

1 STATE OF GEORGIA
2 CITY OF HAPEVILLE

3
4 ORDINANCE NO. 2024-16

5
6 AN ORDINANCE TO AMEND CHAPTER 93 ("ZONING"), ARTICLE 29
7 ("TREE CONSERVATION") SECTION 93-29-13 ("TREE
8 PRESERVATION TRUST FUND.") OF THE CODE OF ORDINANCES OF
9 THE CITY OF HAPEVILLE, GEORGIA TO AMEND PURPOSE OF
10 ORDINANCE; TO REPEAL CONFLICTING ORDINANCES; TO
11 PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER
12 LAWFUL PURPOSES.

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14 WHEREAS, the Mayor and Council shall have full power and authority to
15 provide for the execution of all powers, functions, rights, privileges, duties and
16 immunities of the city, its officers, agencies, or employees granted by the City of
17 Hapeville's Charter or by state law; and,

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19 WHEREAS, the municipal government of the City of Hapeville
20 (hereinafter "City") and all powers of the City shall be vested in the Mayor and
21 Council. The Mayor and Council shall be the legislative body of the City; and,

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23 WHEREAS, existing ordinances, resolutions, rules and regulations of the
24 City and its agencies now lawfully in effect not inconsistent with the provisions of
25 the City's charter shall remain effective until they have been repealed, modified or
26 amended; and,

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28 WHEREAS, amendments to any of the provisions of the City's Code may
29 be made by amending such provisions by specific reference to the section number
30 of the City's Code; and,

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32 WHEREAS, every official act of the Mayor and Council which is to
33 become law shall be by ordinance; and,

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35 WHEREAS, the governing authority of the City finds it desirable to impose
36 regulations to preserve trees, shrubs, and green spaces in the City, and

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38 BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND
39 COUNCIL OF THE CITY OF HAPEVILLE, GEORGIA THAT:

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41 Section One. Section 29-13 (Tree preservation trust fund.) in Chapter 93
42 (Zoning), Article 29 (Tree Conservation) of the City of Code of Ordinances is
43 hereby amended to the following:

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45 "This article hereby establishes the city tree bank. The tree bank may be
46 used to purchase, install, and maintain trees throughout the city's public areas,

including parks, green spaces, right-of-way, and government building sites. At the discretion of the community services director, tree bank funds may also be used to support partnerships with non-profit or not for profit organizations for tree planting programs in the City.

- (1) Occasionally a project site does not have the capacity or will not bear the required 100 inches per acre of trees. If a property owner or developer cannot meet the minimum site density requirement for tree replacement and/or landmark tree recompense, and with planning commission approval, a mitigation fee for each tree required by this article but not planted will be paid to the tree bank. A schedule of mitigation fees is presented below:

Replacement	Mitigation Fee
Non-recompense (inches per acre)	\$150.00 per inch
Non-recompense (inches per acre) outside the buildable area	\$175.00 per inch
Recompense (landmark tree inches)	\$200.00 per inch

Example for non-recompense mitigation fee:

.5 acres x 100 inches = 50 inches required
45 inches planted or preserved
Five remaining inches paid to tree bank
 $5 \times \$150.00 = \750.00 paid to tree bank

Example for landmark tree recompense mitigation fee:

Two 30" specimen trees in good condition removed (assume inches per acre is met)
20 inches = five 4" caliper trees planted
Ten remaining inches paid to tree bank
 $10 \times \$200.00 = \$2,000.00$ paid to tree bank

(2) A fine for each protected tree or landmark tree removed without a permit issued by the city will be paid to the tree bank. Fine amounts will be based on the fee schedule shown above.

*From time to time the mitigation fees shown above may be updated based on market values."

77 **Section Two. Codification.** This Ordinance shall be codified in a manner
78 consistent with the laws of the State of Georgia and the City.

79
80 **Section Three. Severability.**

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

86
87 (b) It is hereby declared to be the intention of the Mayor and Council that,
88 to the greatest extent allowed by law, each and every section, paragraph, sentence,
89 clause or phrase of this Ordinance is severable from every other section, paragraph,
90 sentence, clause or phrase of this Ordinance. It is hereby further declared to be the
91 intention of the Mayor and Council that, to the greatest extent allowed by law, no
92 section, paragraph, sentence, clause or phrase of this Ordinance is mutually
93 dependent upon any other section, paragraph, sentence, clause or phrase of this
94 Ordinance.

95
96 (c) In the event that any phrase, clause, sentence, paragraph or section of
97 this Ordinance shall, for any reason whatsoever, be declared invalid,
98 unconstitutional or otherwise unenforceable by the valid judgment or decree of any
99 court of competent jurisdiction, it is the express intent of the Mayor and Council
100 that such invalidity, unconstitutionality or unenforceability shall, to the greatest
101 extent allowed by law, not render invalid, unconstitutional or otherwise
102 unenforceable any of the remaining phrases, clauses, sentences, paragraphs or
103 sections of the Ordinance and that, to the greatest extent allowed by law, all
104 remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance
105 shall remain valid, constitutional, enforceable, and of full force and effect.

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107 **Section Four. Repeal of Conflicting Ordinances.** All ordinances and parts
108 of ordinances in conflict herewith are hereby expressly repealed.

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110 **Section Five. Effective Date.** The effective date of this Ordinance shall be
111 the date of adoption unless otherwise stated herein.

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113 ORDAINED this 12 day of November, 2024.

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115 CITY OF HAPEVILLE,
116 GEORGIA

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119  Alan H. Hallman, Mayor
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ATTEST:

City Clerk

APPROVED BY:

City Attorney