter 30 – Environment, Article X. -Tree Protection and Preservation

### ARTICLE II – DEFINITIONS

For the purpose of this Ordinance, the following words, terms, and phrases shall have the meanings respectively ascribed to them.

***Applications:*** Applications to remove an invasive and undesirable tree may be submitted only by the owner of the property on which the subject tree is growing or the owner's agent.

***Arborist.*** A professional certified by the International Society of Arboriculture (ISA) or otherwise recognized by the County as qualified to evaluate, preserve, and manage trees.

***Branch.*** A secondary woody stem growing from the trunk or another branch of a tree.

***Caliper.*** The diameter of a tree trunk measured at six (6) inches above ground level for trees up to four (4) inches in diameter, and at twelve (12) inches above ground level for larger trees.

***Canopy Tree.*** A tree that contributes significantly to the overhead cover of leaves and branches, providing shade, habitat, and other ecological benefits.

***Champion Tree.*** A tree recognized by the State of Georgia, Effingham County, or other recognized registry as the largest known of its species by trunk circumference, height, and crown spread.

***Conservable Tree.*** A tree determined by the County Manager or their designee to be suitable for preservation based on health, structure, species, and location.

***Conserved Tree Canopy Cover.*** The total percentage of tree canopy preserved on a site, measured as the horizontal coverage of crowns of existing trees retained during development.

***Critical Root Zone (CRZ).*** The area surrounding a tree's trunk, extending outward a distance of one (1) foot for every inch of diameter at breast height (DBH), or as otherwise determined by the County Manager or their designee within which roots are considered essential to the tree's health and stability.

***Crown.*** The upper part of a tree, consisting of the branches, stems, and leaves that form the canopy.

**Decay.** The process of decomposition in wood tissue caused by fungi or other organisms, resulting in structural weakness.

**Diameter at Breast Height (DBH).** The diameter of a tree trunk measured at four and one-half (4.5) feet above the ground on the uphill side of the tree.

**Dripline.** The imaginary vertical line on the ground corresponding to the outermost edge of a tree's crown.

**Establishment Period.** The period, typically two (2) years after planting, during which a tree requires intensive care to ensure survival and healthy growth.

**Future Tree Canopy Cover.** The projected percentage of tree canopy expected on a site at maturity of newly planted trees, combined with conserved canopy.

**Hazard Tree.** A tree with structural defects, diseases, or other conditions that present an imminent risk of failure and potential harm to persons or property, as determined by the County Manager or their designee.

**Healthy Tree.** A tree that is free from significant disease, pests, decay, or structural defects and exhibits normal vigor and growth.

**International Society of Arboriculture (ISA).** A professional organization that certifies arborists and establishes recognized standards of tree care and management.

**Landmark Tree.** A tree designated by the County due to exceptional size, age, species rarity, cultural significance, or historical importance.

**Large Canopy Tree.** A tree species that typically attains a mature height of forty (40) feet or greater.

**Lateral.** A smaller branch or root growing horizontally or obliquely from a larger branch, trunk, or root.

**Limb.** A large primary branch growing directly from the trunk of a tree.

**Live Crown Ratio.** The proportion of the total tree height occupied by live branches, expressed as a percentage.

**Medium Canopy Tree.** A tree species that typically attains a mature height between twenty-five (25) and forty (40) feet.

**Native Tree.** A tree species that occurs naturally and is indigenous to Effingham County, Georgia.

**Parent Branch or Stem.** The larger branch or trunk from which a smaller branch or stem originates.

**Plot Plan.** A scaled drawing submitted to the County that shows property boundaries, structures, utilities, existing trees, proposed tree removals, and required plantings.

**Protected Trees.** Trees designated under this Ordinance as requiring a permit for removal or alteration, including but not limited to those meeting DBH thresholds of **6 inches or greater**, landmark trees, champion trees, and trees of protected species.

**Pruning.** The selective removal of branches, stems, or roots for the purpose of improving tree health, structure, safety, or aesthetics, in accordance with ISA standards.

**Root Barrier.** A physical or chemical barrier designed to direct root growth away from structures, utilities, or other sensitive areas.

**Roots.** The underground structures of a tree that provide stability, water, and nutrient absorption.

**Scaffold Limbs.** The primary structural branches that form the main framework of a tree's crown.

**Small Canopy Tree.** A tree species that typically attains a mature height between fifteen (15) and twenty-five (25) feet.

**Species Diversity.** The requirement to include a mix of different tree species in planting plans to promote ecological health and reduce risks from pests or disease.

**Specimen Tree.** A tree of exceptional size, species, or condition that has been designated by the County Manager or their designee as particularly valuable for conservation.

**Street Tree.** A tree planted or maintained within the public right-of-way along streets or roadways.

**Structural Root Plate.** The critical area at the base of a tree trunk that includes the main structural roots and root flare, essential for anchoring and stability. The Structural Root Plate shall be defined as a minimum radius of 3 times the DBH (diameter at breast height), or as otherwise determined by the County Manager or their designee.

