

**ORDINANCE NO. 1140 – 2024**

**AN ORDINANCE OF THE CITY OF MIAMI SPRINGS, FLORIDA, COMPREHENSIVELY AMENDING CHAPTER 54, “TREE PROTECTION PROGRAM,” OF THE CITY’S CODE OF ORDINANCES TO REVISE PERMITTING PROCEDURES, REGULATIONS, AND PENALTIES RELATING TO TREE PROTECTION, REMOVAL, AND RELOCATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Springs (the “City”) finds it periodically necessary to amend its Code of Ordinances (the “Code”) in order to update regulations and procedures to implement municipal goals and objectives; promote the health, safety, order, convenience, comfort, and general welfare of the public; and promote and preserve the character and quality of the City as articulated in the City’s Comprehensive Plan; and

**WHEREAS**, the City Council desires to update and revise Chapter 54, “Tree Protection Program,” of the City’s Code to address revise the procedures, regulations, and penalties related to tree protection, relocation, and removal within the City, all as set forth in Exhibit “A” attached hereto and incorporated herein; and

**WHEREAS**, on May 13, 2024, the City Council conducted a duly noticed public hearing as required by law and approved the ordinance on second reading; and

**WHEREAS**, the City Council finds that this Ordinance is in the best interest and welfare of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** That the above recitals are confirmed, adopted, and incorporated herein and made a part hereof by reference.

**Section 2. Amending Code.** That Chapter 54, “Tree Protection Program,” of the Code of Ordinances of Miami Springs, Florida, is hereby amended to read as set forth in Exhibit “A” attached hereto and incorporated herein.

**Section 3. Conflicts.** All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

**Section 4. Severability.** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but

they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5. Codification.** That it is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City Code, that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

**Section 6. Effective Date.** That this Ordinance shall become effective immediately upon adoption on second reading.

**PASSED ON FIRST READING** on the 13 day of May, 2024, on a motion made by Councilwoman Bravo and seconded by Councilman Fajet.

**PASSED AND ADOPTED ON SECOND READING** this 12 day of August, 2024, on a motion made by Councilwoman Bravo and seconded by Councilman Vazquez. Up on being put to a roll call vote, the vote was as follows:

Vice Mayor Dr. Walter Fajet, Ph.D.	<u>YES</u>
Councilman Jorge Santin	<u>YES</u>
Councilwoman Jacky Bravo	<u>YES</u>
Councilman Dr. Victor Vazquez, Ph.D.	<u>YES</u>
Mayor Maria Puente Mitchell	<u>YES</u>

  
MARIA PUENTE MITCHELL  
MAYOR

ATTEST:

  
ERIKA GONZALEZ, MMC  
CITY CLERK



APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:

  
WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.  
CITY ATTORNEY

1 EXHIBIT A<sup>1</sup>

2 Chapter 54 TREE PROTECTION PROGRAM

3 Section 54-01. Intent.

4 It is the intent of the regulations contained herein to provide guidelines, controls, and  
5 standards for the planting, maintenance, removal and protection of trees within the city.  
6 The goal of these regulations is to enhance and ~~insure~~ ensure the continuance of the  
7 existing tree canopy within the city so as to provide the community with the health, safety,  
8 conservation of energy, general psychological, aesthetic and economic benefits that can  
9 be derived therefrom.

10 Section 54-02. Authority to supervise, enforce, modify and supplement  
11 regulations.

- 12 (A) ~~Staff forester/pPublic wWorks Ddepartment.~~ It shall be the duty of the ~~staff forester~~  
13 ~~or a designated representative of the public works Ddepartment~~ Director or his/her  
14 designee to supervise compliance with the regulations contained herein and to  
15 cooperate with, and assist, the code enforcement department in the prosecution of  
16 ~~any regulation violations cases.~~
- 17 (B) *Code enforcement department.* It shall be the duty of the code enforcement  
18 department to prosecute violations of the regulations contained herein ~~before the~~  
19 ~~Code Enforcement Board.~~ The code enforcement department may prosecute  
20 violations in conjunction and cooperation with the ~~staff forester, public works D~~  
21 ~~department,~~ or on its own initiative.
- 22 (C) *Board of Parks and Parkways.* In accordance with the authority granted to this board  
23 by §§ 32-30—32-35 of this Code of ordinances, the board shall have the  
24 responsibility to study, investigate, develop and recommend to the City Council, at  
25 least annually, any modified or supplementary regulations regarding the care,  
26 preservation, pruning, planting, replanting, removal, or disposition of trees in the City.  
27 In addition, the board shall consider, investigate, make findings of fact, report, and  
28 make recommendations regarding any special matter or question referred to it by  
29 the City Council.
- 30 (D) *City Council.* The City Council will receive and review all recommendations referred  
31 to it by the Board of Parks and Parkways for modification of existing regulations or  
32 the addition of supplementary regulations. Any decision to enact regulation  
33 modifications or supplementary regulations shall remain within the sole and exclusive  
34 legislative jurisdiction of the City Council.

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<sup>1</sup> Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes recommended by the Board of Parks and Parkways are in teal highlight. Changes between first and second reading are indicated with highlighted double-strikethrough and double underline.

## Section 54-03. Definitions.

The following words and phrases shall have the meanings ascribed to them in this section:

**ANSI Standards.** The industry-developed standards for tree care provided in the current edition of the American National Standards Institute (ANSI) A300.

**Arborist.** Any person certified by the International Society of Arboriculture (ISA) in the field of arboriculture, ~~or~~ a Florida licensed landscape architect, or any person engaged in the profession of arboriculture who, through experience, education, and related training, possesses the competence to provide for or supervise the management of Trees and other woody plants, including those individuals that are accredited graduate foresters or certified by the American Society of Consulting Arborists, the American Society for Horticultural Science, the Tree Care Industry Association, or other similar organizations.

**Branch collar.** Trunk tissue that forms around the base of a branch.

**Crown.** Main part of the branching of a tree.

**Department.** The City's Public Works Department.

**Developed property.** Any parcel of land that contains an impervious area.

**Diameter at breast height (DBH).** The diameter of a tree's trunk measured at a height four and one-half feet above grade. In the case of multiple-trunk trees, the DBH shall be determined using the following formula which produces the diameter of a circle of equivalent cross-sectional area to the smaller circles of the multiple trunks: (square root of (for all trunks, the sum of (the circumference of each trunk squared)) divided by pi (3.14)).

