

Tree Protection Ordinance Section 158-66

Sec. 158-66. - Tree trust fund.

- (a) *Establishment and administration.* The tree conservation commission shall establish a tree trust fund for the protection, maintenance, and regeneration of the trees and other forest resources of Atlanta. During any given fiscal year, five percent of the funds received by the tree trust fund during the immediately preceding fiscal year or \$100,000.00, whichever is greater, shall be placed into a tree trust fund education outreach account ("education account"), and such monies shall be used for educational materials, educational programs, and educational outreach. Any amount not utilized in the given fiscal year shall remain in the account to be utilized in future years. A maximum of \$60,000.00 per year of the fund may be used to pay for the annual salary and benefits of a Tree Commission administrative analyst whose primary responsibility shall be education. In the event that the cost of the salary and benefits exceeds \$60,000.00, the remainder of the cost shall be paid for from the education account. A maximum of \$50,000.00 per year of the fund may be used for costs arising directly from administering and enforcing the tree protection ordinance that would not have arisen in the absence of the tree protection ordinance, including but not limited to the cost of posting trees to be removed, the cost of advertising tree commission hearings, and the cost of court reporter services at tree commission hearings. The honoraria for tree conservation commission members, as described in subsection 158-62(a), may also be paid from the fund.

A maximum of \$75,000.00 per year of the fund may be used to pay for the annual salary and benefits of an office of parks arborist senior position. The person in this position shall act as a project manager for the various projects on city-owned property being paid for by the tree fund, namely new tree plantings, tree maintenance work, removal of invasive species, and fulfillment of ongoing tree maintenance work orders. The position may also be utilized to prepare for future projects that are paid for by the Tree Fund, such as preparation of RFP's, evaluation of proposals, and performance of research regarding the same. The specific responsibilities of this position shall be determined by the Commissioner of the Department of Parks and Recreation or her/his designee, after consultation with the Tree Conservation Commission.

A maximum of \$110,000.00 per year of the fund may be used to fund the annual salary and benefits of the two arborist positions. In the event that the costs of the salary and benefits positions exceeds \$110,000.00, the remainder of the cost shall be assumed by the general fund budget in the department of city planning.

A maximum of \$200,000.00 per year of the fund may be used to pay for the annual salary and benefits of an office of parks tree trimming crew. The tree trimming crew shall be comprised of one forestry crew supervisor, one tree trimmer senior, and one tree trimmer. The members of this crew will be responsible for providing services that maintain and enhance the health of the city's tree canopy, including trimming, pruning, and limbing trees that are located in city-owned parks and rights-of-way.

- (b) *Procurement of forested property.* As set forth in subsection 158-66(a) above, "protection, maintenance, and regeneration of the trees and other forest resources of Atlanta" shall include procurement of privately-owned forested property. The tree trust fund may be utilized to purchase forested property provided that the following minimum criteria are satisfied:
- (1) The property must contain one or more of the following, as determined by or at the direction of the department of parks and recreation commissioner and the department of city planning commissioner: i) 80 percent or more canopy cover; ii) minimum forestation standards of 1,000 DBH inches; and/or iii) 50 mature trees per acre.
 - (2) The purchase of the forested property must be authorized by a duly-enacted city ordinance, and said ordinance shall include the following:
 - a. The property must explicitly be dedicated and preserved in perpetuity as forested land;

- b. The property must be available for public use without cost (subject to Atlanta's park rules and other applicable city ordinances);
 - c. Use of the property must be restricted to passive recreational activities with minimal environmental impact, as determined and established in writing by the department of parks and recreation commissioner based on the characteristics of the property; and
 - d. The department of parks and recreation commissioner shall provide a property maintenance plan as an attachment to the ordinance. The plan will describe the types of maintenance that may be needed at the property, will estimate the property's annual maintenance cost, and will identify the source of funding for the estimated annual maintenance cost. To the extent that the commissioner identifies the tree trust fund as the source of maintenance funding, any specific allocation of maintenance dollars from the tree trust fund shall be authorized as a separate procurement or expenditure, in a manner consistent with applicable city ordinances.
- (3) The department of parks and recreation commissioner and the department of city planning commissioner shall jointly develop a written list of factors and a process for evaluating parcels that may be suitable for acquisition as forested property. An ordinance authorizing procurement of forested property, as described in subsection 158-66(b)(2) above, shall include as attachments an affidavit from each of the two commissioners providing her/his recommendation regarding the procurement based upon these factors.
- (4) The department of parks commissioner and the department of city planning commissioner shall jointly provide a report to the community development/human resources committee each time a privately-owned afforested property procured by the city, which shall include the amount appropriated from the tree recompense fund and the acreage of the property.
- (c) *Recompense for illegal removal or destruction.* Developers, builders, contractors, homeowners and others who violate the criteria for removal or destruction of section 158-102 shall contribute to the fund the replacement value of the trees illegally removed or destroyed according to the recompense formulas of section 158-34.
- (d) *Recompense for permitted removal or destruction.* Developers, builders, contractors, homeowners and others who are unable to meet the standards for tree replacement and afforestation of section 158-103 shall contribute to the fund the replacement value of the trees removed in excess of the trees replaced in the course of new construction, landscaping, or other permitted activities according to the recompense formulas of subsections 158-103 (b) and (c).
- (e) (Reserved.)

(Ord. No. 2001-102, § 2, 12-11-01; Ord. No. 2003-03, §§ 1, 2, 1-13-03; Ord. No. 2003-113, § 2, 12-10-03; Ord. No. 2007-32(07-O-0362), § 8, 6-12-07; Ord. No. 2008-64(08-O-1260), § 1, 7-30-08; Ord. No. 2008-77(08-O-1716), § 12, 10-14-08; Ord. No. 2011-31(11-O-0901), § 1, 7-14-11; Ord. No. 2013-27(13-O-1088), § 4, 6-26-13; Ord. No. 2016-42(16-O-1353), §§ 1, 2, 11-30-16; Ord. No. 2017-14(17-O-1157), § 6, 4-26-17)