**Tree.** Any perennial, woody plant that has at least one (1) self-supporting trunk, a diameter of two (2) inches or greater at DBH, and normally reaches a mature height of fifteen (15) feet or more.

**Tree Canopy Cover.** The layer of leaves, branches, and stems of trees that cover the ground when viewed from above, expressed as a percentage of land area.

**Tree Conservation.** The protection, preservation, and maintenance of existing trees to maintain or enhance ecological, aesthetic, and community benefits.

**Tree Easement.** A recorded legal restriction on property that designates land for the protection, planting, or maintenance of trees, preventing uses inconsistent with canopy preservation.

**Tree Establishment.** The successful survival and growth of a newly planted tree through the establishment period.

**Tree Fund.** A dedicated County account into which required payments in lieu of tree planting or penalties for unauthorized removal are deposited, to be used for tree planting, preservation, and canopy enhancement.

**Tree Lawn/Verge.** The area located between the street curb and sidewalk, or between the street pavement and private property line, in which street trees may be planted.

**Tree Protection Plan.** A plan submitted to the County for review and approval that details measures for protecting existing trees during construction or development, including fencing, barriers, and mitigation.

**Tree Topping.** The indiscriminate cutting back of tree branches to stubs or to lateral branches that are not large enough to assume the terminal role. Topping includes practices such as “heading,” “tipping,” or “rounding over,” and typically results in the removal of a substantial portion of the tree’s crown. Topping is hereby recognized as harmful to tree health and structure, leading to decay, weakly attached sprouts, and increased risk of failure.

**Tree Quality Point.** A numerical value assigned by the County to trees based on species, size, condition, and canopy contribution, used to evaluate tree preservation and replacement requirements.

**Tree Well.** A constructed planting area designed to provide adequate growing space, soil volume, and protection for trees in hardscape or urban environments. Tree wells must be a minimum of 4 feet by 4 feet in surface dimension, contain uncompacted soil to a depth of at least 36 inches, and be designed to allow water infiltration and root aeration.

**Tree-Planting Season.** The period designated by the County Manager or their designee as most suitable for planting trees, generally during the dormant season between late fall and early spring.

**Trunk.** The main vertical stem of a tree that supports the branches and crown.

**Unhealthy Tree.** A tree exhibiting disease, pest infestation, decay, or structural defects that substantially impair its health or stability.

**Vegetation Management.** The control, removal, or maintenance of trees, shrubs, and other plant materials to maintain safety, visibility, or utility function, in accordance with County and ISA standards.

***Very Small Canopy Tree.*** A tree species that typically attains a mature height of less than fifteen (15) feet.

## **ARTICLE III – ADMINISTRATION & ENFORCEMENT**

### **Section 3.01 – County Manager**

**(a)** The County Manager shall be responsible for the interpretation, administration, and enforcement of this Ordinance.

**(b)** The County Manager may delegate duties to County staff or retained consultants; however, ultimate authority and responsibility for administration and enforcement of this Ordinance shall remain with the County Manager.

### **Section 3.02 – Authority of the County Manager, or their Designees**

The County Manager, or their designees, shall have the following powers and duties:

1. To review and approve, approve with conditions, or deny applications for tree removal permits, tree protection plans, and landscape plans.
2. To inspect property, with reasonable notice, for compliance with this Ordinance.
3. To determine whether a tree qualifies as a Protected Tree, Specimen Tree, Landmark Tree, Champion Tree, or Hazard Tree.
4. To require the submission of Plot Plans, Tree Protection Plans, and mitigation measures as conditions of approval.
5. To assess administrative penalties, order stop-work orders, and require corrective actions as authorized by this Ordinance.
6. To maintain records of payments and expenditures from the Tree Fund.

### **Section 3.03 – Permits Required**

**(a)** Protected Trees. No person shall remove, destroy, or cause the removal or destruction of any Protected Tree without first obtaining a tree removal permit issued by the County Manager or their designee.

**(b)** Tree Protection Plan. A Tree Protection Plan shall be required for all development projects subject to site plan approval, subdivision, or land disturbance permits.

**(c)** Exemptions. Permits shall not be required for removal of Hazard Trees, storm-damaged trees, or trees specifically excluded under Section 2.01.

### **Section 3.04 – Enforcement and Penalties**

Violations shall be subject to penalties and enforcement actions as provided in Article VII.

### **Section 3.05 – Tree Fund (Cross-Reference)**

The Tree Fund shall be administered as provided in Article VI, Section 6.06.

### **Section 3.06 – Mitigation and Tree Quality Points**

(a) Mitigation shall be based on DBH or Tree Quality Points, as determined by the County Manager or their designee.

(b) Developers shall demonstrate compliance with Species Diversity requirements and Tree Protection Fencing and Signage provided in Article IV, Section 4.03A and 4.03B.

(c) Where full mitigation is not feasible, payments shall be made into the Tree Fund.

### **Section 3.07 – Appeals**

(a) Appeals of County Manager or their designee, decisions may be made to the Board of Commissioners within 30 days.

(b) The Board may affirm, modify, or overturn decisions after public hearing.

(c) The Board's decision constitutes final administrative action.

