

CITY OF HAMMOND
ORDINANCE NO. _____
LANDSCAPING, CLEARING, FILL – URBAN FORESTRY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HAMMOND, LOUISIANA AT ITS REGULAR SESSION HELD ON THE **21ST DAY OF SEPTEMBER, 2004.**
REQUIREMENT FOR LANDSCAPE PLANS AND MAINTENANCE PROVISIONS, STREET TREE GUIDELINES, AND UPDATE ON THE CREATION OF THE URBAN FORESTRY COMMITTEE.

1. PURPOSE AND INTENT:

The purpose of this ordinance is to promote the health, safety, and welfare of the existing and future residents of the City of Hammond and its environment, by establishing minimum standards for the protection and enhancement of natural plant communities, natural features, and continued maintenance of those areas and landscaped areas with the City of Hammond for the following purposes:

- A. **Environmental Quality**- To improve environmental quality by recognizing the numerous beneficial effects of landscaping and protection of the forest canopy.
- B. **Aesthetics**- To improve the aesthetic appearance of commercial, industrial and residential areas through landscape design which incorporates protection and maintenance of living plant materials and other site developments in ways that harmonize and enhance the natural and built environment, while enhancing public health and safety.
- C. **Land Values**- To maintain and increase the value of land and community economic image by requiring a minimum amount of landscaping to be incorporated into development, thus becoming itself a valuable capital asset.
- D. **EPA mandate**- To comply with the Environmental Protection Agency and DEQ mandates to reduce non-point pollution of streams and waterways.

2. ADVISORY COMMITTEE APPOINTED

The Mayor shall appoint an advisory committee on urban forestry and landscaping which shall serve to advise the City on issues concerning public trees, landscaping, planning, removal, planting and maintenance. The Mayor shall solicit recommendations from the City Council and interested civic organizations for the appointments of advisory committee members.

All committee members shall serve at the pleasure of the Mayor. The Advisory Committee shall be composed of not less than 11 persons and no more than 17. Failure to participate in committee meetings shall be just cause to be removed from such committee. The City Council shall recommend to the Mayor the appointments of a horticulturist, one forester, one utility company representative and one contractor or developer.

3. LAND CLEARING, AND LAND FILLING REQUIREMENTS

The following requirements apply to all Land Clearing and Land Filling operations in all zoning districts and for commercial, multi-family and industrial building sites, building project or sites, public or private, that require a building permit in the City of Hammond, regardless of location. This does not include the clearing of a single subdivision lot *or conforming residential lot* for a single-family house that is not within an “A” flood zone.

A. LAND CLEARING /FILL PERMIT:

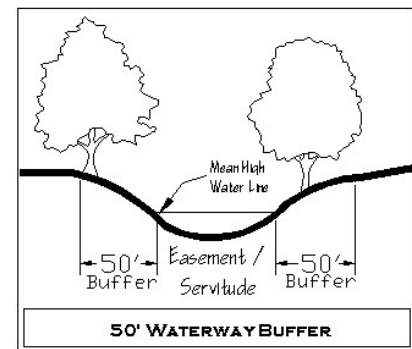
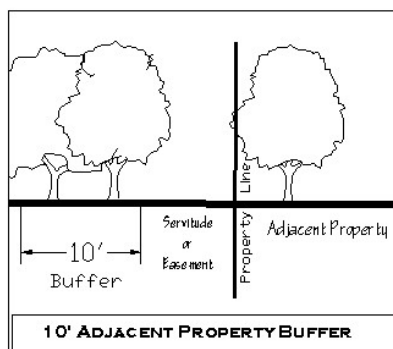
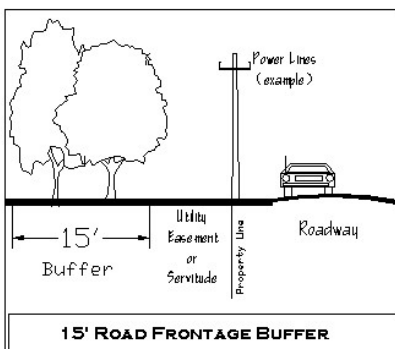
Prior to the cutting, clearing, or removal of any plant material, or the filling of a lot with soil or other fill material, a *Land Clearing / Fill Permit* shall first be obtained from the City of Hammond Building Department. The following minimum information shall be provided to the City.

- Name, address, phone number and contact person of contractor and property owner.
 - Adequate legal description of property.
 - Authorization of property owner to begin clearing or filling.
 - Site Plan of property, showing any buildings on the site, area to be cleared or filled and location of green buffer areas where required.
 - Estimated starting date and completion date of work.
 - Erosion control measures and Best Management Practices (BMP) measures to be taken to keep soil from eroding into streets, drainage areas, and neighboring properties.
- i) **Permit Issued:** Upon concurrence with the licensed Arborist and Building Official from the City, a Land Clearing / Fill Permit shall be issued by the Building Department within seven (7) days of submittal of a permit and all required information by the owner or his representative. The permit shall be valid for no more than six (6) months.
- ii) **Pre-Inspection by City:** At least three working days prior to beginning work, the owner or his representative shall request a pre-condition and pre-clearing inspection from the City Building Department and the designated State licensed Arborist. After notification by the owner, the City shall schedule a meeting within three days with the owner or his representative prior to the contractor beginning work. No work is to begin until representatives from these departments meet with the owner or his representative on site.
- iii) **Post Inspection:** The Building Inspector and/or his designee shall inspect the clearing site during and after completion of work from compliance with City regulations and to inspect for any damage to culverts, roadways, drainageways, etc.

