

**AN ORDINANCE AMENDING ROSWELL ZONING CODE SECTION 15.2.8
REGARDING PRUNING**

WHEREAS the Municipal Court of the City of Roswell has declared Section 15.2.8 of the Roswell Zoning Code unconstitutional because it is impermissibly vague and ambiguous; and

WHEREAS the Mayor & Council of the City of Roswell find that it is imperative for the health, safety and welfare of the citizens of Roswell to preserve and protect its existing tree canopy and to encourage best practices regarding pruning of trees within the City of Roswell;

THEREFORE, to accomplish the foregoing, the Mayor and Council of the City of Roswell, pursuant to their authority, do hereby adopt the following ordinance:

1.

The existing Section 15.2.8 of the Roswell Zoning Code is hereby repealed.

2.

A new Section 15.2.8 of the Roswell Zoning Code is hereby adopted to read as follows:

Section 15.2.8 Pruning

- (a) To prevent long-term harm to the health of trees or their structure, all pruning of trees within the City of Roswell must be done in accordance with the International Society of Arboriculture Standards entitled "ANSI A300 Standards." A copy of the ANSI A300 Standards is attached to Article 15 as Section 15.7.3, Appendix D-ANSI A300 Standards, and is incorporated herein by reference as though fully stated.
- (b) "Topping," defined as removal of more than one-third of the leaves and branches of a tree measured from the lowest branch on the trunk of the tree to the top of the tree, is prohibited.
- (c) Except for specimen trees, subsection (a) of this Section shall not apply to a single lot that contains, or is zoned and platted for purposes of constructing a detached single-family residence or duplex.

3.

Severability. Should any court of competent jurisdiction declare any section of this Ordinance invalid or unconstitutional, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional.

4.

Repeal of Conflicting Provisions. All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

The above Ordinance was read and approved by the Mayor and Council of the City of Roswell, Georgia on the ____ day of _____, 2009.

Jere Wood, Mayor

Attest:

Sue H. Creel, City Clerk
(Seal)

Councilmember Lori Henry

Councilmember David Tolleson

Councilmember Rebecca Wynn

Councilmember Kent Igleheart

Councilmember Richard Dippolito

Councilmember Jerry Orlans