**Drip line.** An imaginary vertical line extending from the outermost horizontal circumference of a tree's branches to the ground.

**Drop-crotch pruning.** A specific type of pruning designed to properly reduce the size of trees within the current national arborist association standards, or any subsequent amendments thereto in accordance with ANSI Standards.

**Effectively destroy.** Causing, permitting, or allowing any act that will cause a tree to die or go into a period of unnatural decline within one year from the date of the act. Acts that may effectively destroy a tree include, but are not limited to, girdling or damaging of a tree's trunk, branch, or root system; cutting, pruning, or trimming that is not done in accordance with ~~the most recent American National Standards (ANSI) A-300 Standard Practices for Tree Care Operations~~ ANSI Standards; changing the natural grade above the root system or around the trunk; applying herbicides or other chemical agents to a tree; intentionally setting a tree on fire; permitting a tree to remain infected; allowing a tree to remain infested with pests; inflicting tree trunk wound(s) that cumulatively equal or exceed 20 percent or greater of the circumference of the trunk; or removing sufficient tree canopy to cause the unnatural decline of the tree.

**Equivalent replacement.** A tree or trees, which due to condition, size and value, is determined by the Department to be equivalent to the tree to be removed.

1 Equivalent value. An amount of money which reflects the replacement cost of a  
2 tree, including transportation, planting, and initial maintenance to ensure survival, based  
3 on its size, canopy coverage, condition, and location.

4 Hattracking or Topping. ~~A process to~~ Pruning or cutting of a tree that results in flat-  
5 cutting the top of a the tree, stubbing branches that are three inches or greater in  
6 diameter, ~~or to remove~~ the removal of more than one-third of the tree crown, or reducing  
7 the size or spread of a tree's crown in a manner that is not in conformance with ANSI  
8 Standards.

9 Maintenance or Protection. Includes all operations of: watering, pruning, spraying,  
10 injecting, fertilizing, treating, bracing, doing surgery work, cutting above or below the  
11 ground.

12 Nonviable. Not capable of existing and continuing to provide the biological or  
13 aesthetic qualities associated with a healthy functioning tree resource.

14 Person. Any natural person, business, corporation, limited liability company,  
15 partnership, limited partnership, association, club, organizations, and/or any group of  
16 people acting as an organized entity.

17 Protective Barrier. Protective barrier shall mean a temporary fence or structure  
18 built to restrict passage into an area surrounding a tree or stand of trees for the purpose  
19 of preventing any disturbance to the roots, trunk, or branches of the tree(s).

20 Pruning. The removal of plant parts, dead or alive, in a careful and systematic  
21 manner so as not to damage other parts of the plant. ~~The American National Standards~~  
22 ~~Institute (ANSI) A 300 Pruning~~ ANSI Standards shall be utilized to perform this work.

23 Public way. Includes all public streets, roads, boulevards, alleys and sidewalks.

24 Public area. Includes all public ways, parks and other lands owned or leased by  
25 the City.

26 Public nuisance. Any tree or shrub or part thereof growing upon private or public  
27 property which is determined by the Department to endanger the health, safety and  
28 general welfare of the City.

29 Public way. Includes all public streets, roads, boulevards, alleys and sidewalks.

30 Root ball. A group of roots extending from the base of a tree trunk that must be  
31 intact when relocating a tree in order to promote survival of the tree.

32 Tree. Any self-supporting woody plant, usually having a single woody trunk; a  
33 potential caliper DBH of two inches or more, and a more or less distinct and elevated  
34 head with many branches.

35 Tree, Large. A tree with a mature height of 40 feet or more in height and mature  
36 canopy wider than 22 feet. Examples of large tree species include, but are not limited to,  
37 Live Oak (*Quercus virginiana*), West Indian Mahogany (*Swietenia mahagoni*), Black  
38 Olive (*Bucida buceras*) 'Shady Lady', Royal Poinciana (*Delonix regia*), Everwood (*Bulnesia arborea*),  
39 Floss Silk (*Ceiba speciosa*), Wild Tamarind (*Lysiloma*  
40 *latisiliquum*), Gumbo Limbo (*Bursera simaruba*), Ficus aurea, and Ficus  
41 *benghalensis*.

1 Tree, Medium. A tree with a mature height of between 26 feet and 39 feet and  
2 mature canopy between 15 feet and 22 feet. Examples of medium tree species include,  
3 but are not limited to, Bridal veil (*Caesalpinia granadillo*), Leopard trees (*Caesalpinia*  
4 *ferrea* or *Libidia ferrea*), satin Leaf (*Chrysophillum oliviforme*), Pigeon-Plum (  
5 *Coccoloba diversifolia*), Orange Geiger tree (*Cordia sebestena*), and Green B  
6 buttonwood (*Conocarpus erectus*).

7 Tree, Protected. A tree with a minimum DBH of four inches in diameter of the tree  
8 species, one foot above the ground of the species Live Oak (*Quercus virginiana*), L  
9 laurel Oak (*Quercus laurifolia*), Gumbo Limbo (*Bursera simaruba*), Royal Poinciana  
10 (*Delonix regia*), and West Indian Mahogany (*Swietenia mahagoni*).

11 Tree Removal. Directly or indirectly cutting down, destroying, removing or  
12 relocating or effectively destroying any tree.

13 Tree, Small. A tree with a mature height of 25 feet or smaller and a mature canopy  
14 smaller than 15 feet. Examples of small tree species include, but are not limited to,  
15 Simpson Sstopper (*Myrcianthes fragrans*), Spanish Sstopper (*Eugenia foetida*), Ssilver  
16 Bbuttonwood (*Conocarpus erectus* var. *sericeus*), Cassia species (*Cassia* spp.),  
17 Tabebuia Sspecies (*Tabebuia* spp.), Lignum Vitae (*Guaiaacum sanctum*), Cscrabwood (  
18 *Ateramnus lucidus*), Jamaican Ccaper (*Capparis cynophallophora*), Ccrape myrtle (  
19 *Lagerstroemia indica*), and glossy privet (*Ligustrum L lucidum*).

20 Tree, Specimen. A tree with any individual trunk which has a DBH larger than 12  
21 inches. All nuisance trees listed in section 54-06(B)(5) are specifically determined to not  
22 to be specimen trees.

23 Protected tree. A tree with a minimum caliper of four inches in diameter, one foot  
24 above the ground of the species Live Oak, Laurel Oak, Gumbo Limbo, Royal Poinciana,  
25 and Mahogany.

