

STATE OF GEORGIA

COUNTY OF CLAYTON

**ORDINANCE NO. 2017-42**

AN ORDINANCE TO AMEND THE *CODE OF CLAYTON COUNTY, GEORGIA*, AS AMENDED, *CHAPTER 86, ARTICLE II, SECTIONS 86-51 THROUGH 86-73, CONSTITUTING THE COUNTY'S TREE PROTECTION ORDINANCE*; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF  
CLAYTON COUNTY AND IT IS HEREBY ORDAINED

**Section 1.** The *CODE OF CLAYTON COUNTY, GEORGIA*, as amended, is hereby further amended by adding the following to section 86-55 Definitions:

*Established Recompense value* means the dollar value assigned to a natural resource. It represents the lost public value of trees removed. Used for purpose of calculating cash recompense for removal or destruction of trees. This amount shall be set by the Board of Commissioners.

*Fully stocked* means a site occupied by tree at a density of 1000 DHB inches / acre or more.

**Section 2.** The *CODE OF CLAYTON COUNTY, GEORGIA*, as amended, is hereby further amended by adding (underlined) and deleting (~~crossed through~~) the following to section 86-57(b)(5):

- (5) *Violations.* Support County Code Enforcement in making ~~Make~~ cases for violations of applicable portions of this article, to issue summons directed to the offenders and to appear in the Recorder's Court or such other court as shall have jurisdiction of the matter.

**Section 3.** The *CODE OF CLAYTON COUNTY, GEORGIA*, as amended, is hereby further amended by adding (underlined) and deleting (crossed through) the following to section 86-60(a):

- (a) *Single-family residential.* The removal of ~~five~~ three or fewer under 30 inches diameter breast height on any single-family residential property, within a single calendar year, unless such action is subject to a building permit that would allow land disturbance. However, no homeowner can remove trees within two years from the issuance of the certificate of occupancy for a residence when such trees have been preserved or planted by the developer or builder in order to meet the tree density requirements of this article.

**Section 4.** The *CODE OF CLAYTON COUNTY, GEORGIA*, as amended, is hereby further amended by adding section (f)(3) to section 86-61, which reads as follows:

- (3) Tree removal permit shall be posted within 24-hours of issuance.

**Section 5.** The *CODE OF CLAYTON COUNTY, GEORGIA*, as amended, is hereby further amended by adding section (g) to section 86-61, which reads as follows:

- (g) *Single-family residential.* The removal of up to three trees, under 30 inches diameter breast height on any single-family residential property, within a two year period, unless such action is subject to a building permit that would allow land disturbance. However, no homeowner can remove trees within two years from the issuance of the certificate of occupancy for a residence when such trees have been preserved or planted by the developer or builder in order to meet the tree density requirements of this article.

**Section 6.** The *CODE OF CLAYTON COUNTY, GEORGIA*, as amended, is hereby further amended by adding section (f) to section 86-67, which reads as follows:

- (f) If a violation were to occur anytime post Certificate of Occupancy or on any unimproved acreage then penalties shall be imposed based on the provisions of the Recompense value for trees as set out in this Article.

**Section 7.** The *CODE OF CLAYTON COUNTY, GEORGIA*, as amended, is hereby further amended by deleting the tree list included in section 86-70, and replacing it with the following:

<b><u>CLAYTON TREE/LANDSCAPING SELECTION LIST SUMMARY</u></b>	
<b><u>Species/Botanical Name</u></b>	<b><u>Common Name</u></b>
Abies fraseri	Fraser fir
Acer barbatum	Southern sugar maple
Acer leucoderme	chalk maple
Acer negundo	boxelder
Acer nigrum	black maple
Acer pensylvanicum	striped maple
Acer rubrum	red maple
Acer saccharinum	silver maple
Acer saccharum	sugar maple
Acer spicatum	mountain maple
Aesculus flava	yellow buckeye
Aesculus glabra	Ohio buckeye
Aesculus parviflora	Bottlebrush buckeye
Aesculus pavia	Red buckeye
Aesculus sylvatica	Georgia buckeye
Alnus maritime	Seaside alder

**CLAYTON TREE/LANDSCAPING SELECTION LIST SUMMARY**

<b><u>Species/Botanical Name</u></b>	<b><u>Common Name</u></b>
Alnus serrulata	Hazel alder
Amelanchier arborea	Downy serviceberry
Amelanchier canadensis	Canadian serviceberry
Amelanchier laevis	Allegheny serviceberry
Amelanchier sanguinea	Roundleaf serviceberry
Aralia spinosa	Devil's Walking Stick
Asimina parviflora	Dwarf pawpaw
Asimina triloba	Pawpaw
Baccharis halimifolia	Eastern baccharis
Betula alleghaniensis	Yellow birch
Betula lenta	Sweet birch
Betula nigra	River birch
Carpinus Caroliniana	American hornbeam
Carya aquatica	Water hickory
Carya australis	Southern shagbark hickory
Carya cordiformis	Bitternut hickory
Carya glabra	Pignut hickory
Carya laciniosa	Shellbark hickory

