

STATE OF GEORGIA  
COUNTY OF DEKALB  
CITY OF STONECREST

Item XII. a.

ORDINANCE NO. 2021-11-03

1 AN ORDINANCE TO AMEND CHAPTER 14 (LAND DEVELOPMENT), ARTICLE VI  
2 (TREE PROTECTION) OF THE CITY OF STONECREST CODE OF ORDINANCES TO  
3 PROVIDE FOR THE ESTABLISHMENT OF A TREE BANK TO ACCEPT AND  
4 DISBURSE FUNDS COLLECTED PURSUANT TO ARTICLE VI OF THE CITY OF  
5 STONECREST CODE OF ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO  
6 REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO  
7 PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL  
8 PURPOSES.

9 WHEREAS, the City of Stonecrest, Georgia (the “City”) is a municipal corporation created  
10 under the laws of the State of Georgia; and  
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12 WHEREAS, the duly elected governing authority of the City is the Mayor and Council thereof;  
13 and  
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15 WHEREAS, in 2018 the City adopted a Land Development Ordinance that was codified as  
16 Chapter 14 of the City of Stonecrest Code of Ordinances (the “Code”); and  
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18 WHEREAS, Article VI (Tree Protection) of the Land Development Ordinance (the “Tree  
19 Protection Ordinance”) established the procedures for preservation and/or  
20 replacement of trees as a part of land development in the City; and

21 WHEREAS, the Tree Protection Ordinance does not include procedures to accept and disburse  
22 funds received pursuant to the terms of the Tree Protection Ordinance; and  
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24 WHEREAS, after due consideration, the duly elected governing authority desires to amend the  
25 Tree Protection Ordinance to create a Tree Fund that will accept and disburse funds  
26 collected under the provisions of the Tree Protection Ordinance; and  
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28 WHEREAS, the City Council finds that it is necessary to amend Chapter 14, Article VI of the  
29 Code to create a Tree Fund.  
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31 THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as  
32 follows:  
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34 **Section 1.** The Code of Ordinances, City of Stonecrest, Georgia is hereby amended by revising  
35 Chapter 14 (Land Development), Article VI (Tree Protection) by adding the  
36 following section to be read and codified as follows:  
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38 “Sec. 14-530. – Establishment of Tree Bank.  
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40 (a) There is hereby established a City of Stonecrest Tree Bank (the “Tree  
41 Bank”) for the acceptance, maintenance and disbursement of funds  
42 required to be paid pursuant to the terms of this Article.  
43

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(b) Notwithstanding anything in this Article to the contrary, the Tree Bank may also accept funds donated for the purposes of preservation and/or replacement of the trees of the City of Stonecrest.

(c) The Director of the Planning and Zoning Department (the "Director"), or the Director's designee, shall have the authority to disburse funds from the Tree Bank, as directed by the Stonecrest City Council, for the purposes of preservation and/or replacement of the trees of the City of Stonecrest."

**Section 2.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed to the extent of the conflict only.

**Section 5.** The effective date of this Ordinance shall be the date of its adoption by the Mayor and Council unless otherwise stated herein.

**Section 6.** The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Stonecrest.

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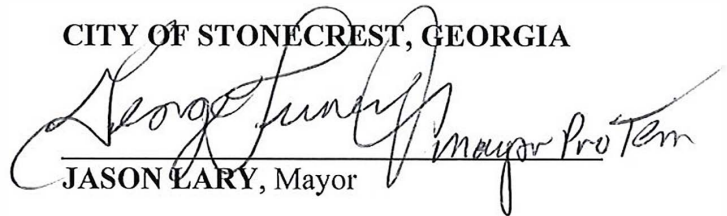
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**Section 7.** It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Stonecrest, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

SO ORDAINED this 1st day of December, 2021.

CITY OF STONECREST, GEORGIA

  
JASON LARY, Mayor

ATTEST:

  
SONYA ISOM, Deputy City Clerk

APPROVED AS TO FORM:

  
City Attorney