26 Maintenance and protection. Includes all operations of: pruning, spraying,  
27 injecting, fertilizing, treating, bracing, doing surgery work, cutting above or below the  
28 ground.

29 Staff forester. The individual appointed to assist the City staff and departments  
30 assigned to administer this program by the City Council.

31 Pruning. The removal of plant parts, dead or alive, in a careful and systematic  
32 manner so as not to damage other parts of the plant.

33 Specimen tree. A tree with any individual trunk which has a caliper larger than 12  
34 inches. All nuisance trees listed in section 54-06(B)(5) are specifically determined to not  
35 to be specimen trees.

36 Tree service/arborist. Any person, company, corporation or service which, for  
37 compensation or a fee, performs tree maintenance and protection.

38 Developed property. Property containing a structure which has a valid certificate  
39 of occupancy.

40 Equivalent replacement. A tree or trees, which due to condition, size and value, is  
41 determined by the public works Ddepartment to be equivalent to the tree to be removed.



1       ~~*Equivalent value.* An amount of money which reflects the replacement cost of a~~  
2 ~~tree, (including transportation, planting and initial maintenance to insure survival) based~~  
3 ~~on its size, condition and location, following the international society of arbors tree~~  
4 ~~evaluation formula and the market value.~~

5       ~~*Topping.* A process to flat-cut the top of a tree or to remove more than one-third of~~  
6 ~~the tree crown; hatracking.~~

7       ~~*Public nuisance.* Any tree or shrub or part thereof growing upon private or public~~  
8 ~~property which is determined by the staff forester or public works department~~  
9 ~~representative to endanger the health, safety and general welfare of the City.~~

10       ~~*Large tree.* A tree with a mature height of 40 feet or more in height, a mature~~  
11 ~~canopy wider than 22 feet, and a mature root system wider than 15 feet.~~

12       ~~*Medium tree.* A tree with a mature height of between 26 feet and 39 feet, a mature~~  
13 ~~canopy between 15 feet and 22 feet, and a mature root system between ten feet and 15~~  
14 ~~feet.~~

15       ~~*Small tree.* A tree with a mature height of 25 feet or smaller, a mature canopy~~  
16 ~~smaller than 15 feet, and a mature root system smaller than ten feet.~~

17       ~~*Drop-crotch pruning.* A specific type of pruning designed to properly reduce the~~  
18 ~~size of trees within the current national arborist association standards, or any subsequent~~  
19 ~~amendments thereto.~~

20       ~~*Branch collar.* Trunk tissue that forms around the base of a branch.~~

21       ~~*Shade tree.* Any tree with a mature crown width that is at least two-thirds of the~~  
22 ~~tree's mature height.~~

23       ~~*Crown.* Main part of the branching of a tree.~~

24       ~~*Crown width.* The width of the crown at its widest point measured on a plane~~  
25 ~~parallel to the ground.~~

26       ~~*Caliper.* A tree measurement that takes the diameter of the tree at 12 inches above~~  
27 ~~the rootball.~~

28       ~~*Root ball.* A group of roots extending from the base of a tree trunk that must be~~  
29 ~~intact when relocating a tree in order to promote survival of the tree.~~

30       ~~*Nonviable.* Not capable of existing and continuing to provide the biological or~~  
31 ~~aesthetic qualities associated with a healthy functioning tree resource.~~

32       ~~*Effectively destroyed.* The cutting, trimming, or damaging of a tree's trunk, branch~~  
33 ~~or root system to the extent that the tree is no longer viable.~~

34       ~~*Tree removal.* Directly or indirectly cutting down, destroying, removing or relocating~~  
35 ~~or effectively destroying (through damaging, trimming, authorizing or allowing the cutting~~  
36 ~~down, destroying, removing, moving or damaging of) any tree.~~

#### Section 54-04. Tree planting standards.

The following standards shall be applicable to the planting of all trees within the City, including but not limited to on any City owned or controlled property or right-of-way, and residential or non-residential properties.

- (A) All trees to be planted shall have symmetric crown form, a single trunk or leader (except in the case of small multi-trunked trees such as crape myrtles), good crown color, no insect damage, well spaced branches (typically one branch per node), healthy new leaves, healthy well attached bark, strong crotches, adequate root space, and be of at least Florida No. 1 quality.
- (B) All large trees and palm trees to be planted in the swale will be not less than a three-inch caliper DBH and 12 feet tall with one main trunk free of branches between five and six feet above ground. All small trees to be planted will be not less than two inches in diameter measured six inches above the ground, and six feet tall.
- (C) All trees shall be planted in line or in an aesthetically ordered manner, except as may be delineated on a landscape plan authorized and approved by the City Council. Large trees shall be planted at a spacing of between 25 and 35 feet from each other; small trees and palm trees shall be planted at a spacing of between ten and 20 feet from each other.
- (D) No tree shall be planted under pre-existing utility lines that will grow to a mature height of more than 24 feet or within 20 feet of such line.

#### Section 54-05. Tree pruning standards.

The following standards shall be applicable to the pruning of all trees within the City.

- (A) The pruning practices established by the ~~current national arborist association standards~~ ANSI Standards, or any subsequent amendments thereto, which are specifically incorporated herein. Copies of these pruning standards shall be maintained by the public works Department and made available for inspection, review and copying.
- (B) All branches too large to be supported by one hand shall be precut to avoid splitting or tearing of the bark. Where necessary, proper equipment should be used to lower large branches or stubs to the ground.
- (C) All cuts shall be made as close as possible to the trunk or parent limb without cutting into the branch collar or leaving a protruding stub. Drop-crotch pruning ~~for~~ shall be used to prune trees that have been planted under and/or whose limbs come into contact or otherwise interfere with overhead utility lines ~~shall be followed~~.
- (D) All cut limbs shall be removed from the crown upon completion of the pruning.
- (E) Not more than one-quarter of the total crown area should be removed at a single operation. A cutting exceeding this standard will be considered to have rendered



the tree nonviable, and shall be presumed, subject to rebuttable evidence to the contrary, to be effective destruction of the tree.

- (F) All trees located on property which are adjacent to any City roadway, alley or other ~~public vehicular~~ right-of-way shall have their branches pruned to a clearance height ~~no lower than of between 12 and 16~~ ~~8 to 12~~ ~~8 ½~~ feet ~~over sidewalks, 16 feet over alleys, and 14 ½ feet over roadways and other public right-of-way areas~~, so that no branches shall interfere with the vehicular use of said areas.

