

Division 14- Tree Trust Fund

158-77 Establishment and Purpose.

The City of Atlanta shall maintain a Tree Trust Fund. It is the policy of the City of Atlanta to utilize the Tree Trust Fund for the protection, maintenance, and regeneration of the trees and other forest resources of Atlanta when healthy trees are removed from private and Public Property and trees cannot be replaced on site in accordance with the provisions of this article.

158-78 Contributions.

(a) Contributions to the Tree Trust Fund may occur through a number of means, including but not limited to:

- (1) All monies collected for Recompense pursuant to this article payment of civil penalties, or civil remedies resulting from public tree enforcement actions;
- (2) Grant funds;
- (3) Sale of credits for carbon sequestration on City-owned forest land; or
- (4) Voluntary contributions.

158-79 Management of the Tree Trust Fund.

(a) The Tree Trust Fund shall be managed by the Department of City Planning, which will have final approval authority over all expenditures from the fund.

(b) Tree Trust Fund Accounts.

(1) Contributions to the Tree Trust Fund shall be placed in the following City accounts:

a. General range of revenue accounts:

<u>CATEGORY ACCOUNT</u>	<u>RANGE</u>
LICENSES AND PERMITS	3200000 : 3249999
CHARGES FOR SERVICES	3400000 : 3459999
FINE AND FORFEITURES	3510000 : 3519999
PRIVATE CONTRIBUTIONS AND DONATIONS	3710000 : 3710003

b. Specific account numbers:

<u>ACCOUNT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>FEE OR FINE</u>
3413901	FEES, TREE APPEALS	FEE
3519002	PENALTIES AND FINES	FINE
3413915	ARBORIST PRIVATE STANDARD RECOMPENSE	FEE
3413916	ARBORIST PUBLIC STANDARD RECOMPENSE	FEE
3413917	ILLEGAL TREE DESTRUCTION FINE	FINE
3413918	ILLEGAL PUBLIC RECOMPENSE	FEE
3413919	ILLEGAL PRIVATE RECOMPENSE	FEE
3413920	REINSPECTION FEE	FEE
3413922	BOND RECEIPT	FINE

(c) Use of Tree Trust Funds by various City departments

(1) Any department within the City of Atlanta including, but not limited to, the Department of Parks and Recreation and the Department of Watershed Management, may use Tree Trust Funds for activities or projects authorized under section 158-80 provided that:

a. All expenses are approved by the Department of City Planning; and

- b. All data on plantings, tree maintenance, forest management and other activities shall be collected as required by section 158-80 and shared with the Department of City Planning for reporting purposes.

158-80 Authorized Expenditures.

The Tree Trust Fund may be used for the following program expenses:

