

## **Tree Establishment Bond Procedure**

### **PROCEDURES FOR TREE ESTABLISHMENT BOND - AUGUSTA, GEORGIA**

#### **PREFACE:**

The Tree Ordinance of Augusta, GA, Chapter 8-4, as amended, requires the posting of a Tree Establishment Bond in connection with required trees / landscaping for commercial development within Augusta, GA.

The Surety provided in connection with such Tree Establishment Bond shall be a Corporate Surety licensed to do business in the State of Georgia. In lieu thereof, the Developer may post a Letter of Credit from a federally insured lender, licensed to do business in the State of Georgia.

Details of the various requirements for the Tree Establishment Bond are found in the following section of the Tree Ordinance: Chapter 8-4-15.

#### **CALCULATION OF BONDS:**

Prior to the issuance of a Certificate of Occupancy, the Developer will confer with the appropriate Planning and Development Department Staff who, in turn, will provide the Developer with the acceptable format for both the Tree Establishment Bond and the Letter of Credit. The amount of the Tree Establishment Bond will be the number of required trees on the site (as delineated on the approved Site Plan) times \$500 per required tree.

#### **SUBMISSION AND ACCEPTANCE OF BONDS:**

The Developer will submit the Tree Establishment Bond and Surety to the Planning and Development Department Staff.

The Planning and Development Department Staff inspections will be as follows:

- Initial inspection to ensure requirements of the Tree Ordinance have been met and that the site has been planted in accordance with the approved Site Plan. A fee is required for this inspection. Planning and

Development Staff will notify License and Inspections Staff to release the CO for Tree Ordinance compliance, if the inspection is satisfactory.

- Prior to the expiration of the Tree Establishment Bond, and at the request of the Developer, the Planning and Development Department Staff will inspect the required trees / landscaping at the subject site to determine whether to release, extend, or call the Tree Establishment Bond. Planning and Development Department Staff will notify the Developer, in writing, of any deficiencies or defects in the required trees / landscaping at the subject site. A fee is required for this inspection.
  - The Developer will have thirty (30) days to address any deficiencies or defects in the required trees / landscaping at the subject site.
  - A second and final inspection will be performed, as needed, to determine whether to release, extend, or call the Tree Establishment Bond. A fee is required for this inspection.

#### **EXTENSION, CALLING OR RELEASE OF BONDS:**

If the required trees / landscaping are satisfactory, the Planning and Development Department Staff will release the Tree Establishment Bond on the expiration date.

If the required trees / landscaping improvements are not satisfactory and no resolution can be reached with the Developer on correcting deficiencies, the Planning and Development Department Staff will, no later than 30 days prior to expiration of the Tree Establishment Bond, notify the Surety Agent and the Developer, in writing, both by "Certified Mail, Return Receipt Requested, Addressee Only". Said notification shall state that the Developer has failed to make the required improvements within the term of the Tree Establishment Bond and that the Bond is therefore declared to be in default.

If the Tree Establishment Bond is called, the Planning and Development Department Staff will deposit the proceeds from the Tree Establishment Bond with the City Comptroller, with a copy of the transmittal memo to the City Comptroller, who will establish an account for the use of said proceeds to complete the required trees / landscaping improvements or make good any defects in the required trees / landscaping. The Director of the Parks and Recreation is authorized to draw on said account with the approval of the Director of Planning and Development.

The proceeds of the Tree Establishment Bond are then used by the Director of Parks and Recreation, following standard City purchasing procedures to complete the required trees / landscaping improvements, or to make good any defects in the required trees/ landscaping improvements. Any funds remaining from the Trees Establishment Bond after such improvements are completed or such defects are corrected shall be returned to the Surety Agent or to the Developer, as applicable, after approval by the Director of Parks and Recreation and the Director of Planning and Development.

In lieu of having the Tree Establishment Bond called, the Developer may, in coordination with the Planning and Development Staff, replace the deficient trees / landscaping and ask for a re-inspection by the Planning and Development Staff. A fee is required for this inspection. If the replaced trees / landscaping are approved by the Planning and Development Staff, the developer must post a new Landscape Establishment Bond. The amount of the new Landscape Establishment Bond will be the number of replaced trees on site (as specified by the Planning and Development Staff) times \$500 per replaced tree.

**GENERAL:**

The above procedures are subject to change, according to the requirements of law or specific Surety instruments.

Any desired extensions of the Tree Establishment Bond must be approved by the Planning and Development Staff prior to the expiration of the original Tree Establishment Bond. A new Tree Establishment Bond must be in place prior to the expiry of the original Tree Establishment Bond.

Nothing in these procedures for the Tree Establishment Bond shall be construed as conveying any procedural rights to a Developer of any notice requirements. This

includes by way of example, the notification requirements of deficiencies to the Developer.

Failure of the City or its agents to follow those procedures shall not stop the City from declaring the Tree Establishment Bond in default.