#### Section 54-06. Tree removal standards.

The following standards shall be applicable to the removal of trees within the City.

- (A) Tree Removal Permit Required. It shall be unlawful for any person, directly or by direction, to cut down, destroy, remove or move, or to effectively remove or destroy, through the infliction of damage, any tree within the City without first obtaining a permit from the Building and Zoning Department. Tree stumps must be ground with a stump grinder to a minimum of 8 4 inches below grade or removed and filled.
- (B) Tree Removal Permit Exceptions. The following tree removal activities are specifically exempted from the permit, relocation, replacement, and mitigation requirements of this chapter, but may only be undertaken following inspection and confirmation in writing by the City that tree removal is appropriate:
- (1) Removal of trees within the property boundaries of developed property which are not specimen or protected trees.
  - (2) Removal of trees for the construction of a new principal single-family residence for an owner-builder so long as the trees are not specimen or protected.
  - (3) Removal of any dead tree on developed property, excluding the public rights-of-way.
  - (4) ~~Removal of trees in emergency situations. (See § 54-09 of this chapter for applicable guidelines and provisions).~~ Removal of any tree on developed property, excluding the public rights-of-way, that is supported by photos and documentation from an arborist certified by the ISA or a Florida landscape architect to pose an unacceptable risk to persons or property pursuant to F.S. § 163.045. Tree removals performed pursuant to F.S. § 163.045 shall not require inspection and confirmation by the City.
  - (5) Removal of any of the following nuisance tree species:

Table 54-1 – Nuisance Tree Species

	SPECIES NAME	COMMON NAME
(a)	<del>Acacia auriculiformis</del> <del>auriculiformis</del> <u>Acacia</u>	Earleaf <del>A</del> acacia
(b)	<del>Albizzia lebeck</del> <u>Albizzia lebeck</u>	Woman's <del>T</del> ongue

(c)	<del>Araucaria heterophylla</del> <u>Araucaria heterophylla</u>	Norfolk <del>I</del> Island <u>P</u> ine
(d)	<del>Bambusa vulgaris</del> <u>Bambusa vulgaris</u>	Tree <del>B</del> amboo
(e)	<del>Bischofia javanica</del> <u>Bischofia javanica</u>	Bischofia <u>or toog tree</u>
(f)	<del>Brassaia actinophylla</del> <u>Brassaia actinophylla</u>	Schefflera
(g)	<del>Casuarina spp</del> <u>Casuarina spp</u>	Australian <u>P</u> ine
(h)	<del>Cupaniopsis anacardiodes</del> <u>Cupaniopsis anacardiodes</u>	Carrotwood
(i)	<del>Enterolobium cyclocarpum</del> <u>Enterolobium cyclocarpum</u>	<u>Elephant</u> <del>E</del> ear Tree
(j)	<del>Eucalyptus spp</del> <u>Eucalyptus spp.</u>	Eucalyptus
(k)	Ficus spp (except <u>F. aurea</u> and <u>F. citrifolia</u> <del>those noted as specimens</del> )	Ficus
(l)	<del>Grevillea robusta</del> <u>Grevillea robusta</u>	Silk Oak
(m)	<del>Hibiscus tiliaceus</del> <u>Hibiscus tiliaceus</u>	Mahoe
(n)	<del>Melaleuca quinquenervia</del> <u>Melaleuca quinquenervia</u>	Melaleuca
(o)	<del>Metopium toxiferum</del> <u>Metopium toxiferum</u>	Poison <del>W</del> wood
(p)	<del>Psidium quajava</del> <u>Psidium littorale</u> and <u>Psidium littorale</u>	<u>Yellow guava and strawberry-guava</u> <u>Guava</u>
(q)	<del>Ricinus communis</del> <u>Ricinus communis</u>	Castorbean
(r)	<del>Sapium sebiferum</del> <u>Sapium sebiferum</u>	Chinese <del>T</del> allow <del>T</del> ree
(s)	<del>Schinus terebinthifolius</del> <u>Schinus terebinthifolius</u>	Brazilian <del>P</del> pepper
(t)	<del>Syzygium cumini</del> <u>Syzygium cumini</u>	Java <del>P</del> lum
(u)	<del>Thespesia populnea</del> <u>Thespesia populnea</u>	<u>Seaside-M</u> ahoe

The list of nuisance trees also includes the prohibited plant species listed under Section 24-49.9 of the Miami-Dade County Code of Ordinances, as amended. Furthermore, the list of nuisance trees listed above may be amended from time to time by resolution of the City Council.

(6) Removal of any tree which has been destroyed or effectively destroyed by an act of God, or by acts outside the control of the legal, beneficial or equitable owner of the real property in which the tree is located, and which acts could not have been prevented by the exercise of reasonable care.

(7) Removal of any tree by the City in accordance with the authority and administrative discretion provided in § 54-08 of this chapter.

(8) Removal of non-native, specimen or non-specimen mango and avocado fruit trees that are typically cultivated or grown in the City for the specific purpose of producing edible fruit, including, for example, mango trees (

Mangifera indica), avocado trees (Persea americana), and sapodilla trees (Manilkara zapota).

(9) Removal of any tree located under or within 20 feet of an overhead utility line. Such removals shall be exempt from excess bulk trash fees.

(C) After inspection and confirmation by the City, where applicable, All of the aforesaid trees listed in division (B) of this section which that are dead or effectively destroyed, shall be removed by the property owner, without any permit, relocation, replacement or mitigation requirement, so as to protect adjacent properties from damage that may be caused by the dead or effectively destroyed trees.

(D) Application for Tree Removal permits. Tree removal permits are required for the removal of any tree with a DBH of 2 inches or larger and specimen trees not specifically exempted under division (B) of this section. The City shall provide permit application forms which shall be used by permit applicants.

(1) Applicant. An owner, agent of the owner, or lessee of a property may apply for a tree removal permit. If the permit applicant is a lessee, or agent of the owner, a statement from the owner of the property, indicating that the owner has no objection to the proposed tree removal, shall be submitted with the application.

(2) Application Form. The permit applicant shall submit to the City Department a completed application form which shall include:

(a) the reasons for the requested removal, the tree size and tree DBH caliper, and the common name of the tree to be removed.

