

ORDINANCE NO.: 2014-05

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA AMENDING CHAPTER 130, "TREE MANAGEMENT AND PROTECTION," OF THE CODE OF ORDINANCES; RESTRICTING TREES PLANTED BENEATH POWER LINES TO UNDERSTORY TREES; AMENDING CHAPTER 50, "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES," PROVIDING FOR PERMITS FOR PLANTINGS, REMOVALS AND TREE MAINTENANCE CONDUCTED WITHIN CITY RIGHTS-OF-WAY TO BE ISSUED BY THE MAYOR OR HIS OR HER DESIGNEE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Edgewood recognizes that large growing trees planted beneath overhead power lines inevitably cause maintenance issues as to the tree and the power line and result in the potential for power outages; and

WHEREAS, the City Council finds it appropriate to discourage the planting of replacement trees under power lines; and

WHEREAS, the City Council finds it appropriate to restrict the types of replacement trees to be planted when it is unavoidable to plant such trees beneath a power line to trees that do not typically grow to a height in excess of twenty-five feet; and

WHEREAS, the City Council desires to amend the Code of Ordinances to provide that the mayor, rather than the council president, or his or her designee shall be the official authorized to issue permits related to trees located in the right-of-way; and

WHEREAS, the City Council finds such amendment to be consistent with the processes contained in the Code of Ordinances and the normal operating procedures of the City; and

WHEREAS, the City Council of the City of Edgewood finds that this ordinance promotes the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDGEWOOD, FLORIDA THAT:

SECTION 1. Chapter 130, "Tree Management and Protection," of the City of Edgewood Code of Ordinances is hereby amended as follows (note: strikethrough text indicates deletions, underline text indicates additions, ellipses (***) identify text that remains unchanged and that is not reprinted herein):

Sec. 130-7. - Relocation or replacement of trees; removal without replacement.

(a) Nonexotic, nonhistoric, nonspecimen trees. As a condition for the approval of an application for removal of a tree, the city official may require that the owner of the real property or permittee either relocate said tree somewhere within the property lines of said property or replace each tree with one of the following:

(1) A tree of comparable size and type;

(2) A tree commonly sold in a 15-gallon container, of at least 1½ inches in diameter as measured three feet above soil level, and of a crown height of at least eight feet.

No owners shall replace trees with those which appear on the state exotic pest plant council's list of invasive plants, as listed in section 130-5(d).

(b) Exception to tree replacement requirement. At the discretion of the city official, and with the submission of the appropriate application, a tree removal permit may be issued with no tree replacement requirement if the tree being removed is one which appears on the state exotic pest plant council's list of invasive plants, as listed in section 130-5(d).

(c) City tree replacement trust fund. The city official may offer a choice to a permittee, especially when space limitations or other conditions exist, to make payment into the city tree replacement trust fund in accordance with section 130-8 in lieu of replacing trees to be removed.

(d) Historic and/or specimen trees.

(1) Generally. Historic and/or specimen trees shall be replaced in accordance with subsections (d)(2)—(4) of this section. Replacement trees shall be chosen from a stock list adopted by Resolution of the City Council.

(2) Historic and/or specimen trees on existing single-family properties. Historic and/or specimen trees on existing single-family properties shall be replaced with trees sold in 15-gallon containers of at least 1½ inches in diameter as measured three feet above soil level.

(3) Historic and/or specimen trees on all other properties. Historic and/or specimen trees on all other properties shall be replaced with trees at least 18 feet in height, six inches in diameter as measured three feet above soil level.

(4) Alternative replacement plans. The city official may offer a choice to a permittee, especially when space limitations or other conditions exist, to make payment into the city tree replacement trust fund in lieu of replacing historic or specimen trees.

(e) Replacement trees planted beneath power lines.

Whenever possible, replacement trees should not be planted beneath overhead power lines. In the event any replacement trees are required to be planted within five feet of an overhead power line, notwithstanding anything to the contrary contained herein, such replacement trees shall be of a species that does not normally grow to a height in excess of twenty-five feet.