**CLAYTON TREE/LANDSCAPING SELECTION LIST SUMMARY**

<b><u>Species/Botanical Name</u></b>	<b><u>Common Name</u></b>
Carya myristiciformis	Nutmeg hickory
Carya ovalis	Red hickory
Carya ovata	Shagbark hickory
Carya ovata	Shagbark hickory
Carya pallida	Sand hickory
Carya texana	Black hickory
Carya tomentosa	Mockernut hickory
Castanea dentata	American chestnut
Castanea pumila	Chinquapin
Catalpa bignonioides	Southern catalpa
Catalpa speciosa	Northern catalpa
Celtis laevigata	Sugarberry
Celtis occidentalis	Hackberry
Celtis pumila	Dwarf hackberry
Celtis tenuifolia	Georgia hackberry
Cephalanthus occidentalis	Buttonbush
Cercis Canadensis	Redbud
Chamaecyparis thyoides	Atlantaic white cedar

**CLAYTON TREE/LANDSCAPING SELECTION LIST SUMMARY**

<b><u>Species/Botanical Name</u></b>	<b><u>Common Name</u></b>
Chionanthus virginicus	Fringetree
Cladrastis kentukea	Yellowwood
Clethra acuminata	Sweet pepperbush
Cliftonia monophylla	Buckwheat tree
Cornus alternifolia	Alternate-leaf dogwood
Cornus asperifolia	Toughleaf dogwood
Cornus drummondii	Roughleaf dogwood
Cornus florida	Flowering dogwood
Cornus foemina	Stiff dogwood
Cornus stricta	Swamp dogwood
Cotinus obovatus	Smoketree
Crataegus aestivalis	Mayhaw
Crataegus aprica	Sunny hawthorn
Crataegus brachyacantha	Blueberry haw
Crataegus calpodendron	Pear hawthorn
Crataegus crus-galli	Cockspur haw
Crataegus flabellate	Fanleaf hawthorn
Crataegus intricate	Biltmore haw

**CLAYTON TREE/LANDSCAPING SELECTION LIST SUMMARY**

<b><u>Species/Botanical Name</u></b>	<b><u>Common Name</u></b>
Crataegus marshalli	Parsley hawthorn
Crataegus phaenopyrum	Washington haw
Crataegus pruniosa	Wasy-fruit haw
Crataegus pulcherrima	Beautiful haw
Crataegus punctate	Dotta hawthorn
Crataegus spathulata	Littlehip hawthorn
Crataegus succulent	Succulent haw
Crataegus trifloral	Three-flower haw
Crataegus uniflora	Dwarf hawthorn
Crataegus viridis	Green hawthorn
Cyrilla parvifolia	Littleleaf titi
Cyrilla racemiflora	Swamp titi
Diospyros virginiana	Persimmon
Elliottia racemose	Georgia plume
Euonymus atropurpureus	Burning bush
Fagus grandifolia	American beech
Forestiera acuminata	Swamp-privet
Forestiera Segregata	Florida-privet

**CLAYTON TREE/LANDSCAPING SELECTION LIST SUMMARY**

<b><u>Species/Botanical Name</u></b>	<b><u>Common Name</u></b>
Frangula caroliniana	Carolina buckthorn
Franlinia alatamaha	Franklin tree
Fraxinus Americana	White ash
Fraxinus caroliniana	Carolina ash
Fraxinus pennsylvanica	Green ash
Fraxinus profunda	Pumpkin ash
Fraxinus quadrangulate	Blue ash
Gleditsia aquatica	Water locust
Gleditsia triacanthos	Honey locust
Gordonia lasianthus	Loblolly bay
Gymnocladus dioica	Kentucky coffee tree
Halesia Carolina	Little silverbell
Halesia diptera	Two-wing silverbell
Halesia tetraptera	Mountain silverbell
Hamamelis virginiana	American witch hazel
Ilex ambigua	Carolina holly
Ilex amelanctericus	Sarvis holly
Ilex cassine	Dahoon



