

**AN ORDINANCE TO AMEND CHAPTER 14, LAND DEVELOPMENT AND SUBDIVISIONS, ARTICLE III, TREE PRESERVATION AND MAINTENANCE, OF THE CODE OF THE CITY OF BROOKHAVEN**

- WHEREAS, Section 1.03(b)(3) of the Charter of the City of Brookhaven grants the City of Brookhaven the power to regulate and to license the erection and construction of buildings and all other structures; and
- WHEREAS, Section 1.03(b)(8) of the Charter of the City of Brookhaven grants the City of Brookhaven the power to protect and preserve the natural resources, environment, and vital areas of the city, the region, and the state through the enactment of ordinances that preserve and improve air quality, restore and maintain water resources, the control of erosion and sedimentation, manage storm water and establish a storm-water utility, manage solid and hazardous waste, and provide other necessary or beneficial actions for the protection of the environment; and
- WHEREAS, Section 1.03(b)(12) of the Charter of the City of Brookhaven grants the City of Brookhaven the power to define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city, and to provide for the enforcement of such standards; and
- WHEREAS, the Mayor and City Council find that adoption of an updated ordinance related to tree preservation and maintenance is necessary to ensure preserve the environment, protect safety of citizens, and prevent nuisances.

**BE IT ORDAINED** by the Mayor and Council of the City of Brookhaven, Georgia and it is hereby ordained by the authority of same:

**SECTION I:**

Chapter 14, Land Development and Subdivisions, Article III, Tree Preservation and Maintenance, is amended to read as shown in the attached mark-up.

**SECTION II:**

**Severability:** Should any section of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, 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.

**SECTION III:**

**Repeal of Conflicting Provisions:** All ordinances, part of ordinances, maps, or regulations in conflict herewith are repealed.

**ORD 2021-07-01**

**SECTION IV:**

**Effective Date:** This ordinance shall be effective immediately upon adoption.

**SO ORDAINED,** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Approved by:

Approved as to Form and Content

\_\_\_\_\_  
John Arthur Ernst Jr., Mayor

\_\_\_\_\_  
Christopher Balch, City Attorney

Attest:

\_\_\_\_\_  
Susan Hiott, City Clerk

SEAL