- (a) Tree planting. The Fund may be used to fund tree planting projects on public and private property.
 - (1) Record of location. The location of trees planted and maintained utilizing Tree Trust Funds shall be recorded by the City or its agent. The agent shall provide those locations to the Department of City Planning at the end of the tree planting season, but no later than June 30th.
 - (2) Replacement. The City shall require a minimum two-year replacement guarantee for all trees planted utilizing Tree Trust Funds.
 - (3) Monitoring. The City Arborist shall inspect all trees planted using Tree Trust Funds at least once between 12 and 24 months after planting, during the growing season to assess the condition and survival of the trees, and shall notify Responsible Party of any corrections or replacements that are needed.
- (b) Rights of entry
 - (1) The City is authorized but not required to enter into agreements with private property owners within the City of Atlanta, upon the consent of said property owners, for the purpose of planting trees on private property . No additional legislation shall be required to authorize said agreements. Private property owners shall acquire ownership of such trees and shall agree to maintain the trees planted thereon for at least two years and also shall agree to hold the City harmless for any liability attributable to the planting or presence of the trees on the private property.
- (c) Management of City-owned Forests. Management may include, but is not limited to invasive species control; treatment or management of insect infestation or diseases; vegetation monitoring, and the planting of Native trees, shrubs, and herbaceous plants for purposes of habitat enhancement or restoration.
- (d) Maintenance of Public Trees. As recommended and prescribed by the City Arborist, Tree Trust Funds may be used for the maintenance of Public Trees, including but not limited to pruning, mulching, fertilizing, treating for pests, cabling, bracing, and advanced diagnostic testing.
- (e) Planting enhancements. The Fund may be used to support the purchase or installation of Soil Cells or other Suspended Pavement Systems used for planting trees in uncompacted soil below hardscapes for Street Tree plantings within 20 feet of the public right-of-way.
- (f) Procurement of forested property. As set forth in subsection 158-67(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% 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 restoration and maintenance plan as an attachment to the ordinance. The plan will describe the types of restoration and maintenance that may be needed at the property, will estimate the property's annual restoration and maintenance cost, and will identify the source(s) of funding for the estimated annual restoration and maintenance cost. To the extent that the commissioner identifies the Tree Trust Fund as one of the sources of funding, any specific allocation of dollars from the Tree Trust Fund shall only be used for the initial, the initial clean-up of the property, including the removal of trash, existing structures, and mitigation of conditions on the property that may pose a safety hazard to visitors. Longer term management efforts solely to insure the health, perpetual regeneration, and ecological integrity of all City owned forests, including newly purchased ones, is an authorized expenditure from the Tree Trust Fund. Management efforts may include, but are not limited to, invasive plant control, treatment of disease or pest infestation, reforestation, supplementary planting to improve habitat, and vegetation monitoring.
 1. No funds from the Tree Trust Fund may be used for permanent infrastructure, including but not limited to the development or maintenance of roads, parking lots, trails, buildings or similar infrastructure, on the property.
 2. Any allocation of maintenance dollars from the Tree Trust Fund for any of these specified uses must 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 158-80(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) Department of Parks and Recreation commissioner and the Department of City Planning commissioner shall jointly provide a report to the Community Development/Human Services committee each time a privately-owned afforested property procured by the City, which

shall include the amount appropriated from the Tree Trust Fund and the acreage of the property.

- (g) Administration of Tree Protection Ordinance. A maximum of \$100,000 per fiscal year of the fund monies may be used for costs arising directly from administering and enforcing this article. These costs include, but are not limited to, the cost of posting trees to be removed, the cost of supplies and field equipment, the cost of court reporter services at Tree Conservation Commission hearings, and honoraria for Tree Conservation Commission members.
- (h) Educational expenditures. During any given fiscal year, two percent of the funds received by the Tree Trust Fund during the immediately preceding fiscal year or \$100,000, whichever is greater, may be placed into a Tree Trust Fund Education Outreach account, and such monies shall be used for educational materials, educational programs, and educational outreach. Any amount not expended in the given fiscal year shall remain in the account to be utilized in future years.
- (i) Heritage Tree financial assistance. Monies from the tree trust fund may be allocated for the purchase of commemorative plaques for Heritage trees with property owner consent at the recommendation of the City Arborist and approval of the Commission.
- (j) Assistance for low-income homeowners.
 - (1) A maximum of four percent or \$200,000 of the Tree Trust Fund may be used to financially assist low-income homeowners with the assessment, removal, and replacement of DDH trees on their property.
 - a. All trees removed using financial assistance from the Tree Trust Fund must be replaced on the same property from which they were removed with no less than one new tree for every tree removed.
 - (2) The standards to qualify for this low-income homeowner assistance program will be determined by the Department of City Planning.
- (k) Salary expenditures. The salaries and benefits of the following positions are authorized to be paid from the Tree Trust Fund. Position salaries may be funded up to the mid-point of the pay range for the various positions.
 - (1) Department of City Planning
 - a. [specific information on the positions will be provided to Council in a substitute ordinance, based on tree trust fund revenue projections]
 - (2) Department of Parks and Recreation
 - a. [specific information on the positions will be provided to Council in a substitute ordinance, based on tree trust fund revenue projections]
- (l) Urban Forest Master Plan. Tree Trust Fund monies may be expended on activities associated with the creation and implementation of the City's Urban Forest Master Plan.
- (m) Tree canopy studies. Tree Trust Fund monies may be expended to update tree canopy imagery and analyses on a three to five-year update cycle, as needed.