

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE NO. _____

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

11
12 WHEREAS, the duly elected governing authority of the City is the Mayor and Council thereof;
13 and

14
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

17
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

23
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

27
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.

30
31 THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as
32 follows:

33
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:

37
38 “Sec. 14-530. – Establishment of Tree Bank.

39
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.

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44 (b) Notwithstanding anything in this Article to the contrary, the Tree Bank
45 may also accept funds donated for the purposes of preservation and/or
46 replacement of the trees of the City of Stonecrest.
47

48 (c) The Director of the Planning and Zoning Department (the “Director”),
49 or the Director’s designee, shall have the authority to disburse funds
50 from the Tree Bank, as directed by the Stonecrest City Council, for the
51 purposes of preservation and/or replacement of the trees of the City of
52 Stonecrest.”
53

54 **Section 2.** The preamble of this Ordinance shall be considered to be and is hereby incorporated
55 by reference as if fully set out herein.
56

57 **Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all
58 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were,
59 upon their enactment, believed by the Mayor and Council to be fully valid,
60 enforceable and constitutional.
61

62 (b) It is hereby declared to be the intention of the Mayor and Council that, to the
63 greatest extent allowed by law, each and every section, paragraph, sentence, clause
64 or phrase of this Ordinance is severable from every other section, paragraph,
65 sentence, clause or phrase of this Ordinance. It is hereby further declared to be the
66 intention of the Mayor and Council that, to the greatest extent allowed by law, no
67 section, paragraph, sentence, clause or phrase of this Ordinance is mutually
68 dependent upon any other section, paragraph, sentence, clause or phrase of this
69 Ordinance.
70

71 (c) In the event that any phrase, clause, sentence, paragraph or section of this
72 Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional
73 or otherwise unenforceable by the valid judgment or decree of any court of
74 competent jurisdiction, it is the express intent of the Mayor and Council that such
75 invalidity, unconstitutionality or unenforceability shall, to the greatest extent
76 allowed by law, not render invalid, unconstitutional or otherwise unenforceable any
77 of the remaining phrases, clauses, sentences, paragraphs or sections of this
78 Ordinance and that, to the greatest extent allowed by law, all remaining phrases,
79 clauses, sentences, paragraphs and sections of this Ordinance shall remain valid,
80 constitutional, enforceable, and of full force and effect.
81

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

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

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

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88 **Section 7.** It is the intention of the governing body, and it is hereby ordained that the
89 provisions of this Ordinance shall become and be made part of the Code of
90 Ordinances, City of Stonecrest, Georgia and the sections of this Ordinance may be
91 renumbered to accomplish such intention.
92
93

SO ORDAINED this ___ day of _____, 2021.

CITY OF STONECREST, GEORGIA

JASON LARY, Mayor

ATTEST:

SONYA ISOM, Deputy City Clerk

APPROVED AS TO FORM:

City Attorney