

ORDINANCE NO.: 1363

AN ORDINANCE OF THE CITY OF MAITLAND, FLORIDA RELATING TO THE REMOVAL OF TREES; PROVIDING FOR PROPERTY OWNERS TO REMOVE TREES IN ACCORDANCE WITH FLORIDA STATUTES WHEN THE TREE PRESENTS A DANGER TO PERSONS OR PROPERTY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in the 2019 Regular Session, the Florida legislature enacted a new statute prohibiting local governments from requiring permits or fees for pruning, trimming or removing of trees on residential property if the property owner obtains specified documentation; and

WHEREAS, the City of Maitland Code of Ordinances regulates and protects the tree canopy within the City of Maitland in Chapter 8 of the Code of Ordinances; and

WHEREAS, the City Council of the City of Maitland finds it necessary and appropriate to amend Chapter 8, Section 8-7.2(a) of the Code of Ordinances to conform to the exception created by the Florida Legislature; and

WHEREAS, the City Council has determined that it is in the public interest to clarify the rights and responsibility of residential property owners to cut down, destroy, remove, top or relocate trees within the City of Maitland while still protecting healthy trees and promoting the replacement of removed trees as necessary.

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

SECTION 1. Chapter 8, "Landscape, Streetscape, Treescape," Article II, "Applicability," of the City of Maitland Code of Ordinances is hereby amended by amending Section 8-7.2 (a) as follows (note: ~~striketrough~~ text indicates deletions, underline text indicates additions, and asterisks (***) identify sections of text that remain unchanged and are not reprinted herein):

CHAPTER 8 – LANDSCAPE, STREETSCAPE, TREESCAPE

ARTICLE II. – APPLICABILITY

* * *

Sec. 8-7.2. - Residential tree removal permit; applicability; standards.

- a. *Tree removal permit.* Except as provided in section ~~8-13~~ 8-7.6, herein, no person shall cut down, destroy, remove, top or relocate any tree without first obtaining a tree removal permit from the city unless such tree is located upon residential property and the property owner obtains documentation from an arborist certified by the International Society of

Arboriculture or a Florida licensed landscape architect that the tree presents a danger to persons or property as provided in Section 163.045, Florida Statutes. Work authorized by the permit shall be accomplished within ninety (90) days of issuance of the permit.

SECTION 2. CODIFICATION. It is the intent of the City Council of the City of Maitland 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 3. 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 4. 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 5. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

ADOPTED by the City Council of the City of Maitland, Florida, this 13th day of JANUARY, 2020.

CITY OF MAITLAND, FLORIDA

BY:

A. DALE MCDONALD, MAYOR

ATTEST:

MARIA WALDROP, CITY CLERK