B) LAND CLEARING REQUIREMENTS:

The requirements of this Section shall be met by all parties engaged in land clearing when a tract or parcel of land is being prepared for development, or is being changed from an agriculture, open, developed, undeveloped, or forestry use to a residential subdivision, commercial, multi family, or industrial use. This does not include the clearing of a single lot not *exceeding 2 acres in size* for one single-family house.

- i) **Permit Required:** A permit from the Hammond Building Department is required prior to commencement of land clearing operations. All commercial, multi-family and industrial building sites, building projects, or renovations projects or sites, public or private, that require a building permit in the City of Hammond, regardless of location shall first obtain a *Land Clearing / Land Filling Permit* from the Hammond Building Department prior to commencement of construction. An erosion control plan shall be included to indicate the owner/developers plans for reducing erosion on the site after clearing.
- ii) **Land Clearing Operation:** All land clearing operations shall be on site unless written permission is obtained to work within public areas and neighboring properties. The access roadway shall be of sufficient strength to allow access by construction vehicles and shall be maintained during land clearing operation so that it is not allowed to become rutted. All drainage areas and public roads must be properly restored before a land clearing applicant or contractor leaves the site. All public rights of way, public properties, existing and recognized natural drainage, and engineered drainage shall be restored to pre-existing conditions with the cessation of the land clearing activity. Access roadways for land clearing operations may be cleared.
- iii) **Damage to Public Property:** In the event a land clearing operation causes damage to City of Hammond public property resulting in the City having to take corrective action, the City will present the invoice to the responsible party of record and/or have the responsible party rectify the damages to the site or by payment to the City.
- iv) **Tree Buffers:** The following requirements for tree buffer areas are mandatory. Additional buffers may be required as part a valid building permit that would show approved green buffers in addition to those required below. All buffers required shall be exclusive of all easements, servitude and or rights of way within the property, excepting Consolidated



Drainage Board numbered laterals (may include drainage servitudes of at least 50 feet in width on either side of drainageway).

1. Waterways – Fifty (50) feet in width along both banks of natural streambeds, riverbanks and drainage canals *maintained by the Parish* and measured from the mean high water line (does not include roadside drainage ditches, man-made or natural swales).
2. Adjacent Property – Ten (10) foot width along the adjacent property line. (see Zoning Ordinance for other buffer requirements)

3. Road Frontage – Fifteen feet width along the existing public road frontage (*not including accessways*) or railroads. In the case of new subdivisions, all Road Frontage Tree Buffer requirements shall apply to all roadways existing and those proposed for development.

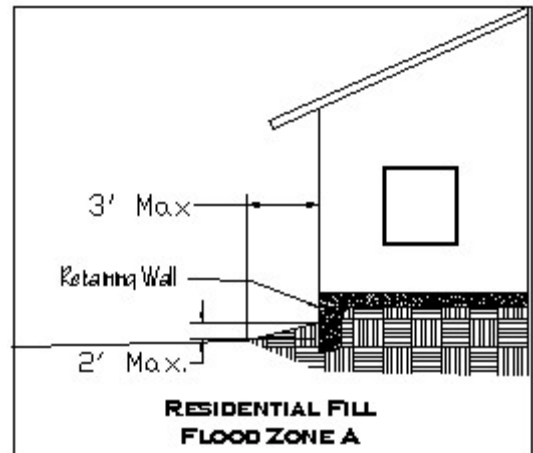
It shall be unlawful to place soil, rubbish, or other material such that trees so maintained in the buffers become diseased, stressed or dies as a result.

- vi) **Tree Preservation Requirements:** All healthy trees of twelve (12) inches in diameter (and 8" for live oaks) measured four and one half (4-1/2) feet above the ground (dbh) or more that are in the tree buffer as defined above, shall be preserved. All *trees in buffer zones* required to be preserved by this ordinance shall be indicated on the approved building permit plan indicating the location, variety and size in caliper inches measured in diameter at breast height (dbh). *Decisions on the final determination of healthy tree status shall be determined by the City's Arborist, prior to development.*

