ORDINANCE # 2017-11
INTRODUCED BY Wright
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AMENDED BY ORDINANCE #
DATE AMENDED

ADOPTION INTRODUCTION

CITY OF COVINGTON
STATE OF LOUISIANA

ORDINANCE NUMBER 2017-11

AN ORDINANCE OF THE CITY OF COVINGTON AMENDING THE FOLLOWING PROVISIONS OF THE COVINGTON CODE OF ORDINANCES: CHAPTER 102 VEGETATION, ARTICLE I. IN GENERAL

WHEREAS, certain amendments have been suggested to the chapter of the Code addressing Vegetation; and

WHEREAS, the Covington City Council deems these amendments appropriate to protect the health, safety and welfare of the citizens of Covington; and

WHEREAS, the City Council has held its public hearing in accordance with law,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Covington, at its regular session convened, that Chapter 102 Vegetation, shall be amended to read as follows:

Article I. ~~In General~~ Trees on Private Property
Division 1. Generally
Sec. 102-1. Purpose and intent.
The purpose of this article is to promote the health, safety and general welfare of the citizens of the City of Covington and its environment.

Sec. 102-2. Applicability.
The provisions of this article shall apply to all residential zoning districts subject to the Live Oak protection requirements as set forth in the Covington Code of Ordinances, Appendix B Comprehensive Zoning Ordinance of 2010, Part 4. General Provisions, Sec. 4.206, which apply to all zoning districts.

Sec. 102-3. Tree-cutting permit.
In all residential zoning districts, a tree-cutting permit shall be required prior to the removal of any tree larger than six (6) inches in diameter at breast height ("dbh"). The permit shall be issued by the Building Permit office and said permit shall be issued pursuant to application being made by the owner or owner's agent on such form as specified by the City of Covington containing information as required on the form.

Sec. 102-4. Limitations.
Owner shall be entitled to and may apply for a permit to remove up to 50 percent of all trees within the required setbacks of the property within a 12-month period.

Exception: Trees that have been declared dead, diseased, infested, fatally declining or hazardous, through no fault of the property owner, by a city-appointed licensed arborist, are not included in these limitations.

Owner may appeal to the Covington Board of Adjustment to demonstrate good cause. Permits shall be provided based upon mitigation criteria as set forth in Section 102.5.

Sec. 102-5. Mitigation.

Trees six inches (6") dbh or greater that have been declared dead, diseased, infested, fatally declining or hazardous, through no fault of the property owner, by a city-appointed licensed arborist, shall not require any mitigation.

In order to obtain a permit to remove trees, owner must agree to mitigate removal of such trees. The mitigation formula shall be one tree for every tree removed. Owner shall state his plans in the permit application.

At Owner's discretion, mitigation may be fulfilled by making payment to a mitigation fund in an amount equivalent to an equal number of new trees

Sec. 102-6. Tree Board.

The tree board shall be provided with tree-cutting permit data in order to monitor the tree canopy of the city. This data shall be reviewed by the tree board in conjunction with its responsibilities as set forth in this chapter.

Sec. 102-7. Violations and Penalties.

a. Every caliper inch of tree cut, cleared, removed, caused to become diseased or die, or otherwise acted upon in violation of the provisions of this section, shall constitute a separate offense and may result in a ticket and/or fine, payable in Covington Mayor's Court in accordance with Section 1-8 of this Code. Each separate day upon which a violation occurs or continues shall be considered a separate violation of this section.

b. Should any tree be cut, cleared, removed, caused to become diseased or die, or otherwise acted upon in violation of the provisions of this section, prior to the issuance of a permit, no such permit shall be issued until the appropriate replanting is completed and all fines resulting from the violation are paid.

c. Should a tree be cut, cleared, removed, caused to become diseased or die, or otherwise acted upon in violation of the provisions of this section, after the issuance of the permit, the permit shall automatically be suspended until the appropriate planting is completed and all fines resulting from the violation are paid.

d. Failure to maintain the required buffering protection shall constitute a violation and shall automatically suspend the permit issued.

Sec. 102-8. *Exceptions.*

Location and size of all required planting areas as well as the quantity of trees or plants may be adjusted by the building official, with agreement of the city planner, due to the presence of overhead or underground utilities, upon appeal in writing from the owner. This shall not apply to the replacement of cut, dead or diseased trees as outlined in section 102-7 of this ordinance.

102-9. Enforcement.

Failure to comply with any of the provisions of this chapter shall result in a citation in accordance with Section 1-8 of this Code, or one of the following actions:

a. Stop work order. Upon notice from issuing authority or its duly authorized representative, work on any project that is being done contrary to the provisions of this chapter shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property, his authorized agent or the person or persons in charge of the activity on the property and shall state the conditions under which work may resume. Where emergency exists neither a written notice to comply nor a written notice to stop work is required.

b. Permit fine. Failure to submit and receive city approval for a land-clearing permit before any clearing takes place may result in a ticket and fine, payable in Covington Mayor's Court. Each separate day upon which the violation occurs or continues shall be considered a separate violation of this section.

BE IT FURTHER ORDAINED that all other sections of Chapter 102 Vegetation, shall remain the same and in full force.

BE IT FURTHER ORDAINED that if any provision of this ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this ordinance are hereby declared to be severable.

WHEREUPON, this ordinance having been submitted in writing, having been read by title and adopted at a public meeting of the City Council of the City of Covington, State of Louisiana, was then submitted to an official vote as a whole, the vote thereon being as follows:

MOVED FOR ADOPTION by Wright, seconded by Callahan.

YEAS: 6 **ABSENT:** ~~0~~

NAYS: ~~0~~ **ABSTAIN:** 1 (CONER)

PASSED AND ADOPTED this 6th day of June, 2017.

R. S. "Sam" O'Keefe

R.S. "SAM" O'KEEFE
COUNCIL PRESIDENT

Bonnie D. Champagne

BONNIE D. CHAMPAGNE
COUNCIL CLERK

Presented to the Mayor this 7th day of June, 2017, at 9:00 o'clock A.M.

Bonnie D. Champagne
BONNIE D. CHAMPAGNE
COUNCIL CLERK

Approved ✓ or Vetoed ___ by the Mayor on this 7th day of June, 2017.

MICHAEL B. COOPER
MAYOR

Received from the Mayor on the 7th day of June, 2017, at 9:20 o'clock A.M.

Bonnie D. Champagne
BONNIE D. CHAMPAGNE
COUNCIL CLERK