## **ARTICLE IV – TREE PROTECTION & CONSERVATION STANDARDS**

### **Section 4.01 – General Requirement**

All development, construction, and land disturbance activities shall comply with the tree protection and conservation standards contained in this Article.

### **Section 4.02 – Minimum Tree Canopy Cover**

(a) Each development shall provide a minimum percentage of Future Tree Canopy Cover, as established by the Board of Commissioners by resolution.

(b) Future canopy may be satisfied by a combination of Conserved Tree Canopy Cover and new plantings.

### **Section 4.03 – Protection of Trees During Construction**

(a) Protective fencing shall be installed around the Critical Root Zone of Protected Trees prior to construction.

(b) No grading, parking, or storage shall occur within the fenced area.

### **Section 4.03A – Species Diversity Requirements**

(a) To promote a healthy and resilient tree canopy, all planting plans shall comply with the following species diversity requirements:

1. Projects requiring fewer than 10 trees: No more than 50% of the trees may be of the same species.
2. Projects requiring 10 to 99 trees: No more than 25% of the trees may be of the same species; no more than 40% may be from the same genus; no more than 60% may be from the same family.
3. Projects requiring 100 or more trees: No more than 10% of the trees may be of the same species; no more than 20% may be from the same genus; no more than 30% may be from the same family.
4. County Manager or their designee discretion: The County Manager or their designee may approve alternative ratios where unique ecological or site conditions warrant deviation, provided that overall canopy resilience is not compromised.

**(b)** Soil within CRZ shall not be compacted or disturbed.

**(c)** Tree Protection Zone (TPZ). For purposes of this section, the TPZ is the fenced area established at or beyond the Critical Root Zone (CRZ).

**(d)** Prohibited Activities within TPZ/CRZ. No grading, trenching, excavation, soil stockpiling, vehicle or equipment storage, or materials staging shall occur within the TPZ/CRZ unless expressly authorized by the County Manager or their designee.

**(e)** Utilities. New utilities shall be routed around TPZs wherever practicable. Where conflicts are unavoidable, utilities shall be installed by tunneling or boring beneath roots to avoid root cutting.

**(f)** Mass Grading/Clear-Cutting. Mass grading or clear-cutting in residential subdivisions is prohibited unless a master grading and drainage plan is approved by the County. Only those areas necessary for roads, utilities, amenities, and approved open space may be cleared.

#### **Section 4.03B – Tree Protection Fencing and Signage**

**(a) Installation and Timing.**

Tree protection fencing shall be installed at or beyond the Critical Root Zone (CRZ) and Structural Root Plate (SRP), as determined by the County Manager or their designee. Fencing shall be erected prior to any land-disturbing activity and remain in place until final inspection and approval. No openings, gates, or encroachments shall be permitted except as specifically authorized by the County Manager or their designee.

**(b) Permitted Fencing Types.**

The following fencing systems are hereby approved as meeting the requirements of this Ordinance:

1. Preferred Standard. Six-foot (6') chain-link fencing supported by driven steel posts or posts installed in core-drilled sleeves, with a continuous top rail or tension wire, and posts spaced no greater than eight feet (8') on center.
2. Acceptable Alternative. Five to six-foot (5'-6') welded wire fencing affixed to steel T-posts, secured with a continuous top wire, with posts spaced no greater than eight feet (8') on center.
3. Limited Use – High Visibility. Heavy-duty orange polyethylene safety fencing supported by steel posts spaced no greater than six feet (6') on center, permitted only for short-duration projects along non-vehicular edges, and not to exceed thirty (30) days in duration without prior written approval of the County Manager or their designee.
4. Low-Traffic Areas. Wood snow fencing affixed to steel or wood posts spaced no greater than eight feet (8') on center.

**(c) Prohibited Materials.**

The following shall not constitute tree protection fencing: silt fence, caution tape, rope, traffic cones, or any other non-rigid material not expressly approved in subsection (b). These materials may be used for erosion control or safety purposes but shall not substitute for tree protection fencing.

**(d) Performance Standards.**

Protective fencing shall be maintained plumb and intact throughout the duration of construction. No storage, parking, grading, trenching, washout, or other disturbance shall occur within the fenced Tree Protection Zone (TPZ). Damaged or displaced fencing shall be repaired or replaced immediately to maintain continuous protection.

**(e) Signage.**

Warning signs bearing the legend: "TREE PROTECTION AREA – NO ENTRY, NO STORAGE, NO GRADING" shall be posted on all tree protection fencing. A minimum of two (2) signs shall be provided per fenced tree group, and at least one (1) sign per one hundred (100) linear feet of fencing. Signs shall be mounted at a height between four (4) and six (6) feet above grade and shall be clearly visible from all active work areas.

**Section 4.03C – Enforcement and Penalties for Tree Protection Fencing**

**(a) Authority to Enforce.**

The County Manager or their designee, shall have the authority to enforce the requirements of Section 4.03B.



**(b) Stop-Work Orders.**

Failure to install or maintain protective fencing in accordance with Section 4.03B shall constitute a violation of this Ordinance and shall be grounds for the issuance of a Stop-Work Order. Such Stop-Work Order shall remain in effect until compliance is achieved to the satisfaction of the County Manager or their designee.

