

1
2
3 **CITY OF COVINGTON**
4 **STATE OF LOUISIANA**

5
6 **ORDINANCE NUMBER 2021- _____**
7

8 **AN ORDINANCE OF THE CITY OF COVINGTON AMENDING**
9 **THE COVINGTON CODE OF ORDINANCES CHAPTER 102.**
10 **VEGETATION ARTICLE I. TREES ON PRIVATE PROPERTY**
11 **SECTION 102-4. LIMITATIONS AND SECTION 102-5.**
12 **MITIGATION AND SECTION 102-7. (d) VIOLATIONS AND**
13 **PENALTIES**
14

15
16 **Whereas**, the Covington Code of Ordinances Section 102, Article I regulates
17 the cutting of trees on private property; and

18 **Whereas**, the Covington City Council desires to amend to the Covington
19 Code of Ordinances to regulate the removal of Class A trees in the required
20 setbacks; and

21 **Whereas**, the Covington City Council desires to provide for mitigation for the
22 removal of Class A trees in the required setbacks: and

23 **Whereas** the Covington City Council desires to clarify the penalties regarding
24 the removal of Class A trees.

25
26 **NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of
27 Covington, at its regular session convened, that the Covington Code of Ordinances
28 Chapter 102. Vegetation Article I. Trees on Private Property Sec. 102-4. and Sec.
29 102-5. and Sec. 102-7. (d) be amended as follows:

30
31 **CHAPTER 102 VEGETATION**
32

33 **ARTICLE I. TREES ON PRIVATE PROPERTY**
34

35 **Sec. 102-4. Limitations.**
36

37 Owner shall be entitled to and may apply for a permit to remove up to 50% of all
38 Class A trees within the required setbacks of the property within a 12 – month

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

4 ~~Owner may appeal to the Covington Board of Adjustment to demonstrate good~~
5 ~~cause. Permits shall be provided based upon mitigation criteria as set forth in~~
6 ~~section 102-5.~~

7
8 **Sec. 102-5. Mitigation.**

9 ~~Trees six inches or greater that have been declared dead, diseased, infested,~~
10 ~~fatally declining or hazardous, through no fault of the property owner, by a city~~
11 ~~appointed licensed arborist, shall not require any mitigation.~~

12 ~~In order to obtain a permit to remove trees, owner must agree to mitigate removal of~~
13 ~~such trees. The mitigation formula shall be one tree for every tree removed.~~

14 ~~Owner shall state his plans in the permit application.~~

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

17 **In order to obtain a permit to remove trees, owner must agree to mitigate removal**
18 **of Class A trees. The mitigation formula for replanting on – site shall be a**
19 **minimum of one Class A tree for every Class A tree removed. Trees shall be a**
20 **minimum of 2 inch DBH, 8 foot height.**

21
22 **At owner's discretion, mitigation may be fulfilled by making a payment in lieu of**
23 **planting to the mitigation fund, to be used for approved tree planting and**
24 **landscape improvements on public property within the City.**

25
26 **The amount of payment will be determined by the cost to replace the total**
27 **number of caliper inches of trees that were approved for removal as well as the**
28 **cost of installation and maintenance for 1-year. Payment will be based**
29 **on the current procurement regulations of the city of Covington and approval by**
30 **the code enforcement official.**

31
32 **Sec. 102-7. Violations and Penalties.**

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

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

43 (c) Should a tree be cut, cleared, removed, caused to become diseased or die,
44 or otherwise acted upon in violation of the provisions of this section, after the
45 issuance of the permit, the permit shall automatically be suspended until the

1 appropriate planting is completed and all fines resulting from the violation are
2 paid.

3
4 ~~(d) Failure to maintain the required buffering protection shall constitute a~~
5 ~~violation and shall automatically suspend the permit issued.~~

6 **Failure to maintain the required minimum of 50% of the existing Class A trees in**
7 **the required yard setback area of the property (Sec. 4.204.5a) shall constitute a**
8 **violation of this Section and shall automatically suspend the permit issued.**

9
10 **BE IT FURTHER ORDAINED** that if any provision of this ordinance shall
11 be held to be invalid, such invalidity shall not affect other provisions herein that can
12 be given effect without the invalid provision and to this end the provisions of this
13 ordinance are hereby declared to be severable.

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

18
19 **MOTION FOR ADOPTION** by _____, seconded by _____.

20 **YEAS:** **ABSENT:**
21
22 **NAYS:** **ABSTAIN:**

23
24 **PASSED AND ADOPTED** this ____ day of _____, 2021.

25
26
27
28 _____
29 LARRY ROLLING
30 COUNCIL PRESIDENT

31
32
33 _____
34 JOANN D. RUCKER
35 COUNCIL CLERK

36
37
38

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Presented to the Mayor this _____ day of _____, 2021, at _____ o'clock
____.M.

JOANN D. RUCKER
COUNCIL CLERK

Approved ____ or Vetoed ____ by the Mayor on this _____ day of _____,2021.

MARK R. JOHNSON
MAYOR

Received from the Mayor on the _____ day of _____, 2021, at _____ o'clock
____.M.

JOANN D. RUCKER
COUNCIL CLERK