C. LAND FILLING REQUIREMENTS:

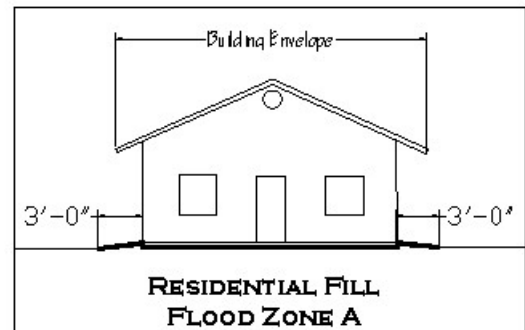
The requirements of this Section shall be met by all parties engaged in the placement of fill material on land when a tract or parcel of land is being prepared for development, or is being changed from an agriculture, open, developed, undeveloped, or forestry use to a residential subdivision, commercial, multi family, or industrial use. i) **Residential Fill**

Requirements: Fill for Individual single family residential lots located in Flood Zone A, shall be limited to the area under the building envelope and shall extend no more that three feet from any foundation or concrete slab for lots 60 ft wide and less or five feet for lots wider than 61 feet (*or as determined reasonable by the City Building Official, based upon the size of the lot versus the proposed building*). Fill for properties without an approved building permit shall first receive a Land Clearing / Fill Permit from the Building Department as per the above section and only be allowed to place the minimum amount of fill necessary to achieve positive drainage on the site through a combination of cut and fill work.



(1) Foundation Fill Requirements:

Where concrete slab construction is used, fill for a foundation in excess of 24 inches in height measured from existing grade and on lots measuring 60 feet or less in width, shall be retained in a concrete retaining wall.



(2) Landscape Fill Requirements: Fill for

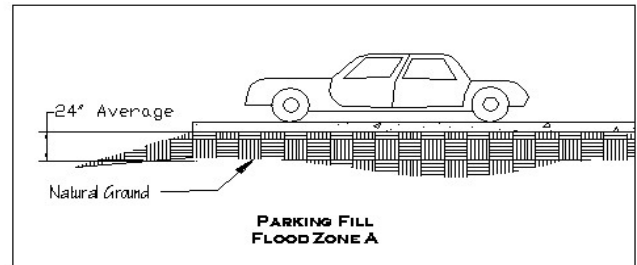
a sub-base for landscaping (*where required by this ordinance and not including single family houses*) shall be of a

material suitable for landscaping and drainage. Soil excavated for foundations may be used for landscape fill, but caution should be exercised so as not to damage existing trees on site. When in the opinion of the Hammond Arborist excessive fill is used on the site, the contractor shall be required to remove the fill prior to building occupancy.

ii) Multi Family, Commercial, Industrial Fill Requirements: Land being prepared for development by filling or is being changed from an agriculture, open, developed, undeveloped, or forestry use to a residential subdivision, commercial, multi family, or industrial use shall first receive a Land Clearing / Fill Permit from the Building Department as per the above section be allowed to place fill on the site as follows:

(1) **Fill With Building Permit:** Fill placed on sites with an approved building permit or a work order issued for subdivision construction shall follow the fill requirements set forth in the permit. In Flood Zone A, fill material for parking areas may be placed to a maximum average height of twenty-four (24) inches above the existing property grade. Fill material for building foundations in excess of 24 inches above existing property grade shall be retained in a concrete retaining wall. This would not prohibit excavating existing soil material to achieve a suitable foundation.

(2) **Fill Without Building Permit:** Fill for properties without an approved building permit or work order issued for subdivision construction shall first receive a Land Clearing / Fill Permit from the Building Department as per the above section and only be allowed to place the minimum amount of fill necessary to achieve positive drainage on the site through a combination of cut and fill.



(3) **Flood Zone B&C:** There are no fill requirements in areas designated as Flood Zone B & C.

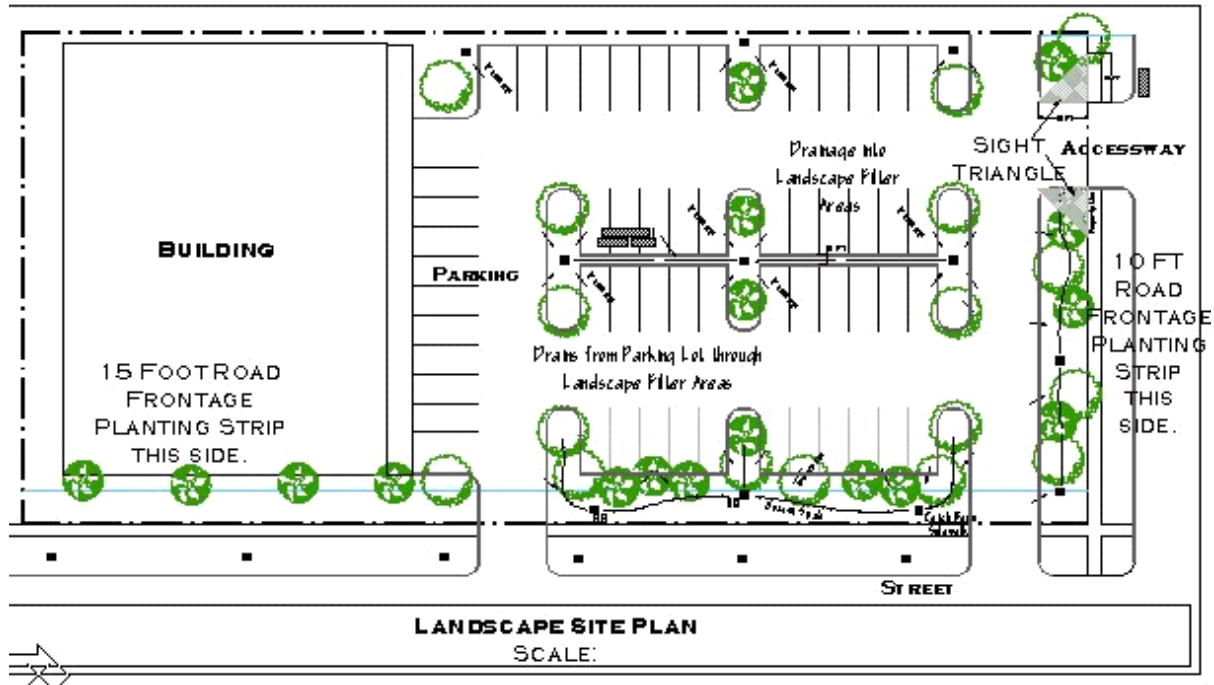
Erosion and drainage control measures must be shown on all site plans or building plans for new projects or exterior rehabilitation projects in which erosion of soil is a concern to the City or drainage run-off or drainage changes could impact upon a neighbor's property.