**CLAYTON TREE/LANDSCAPING SELECTION LIST SUMMARY**

<b><u>Species/Botanical Name</u></b>	<b><u>Common Name</u></b>
Ilex coriacea	Large gallberry
Ilex cuthbertii	Cuthbert holly
Ilex decidua	Possumhaw
Ilex laevigata	Smooth winterberry
Ilex longipes	Georgia holly
Ilex montana	Mountain holly
Ilex myrtifolia	Myrtle dahoon
Ilex opaca	American holly
Ilex verticillata	Winterberry
Ilex vomitoria	Yaupon
Illicium floridanum	Florida aniestree
Illicium parviflorum	Yellow anisetree
Juglans cinerea	Butternut
Juglans nigra	Black walnut
Juniperus communis	Juniper
Juniperus silicicola	Southern red cedar
Juniperus virginiana	Eastern red cedar
Kalmia latifolia	Mountain laurel

**CLAYTON TREE/LANDSCAPING SELECTION LIST SUMMARY**

<b><u>Species/Botanical Name</u></b>	<b><u>Common Name</u></b>
Leitneria floridana	Corkwood
Liquidambar styraciflua	Sweetgum
Liriodendron tulipifera	Yellow poplar
Lyonia ferruginea	Staggerbush
Magnolia acuminata	Mountain cucumber tree
Magnolia cordata	Piedmont cucumber tree
Magnolia fraseri	Mountain magnolia
Magnolia grandiflora	Southern magnolia
Magnolia macrophylla	Bigleaf magnolia
Magnolia pyramidata	Pyramid magnolia
Magnolia tripetala	Umbrella tree
Magnolia virginiana	Sweetbay
Malus angustifolia	Southern crabapple
Malus coronaria	Sweet crabapple
Morella caroliniensis	Southern bayberry
Morella cerifera	Wax-myrtle
Morella heterophylla	Evergreen bayberry
Morella inodora	Odorless bayberry

**CLAYTON TREE/LANDSCAPING SELECTION LIST SUMMARY**

<b><u>Species/Botanical Name</u></b>	<b><u>Common Name</u></b>
Morus rubra	Red mulberry
Nyssa aquatica	Water tupelo
Nyssa biflora	Swamp tupelo
Nyssa Ogeche	Ogeeche-lime
Nyssa sylvatica	Blackgum
Omanthus americanus	Devilwood
Ostrya virginiana	Eastern hophornbeam
Oxydendrum arboretum	Sourwood
Persea borbonia	Red bay
Persea palustris	Swamp bay
Pinckneya bracteata	Fevertree
Pinus echinata	Shortleaf pine
Pinus elliotti	Slash pine
Pinus glabra	Spruce pine
Pinus palustris	Longleaf pine
Pinus pungens	Table Mountain pine
Pinus rigida	Pitch pine
Pinus serotina	Pond pine

**CLAYTON TREE/LANDSCAPING SELECTION LIST SUMMARY**

<b><u>Species/Botanical Name</u></b>	<b><u>Common Name</u></b>
*Pinus strobus	Eastern white pine
*Pinus taeda	Loblolly pine
*Pinus virginiana	Virginia pine
Planera aquatica	Planetree
*Planatus occidentalis	American sycamore
Populus deltoids	Eastern cottonwood
Populus heterophylla	Swamp cottonwood
Prunus alabamensis	Alabama cherry
Prunus Americana	American plum
Prunus angustifolia	Chickasaw plum
Prunus caroliniana	Laurelberry
Prunus Mexicana	Mexican plum
Prunus munsoniana	Wild goose plum
Prunus pennsylvanica	Fire cherry
Prunus serotina	Black cherry
Prunus umbellata	Flatwoods plum
Ptelea trifoliata	Hoptree
Quercus alba	White oak

**CLAYTON TREE/LANDSCAPING SELECTION LIST SUMMARY**

<b><u>Species/Botanical Name</u></b>	<b><u>Common Name</u></b>
Quercus arkansana	Arkansas oak
Quercus austrina	Bluff oak
Quercus chapmanii	Chapman oak
Quercus coccinea	Scarlet oak
Quercus falcata	Southern red oak
Quercus geminate	Sand live oak
Quercus georgiana	Georgia oak
Quercus hemisphaerica	Laurel oak
Quercus imbricaria	Shingle oak
Quercus incana	Bluejack oak
Quercus laevis	Turkey oak
Quercus laurifolia	Swamp laurel oak
Quercus lyrata	Overcup oak
Quercus margaretta	Sand post oak
Quercus marilandica	Blackjack oak
Quercus michauxii	Swamp chestnut oak
Quercus minima	Dwarf live oak
Quercus montana	Chestnut oak

