

ORDINANCE NO. TMP-4310

Amending Chapter 88, Code of Ordinances, by repealing Section 88-424-13, Capital Improvement Sales Tax Fund-Tree Planting, and enacting in lieu thereof a new section of like number and subject matter, for the purpose of requiring tree planting funds to be deposited and spent within designated benefit districts.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That Chapter 88, Code of Ordinances, is hereby amended by repealing Section 88-424-13, Capital Improvement Sales Tax Fund-Tree Planting, and enacting, in lieu thereof, a new section of like number and subject matter, said section to read as follows:

**88-424-13 - Capital Improvement Sales Tax Fund-Tree Planting**

**88-424-13-A. Purpose**

The purpose of the Capital Improvement Sales Tax Fund-Tree Planting is to facilitate tree planting, to ensure mitigation or tree replacement when tree preservation or tree mitigation standards are not met on a particular development site, and to advance the City's goals for the urban forest and intent to achieve equitable distribution of tree-related benefits across the City.

**88-424-13-B.- Collection and Expenditures**

~~Money in the Capital Improvement Sales Tax Fund-Tree Planting may be used only as follows:~~

~~4.—The City shall provide separate accounts within the Capital Improvement Sales Tax Fund-Tree Planting based on the geographic areas of City Council Districts. These geographic areas shall be the same as the benefit districts identified in Section 39-6(d) and (e). Arterial Street Impact Fees, Accounting and expenditures. Planting may only be used for the following purposes within the Benefit Districts in which they were received:~~

- ~~1. To plant trees and maintain newly established trees on public property, including within street rights-of-way. Planting trees includes the cost of materials and labor necessary to install and maintain a tree during the warranty period.~~
- ~~2. Expenditures may include but are not limited to labor, materials, maintenance, administration, education, and outreach for both City staff and contracted services.~~

**88-424-13-C. Payment**

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Payment to the Capital Improvement Sales Tax Fund-Tree Planting benefit districts may occur through a number of means, including:

1. Payment made in lieu of tree mitigation as part of a permit issued as stated in Section 88-424-10;
2. Payment made in lieu of preservation or planting where site or street characteristics or development requirements make it infeasible to meet the requirements of Section 88-424.
3. Payment of restoration fees for enforcement actions for trees; and
4. Voluntary contribution.

**88-424-13-D. Administration of the Capital Improvement Sales Tax Fund-Tree Planting**

~~The~~Funds deposited into the Capital Improvement Sales Tax Fund-Tree Planting ~~is~~benefit districts are administered by the director of parks and recreation, shall be maintained in a dedicated separate ~~account~~accounts, and ~~is~~are independent of the general fund. Any balance in the Tree Planting Fund benefit districts will be carried forward into subsequent fiscal years. Funds collected must be used within 15 years of the date payment is received as listed in 88-424-13-B.

Section B. That the Council finds and declares that before taking any action on the proposed amendment to Chapter 88 hereinabove, all public notices have been given and hearings have been held as required by law.

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I hereby certify that as required by Chapter 88, Code of Ordinances, the foregoing ordinance was duly advertised and public hearings were held.

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Secretary, City Plan Commission

Approved as to form:

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Sarah Baxter  
Senior Associate City Attorney