

There is created within the General Trust and Agency Fund a trust fund account to be known as the Tree Protection and Related Expenses Trust Fund, hereinafter referred to as the Fund, into which shall be deposited all contributions and fines collected or imposed, together with any donation, gift, grant, or other sum of money as may from time to time be appropriated by Council, and all monies recovered by the City as civil fines pursuant to Section 656.1208; provided, however, that monies collected as administrative costs or attorneys' fees or costs of litigation shall be paid directly to the City. The funds deposited in this trust fund, together with any interest accrued thereon, shall be expended for providing trees, and maintaining trees, within City rights-of-way and on other lands owned by the City, its agencies or authorities, or upon which other ownership control may be exerted by the City, its agencies or authorities, including parks, public areas and easements, and also along all other public rights-of-way and on all other public lands in Duval County.

The funds deposited in this trust fund may also be used to pay the salary and benefits of one City Arborist position. The City Arborist position authorized herein shall be exclusively focused on the planting of trees and other activities directly supporting planting projects in the City which utilize monies from this trust fund.

The Director of Finance and Administration is authorized and directed to make disbursements from this fund, after Council appropriation, upon written requisition for such purposes signed jointly by the Director of Public Works and the Director of Parks, Recreation and Community Services. Monies deposited in this trust fund shall not lapse at the close of any fiscal year, but shall carry over to the next fiscal year.

In no case whatsoever shall these trust funds be considered as the sole source of revenue for funds necessary to meet the normal landscaping needs of the City's recreation, park or conservation lands, or public right-of-way. The total amount appropriated from these trust funds for tree maintenance in any fiscal year shall not exceed an amount equal to 25 percent of the amount budgeted in that fiscal year for tree maintenance activities in the Public Works Department. Any appropriation of trust funds for tree maintenance shall be used to supplement, not replace, monies otherwise appropriated for tree maintenance by the Public Works Department, and shall be used to undertake activities intended to extend the life of existing trees.

The Fund shall not be used for the purchase of *Phoenix dactylifera* (True Date Palm), unless: (1) it is for the replacement of a *Phoenix dactylifera* that meets both of the following conditions: (a) The palm has been damaged due to a man-made incident or lightening. Decline due to fungus, disease, or related failure due to incompatible soil conditions or habitat, shall not be a reason for replacement; (b) The palm is part of a streetscape scheme that would become visually imbalanced if not replaced with the same genus and species of palm; or (2) The palms are planted in the area delineated as described as follows: Beginning at the confluence of the St. Johns River and the Atlantic Ocean, follow the southern edge of the St. Johns River westward, then south southwest, to the eastern edge of Helen Cooper Floyd Park; then southeast to the western boundary of the State Road A1A right-of-way; then southeast along the western boundary of State Road A1A right-of-way to the western boundary of the Mayport Road right-of-way; then generally south along the western boundary of the Mayport Road right-of-way to and across Atlantic Boulevard; then continuing south along the western boundary of the Florida Boulevard right-of-way to the western boundary of the Penman Road right-of-way; then south along the western boundary of the

Penman Road right-of-way, to and across Beach Boulevard; then east along the southern boundary of the Beach Boulevard right-of-way to the western boundary of the 3rd Street right-of-way; then south along the western boundary of the 3rd Street right-of-way to the Duval County line; then east to the Atlantic Ocean; then north along the mean high water line to the point of beginning, as depicted on the map attached to Ordinance 2018-524-E.

(Ord. 89-1185-673, § 12; Ord. 92-1933-1383, § 1; Ord. 98-542, § 1.3(k); Ord. 2000-707-E, § 10; Ord. 2004-1003-E, § 1; Ord. 2004-1146-E, § 1; Ord. 2005-1283-E, § 7; Ord. 2006-422-E, § 52; Ord. 2010-557-E, § 11.8; Ord. 2011-732-E; Ord. 2016-140-E, § 16; Ord. 2016-487-E, § 7; Ord. 2017-398-E, § 1; Ord. 2018-524-E, § 1; Ord. 2019-328-E, § 1)

Editor's note— Ordinance 2007-839-E, § 18, authorized updated department/division names pursuant to reorganization.

Note— Former § 110.350.