**(c) Administrative Penalties.**

Violations of this Section shall be subject to administrative fines not less than five hundred dollars (\$500.00) per day, per violation, until corrective action is completed.

**(d) Bond Forfeiture.**

In cases where a performance bond, escrow, or letter of credit has been posted pursuant to Article VI, the County may declare such security forfeited in whole or in part if fencing is not properly installed or maintained, or if tree damage occurs due to failure to comply with Section 4.03B.

**(e) Restitution and Mitigation.**

In addition to monetary fines, violators shall be required to provide restitution for any damage to trees, soil, or root systems occurring within the Tree Protection Zone (TPZ). Restitution shall include, but not be limited to, replanting of trees, soil remediation, and payment into the County Tree Fund as determined by the County Manager or their designee.

**(f) Judicial Enforcement.**

The County Attorney may initiate judicial proceedings to enforce compliance, recover penalties, and obtain injunctive relief as necessary to prevent ongoing or future violations.

**Section 4.04 – Tree Conservation Standards**

**(a)** Conservable Trees shall be preserved where feasible.

**(b)** Removal of Specimen, Landmark, or Champion Trees is prohibited except when certified as Hazard Trees or no feasible alternative exists.

**(c)** Tree Easements shall be established where necessary for canopy preservation.

**Section 4.05 – Tree Planting Standards**

**(a)** All required planting shall occur during the designated Tree-Planting Season.

**(b)** Minimum sizes: Canopy Trees 2-inch caliper; Understory Trees 1.5-inch caliper.

**(c)** Native species shall be prioritized.

(d) Street Trees shall be planted at intervals not exceeding 50 feet, unless otherwise approved.

(e) At least seventy-five percent (75%) of replacement trees planted shall be native species to the Effingham County region of Georgia. Non-native species may be used to meet species diversity requirements only when approved by the County Manager or their designee.

#### **Section 4.06 – Design Requirements**

(a) Landscape and site designs shall integrate existing Conservable Trees into layouts where feasible.

(b) Trees shall be placed to optimize canopy, shade, and stormwater benefits while avoiding conflicts with infrastructure.

(c) Parking lots with 10+ spaces must provide tree islands or perimeter trees to shade at least 30% of paved areas.

(d) All design plans shall clearly identify Tree Easements, fencing, and preservation measures.

#### **Section 4.07 – Establishment and Maintenance**

(a) New trees shall be maintained during a two-year establishment period.

(b) Dead or failed trees shall be replaced at the owner's expense.

(c) All pruning shall conform to ISA standards.

(d) The practice of "topping" or indiscriminate cutting back of tree branches to stubs or lateral branches not large enough to assume the terminal role is prohibited.

#### **Section 4.08 – Mitigation for Tree Removal**

(a) Removal of Protected Trees requires mitigation by replanting, off-site planting, or payment into the Tree Fund.

(b) Mitigation shall equal inches removed to inches replanted, unless otherwise approved.

(c) Removal of Specimen, Landmark, or Champion Trees requires double mitigation.

#### **Section 4.09 – Stormwater & Vegetation Management Solutions**

(a) All site development projects shall include a Stormwater Management Plan that demonstrates how water quality measures will be provided in compliance with County, State, and Federal regulations.

(b) Stormwater management facilities, including but not limited to detention basins,

retention ponds, infiltration systems, rain gardens, bioretention cells, vegetated swales, constructed wetlands, or permeable pavement systems, shall be clearly shown and labeled on all approved site development plans.

**(c)** Stormwater management facilities shall be located outside the Critical Root Zone (CRZ), Structural Root Plate (SRP), and Tree Protection Zone (TPZ) of any Protected Tree. No stormwater feature shall be placed in a manner that would compromise root health or stability of trees to be preserved.

**(d)** Developers shall evaluate multiple stormwater management strategies during the design phase. The preferred solution shall be the option that best fits the site while minimizing tree removal and maximizing tree preservation.

**(e)** The County Manager or their designee, may require modifications to stormwater facility placement or design if tree protection standards are not adequately met.

**(f)** Utility easements shall be managed per ISA standards to avoid unnecessary damage.

**(g)** The County Manager or their designee, may authorize pruning or removal for traffic safety or utility protection.

## **Section 4.10 – Pre-Clearing Restrictions and Mitigation Requirements**

### **(a) Definition and Applicability.**

For the purpose of this section, a “**Development Site**” shall mean any parcel or contiguous group of parcels under common ownership or control that is the subject of a current or anticipated rezoning, subdivision, site plan, or land-disturbance permit application, or that is being prepared, marketed, or altered for potential construction or sale for development purposes. A development site includes all areas where grading, clearing, or infrastructure installation is proposed or likely to occur in connection with a change of land use or density.

No person, timber operator, or property owner shall engage in the mass removal, clear-cutting, or stripping of trees on any development site prior to approval of the applicable rezoning, land-disturbance, or development permits. Any clearing, grading, or tree removal conducted prior to issuance of required approvals shall constitute a violation of this Ordinance.

