



## CITY OF ATLANTA

M. KASIM REED  
MAYOR

ARBORIST DIVISION

DEPARTMENT OF PLANNING,  
AND COMMUNITY  
DEVELOPMENT

JAMES E. SHELBY  
COMMISSIONER

### Standard of Practice

#### Illegal Removal/Destruction

A charge of illegal removal or destruction shall be formalized by: (1) the issuance of a Citation to appear in court, and/or (2) the issuance of a Illegal Cash Recompense worksheet and (3) the issuance of a Payment Voucher in the amount determined by the Illegal Cash Recompense worksheet to the person(s) so charged.

Verbal and written instructions shall be given to the individual(s) involved as to their rights and responsibilities to appeal illegal recompense to the Tree Conservation Commission. If such appeal is not made within 15 days after issuance of the Illegal Cash Recompense worksheet and Payment Voucher, the individual(s) involved shall be assumed liable for payment of the full recompense amount.

In most "first offense" cases, a date shall be set on the Citation to ensure a court hearing within 60 days of the next available hearing date of the Tree Conservation Commission. Payment in full of either the calculated recompense amount or the recompense amount established in an appeal hearing before the Tree Conservation Commission shall constitute satisfaction of the individual(s) obligation. In such cases the Citation to appear in court shall be voided. Partial payment will not be accepted. Non-payment of recompense owed shall trigger the enactment of the Citation for a hearing in Atlanta Municipal Court at the established date and time.

In more egregious cases, in particular (1) second or subsequent offenses and (2) offenses in violation of Tree Conservation Commission rulings on appeal, the arborist shall have the option of proceeding to court prior to an appeal to the Tree Conservation Commission. A plea of *nolo contendere* or a court finding of "guilty" shall trigger either (1) an appeal of recompense to the Tree Conservation Commission or (2) a demand for payment of the full recompense amount if a timely appeal was not filed. A finding of

“not guilty” shall render the demand for recompense and the need for an appeal hearing moot.

Developments in these proceedings shall be recorded and updated as required by the responsible arborist in KIVA. The arborist shall ensure timely compliance with Tree Conservation Commission and Court deadlines and rulings.

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