

FORSYTH COUNTY, GEORGIA

**AN ORDINANCE
BY THE BOARD OF COMMISSIONERS
OF FORSYTH COUNTY**

An Ordinance of Forsyth County, Georgia to amend the Code of Ordinances of Forsyth County, Ordinance No. 98 regarding Tree Protection and Replacement; to provide for severability; and to provide for an effective date.

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions and regulations; and

WHEREAS, O.C.G.A. Section 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety and welfare of the population of the unincorporated areas of the County; and

WHEREAS, the Board of Commissioners of Forsyth County adopted an Ordinance establishing rules and regulations for tree protection and replacement within Forsyth County, Georgia, on March 15, 2004; and

WHEREAS, on November 16, 2006, the Board of Commissioners adopted Amendment “A” to Ordinance 98; and

WHEREAS, the Board of Commissioners of Forsyth County desires to further amend the existing ordinance; and

WHEREAS, appropriate notice and hearing on the amendment contained herein have been carried out according to general and local law

NOW THEREFORE, be it ordained and resolved by the Board of Commissioners of Forsyth County, Georgia, that Ordinance No. 98 of the Code of Ordinances of Forsyth County (the “Ordinance”) shall be amended as follows:

AMENDMENT

Article II, Tree Protection and Replacement, Division IV, Tree Protection Commission, Section 4.2 (codified as Sec. 86-102) of the Ordinance shall be modified to read as follows:

“Sec. 4.2. Vacancies and compensation.

The tree protection commission membership shall contain five members each appointed for a term of ~~two~~ **four** years. Members of the tree protection commission may be appointed for

consecutive terms consistent with the general laws regulating service on Forsyth County boards and commissions. The Chairman of the Forsyth County Board of Commissioners may recommend removal and replacement of a member of the tree protection commission for nonperformance of duty. Any such recommendation of removal must be ratified by a majority vote of the Forsyth County Board of Commissioners. Any vacancy in the membership of the tree protection commission shall be filled in the same manner as the initial appointment. All members shall serve without compensation. The tree protection commission shall select from its members a chairperson to serve for a one-year term.”

All remaining portions of the Code of Ordinances of Forsyth County shall continue in full force and effect, and shall remain unaffected by this amendment.

SEVERABILITY

It is the express intent of the Forsyth County Board of Commissioners that this Ordinance be consistent with both federal and state law. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

CONFLICTING ORDINANCES REPEALED

Any and all Ordinances or parts of Ordinances in conflict herewith shall be, and the same are, hereby repealed to the extent of such conflict.

EFFECTIVE DATE

This Ordinance shall become effective immediately upon passage.

PASSED AND ADOPTED this ___ day of _____, 2010, the public health, safety, and welfare demanding it.

FORSYTH COUNTY BOARD OF COMMISSIONERS:

Charles Laughinghouse, Chairman

Jim Harrell, Vice Chairman

[SIGNATURES CONTINUED ON THE FOLLOWING PAGE]

Jim Boff, Secretary

Brian R. Tam, Member

Patrick B. Bell, Member

Attest:

Clerk to the Board