### **(b) Stop-Work Order and Permit Suspension.**

If pre-clearing or unauthorized tree removal occurs prior to zoning or site approval, the County Manager or their designee shall immediately issue a **Stop-Work Order** halting all land-disturbing activity on the site. All active permits associated with the parcel shall be suspended until corrective mitigation is completed to the satisfaction of the County.

**(c) Compensatory Planting and Payment Required.**

When a site has been stripped or clear-cut in violation of this section, the only path to permit reinstatement or future development approval shall be **compensatory planting and payment**, consisting of:

1. **Replanting:** Replacement of trees equal to **three times (3×)** the inches DBH unlawfully removed, or canopy equivalent thereof; and
2. **Cash Recompense:** Payment into the **County Tree Fund** at the current rate established under Article VI, Section 6.06(d), to offset loss of tree canopy and ecological services.

**(d) Development Activity Definition.**

Removal of trees, vegetation, or topsoil conducted for the purpose of marketing land for development, or logging not tied to an approved and active **Forest Management Plan** recognized by the Georgia Forestry Commission, shall be deemed a **Development Activity** subject to all County Tree Protection and Mitigation requirements.

**(e) Minimum Retention Requirement.**

Under no circumstance shall a development site remove **all existing trees**. A minimum of **ten percent (10%)** of the original tree canopy or an equivalent area designated by the County Manager shall be retained or restored through compensatory planting.

**(f) Penalties and Enforcement.**

Violations of this section shall result in:

1. **Administrative Fine:** Not less than **\$1,000 per day** of continuing violation, until full compliance and restoration are achieved;
2. **Tree Valuation Penalty:** Payment of restitution equal to the appraised value of trees removed without authorization, using International Society of Arboriculture (ISA) or County valuation standards;
3. **Permit Delay:** Suspension of all active or pending development permits until corrective actions, compensatory planting, or payments into the County Tree Fund have been completed to the satisfaction of the County; and
4. **Restitution:** Required **replacement planting or payment into the County Tree Fund** in accordance with Article VI, at rates sufficient to offset all unlawful canopy loss.
5. **Judicial Enforcement:** The County Attorney may initiate legal action to enforce compliance, collect penalties, or seek injunctive relief against continued violations.

## Section 4.11 – Clear-Cutting Regulations

### **(a) Purpose.**

The purpose of this section is to regulate large-scale removal of trees, known as “clear-cutting,” to prevent erosion, protect water quality, maintain tree canopy, and ensure equitable mitigation of canopy loss.

### **(b) Definition.**

For the purpose of this Ordinance, **clear-cutting** shall mean the removal of seventy-five percent (75%) or more of existing tree canopy or trees six (6) inches DBH or greater from any parcel or contiguous area within a two-year period, excluding approved forestry management practices conducted under a valid Forest Management Plan recognized by the Georgia Forestry Commission.

### **(c) Clear-Cutting Prohibition Prior to Development Approval.**

No person shall conduct clear-cutting on land proposed for rezoning, subdivision, or site development prior to approval of a land disturbance or development permit. Any such activity shall constitute a violation of this Ordinance and trigger enforcement under Section 4.10.

### **(d) Authorized Clear-Cutting.**

Clear-cutting may be authorized only under the following conditions:

1. A **Tree Removal Permit** and **Tree Protection Plan** have been reviewed and approved by the County Manager or their designee;
2. The applicant demonstrates that clear-cutting is necessary for construction of infrastructure, stormwater facilities, or approved grading plans; and
3. Compensatory planting and/or payments are provided in accordance with Article VI.

### **(e) Clear-Cutting for Forestry Operations.**

Clear-cutting performed as part of an approved and ongoing **Forest Management Plan** filed with the Georgia Forestry Commission shall be exempt from subsections (c) and (d), provided the land remains designated for forestry use. If the land use changes or rezoning is sought within **three (3) years** of such activity, the clear-cutting shall be deemed pre-development clearing and subject to compensatory planting and Tree Fund payment requirements.

### **(f) Penalties and Mitigation.**

Violations of this section shall result in:

1. **Administrative Fine:** Any person or entity found in violation of this section shall be subject to an administrative fine of **not less than one thousand dollars (\$1,000.00) per day of continuing violation.** Each day the violation remains uncorrected shall constitute a separate offense until full compliance and restoration are achieved.
2. **Stop-Work Order and Permit Suspension:** The County Manager or their designee shall issue an immediate **Stop-Work Order** halting all land disturbing and development activities on the affected site. All permits, including land-disturbance and building permits, shall be suspended until corrective actions are completed and approved by the County.
3. **Tree Valuation Penalty:** The violator shall pay restitution equal to the **appraised value of trees unlawfully removed**, calculated using International Society of Arboriculture (ISA) or County tree valuation standards.
4. **Permit Delay:** No new development, rezoning, or subdivision approvals shall be issued for the property until the site is brought into compliance, including fulfillment of all replanting and financial obligations.
5. **Restitution:** Required **replacement planting or payment into the County Tree Fund** shall be provided in accordance with Article VI. Replacement planting shall achieve canopy equivalence at a ratio of three-to-one (3:1) for inches DBH unlawfully removed, or an equivalent value as determined by the County Manager or their designee.
6. **Restoration Requirement:** Any site found to have been clear-cut in violation of this section shall be required to restore canopy through compensatory planting to achieve at least **50% of the minimum canopy coverage** otherwise required under Section 4.02 or make an equivalent payment into the County Tree Fund as determined by the County Manager or their designee, if on-site restoration is not feasible.
7. **Judicial Enforcement:** The County Attorney may initiate legal action to enforce compliance, collect penalties, recover damages, or seek injunctive relief against continued violations.