4. LANDSCAPE REQUIREMENTS:

Landscape guidelines apply to all new commercial, multi-family and industrial building sites, building project, or renovation projects or sites, public or private, in the City of Hammond, regardless of location. Property or business owners only applying for maintenance improvements on their property, such as a repainting, repair or re-roofing of their property, are not required to comply with these requirements. These landscape guidelines shall apply to those existing properties where new construction or additions take place or where there is substantial renovation that exceeds routine maintenance and that requires submission of plans to the State Fire Marshal (*see definition * at end of this document*). This includes new or renovated parking lots.

A. Landscape Plan Required: A landscape plan, prepared in accordance with the provisions of this ordinance, shall be submitted to the City Building Department/City Planner for review and

approval before any construction takes place and before any Building Permit is issued. Said plan will be drawn to scale by a licensed landscape architect, licensed landscape contractor according to state law, or by the owner or developer with all irrigation, fill, plant type and planting methods clearly shown on the plan. Such plan will become a part of the Building Permit Application file and will be considered part of the building and site approval permit. The owner/applicant, along with the Building Department and City Planner, shall sign the landscape plan when it is approved by the City and will install the improvements in accordance with the plan.



- B. Landscape Work:** Landscape work shall be completed as part of the total construction package and must be in place at final inspection of the building/or site by the City Building Inspector, *or as approved by the Building Official no more than 90 days after final inspection and based upon written explanation and guarantee from propertyowner*). Site and landscaping improvements not installed according to the approved landscape plan will prevent City approval of the applicant's occupancy of the building and site. In addition, the City may take an enforcement action provided by Sections 4G and 6 of this Ordinance.
- C. Irrigation System:** All landscape plans must include a proposal for automatic irrigation watering of the landscaping in order to keep the landscaping well maintained.
- D. Maintenance:** All required plantings shall be maintained in a healthy condition and shall be routinely examined and protected during construction. Plant materials required to be planted and indicated on the site plan that die, or become diseased during or after construction (*see note ***), are to be replaced with the same type and size of plant material originally specified on the landscape plan.

E. Visibility at Intersections and Accessways: All plantings shall conform to *City* standards and be located so as not to cause an obstruction to motorists. A sight triangle measuring 15 feet along the property line by a depth of 15 shall be established at accessways. No sight obstructions over 30 inches shall be allowed in this sight triangle.

F. Hammond Historic District Excluded: Property located within those areas of the federally recognized Hammond Historic District zoned C-1 shall not be subject to the provisions of this Section.

G. Enforcement: Landscaping work shall be completed as part of the total construction package and be in place at final inspection of the building, parking and utilities

The City Building Official's office has the authority to issue stop work orders on any unapproved work or non-permitted project. Any person violating any provision of this ordinance, or who fails to comply with any said requirement, shall be punishable by a fine of not to exceed five hundred dollars (\$500) per day the offense continues without resolution, in addition to the tree mitigation requirements below. The mitigation requirement of this ordinance shall apply to violations of the Land Clearing / Land Filling and Landscape Requirements Sections of this ordinance. Building permits and City water service may be withheld to properties and projects not complying with landscaping and clearing requirements. Mitigation action must take place if an owner/developer, or applicants have violated this ordinance.

