

City of Monticello

Jasper County

Atlanta MSA

2003 Population Estimate 2,517; +3.3% change from 2000 Census.

Not a Tree City USA.

Tree Preservation Board with 7 members; quarterly meetings required by ordinance.

Tree Preservation Ordinance

Adopted 2005.

Addresses public property and private property.

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Passed
~~Ordinance~~
May 05

Tree Preservation Ordinance
City of Monticello

Section 1.0 Title

The provisions of this chapter shall be known as the City of Monticello's "Tree Preservation Ordinance".

Section 2.0 Purpose

The purpose of these provisions is to promote and regulate the conservation, protection, maintenance and establishment of trees within the city and to contribute to community health, safety, and welfare.

Section 3.0 Applicability

The provisions of this chapter shall apply to any land disturbing activity on real property within the corporate limits of the city including but not limited to, any activity that requires a building permit, including but not limited to, the construction, alteration, repair, enlargement, restoration, relocation, redevelopment, or moving of buildings or structures.

Exemptions: Activities on existing residential lots with single family detached dwellings shall be exempt. Activities performed by city staff during the course of their daily work shall be exempt. Forest management practices which are being conducted as part of an ongoing forest management plan, shall be exempt. Forest management practices, including timber harvesting, that are incidental to land development, shall not be exempt.

Section 4.0 Tree Preservation Board

Purpose: A tree preservation board (hereinafter referred to as the "board") is established to assist the city building and zoning department in interpreting and enforcing the provisions of this chapter and to advise the mayor and city council on matters pertaining to the preservation of trees within the city.

Members: The tree preservation board shall consist of seven members. Members shall be residents of the city, though one member may be a non-resident with professional expertise in planning and zoning. They shall be appointed by the mayor and approved by the Council and shall serve without compensation.

Chair and Vice-Chair: A chair and vice-chair shall be elected by the board from among the board members. Elections shall be held at the first meeting of each calendar year.

Secretary: The zoning administrator shall act as secretary to the board. The secretary shall be a non-voting member. The secretary shall maintain records of the board's proceedings and assist with administrative duties.

Terms of Office: Each member of the tree preservation board shall serve a term of three years, with exception of the members of the first board, which shall have three members serving for only one year, three members serving for two years, and one

member serving for three years. The terms of office for the chair and vice-chair shall be one year.

Vacancy: In the event that a vacancy occurs during the term of any member, a successor shall be appointed by the mayor and council to serve the unexpired portion of the term.

Quorum: A majority of the members of the board shall constitute a quorum.

Meetings: The tree preservation board shall meet no less frequently than quarterly and shall establish rules and regulations for its operations consistent with the provisions of this chapter.

Administrative guidelines: The tree preservation board shall have the power to adopt and promulgate such further administrative guidelines as may be necessary to carry out the provisions of this chapter.

Section 5.0 Tree Conservation

Permit Required: No person shall conduct any land disturbing activity or building activity within the city without first obtaining a tree conservation permit from the city building and zoning department to perform such activity. A tree conservation permit shall be required for new developments and for existing developments prior to the issuance of a building permit.

To obtain a tree conservation permit, a permit application and a tree conservation plan as specified in this section must be submitted to the city building and zoning department in accordance with this chapter. The tree conservation permit shall expire after one year of inactivity on the site.

Upon receipt of a tree conservation plan, the city building and zoning department shall have thirty days to review the application and plan and either approve, approve with conditions, or deny the permit with comments

Fee: Upon approval of an application for a tree preservation permit, the applicant shall pay an administrative fee of twenty-five dollars (\$25.00) before the permit will be issued.

Section 6.0 Timber harvesting

Permit Required: A timber harvesting permit shall be required for tree removal and timber harvesting operations that are part of a development process.

When timber harvesting occurs with or without a timber harvesting permit and violations of the Tree Ordinance has been determined by the city building official, then no additional development related permits for such harvesting site shall be issued for a minimum of three years.

Clear Cutting: Clear cutting of undeveloped properties is prohibited prior to the approval of tree conservation plan.

Section 7.0 Penalties

Failure to Obtain Permit: If any person begins any land disturbing or building activity requiring a tree conservation permit without first obtaining said permit, the person shall be deemed to be in violation of the chapter.

Violations: The owner of any property wherein the violation exists, and any builder, contractor, or agent who may have assisted in the commission of any such violation, may be chargeable with separate offences for each violation.

Stop Work Orders: For the first violation of any provision of this chapter, the city official shall issue a written warning to the violator. The violator shall have 48 hours to correct the violation. If the violation is not corrected within 48 hours, the city official shall issue a stop work order requiring the land disturbing activity cease until necessary corrective action or mitigation has occurred. All stop work orders shall be effective immediately upon issuance and shall remain in effect until the necessary corrective action or mitigation has occurred.

Monetary Penalties: Any person who violates any provision of this chapter, any tree conservation permit, or who negligently or intentionally fails or refuses to comply with any final order which the city official issues as provided in this chapter shall be liable for a penalty of up to \$500 per day for each violation of the provisions of this chapter. Each day that such failure or refusal continues shall constitute a separate violation.

Section 8.0 Appeals

Any person aggrieved by any decision of the committee as created by this section or by any decision of any officer or agent to whom the committee's duties are delegated, may appeal to the city council under such rules and regulations as the city council may fix.