## **ARTICLE V – TREE REMOVAL PERMITS & PROCEDURES**

### **Section 5.00 – Tree Service Licensing**

All contractors or persons engaged in commercial tree removal, pruning, or planting activities within Effingham County shall obtain and maintain a Tree Service License issued by the County, in addition to any state or local business licenses required. Proof of ISA Certification or equivalent credentials shall be required.

### **Section 5.01 – General Requirement**

No tree shall be removed without authorization under this Article. All removal requests shall begin with a Tree Removal Waiver.

### **Section 5.02 – Tree Removal Waiver**

Property owners must submit a Tree Removal Waiver prior to removal of any tree. The County Manager or their designee shall determine if a permit is required.

Removal of one or two non-Protected Trees may be approved by waiver, unless otherwise determined.

### **Section 5.03 – Tree Removal Permit**

A permit is required for:

1. Removal of three or more trees on a parcel within a 12-month period;
2. Removal of any Protected, Specimen, Landmark, or Champion Tree;
3. Removal associated with development or land disturbance.

### **Section 5.04 – Permit Application Requirements**

Applications shall include:

1. Completed form by property owner or designated agent.
2. Owner name, address, contact.
3. Plot Plan showing boundaries, structures, utilities, and tree locations;
4. Tree identification (species, DBH, condition, at least two pictures of the tree at issues).
5. If five or more invasive and undesirable trees are proposed to be removed, a tree survey including the quantity, species and DBH of each tree, prepared by an ISA or ASCA certified arborist or a landscape architect, in good standing with the County as a registered tree professional is required.
6. Tree Protection Plan for preserved trees.
7. Proposed mitigation measures;
8. Supporting documents required by the County Manager or their designee.

### **Section 5.05 – Exemptions**

Permits not required for Hazard Trees, storm damage, or routine utility vegetation management. Agricultural uses may be exempt under state law.

## **Section 5.06 – Review and Approval**

County Manager or their designee, shall review waiver and/or permit applications within 30 days. Decisions shall be based on tree health, size, species, site conditions, and compliance with canopy standards.

## **Section 5.07 – Appeals**

Appeals may be filed within 30 days. The Board of Commissioners shall hold a hearing and render a final decision.

## **Section 5.08 – Tree-for-Tree Replacement**

- (a)** For every Protected Tree removed, one replacement tree shall be planted on-site.
- (b)** If on-site replacement is not feasible, an in-lieu fee equivalent to the cost of replacement shall be paid into the Tree Fund.
- (c)** The County Manager or their designee shall set the fee amount based on prevailing nursery and installation costs as established by resolution of the Board of Commissioners.

# **ARTICLE VI – TREE MITIGATION & REPLACEMENT**

## **Section 6.01 – General Requirement**

Mitigation shall be required for removal of Protected Trees, unless exempt.

## **Section 6.02 – Mitigation Standards**

Mitigation shall be provided through canopy equivalency or Tree Quality Points. Each inch DBH removed shall be replaced with one inch caliper.

Replacement trees must be canopy trees of at least 2-inch caliper.

## **Section 6.03 – Enhanced Mitigation**

Removal of Specimen, Landmark, or Champion Trees requires double mitigation. Unlawful removal requires triple mitigation.

## **Section 6.04 – On-Site Replanting**

Developers shall prioritize on-site replanting. Replacement trees must meet diversity standards.

## **Section 6.05 – Off-Site Planting and Payment in Lieu**



Where on-site planting is not feasible, the County Manager or their designee, may allow off-site planting or payment into the Tree Fund.

## **Section 6.06 – Tree Fund and Financial Assurances**

### **(a) Establishment Bond/Escrow.**

1. As a condition of development approval, applicants shall provide a bond, irrevocable letter of credit, or escrow deposit in an amount equal to 100% of the total landscape cost.
2. Projects with permanent in-ground irrigation may reduce the required bond/escrow by 20%.
3. The bond/escrow shall secure survival of all required trees during the two (2) year establishment period.

### **(b) Inspections.**

1. The County Manager or their designee, shall conduct inspections at twelve (12) months and twenty-four (24) months following planting.
2. Trees that fail to meet health and survival standards shall be replaced by the applicant at their own expense.

### **(c) Perpetual Compliance.**

1. Following release of the establishment bond/escrow, property owners remain responsible for perpetual maintenance of required trees.
2. Failure to maintain canopy requirements constitutes a violation of this Ordinance subject to enforcement under Article VII.