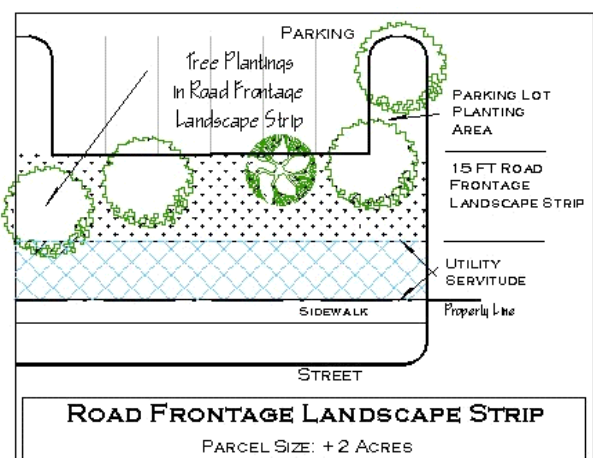
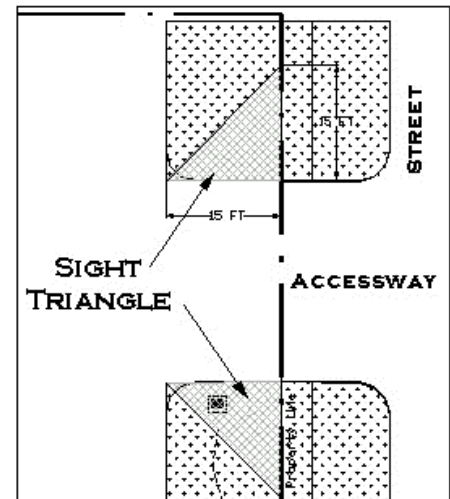
H. Road Frontage Landscape Strip Requirements:

Road Frontage Landscape Strip is defined as a front yard landscaping easement of at least 15 fifteen feet wide adjacent to and along all public roadways in all commercial and multifamily zoning districts. Such easement will remain private property and shall immediately adjoin the public road right of way. This easement must be planted with approved tree species and shrubs planted in a manner that will provide a slight buffer from the front parking.

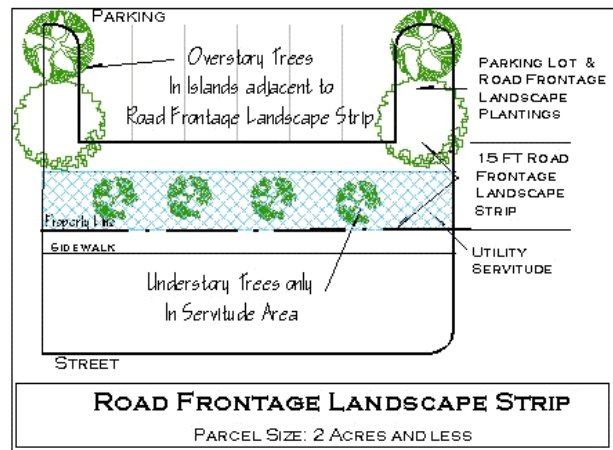
(i) Exception: When a corner property faces onto any two public streets, a ten (10) foot wide Road Frontage Landscape Strip will be required on the one side street in addition to the front fifteen (15) foot Road Frontage Landscape Strip requirement.

(ii) Parcels greater than two acres: For parcels in excess of two (2) acres, the Road Frontage Landscape Strip shall be exclusive and in addition to any easements, servitude and or rights of way within the property.

(iii) Parcels two acres or less: For parcels two (2) acres or less, the Road Frontage Landscape Strip may include any easements, servitude and or rights of way within the property.

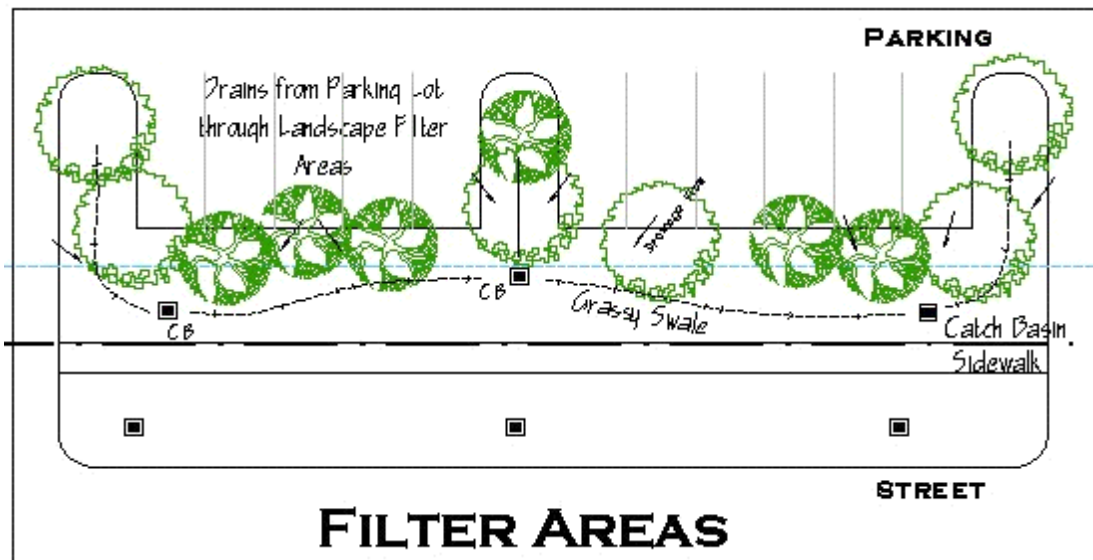


- 1) Fifty percent of trees planted in easements or servitudes shall be understory type B plantings that do not interfere with overhead objects such as power lines.
- 2) Understory *type B* trees shall include but are not limited to Drake and Chinese Elms, Crape Myrtles, Wax Myrtle, Holly, River Birch, Southern Crabapple or any species approved by the Hammond City Building Department