(b) Permit application forms shall be accompanied by two diagrams site plans to be reviewed and approved by the Department and the Building and Zoning Department if or when applicable, showing the location of the tree to be removed which are subject to review and approval by the Building and Zoning Department. The diagrams shall include The site plans shall showing the location of the tree to be removed or relocated, the locations of all existing tree resources, information detailing the size (DBH), type, location, and canopy spread of all existing tree resources, and all proposed structures or utilities which may require removal or relocation of trees. Site plans must show the location of tree barricades to indicate how the existing trees will be protected during construction.

The City may require that said plans be prepared by either a landscape architect, architect, or an engineer registered in the state. If the submitted diagrams site plans do not provide sufficient information to determine which trees will be affected by proposed development, the dDepartment and/or Building and Zoning Department may require that a tree survey of the site be prepared and submitted to the department for review.

(E) Permit fees. The City shall, by resolution, establish a fee schedule for all matters relating to tree removal, relocation, replacement, monetary contribution, and all administrative reviews necessitated thereby. Applications for removal of any tree

1 ~~located under or within 20 feet of an overhead utility line will be exempt from~~  
2 ~~permitting and any excess bulk trash fees.~~

3 (F E) ~~Review and evaluations of Tree Removal Permit Applications.~~ A review  
4 of each completed tree removal permit application shall be conducted by the  
5 ~~Public Works~~ Department. This review and all actions taken by the ~~d~~Department  
6 shall be conducted under a standard of reasonableness using the best available  
7 practices from biology, botany, forestry, landscape architecture, and other  
8 relevant fields.

9 (1) *Specimen trees standards.*

10 (a) Specimen trees application. Specimen trees shall be preserved  
11 whenever reasonably possible. Upon receipt of an application to  
12 remove a specimen tree, the ~~d~~Department shall consider the following  
13 factors in evaluating said application.

- 14 1. Size and configuration of the property.
- 15 2. Size and configuration of any proposed development.
- 16 3. Location of the tree relative to any proposed development.
- 17 4. Whether or not the tree can be preserved under the proposed
- 18 plan or any alternative plan.
- 19 5. Health, condition and aesthetic qualities of the tree.
- 20 6. Whether the tree poses a threat to persons or property, as
- 21 determined by an Arborist.
- 22 7. Location of utility systems.
- 23 8. Whether the tree impedes on the visibility triangle
- 24 requirements of the City Code.

25 (b) Alternate plans. If, upon review of the ~~aforesaid~~ factors set forth in  
26 subsection (a) above, the ~~d~~Department determines that a specimen  
27 tree cannot reasonably be preserved under the proposed plan, then  
28 the applicant shall provide an alternate plan which shall include  
29 preservation of the specimen tree and design alterations consistent  
30 with the scope and intent of the initially proposed plan. Alterations  
31 consistent with the scope and intent of the initially proposed plan may  
32 include, but shall not be limited to:

- 33 1. An adjustment of building orientation on a site.
- 34 2. An adjustment of lot lines within a site proposal for more than
- 35 one lot when said adjustment will not cause an unreasonable
- 36 loss of usable space. An applicant shall have the burden of
- 37 proof in the determination of what constitutes an
- 38 unreasonable loss of usable space.

39 (c) Specimen tree relocation. If preservation of the specimen tree and any  
40 alternate design consistent with the scope and intent of the initial plan  
41

are mutually exclusive, then the Department may issue a permit to relocate the specimen tree. If the tree removal permit requires relocation, then the applicant shall be required to relocate the tree in a manner that will maintain the canopy within the general vicinity of the removal on the same property or to relocate the tree to a location within the City designated by the Public Works Department. Tree barricades must be inspected and approved by the Department before and after root pruning and temporary irrigation of the relocated tree.

(d) Removal of specimen trees. If relocation of the specimen tree is not feasible, due to the size, health, location, species or any other factor, then a permit may be issued for removal, and tree replacement shall be required. The Public Works Department shall determine the total number and type of replacement trees required for the issuance of a tree removal permit according to the following procedures: designate an equivalent replacement tree or trees and a location within the city for its planting.

~~(e) Replacement requirements for specimen trees. In the event that replacement is not feasible on-site, then alternative off-site replacement shall be required, or, as a last alternative, there shall be a contribution made to the City tree trust fund for the full equivalent value of the replacement tree or trees. This trust fund shall be administered by the City Council so as to insure the prompt planting of replacement trees in an area as closely adjacent as is reasonably possible to the area from which a specimen tree was properly removed.~~

Step 1: Determining existing tree canopy coverage on-site. The area of existing tree canopy coverage of a site shall be determined by the Department, using one or any combination of the following methods: review of aerial photography; on-site inspection; and review of a tree site plan and/or tree survey. The Department may require the applicant to submit a tree survey for the purpose of this determination.

Step 2: Determining impact area of proposed project. The area of existing canopy coverage which will be affected (impact area) by the applicant shall be determined by the Department based on a site plan and completed tree removal permit application.

Step 3: Determining number of replacement trees required to be planted. The total number of trees required for replacement shall be based on canopy loss as reviewed and confirmed by the Department and the category type(s) of replacement tree(s) selected by the applicant. Each replacement tree shall compensate for a portion of the tree canopy lost in the impact area. The following table shall be used as a standard for determining the required number of replacement trees. If the calculation of canopy credit results in a fraction of 500 square feet, the canopy credit shall round up to the

next 500 square feet. For a specimen tree of DBH of 18 inches or larger, the Department may require up to twice the amount of tree canopy replacement, or replacement trees of equal environmental value.

Table 54-2 Replacement Tree Canopy Credits

Replacement Tree	Minimum Height (At Time of Planting)	Canopy Credit
Large tree species*	15 feet in overall height	500 sq. ft
Medium tree species	12 feet in overall height	300 sq. ft
Small tree species	10 feet in overall height	200 sq. ft
Large palm tree species	10-foot clear trunk	300 sq. ft
Medium palm tree species	6-foot clear trunk	200 sq. ft
Small palm tree species	6-foot clear trunk	100 sq. ft

Additional canopy credits for replacement trees may be granted at the discretion of the Department for large tree species exceeding 20 feet in overall height. If tree canopy cannot be determined, the applicant may use a DBH calculation method at a 6:1 ratio as demonstrated in the following example: an 18-inch DBH tree may be replaced with three trees. Such replacement trees shall be at a minimum four-inch DBH and minimum of 15 feet overall height. If a calculation of required replacement trees results in a fractional tree, the number of required trees shall be rounded up to the next whole number.

