

## ORDINANCE NO. 597-02

An Ordinance to protect the health, safety and welfare of the public, protect the environment and quality of public life and to enhance tree resources by regulating the planting, maintenance, removal and management of trees for the City of Helena, Alabama and its citizens.

### **Section 1 - Purpose**

The City Council of the City of Helena, Alabama finds that this Ordinance is necessary and advisable in order to protect the environment and economic quality of life of the public and the City of Helena and to protect the health, safety and general welfare of its citizens. This Ordinance, therefore, will also provide minimum standards for the preservation of trees as part of the land development process, prevent clearing or grading of undeveloped land, without provision for replacement of trees, and will protect trees during construction in order to enhance the quality of life and protect the health, safety, and welfare of the public within the City of Helena.

The City Council finds the benefits derived from this ordinance include but not limited to the following:

Protection of the health, safety and general welfare of the public

Visual buffering and enhanced beautification of the city

Control of soil erosion

Protecting natural vegetation except where its removal is necessary for responsible property development or control of disease and infestation

### **Section 2 - Applicability of this Ordinance**

All rules, regulations and requirements set forth in this Ordinance are applicable to any person, corporation or legal entity within the City of Helena that violates any provision thereof.

### **Section 3 - Tree Retention Goals**

The goal of this ordinance shall be to retain numbers of existing trees where practical.

### **Section 4- Steps for Approval and Issuance of a Clearing and/or Grading Permit**

Prior to any clearing or grading of property, in excess of five (5) acres, a site plan must be presented to and reviewed by the City Building Official with his recommendations referred to the City Council for approval and issuance of a work permit from the city.

The elements and minimum requirements for obtaining a Clearing and/or Grading Permit shall include a sketch plan of the property in question.

The City Building Official shall review and give a report to the City Council. If deficiencies are found, the person(s) submitting the plan will be required to revise the plan before a work permit will be issued. A revised plan may be resubmitted for evaluation and shall be reviewed according to the same procedures as the initial submission.

If proposed construction changes the plan, a revised plan must be submitted for re-evaluation.

The City Council will act on the recommendation of the City Building Official no later than its next regular meeting.

In cases where an immediate threat to life, public safety or structure exists, "Clearing and/or Grading permit" requirements are not required.

**Section 4a- PROVIDE INFORMATION FOR CLEARING AND GRADING PERMIT ON NEW CONSTRUCTION**

All new residential, commercial, industrial, agricultural or other construction that requires or involves clearing and/or grading will require a permit issued by the City of Helena, Building and Inspections Department before any work may be started, effective this date.

The permit will require:

- Permit Application Completed
- Site Plan to show all areas to be cleared and/or graded
- Site Plan to show the location of the structure(s) and all easements and buffers
- Location of all erosion control protection
- Location of all significant tree(s) (6" DBH or larger) located in the clearing and/or grading area that will be retained or removed with appropriate marking of the tree(s)
- Approximate location of all driveways and/or sidewalks
- Permit required for each lot with a charge of \$100 per permit.
- Permit card must be posted at the front of each lot, visible from the road

Each existing developed lot or property with already existing structure(s) shall have a minimum \$25.00 land disturbance permit required prior to any clearing or grading work being performed.

In the event that all trees are removed from the front and/or rear of the intended lot of a residential site, the tree replanting guidelines are to be followed: (Bush type trees will not satisfy this type of tree replacement)

- Up to a 40 foot wide lot - one (1) tree to be planted in front yard
- 41 to 70 foot wide lot - two (2) trees to be planted in front yard
- 71 to 100 foot wide lot - two (2) trees to be planted in front yard and one (1) tree to be planted in the rear yard
- 101 foot and above wide lot - a total of four (4) trees with a minimum of two (2) trees to be planted in the front yard
- Minimum tree size shall be 1" in diameter or greater, 6" above the root ball to meet the required tree plantings listed above

**COMMERCIAL SITES** - All new construction on commercial sites fall under the purview of existing site plan regulations of the Helena Planning and Zoning Commission.

The purpose of these requirements is to preserve trees.