- 3) The remaining fifty (50) percent of trees required by this section shall be overstory type A trees and shall be planted in landscaped islands immediately adjacent to the easement. (see Appendix for approved Type A and Type B tree listings).
- i) **Tree Preservation Requirements:** All healthy trees (*as determined by licensed City arborist*) of twelve (12) inches in diameter measured four and one half (4-1/2) feet above the ground (dbh) or more that are in the Road Frontage Landscape Strip as defined above shall be preserved. All trees required to be preserved by this ordinance shall be indicated on the approved building permit plan indicating the location, variety and size in caliper inches measured diameter breast high (dbh). Vehicle access points may be cleared however.
 - ii) **Tree Planting Requirements:** There shall be a minimum of one (1) overstory tree, two (2) inches in diameter, a minimum of twelve (12) feet in height for every fifteen (15) linear feet of road frontage. Credit will be given on a one to one basis for existing overstory trees preserved and protected in the tree buffers/road frontage landscape strip along the roadways. Trees shall be planted within the Road Frontage Landscape Strip as defined above.
 - iii) **Shrub Planting Requirements:** Where parking lots are constructed adjacent to roads, a continuous screen of evergreen shrubs a minimum of three feet in height shall be planted to screen the parking from the roadway.
 - iv) **Existing Property Requirements:** These Landscape and Tree Planting Requirements shall apply to those existing properties where there is *substantial renovation requiring a building permit and Fire Marshall approval (see note *)*. Credit may be given for the required Roadway Frontage Landscape Strip plantings for those trees planted in landscaped islands adjacent to the Road Frontage as approved by the City Building Department.
 - v) **Tree Species:** Swamp Red Maple, Nuttall Oak, Shumard Oak, Live Oak, Pin Oak, White Oak (except Water Oak), Willow Oak, Bald Cypress, River Birch, Sweet Gum, Tulip Poplar, or other pre-approved *type A* overstory species. No more than 50 percent of the total trees planted shall be the same or substantially the same species in one development project.

vi) Best Management Practices (BMP): Where possible, and at the discretion of the City Building Department, a portion of the drainage from the parking areas shall be drained through swales in the Road Frontage Landscape Strip to include deep rooted perennial ornamental grasses.



vii) Building Occupancy: Plantings required by this ordinance shall be in place at the time the building is to be occupied *or by approval by the Building Official of written requests for extensions of no more than 90 calendar days (after occupancy inspection) guaranteeing completion of the landscape improvements by the property owner.*

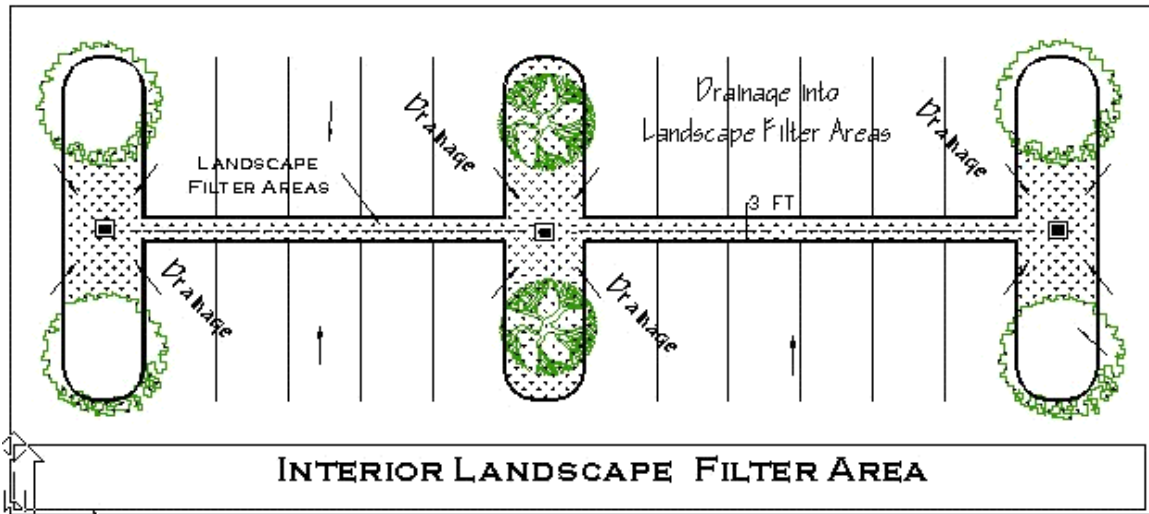
viii) Access: There shall be a maximum of one (1) two way or two (2) one way accessways for every 150 linear feet of road frontage or major fraction thereof. Two-way accessways shall be no wider than 35 feet and a one-way accessway shall be no wider than 15 feet. Accessways are allowed to be located within the Road Frontage Landscape Strip.

ix) Tree Protection: During construction and clearing operations in connection with a building permit, all trees scheduled for protection by this ordinance shall be protected with a barrier fence extending along the edge of the Road Frontage Landscape Strip.

