

ITEM #37⁽⁴⁾

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

PUBLIC HEARING

MAY 8, 2018

SUBMITTED AT THE REQUEST OF

COMMISSIONER DALE HOLNESS

SCHEDULE OF CIVIL PENALTIES

Fine

Violation

First

Repeat

Violation

Violation

...

(71)	<u>Failure to relocate, replace, or remove a tree not in conformity with the Right Tree, Right Place Guidelines, which tree was planted after the effective date of this Code provision (sec. 39-1381(b))</u>	500.00	250.00	500.00	250.00
(72)	<u>Failure to maintain an existing tree in conformity with the Code or failure to notify the electrical utility that a tree cannot be brought into conformity (sec. 39-1381(c))</u>	500.00	250.00	500.00	250.00

Section 2. Section 27-404 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 27-404. Definitions.

When a word, term, or phrase is not defined herein, the definitions set forth in Section 27-4 of the Code and publications recognized as authoritative in the scientific and engineering fields, as applicable, shall apply. Such publications shall include the publications incorporated by reference in Section 27-403 of this Article.

Coding: Words in ~~struck-through~~ type are proposed deletions from existing text by Commissioner Holness. Words in underscoring type are proposed additions by Commissioner Holness.

1 (3) If an electrical utility company has performed trimming or pruning activity on
2 the property owner's property within the last six (6) months, then this fact
3 shall constitute a defense to any action taken against the property owner
4 for failure to comply with subsection (c) above.

5 (d) Any tree or other plant growth that is dead, severely diseased, or severely
6 damaged and that is in danger of damaging any power line or has damaged a power line
7 shall be cut down, destroyed, or removed by a contractor with a Class A Tree Trimmer
8 License. Upon receipt of a notice of violation, the property owner shall have ten (10) days
9 to remedy the violation. If after ten (10) days the violation has not been remedied, the
10 County may remove the offending tree and shall place a lien on the property in the amount
11 of the removal cost. The County shall have the authority to immediately remove any
12 dead, severely diseased, or damaged tree and shall place a lien on the property in the
13 amount of the removal cost if:

14 (1) The tree presents an imminent danger to safety, property, or utilities; and

15 (2) The County Administrator has suspended compliance with
16 Chapter 27, Article XIV, of the Code pursuant to Section 27-406 of the
17 Code.

18 Notwithstanding the foregoing, for one (1) year following the enactment of this Ordinance,
19 the County may remove, upon the property owner's request and at no cost to the property
20 owner, any dead, severely diseased, or severely damaged tree that is in danger of
21 damaging any power line or that has damaged a power line.

22 (e) A property owner within a homeowners' association, as defined in
23 Section 720.301, Florida Statutes, or a unit owner of a condominium association, as
24 defined by Section 718.103, Florida Statutes, shall not be deemed to have violated any

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