### **(d) Valuation of Required Trees.**

1. Unused Required Trees. Where tree planting obligations are not satisfied, required trees shall be valued at 100% of the installed unit cost of a healthy two-inch (2") caliper Live Oak multiplied by the number of required trees.
2. Significant Tree Inch-for-Inch Mitigation. Required mitigation for removal of Specimen, Landmark, or Champion Trees shall be valued at 100% of the installed unit cost of a healthy six-inch (6") caliper Live Oak multiplied by the number of required mitigation trees.
3. The County shall update cost values periodically by resolution of the Board of Commissioners to reflect prevailing nursery and installation costs.

## **Section 6.07 – Ongoing Maintenance**

Mitigation trees must be maintained through the establishment period. Dead trees must be replaced.

### **Section 6.08 – Contributions to the Tree Fund**

Contributions to the Tree Fund may occur through a number of means, including but not limited to: monies collected for recompense pursuant to this article; payment of civil penalties or remedies resulting from public tree enforcement actions; and voluntary contributions.

### **Section 6.09 – Tree Fund Management**

The Tree Fund shall be administered by the County and revenues shall be tracked under the following categories:

1. Licenses & Permits
2. Charges for Services
3. Fines & Forfeitures
4. Private Contributions and Donations

## **ARTICLE VII – APPEALS, VARIANCES, AND ENFORCEMENT ACTIONS**

### **Section 7.01 – Appeals**

Appeals must be filed within 30 days. The Board shall hold a hearing within 60 days and may affirm, modify, or overturn the County Manager's or their designee's decisions.

### **Section 7.02 – Variances**

Variances may be granted by the Board where strict enforcement creates hardship and intent is preserved. Conditions may include replanting, payments, or easements.

Variances shall not be granted for Specimen, Landmark, or Champion Trees unless certified Hazard Trees.

### **Section 7.03 – Enforcement Actions and Penalties**

**(a)** Stop-Work Orders may be issued for violations and remain until corrected.

**(b)** Violation of provisions or variance safeguards constitutes a violation of this chapter and is punishable under the County Code.

**(c)** Penalties:

1. Unauthorized removal of a Protected Tree: minimum fine \$500 per tree;
2. Each day violation continues: \$1,000 per day;
3. Removal of three or more Protected Trees: enhanced penalties apply.

**(d)** Damage to County Trees: violators must pay the County for value loss, evaluation costs, corrective maintenance or removal, stump removal, replacement, and all other related costs.

**(e)** Restitution and Mitigation: violators must replant, pay into the Tree Fund, and restore damaged canopy or soil as ordered.

**(f)** Judicial Enforcement may be initiated by the County Attorney.

**(g)** Remedies are cumulative and not exclusive.

#### **Section 7.04 – Compliance Follow-Up Period**

When corrective actions or adjustments are required, property owners, contractors, or developers shall have seven (7) business days to comply. Extensions may be granted at the discretion of the County Manager or their designee, if special circumstances warrant additional time.

#### **Section 7.05 – Appeal Filing Fee**

A filing fee of \$75.00 shall be required to defray the administrative costs of an appeal, unless waived by the Board of Commission on the basis of hardship. Where a financial hardship is requested, the appellant must submit a letter explaining in detail why they are unable to pay the fee. The Commission shall determine whether to waive the filing fee at the time of the appeal hearing.

#### **Section 7.06 – Public Trees, Adjacent Owner Responsibilities, and Penalties**

**(a)** Prohibition Against Harming Public Trees. No person shall willfully injure, destroy, prune, or remove any tree located on County property, public right-of-way, or within a designated tree easement, except when expressly authorized by the County Manager or their designee, through an approved permit.

**(b)** Adjacent Owner Responsibilities. Owners of property adjoining public rights-of-way shall not cause harm to public trees through construction, maintenance, chemical application, or other activities. Adjacent owners are responsible for reporting hazardous conditions and cooperating with the County in tree protection and maintenance efforts.

**(c)** Violations and Penalties.

1. Unauthorized removal, damage, or destruction of a public tree shall be considered a violation of this Ordinance.
2. Violators shall be subject to:
  - Restitution equal to the appraised value of the tree(s) as determined by ISA standards.
  - Administrative fines of not less than \$500 per tree damaged or removed.
  - Daily penalties of up to \$1,000 per day for ongoing violations.
  - Additional restitution for County costs, including inspection, corrective maintenance, removal, stump grinding, and replanting.
3. All fines and restitution collected under this section shall be deposited into the Tree Fund.
4. Remedies provided herein are cumulative and may be pursued in conjunction with judicial enforcement under Section 7.03(f).

## **ARTICLE VIII – MISCELLANEOUS PROVISIONS**

### **Section 8.01 – Conflict of Laws**

All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

### **Section 8.02 – Severability**

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is held invalid, such decision shall not affect the validity of the remaining portions.

### **Section 8.03 – Effective Date**

This Ordinance shall take effect immediately upon adoption by the Effingham County Board of Commissioners.