I. Interior Landscaping and Parking Lot Requirements:

- i) Tree Planting Requirements:** There shall be a minimum of one (1) overstory tree, two (2) inches in diameter, a minimum of twelve (12) feet in height immediately after planting for every nine (9) parking spaces provided. Credit will be given on a one to one basis for existing overstory trees preserved and protected in the parking areas. Trees shall be planted within the parking area and spaced no more than one hundred feet (100) apart.
- ii) Tree Planting Areas:** There shall be a minimum of 360 square foot planting area provided for each tree required by this Section. Each planting area shall have a minimum wide dimension of 18 feet (approx. size of two parking spaces).
- iii) Landscape Filter Area:** Where feasible, based upon lot size, site conditions, and parking requirements, parking tiers shall be separated by a minimum three (3) feet of landscape filter areas. Landscape filter areas are to include a groundcover and landscape material that will achieve 100 percent coverage when mature. Examples include solid sod,

monkey grass, lirioppe, Japanese ardesia, Asian jasmine, or iris. Care should be taken to reduce washing of soil and mulch in filter areas until permanent groundcover is established.



- iv) **Existing Property Requirements:** The Tree Planting Requirements of this section shall apply to all existing properties that require a building permit for substantial improvements (see note*). Existing developed parking lots may elect to use other Best Management Practices (BMP's) instead of the Landscape Filter Areas to filter urban runoff. The Hammond City Building Department and Utilities Supervisor shall approve all urban runoff filtering prior to the issuance of a building permit.
- v) **Tree Species Approved:** Swamp Red Maple, Nuttall Oak, Shumard Oak, Live Oak, Pin Oak, White Oak (except Water Oak), Willow Oak, Bald Cypress, River Birch, Sweet Gum, Tulip Poplar, or other pre-approved type A overstory species (see Appendix).
- vi) **Best Management Practices (BMP):** Parking lots shall be designed so as to drain the parking areas through the Landscape filter areas dividing the parking tiers to filter urban runoff. Parking spaces that exceed the minimum number required by the Hammond Zoning Ordinance are not required to be hard surfaced but must be approved on the site plan.
- vii) **Minimum required:** These are minimum requirements for plantings. However, a property owner or developer may provide additional landscaping as per their needs or in relation to other City requirements.

5. LIVE OAK PROTECTION REQUIREMENTS:

All live oaks measuring eight (8) inches in diameter breast high (dbh) or more within the City of Hammond shall be protected as follows:

- A. **Tree Removal:** A clearing permit shall first be obtained from the Building Official's office prior to cutting, clearing or removing Live Oak Trees.
- B. **City Review:** The applicant for the permit must state in writing that such activity will enhance the health, safety and welfare of the public, or otherwise benefit the public interest and that there are no other alternatives to removing the live oaks. The City Building Department, in

concurrence with the City of Hammond State-*licensed* arborist, is empowered to issue or deny the permit, within 30 days of the date of the application, based upon review of the site and material submitted. The Building Department may adjust setbacks and parking requirements to facilitate the preservation of a live oak regulated by this section. The live oak tree will only be removed as a last resort when all other efforts to save the tree (s) by re-design of the building placement and site plan have failed. If a live oak tree is to be removed, replacement of the tree shall be according to the Mitigation Requirements as set forth below in Section 6.

- C. Cause Harm:** It shall be unlawful for any person to intentionally cause permanent harm to Live Oak trees covered by this provision.
- D. Utility Work:** Exception to the Live Oak Protection Requirements is that trim work that shall be performed by utility companies within the provision as per Ordinance #2085 C.S. "Public Tree/Urban Forestry" and specifications as so prescribed.
- E. Live Oak Protection:** During construction and clearing operations in connection with a building permit, all Live Oak trees scheduled for protection by this ordinance shall be protected with a barrier fence extending to the outside edge of the tree drip line to protect the tree roots during construction. This barrier fence shall be maintained during construction.
- F. Tree Mitigation Requirements:** Live Oak trees eight (8) inches in diameter or greater measured dbh removed for any reason shall be mitigated according to Section 6, Tree Mitigation Requirements below.