Table 54-3 Example Tree and Palm Tree Types in Each Category

Replacement Tree	Examples of Tree/Palm Tree Types
Large tree species	Live Oak ( <i>Quercus virginiana</i> ), West Indian Mahogany, Black Olive, Shady Lady ( <i>Bucida buceras</i> ), Royal Poinciana ( <i>Delonix regia</i> ), Verawood ( <i>Bulnesia arborea</i> ), Floss Silk ( <i>Ceiba speciosa</i> ), Wild Tamarind ( <i>Lysiloma latisiliquum</i> ), Gumbo Limbo ( <i>Bursera simaruba</i> ), <i>Ficus aurea</i> , <i>Ficus benghalensis</i> , <i>Ficus Saurea</i> , <i>Ficus Citrifolia</i>
Medium tree species	Bridal veil ( <i>Caesalpinia granadillo</i> ), Leopard trees ( <i>Caesalpinia ferrea</i> or <i>Libidia ferrea</i> ), Satin Leaf ( <i>Coccoloba diversifolia</i> ), Pigeon Plum ( <i>Chrysophillum oliviforme</i> ), Orange Geiger ( <i>Cordia sebestena</i> ), Green Buttonwood ( <i>Conocarpus erectus</i> )
Small tree species	Simpson Stopper ( <i>Myrcianthes fragrans</i> ), Spanish Stopper ( <i>Eugenia foetida</i> ), Silver Buttonwood ( <i>Conocarpus erectus</i> var. <i>sericeus</i> ), Cassia species ( <i>Cassia</i> spp.), Tabebuia species ( <i>Tabebuia</i> spp.), Lignum Vitae ( <i>Guaiaecum sanctum</i> ), Crabwood (



	<i>Ateramnus lucidus</i> ), Jamaican Ccaper ( <i>Capparis cynophallophora</i> ), Ccrape myrtle ( <i>Lagerstroemia indica</i> ), and glossy privet ( <i>Ligustrum Lucidum Ligustrum lucidum</i> )
Large palm tree species	Royal palm, Canary Island Date palm, Medjool Date palm, Bismarck palm, Coconut palm
Medium palm tree species	Sabal palm, Satakentia palm, Copernica alba, Latania Palm
Small palm tree species	Florida Thatch palm, Solitaire palm, Montgomery palm, Christmas palm, Teddy Bear palm

Step 4: Location of replacement tree. Specific placement of replacement trees on-site shall be determined by the applicant. If the site cannot accommodate the required replacement trees because of insufficient planting area, as determined by the Department, then the applicant shall be required to plant replacement trees at an off-site location subject to the Department approval, or, as an alternative, shall provide an equitable contribution to the City Tree Trust Fund to compensate for those replacement trees which cannot be accommodated on-site, as set forth in further detail under Section 54-06(F).

Step 5: Minimum species diversity richness standards. When more than ten trees are required to be planted in accordance with the provisions of this Chapter, a diversity richness of species shall be required. The number of species to be planted shall be based on the overall number of trees required. The number of species to be planted shall be based on the overall number of trees required. The applicant shall be required to meet the following minimum diversity species richness standards:

Required Number of Trees	Minimum Number Species
11—20	2
21—50	4
51 or more	6

Permittees shall not be required to plant in excess of six species. The number of trees of each species planted shall be proportional to the number of species required. A minimum of 50 percent of all replacement trees planted shall be native to Miami-Dade County, and no more than 30 percent of the replacement trees shall be palms. However, when native trees are removed, the native tree must be replaced with another native species. As an alternative to the minimum species diversity richness required herein, an applicant may propose an alternative species diversity richness in an

1 alternative landscape enhancement plan described in these tree  
2 regulations.

3 All replacement trees shall have a minimum quality of a Florida No.  
4 1 grade or better.

5 (f e) Black olive tree removal and replacement. The following policies,  
6 standards, and requirements shall be applicable to the removal and  
7 replacement of black olive trees in the City.

8 1. *Private property removal.* If a property owner wishes to  
9 remove a black olive tree from a private property site, the  
10 existing tree removal procedures in this ordinance must be  
11 followed.

12 (a) Mitigation will be in accordance with existing rules and  
13 standards if the tree is not causing damage to the subject  
14 property.

15 (b) ~~However, If the Department finds that the subject tree is~~  
16 ~~causing structural damage to the subject property, the amount~~  
17 ~~of mitigation required may shall be reduced by one-half if, in~~  
18 ~~the sole discretion of as determined by the Public Works~~  
19 ~~Department, the subject tree is causing structural damage to~~  
20 ~~the subject property.~~

21 In all cases, the property owner shall bear the full cost of  
22 removal and disposal of the removed tree. As a condition of  
23 removal, the property owner and the City must reach an  
24 agreement for the replacement of the removed black olive tree  
25 with a City approved tree or for the payment of the required  
26 mitigation amount into the City Tree Trust Fund in accordance  
27 with Section 54-06(F) prior to the removal of the specimen  
28 tree.

29 2. *Public property removal.* If a property owner requests the  
30 removal of a black olive tree from the City swale or right-of-  
31 way property, the decision regarding the removal shall be at  
32 the sole and exclusive discretion of the ~~Public Works~~  
33 Department. If removal is permitted, the City shall pay for the  
34 cost of removal and disposal of the removed tree, and the  
35 adjacent property owner shall be required to pay one-half of  
36 the full amount required to mitigation for the removed tree  
37 removal prior to the removal of the tree. In addition to the  
38 foregoing, the established policy of the City in regard to the  
39 removal of black olive trees from public property mandates  
40 that no more than 20 such trees shall be removed during any  
41 fiscal year of the City and that the City will replace all removed  
42 trees during its annual Black Olive Tree Replacement  
43 Program.

1 (f) Requirements for a tree removal and mitigation plan. A tree removal  
2 and mitigation plan shall be submitted to the Department by the  
3 applicant whenever replacement canopy is required. A tree removal  
4 and mitigation ~~landscape replacement~~ plan shall meet the following  
5 minimum standards:

6 1. Number, species, and size of trees. The number of trees by  
7 species, number of species of trees, and size of trees (i.e. overall  
8 tree height and canopy) proposed for planting shall be consistent  
9 with provisions of these regulations.

10 2. Site plan. The applicant shall submit a site plan that includes the  
11 proposed location of all replacement plantings, all property lines, and  
12 all proposed and existing structures, drain fields, driveways, and  
13 utility easements. Site plans must show the location of tree  
14 barricades to indicate how the existing trees will be protected during  
15 construction.