**CLAYTON TREE/LANDSCAPING SELECTION LIST SUMMARY**

<b><u>Species/Botanical Name</u></b>	<b><u>Common Name</u></b>
Quercus meuhlenbergii	Chinquapin oak
Quercus myrtifolia	Myrtle oak
Quercus nigra	Water oak
Quercus oglethorpensis	Oglethorpe oak
Quercus pagoda	Cherrybark oak
Quercus palustris	Pin oak
Quercus phellos	Willoa oak
Quercus prinoides	Swarf chinquapin oak
Quercus ruba	Northern red oak
Quercus shumardii	Shumard's oak
Quercus similis	Swamp post oak
Quercus sinuata	Bastard (Durand) oak
Quercus stellate	Post oak
Quercus valutina	Black oak
Quercus virginiana	Live oak
Rhododendron catawbiense	Purple laurel
Rhododendron maximum	Rosebay laurel
Thus typhina	Staghorn sumac

**CLAYTON TREE/LANDSCAPING SELECTION LIST SUMMARY**

<b><u>Species/Botanical Name</u></b>	<b><u>Common Name</u></b>
Robinia hispida	Pink locust
Robinia pseudoacacia	Black locust
Robinia viscosa	Clammy locust
Sabal palmetto	Cabbage palmetto
Salix caroliniana	Coastal plain willow
Salix floridana	Florida willow
Salix nigra	Black willow
Salix sericea	Silky willow
Sambucus nigra	American elder
Sambucus racemose	Red elder
Sambucus simpsonii	Southern elder
Sapindus saponaria	Wingleaf soapberry
Sassafras albidum	Sassafras
Serenoa repens	Saw palmetto
Sideroxylon alachuense	Alachua bully
Sideroxylon lanuginose	Gum bumelia
Sideroxylon lyciodes	Buckthorn bumelia
Sideroxylon tenax	Tough bumelia

**CLAYTON TREE/LANDSCAPING SELECTION LIST SUMMARY**

<b><u>Species/Botanical Name</u></b>	<b><u>Common Name</u></b>
Sorbus Americana	American mountain ash
Staphylea trifolia	Bladdernut
Stewartia malacodendron	Silky camellia
Stewartia ovata	Mountain camellia
Styrax grandifolius	Bigleaf snowbell
Symplocos tinctorial	Sweetleaf
Taxodium ascendens	Pond cypress
Taxodium distichum	Bald cypress
Tilia Americana	American basswood
Tilia caroliniana	Carolina basswood
Tilia heterophylla	White basswood
Torreya taxifolia	Torreya
Tsuga Canadensis	Eastern hemlock
Tusga caroliniana	Carolina hemlock
Ulmus alata	Winged elm
Ulmus Americana	American elm
Ulmus rubra	Slippery Elm
Ulmus serotina	September elm



**CLAYTON TREE/LANDSCAPING SELECTION LIST SUMMARY**

<b><u>Species/Botanical Name</u></b>	<b><u>Common Name</u></b>
Vaccinium arboretum	Farkleberry
Vachellia farnesiana	Sweet acacia
Viburnum carolinianum	Carolina arrowwood
Viburnum dentatum	Southern arrowwood
Viburnum lentago	Nannyberry
Viburnum nudum	Southern possumhaw
Viburnum obovatum	Small leaf arrowwood
Viburnum prunifolium	Blackhaw
Viburnum recognitum	Arrowwood
Viburnum rufidulum	Rusty blackhaw
Yucca aloifolia	Spanish bayonet
Yucca gloriosa	Mound lilly yucca
Zanthoxylum americanum	Prickly ash
Zanthoxylum clava-herculis	Hercules' club

**Section 8.** All laws, ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

**Section 9.** If any part of this Ordinance shall be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder shall remain in full force and effect.

**Section 10.** This Ordinance shall become effective on immediately upon its approval by the Board of Commissioners.

SO ORDAINED, this the 30th day of May, 2017.

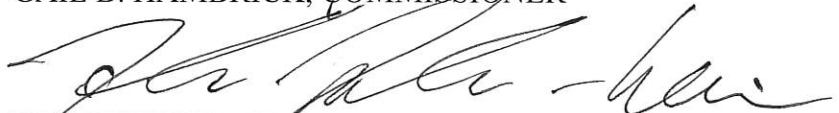
**CLAYTON COUNTY BOARD OF COMMISSIONERS**

  
\_\_\_\_\_  
JEFFREY E. TURNER, CHAIRMAN

  
\_\_\_\_\_  
MICHAEL EDMONDSON, VICE CHAIRMAN

  
\_\_\_\_\_  
SONNA GREGORY, COMMISSIONER

  
\_\_\_\_\_  
GAIL B. HAMBRICK, COMMISSIONER

  
\_\_\_\_\_  
FELICIA FRANKLIN WARNER, COMMISSIONER

ATTEST:

  
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SANDRA T. DAVIS, CLERK