6. TREE MITIGATION REQUIREMENTS:

- A. Tree Mitigation Requirements:** Where a violation of the above Sections 2 through 5 above occurs, Tree Mitigation Requirements shall be complied with prior to the issuance of a building permit or other work order by the city to continue construction after a stop work order is issued.
- B. Permit Fine:** Failure to submit and receive City approved for a land-clearing permit before any clearing takes place will result in fine not to exceed twice the cost of the permit, in addition submittal of a mitigation plan and withholding any City building permits and water taps for that site (A mitigation plan must be submitted and approved first). Fines of up to \$500 per tree violation for *land clearing required by this Ordinance without a permit* shall also be charged by the City and mitigation payments shall be made to the City approved mitigation fund along with a replanting plan submitted to the City. Violation letters or misdemeanor summons to the property owners, developers, or their representatives shall be issued by Building Department personnel or by law enforcement personnel. Personal delivery or certified mail may be used for delivery of violation notices and misdemeanor summons.
- C. Stop Work Order:** If anyone is found to be in violation of Sections 2 through 5 of this ordinance as stated above, the Hammond Building Department shall issue a Stop Work order for all work deemed to be in violation. The following mitigation items shall be required to be submitted to the Hammond Building Department prior to continuation of work.
 - i) Existing Conditions Plan:** Submittal of a detailed plan of the existing site indicating the location and size of the trees required to be preserved by this ordinance that were on the site prior to commencement of operations.

- ii) **Re-planting Plan Required:** Submittal of a detailed tree re-planting mitigation plan to the Building Department to include the following:
- (1) **On site Mitigation:** For each caliper inch of tree cut in violation of this ordinance or that dies as a result of improper filling there shall be replaced an equal number of caliper inches of trees of the same species to be re-planted in the area (or in another City approved area) of the violation. Trees shall be a minimum of 2 inches caliper and 12 feet tall immediately after planting.
 - (2) **Off site Mitigation:** If in the opinion of the City's licensed Arborist (designated by the City) the City would be better served by planting a portion of the required mitigation trees off site, tree replacements may be planted by the permittee on other approved sites in the City of Hammond. At a minimum, off site plantings shall equal the minimum number of trees and *caliper inches required by Section 4 of this ordinance and item (1) above.*
 - (3) **Payment in Lieu of Planting:** If in the opinion of the City's licensed Arborist the City would be better served by allowing the owner to place a mitigation payment in an amount equal to the replacement cost (as determined by the City *using estimates from wholesale nurseries*) of the trees required to remedy this violation in an account to be used for urban forestry needs in the community according to an approved City Urban Forestry Plan *or planting plan.* At a minimum, on-site plantings shall equal the minimum number of trees and caliper inches required by Section 3 of this ordinance and item (1) above. Credit shall be given to the number of caliper inches of trees planted on site.
 - (4) **Occupancy:** If in the opinion of the Hammond Building Department and the City Arborist it is determined that re-plantings should be delayed due to seasonal weather conditions and *building occupancy is requested by the owner or tenant*, plantings may be deferred to a more appropriate time of no more than 90 days after the violation has occurred, based upon written assurance by the property owner(s) that the approved work will be completed and approval is given by the Building Official. The re-planting program must be completed in accordance with the approved replanting plan and within 90 days of the date of the clearing violation.
- iii) **Mitigation Payment:** Submittal of a mitigation payment to the City approved non-profit or public mitigation fund to be used for approved tree planting and landscaping improvements along public streets, public parks, and public places within the City of Hammond. The amount of the payment will be determined by the following:
- The total number of trees including total caliper inches of trees required to be preserved by this ordinance that were removed from the site.
 - Per caliper inch cost to replace trees not scheduled for planting on site or off site. Cost breakdown is to include the cost to purchase plants, transportation and installation costs. Plant materials costs estimates will be made from an average of three locally licensed nursery wholesale operation estimates. All estimates shall be approved by the City Building Department and City approved State licensed Arborist.

- iv) The Building Department and City's designated staff shall be responsible for monitoring, gathering documentation, and enforcement of this section of the Ordinance.

6. **CONFLICTING PROVISIONS:**

In the case where any provision of this ordinance, or a portion thereof, is found to be in conflict with the provision of any other ordinance, or portion thereof, or of any code of the City of Hammond which establishes a lower standard for regulating and controlling the City's forestry, clearing and landscaping standards, the provision of this ordinance shall prevail.

NOTES:

- * Refers to substantial renovation or improvements that meet State Revised Statute RS 40:1574, Part 1574, part C and must be submitted to the State Fire Marshall. Part C states that *"if within any 12 month period, alterations or repairs costing in excess of 50 percent of the then physical value of the building are made to an existing building,, such building shall be made to conform to the requirements of the code for new construction."* Buildings meeting this standard and, based upon the appraised building value from the Parish Assessor tax rolls, shall also meet the requirements of this Ordinance.
- ** Certain provisions of this ordinance relating to the guaranteeing of the health and maintenance of trees and shrubbery during and after construction shall not supercede the provisions of the State legislated Home Warranty Act effective on August 15th, 2004