16 3. Canopy. The canopy spread of any tree that is proposed for  
17 preservation shall be shown on the plan. Where a portion of the  
18 canopy of a tree or trees will be removed without removal of the  
19 trees, a notation shall be made on the plan. Where applicable, the  
20 Department may require an elevation that depicts the positioning and  
21 proximity of tree limbs in relation to the proposed development.

22 4. Tabulation. A table showing the total area of lost canopy, total  
23 canopy required to be replaced as may be determined by the  
24 Department, and the total canopy area of proposed replacement  
25 trees.

26 (g) Illegal tree relocation, removal or modification. The relocation, removal  
27 or modification of a tree without a tree permit shall be a violation of this  
28 section and is subject to a fine pursuant to sections 54-12 and tree  
29 mitigation in accordance with this section up to twice the tree coverage.

30  
31 (g h) Exemption from relocation replacement and contribution  
32 requirements. Subject to approval and confirmation by the Department  
33 in writing. An applicant may be exempt from the relocation,  
34 replacement and contributions previously set forth herein under the  
35 following conditions:

36 1. Subject to the review and approval of the City Public Works  
37 Department, and upon the submittal of a statement from an  
38 ~~arborist landscape architect registered in the state, or from an~~  
39 ~~accredited graduate forester,~~ which indicates that a specimen  
40 tree, due to disease, condition, growth habit or any other  
41 reasonable botanical factor, does not provide the aesthetic or  
42 environmental contribution associated with the specimen tree.

1 Said statement shall include the specific reason(s) for the  
2 claimed exemption.

3 2. When preservation of the specimen tree would cause an  
4 unreasonable risk to existing property, as determined by the  
5 Department.

6 3. When a site contains more than one specimen tree, and 50  
7 percent or more of the existing specimen trees and at least 50  
8 percent of the existing specimen tree canopy area is  
9 preserved.

10 4. When a specimen tree is determined by the ~~Public Works~~  
11 Department to be undesirably located or that it may pose a  
12 threat to other adjacent specimen trees.

13 (2 3) Tree Permit Close-out Compliance. If the application for a tree  
14 removal permit is filed in conjunction with the construction and development  
15 of real property within the City, no Certificate of Occupancy shall be  
16 provided to the subject property until all applicable provisions of this chapter  
17 have been met.

18 (F) Permit fees and City Tree Trust Fund.

19 (1) The City Council shall establish a fee schedule by resolution for all matters  
20 relating to tree removal, relocation, replacement, monetary contribution  
21 (including the method of determining equivalent value), and all  
22 administrative reviews necessitated thereby.

23 (2) City Tree Trust Fund.

24 (a) Creation of City Tree Trust Fund. There is hereby created a City Tree  
25 Trust Fund, the purpose of which is to acquire, protect and maintain the  
26 City's tree canopy and to plant trees on public property. If a site cannot  
27 accommodate required replacement trees because of insufficient planting  
28 area as determined by the Department, and an acceptable location for  
29 replacement trees at an off-site location cannot be identified or approved by  
30 the administrative official, then as an alternative, the applicant shall provide  
31 an equitable contribution to the City Tree Trust Fund equal to the equivalent  
32 value of the replacement tree(s) which cannot be accommodated on-site.

33 (b) Disbursement and Maintenance of Funds. Monies obtained for the City  
34 Tree Trust Fund shall be disbursed for the acquisition, maintenance,  
35 management, and protection of the City's tree canopy, or for planting trees  
36 on public property. Disbursement from the City Tree Trust Fund shall require  
37 approval by resolution of City Council, provided, however, that any funds  
38 received pursuant to the conditions of any tree removal permit shall be used  
39 as required by the permit conditions without the necessity of approval,  
40 appropriation, or action of any kind by the City Council. The City Manager  
41 is hereby authorized to receive and disburse monies in accordance with this  
42 provision.

1 (G) ~~Tree protection requirements during construction.~~ During site development,  
2 protection requirements for trees designated for preservation shall include, but  
3 not be limited to, the following:

4 (1) ~~Protective barriers shall be placed around each tree, cluster of trees, or the~~  
5 ~~edge of the preservation area no less than six feet (in radius) from the trunk~~  
6 ~~of any protected tree cluster or preservation area unless a lesser distance~~  
7 ~~is specified by the Public Works Department. Protective barriers shall be a~~  
8 ~~minimum of four feet above ground level and shall be constructed of wood,~~  
9 ~~plastic or metal, and shall remain in place until development is completed~~  
10 ~~and the Public Works Department has authorized their removal. Protective~~  
11 ~~barriers shall be in place prior to the start of any construction.~~

12 (2) ~~Understory plants within protective barriers shall be protected.~~

13 (3) ~~No oil, fill, equipment, building materials or building debris shall be placed~~  
14 ~~within the areas surrounded by protective barriers, nor shall there be~~  
15 ~~disposal of any waste materials such as paints, oils, solvents, asphalt,~~  
16 ~~concrete, mortar or any other materials harmful to trees or understory plants~~  
17 ~~within the areas surrounded by protective barriers.~~

18 (4) ~~Trees shall be braced in such a fashion as to not scar, penetrate, perforate~~  
19 ~~or otherwise inflict damage to the tree.~~

20 (5) ~~Natural grade shall be maintained within protective barriers. In the event~~  
21 ~~that the natural grade of the site is changed as a result of site development,~~  
22 ~~such that the safety of the tree may be endangered, tree wells or retaining~~  
23 ~~walls are required.~~

24 (6) ~~Underground utility lines shall be placed outside the areas surrounded by~~  
25 ~~protective barriers. If said placement is not possible, disturbance shall be~~  
26 ~~minimized by using techniques such as tunnelling.~~

27 (7) ~~Fences and walls shall be constructed to avoid disturbance to any protected~~  
28 ~~tree. Post holes and trenches located close to trees shall be dug by hand~~  
29 ~~and adjusted as necessary, using techniques such as discontinuous~~  
30 ~~footings, to avoid damage to major roots.~~

31 (GH) *Tree relocation standards.* The relocation of any tree shall be conducted in  
32 accordance with the minimum standards of the American National Standards  
33 Institute (ANSI) ANSI Standards and the tree relocation standards promulgated  
34 by Miami-Dade County. Additionally, tree relocations must adhere to consistent  
35 with the following minimum standards:

36 (1) Trees other than palms:

37 (a) Tree roots shall be severed cut in such a manner as to provide a root  
38 ball which is sufficient to ensure survival of the tree when relocated. A  
39 sufficiently-sized planting hole shall be provided at the relocation site  
40 to ensure successful regrowth.

