

**ITEM #37<sup>(6)</sup>**

**ADDITIONAL MATERIAL  
10:00 A.M.**

**PUBLIC HEARING**

**MAY 8, 2018**

**SUBMITTED AT THE REQUEST OF**

**COMMISSIONER TIM RYAN**

1        (a) The intent of this section is to require property owners to maintain trees in  
2 order to minimize damage to power lines.

3        (b) Any tree planted within unincorporated Broward County after the effective  
4 date of this ordinance shall be planted in conformity with the Right Tree, Right Place  
5 Guidelines. Upon receipt of a notice of violation, the property owner shall have  
6 sixty (60) days to remedy the violation by removal of the offending tree, following those  
7 procedures outlined in Chapter 27, Article XIV, of the Code.

8        (c) Any tree that is planted prior to the effective date of this ordinance and that  
9 is not in conformity with the Right Tree, Right Place Guidelines shall be required to  
10 undergo remedial pruning ~~within one (1) year after the effective date of this ordinance.~~  
11 The property owner shall be responsible for ensuring the tree ~~thereafter~~ remains in  
12 compliance with this section. Upon receipt of a notice of violation, the property owner  
13 shall have thirty (30) days to remedy the violation.

14        (1) All tree trimming or remedial pruning shall be conducted by a contractor with  
15 a Class A Tree Trimmer License pursuant to Chapter 9, Article XI.

16        (2) If remedial pruning cannot be successfully performed without removing  
17 more than twenty percent (20%) of the tree's canopy and the property owner  
18 does not relocate, replace, or remove the offending tree after one (1) year,  
19 the property owner shall remove twenty (20%) of the tree's canopy and must  
20 notify the owner of the power line in writing that the tree does not conform  
21 to this section and cannot be remedied through remedial pruning.  
22 Successful performance of remedial pruning under this part shall mean  
23 removal of any part of any tree within twenty (20) feet of any power line.  
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Coding:            Words in ~~struck-through~~ type are proposed deletions from existing text by  
                         Commissioner Ryan. Words in underscoring type are proposed additions  
                         by Commissioner Ryan.

1 hearing officer, as applicable, shall dismiss any notice of violation upon the showing of  
2 said conflict. Where the homeowners' association or condominium association has  
3 undertaken to maintain trees and other plant growth, the homeowners' association or  
4 condominium association, as applicable, shall be deemed the responsible party for  
5 purposes of compliance with this section.

6 (f) Unless otherwise specified in this section, property owners subject to an  
7 enforcement action shall receive a notice of violation in accordance with Section 39-134  
8 prior to any action being taken against them and may appeal the decision pursuant to  
9 Chapter 8½ of the Code prior to the time limit to remedy the violation.

10 (g) Any person who violates the requirements set forth in this section shall be  
11 subject to fines as set forth in Section 8½-16(a) of the Code. Each incident involving each  
12 tree shall be considered a separate violation of this article.

13 (h) Except for subsection (b), which shall become immediately effective upon  
14 enactment, the preceding sections shall become effective one (1) year after  
15 enactment. Within one hundred and eighty (180) days after enactment of this ordinance,  
16 the County shall complete a survey of the unincorporated areas to identify trees that are  
17 not in compliance with this section. The location of noncompliant trees shall be  
18 communicated to FP&L, which shall be given an opportunity to trim or remove the  
19 offending trees consistent with applicable legal requirements. At ten (10) months  
20 following the enactment of this ordinance, the County shall determine if additional pruning  
21 or removal is required and may, with the property owner's permission, prune or remove  
22 those trees identified in the survey as being noncompliant at the cost or expense of the  
23 County to bring those trees into compliance with this section.

24 Section 9. SEVERABILITY.

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