SECTION 2. Chapter 50, “Streets, Sidewalks and Other Public Places,” of the City of Edgewood Code of Ordinances is hereby amended as follows (note: strikethrough text indicates deletions, underline text indicates additions, ellipses (***) identify text that remains unchanged and that is not reprinted herein):

Sec. 50-111. - Tree planting, maintaining, and removal permits required for public rights-of-way and public property; fallen trees on public rights-of-way and public property.

(a) Planting trees. No tree, shrub, or plant shall be planted within any right-of-way of the city without first obtaining a permit from the city. There will be no charge for such a permit. The permittee shall submit with the application for permit a site plan showing where the tree, plant, or shrub will be planted, the spacing between trees or plants, if applicable, and the species proposed to be planted. The city official shall approve of such plan before the permit may be granted.

(b) Maintaining trees. Upkeep, trimming, and maintenance of all trees, shrubs, or plants on any right-of-way which abut private property shall be the responsibility of the private property owner between the property line and the curb of the street, except that the city shall be responsible for trimming and maintaining portions of trees on the street side so as to allow clearance for vehicles. When any maintenance or trimming of trees in any rights-of-way is necessary to afford clearance for wires or cables, it shall be the responsibility of a public utility company to trim and maintain said trees after seeking a permit for same from the city. It shall be unlawful for any person to maintain any tree, shrub, or plant within any right-of-way of the city in such a manner that will damage or constitute a hazard to any street, sidewalk curb, driveway, drainage, water line, sewer line or any other public utility.

(c) Removing trees. No tree shall be removed from any public right-of-way without first obtaining a tree removal permit. The city official may, in some instances, recommend that the city share the costs for removal of said trees, such costs to be approved by city council.

(d) Removing fallen trees. The city shall be responsible for removing any fallen tree planted in the right-of-way upon being notified of same, a tree planted on private property which falls on any right-of-way shall be removed by the property owner within a reasonable period of time, not to exceed 60 days or sooner if the city deems necessary to protect public safety. If said fallen tree is not removed within the designated periods of time, the city may remove it and assess costs for removal to the property owner. In the event any tree falls such that a substantial portion of the tree interferes with traffic, the city shall be responsible for removal of the portion of the tree which has fallen in the city right-of-way.

(e) Permit required. No tree planting, removal, surgery, cavity-filling, trimming or spraying shall be done on any tree or shrub within any public right-of-way or on any property owned by the city without first obtaining permit for such work from the ~~council~~ president mayor or his or her designee. The City shall require the applicant to provide a certified arborists report supporting the removal the tree prior to issuance of a permit for the removal of any tree located within the public right-of-way. There shall be no charge for such a permit. No tree or shrub shall be trimmed by or under the direction of any public utility company to afford clearance for wires or cables or for any other purpose without possession of such a permit. Such a permit shall be granted upon a showing that public safety will not be endangered.

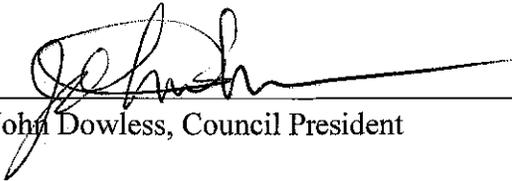
SECTION 3. CODIFICATION. It is the intent of the City Council of the City of Edgewood that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provision of this Ordinance.

SECTION 4. SEVERABILITY. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 5. CONFLICTS. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

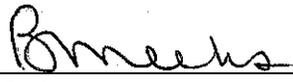
SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

ADOPTED by the City Council of the City of Edgewood, Florida, this **19th** day of **August, 2014**.



John Dowless, Council President

ATTEST:



Bea Meeks
City Clerk

First Reading: July 15, 2014 Published/Orlando Sentinel: August 1, 2014
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