## **ARTICLE IX – FLOOD-PRONE AREA TREE AND PLANTING STANDARDS**

### **Section 9.01 – Purpose.**

The purpose of this Article is to promote the establishment and preservation of flood-tolerant native vegetation within floodplains, riparian buffers, stormwater conveyances, and other flood-prone areas of Effingham County, in order to reduce erosion, improve water quality, enhance flood resilience, and conserve native habitat.

### **Section 9.02 – Designated Native Species for Flood-Prone Areas.**

The following species are designated as preferred for planting within flood-prone areas of Effingham County, based upon their adaptability to periodic inundation, soil saturation, and

hydrologic conditions:

#### Appendix A – Recommended Native Trees and Plants for Flood-Prone Areas

Common Name	Scientific Name	Type	Where It Does Best / Notes
Bald Cypress	<i>Taxodium distichum</i>	Large Tree	Thrives in saturated, seasonally inundated soils; tolerates standing water
Pond Cypress	<i>Taxodium distichum</i> var. <i>nutans</i>	Tree	Tolerant of shallow water; suited to pond margins and wetland edges
Water Tupelo	<i>Nyssa aquatica</i>	Large Tree	Deep swamps and floodplains; tolerates periodic flooding
Swamp Tupelo	<i>Nyssa biflora</i>	Tree	Bottomlands; tolerates saturated soils, heavy clay, and organics
Ogeechee Tupelo	<i>Nyssa ogeche</i>	Tree	Prefers very wet soils, pond and lake margins
Black Gum / Black Tupelo	<i>Nyssa sylvatica</i>	Tree	Moist soils, stream bottoms; tolerates periodic flooding
Swamp Chestnut Oak	<i>Quercus michauxii</i>	Large Tree	Floodplain oak; tolerates periodic flooding and moist soils
River Birch	<i>Betula nigra</i>	Tree	Along rivers, moist to wet soils; tolerates flooding, fast growth
Sweetbay Magnolia	<i>Magnolia virginiana</i>	Small–Medium Tree	Wet, acidic soils; suitable for pond edges; semi-evergreen locally
Green Ash	<i>Fraxinus pennsylvanica</i>	Tree	Floodplains and riparian zones; tolerates wet soils
Buttonbush	<i>Cephalanthus occidentalis</i>	Shrub/Small Tree	Wet soils, standing water, riparian buffers
Virginia Sweetspire	<i>Itea virginica</i>	Shrub	Moist to wet soils; suitable for buffer edges and understory
Summersweet Clethra	<i>Clethra alnifolia</i>	Shrub	Moist to wet soils; fragrant blossoms; good understory shrub
Blue-Flag Iris	<i>Iris virginica</i>	Perennial/Herbaceous	Wet soils, pond margins, rain gardens;

			good for erosion control
River Oats	Chasmanthium latifolium	Grass/Groundcover	Moist streambanks and shaded floodplains; stabilizes soil, prevents erosion

The County Manager or their designee, may approve additional native species for use in flood-prone areas provided such species are demonstrably tolerant of periodic flooding and do not conflict with County invasive species policies.

### **Section 9.03 – Planting Standards.**

#### **(a) Site Assessment.**

Prior to planting, applicants shall evaluate hydrologic conditions including depth, duration, and frequency of flooding, soil type, and sun exposure, and shall submit this assessment as part of the Tree Protection Plan or landscape plan.

#### **(b) Planting Timing.**

Planting shall occur during the dormant season, generally between late fall and early spring, unless otherwise approved by the County Manager or their designee.

#### **(c) Installation Requirements.**

1. Planting holes shall be a minimum of two to three (2–3) times the width of the root ball, but no deeper than the height of the root ball.
2. Roots shall be loosened to prevent circling.
3. Backfill shall consist of native soil; amendments may be permitted where soils are severely compacted or deficient.
4. Mulch shall be applied to a depth of two to three (2–3) inches, kept away from the trunk or stem.
5. In areas subject to prolonged inundation, tree root collars shall be planted slightly above grade or on constructed mounds to reduce risk of root suffocation.

#### **(d) Maintenance.**

1. Planted material shall be maintained during a two-year establishment period.
2. Dead or failed plantings shall be replaced by the owner or permit holder at their expense.
3. Mulch shall be refreshed as necessary to maintain soil moisture and prevent erosion.
4. Invasive species encroachment shall be controlled within planting areas.
5. Staking of trees, if required, shall be removed within one (1) year.

### **Section 9.04 – Prohibited Practices.**

**(a)** The use of non-native, invasive, or ornamental species in flood-prone planting areas is

prohibited unless specifically approved by the County Manager or their designee.

**(b)** The planting of turf grass, shallow-rooted ornamentals, or other vegetation not adapted to periodic flooding shall not be credited toward compliance with this Article.

#### **Section 9.05 – Compliance and Enforcement.**

**(a)** Failure to comply with this Article shall be grounds for denial of final inspection or certificate of occupancy.

**(b)** Violations shall be subject to enforcement and penalties as provided in Article VII.

**(c)** Where mitigation is required, replacement trees and shrubs shall be selected from the approved list in Section 9.02 and planted in accordance with Section 9.03.