**Section 5 - Provisions for Timbering**

a. Clearing and/or Grading Permit is required prior to tree removal, clearing or grading of any land to be used for timber harvesting. Additionally, any land, which has been approved and cleared, cannot be used for residential development for a period of five years from the original permit date, regardless of transfer of ownership, without being re-vegetated (see re-vegetated definition).

**Section 6 - Public Utility Easements and Maintenance**

It is recognized that Utility Easements must be maintained unobstructed from trees and underbrush that interfere with proper service, restoration and safety of the public, therefore; normal necessary and customary Utility line clearing activities by the person or entity responsible therefore shall not be subject to the provisions and restrictions of the Ordinance and shall be exempted there from.

**Section 7 - City of Helena shall be exempt from this Ordinance Section VIII - Enforcement**

The City Building Official or his/her designate or other designee of the City of Helena will be charged with enforcing all provisions of this ordinance.

**Section 8 - Penalties**

Any person who violates any provision of this ordinance or who fails to comply with any notice issued pursuant to provision of this ordinance, upon being found guilty of violation shall be subject to imprisonment or hard labor not to exceed six (6) months and/or a fine for each separate offense, not to exceed five hundred dollars (\$500.00). Each day such violation continues shall constitute a separate offense.

**Section 9 - Definitions**

When used herein the following definitions shall be applicable but should not be construed to expand or limit the status of the common or statutory law except as expressly modified by the provisions of this Ordinance.

**CLEARING** - the removal of vegetation in an area consisting of canopy, understory trees or groundcover.

**GRADING** - the disturbance or removal of soil.

**RE-VEGETATED** - size, number and type of trees based on Zoning Classifications  
See Addendum or Zoning Regulations

**Section 10-** The provisions of this ordinance are severable and if any part, section or provision hereof is held to be illegal, unconstitutional or invalid, the portions and sections remaining shall remain valid and fully enforceable and shall not be affected.

**Section 11-**This Ordinance shall go into effect upon its passage and publication as required by law.

**BE IT FURTHER ORDAINED** by the City Council of the City of Helena, Alabama that any matters in said codes which are contrary to the existing Ordinances of the City, shall prevail and any existing Ordinances to the contrary are hereby repealed only to the extent of any such conflict and to that extent only.

**BE IT FURTHER ORDAINED** that within said codes when reference is made to the duties of certain officials named therein, that designated official of the City of Helena, Alabama who has city assigned duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of said codes are concerned.

**BE IT FURTHER ORDAINED** that this ordinance shall become effective on April 1, 2015, after being published and posted as required by law.

[SEAL]



ATTEST:

Amanda C Traywick  
Amanda C. Traywick, City Clerk

Mark R. Hall  
Mark R. Hall, Mayor

Leigh Hulsey  
Leigh Hulsey, Council Member

Mike Jones  
Mike Jones, Council Member

Cris A. Nelson  
Cris A. Nelson, Council Member

Leslie Bartlett  
Leslie Bartlett, Council Member

Harold Woodman  
Harold Woodman, Council Member

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF  
HELENA, ALABAMA ON 2 THE DAY OF March, 2015.

I, Amanda C. Traywick, the duly appointed and acting Clerk of the City of Helena,  
Alabama, do hereby certify that the within Ordinance Number 597-02 AMENDED is a  
true copy as recited in the said City Clerk's Minute Book and posted by me as provided  
by law in three public places in said City, being on the bulletin board of the City Hall, and  
in the Helena Public Library in said City, in the BP Coosa Mart in the City of Helena and  
that said Ordinance shall become a duly lawful Ordinance of said City of the 1 day  
of April, 2015, five or more days after the posting of the same as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 2 day of  
March, 2015.

STATE OF ALABAMA SHELBY COUNTY

I, Amanda C. Traywick, City Clerk of the City of Helena, do hereby certify that the above  
is a true and correct copy of an Ordinance duly adopted by the Council of the City of  
Helena at its meeting held the 2 day of March, 2015.

Given under my hand and corporate seal of the City of Helena, this 2 day of  
March, 2015.

Amanda C. Traywick  
City Clerk