41 (b) After root severing cutting, adequate time shall be allowed prior to  
42 replanting to ensure survival of the tree(s). After root severing cutting  
43

1 and prior to relocation, tree(s), shall be watered a minimum of twice  
2 weekly. After relocation, tree(s) shall be watered a minimum of four  
3 times each week until the tree(s) are established.

- 4 (c) During removal and transportation of the tree, the root ball and  
5 vegetative portion of the tree shall be protected from damage from wind  
6 or injury. Any tree that dies or becomes nonviable within 12 months of  
7 relocation shall be replaced.

8 (2) Palm trees.

- 9 (a) A ball of earth ~~at least one foot from the base of~~ sufficiently large  
10 enough to ensure that the tree ~~shall~~ can survive relocation for at least  
11 one year ~~be moved with the tree.~~

- 12 (b) ~~All Non-living (brown)~~ fronds on ~~Sable Palms~~ sabal palms (*Sabal*  
13 *palmetto*) shall be trimmed, and living, green fronds shall be lightly tied  
14 around the bud prior to relocation.

- 15 (c) The bud shall be protected from damage or injury during relocation.

- 16 (d) Any palm that dies or becomes nonviable within 12 months of  
17 relocation shall be replaced.

18 **Section 54-07. Tree abuse prohibited.**

19 It shall be unlawful to abuse any protected or specimen trees located within the City  
20 of Miami Springs or any other trees located on City owned or controlled property or  
21 right-of-way.

22 (A) The following acts shall constitute tree abuse:

- 23 (1) Damage inflicted upon any part of a tree, including its root system, by  
24 machinery, mechanical devices, soil compaction, excavation, vehicle  
25 accidents, chemical applications, changes to the natural grade, fire, storage  
26 or disposal of toxic or hazardous substances, acts of animals.
- 27 (2) Damage inflicted to or cutting upon a tree which permits infection or pest  
28 infestation.
- 29 (3) Cutting upon any tree which destroys its natural shape.
- 30 (4) Topping; hatracking.
- 31 (5) Girdling or Bbark removal of more than one-third of the DBH of a tree  
32 caliper.
- 33 (6) Tearing and splitting of limb ends or peeling and stripping of bark.
- 34 (7) Use of climbing spikes, unless the tree is being legally removed, or in order  
35 to address an emergency rescue situation.
- 36 (8) Fastening any sign, rope, wire or object by nail, staple, chemical substance,  
37 or other adhesive means to, through or around any tree.



1 (9) Any pruning in violation of the practices established by the ~~national arborist~~  
2 ~~association~~ **ANSI Standards**.

3 (10) Any act that would cause a tree to become nonviable.

4 (B) Any act of tree abuse that renders a protected or specimen tree to be nonviable  
5 or effectively destroyed shall constitute "effective removal" and require full  
6 compliance with § 54-06 of this article.

7 **Section 54-08. Public property planting and maintenance standards.**

8 Notwithstanding anything contained in this section to the contrary, the city shall have  
9 the sole and exclusive right to plant, prune, maintain and remove trees, plants and shrubs  
10 within the lines of all streets, alleys, avenues, lanes, squares and public areas, as may  
11 be necessary to ~~insure~~ **ensure** public safety or to preserve or enhance the symmetry and  
12 beauty of all public grounds. The ~~city~~ **City** may remove or cause to be removed, any tree or  
13 part thereof which is in an unsafe condition or which by reason of its nature constitutes a  
14 public nuisance or is injurious to sewers, electric lines, gas lines, water lines or other  
15 public improvements, or is afflicted with any injurious fungus, insect or pest. This section  
16 does not prohibit the planting of trees adjacent to any public ways by adjacent property  
17 owners provided that the trees are properly placed and maintained in accordance with  
18 the tree planting and maintenance standards contained herein.

19 **Section 54-09. - Applicability to utility companies.**

20 Except as may be provided in the "Booklet of Minutes and Agreements"  
21 established jointly by Florida power and light company and the ad hoc tree committee on  
22 September 23, 1991 (a copy of which is permanently maintained in the public works  
23 department and is available for review and inspection), the provisions of this chapter are  
24 applicable to all utility companies.

25 **Section 54-10. - Emergency provisions.**

26 In the event that it is believed that any tree in the City is in such a hazardous condition so  
27 as to endanger the public health, safety and general welfare unless it is immediately  
28 removed, the City Manager, or his designee, may verbally authorize the removal of such  
29 tree following a personal inspection of the subject tree without the securing of a removal  
30 permit as required by this chapter. In addition, the provisions and requirements of this  
31 chapter may be temporarily stayed by a majority vote of the City Council following the  
32 occurrence of a hurricane, tornado, flood, or other natural disaster.

33 **Section 54-11. Tree protection standards.**

34 The following standards shall be applicable to the protection of all trees within the City  
35 during development and construction:

36 (A) *Tree Protection During Construction.* A photographic record of the trees within  
37 the proposed barrier area shall be made by the Department before any permit,  
38 including a demolition permit, is issued. Trees shall be protected during  
39 development and construction through the use of protective barriers in  
40 accordance with the Miami Dade County Landscape Manual or other nationally

1 recognized arboricultural standards approved by the city manager or designee.

2  
3 (B) Trees that are to remain on site or to be relocated, shall be clearly identified  
4 with a tag, including an identification reference to the tree survey required as  
5 part of the landscape plan or tree permit. A protected area within the drip line  
6 of the tree or within a radius of ten (10) feet measured from the tree trunk,  
7 whichever is greater, shall be maintained around trees in accordance with the  
8 Miami-Dade County Landscape Manual, unless the Department otherwise  
9 determines in writing that a smaller or larger protected area is required for each  
10 tree, or an alternative tree protection method is approved.

11 (C) During demolition and/or development, including installation of irrigation  
12 systems or any other underground installations, protective barriers shall be  
13 placed around each tree and shall remain in order to prevent the destruction or  
14 damaging of roots, stems or crowns of such trees, and to prevent deposits of  
15 any fill or compaction to the drip zone of the tree. The barriers shall remain in  
16 place and intact until such time as approved landscape operations begin;  
17 however, barriers may be removed, subsequent to written permission from the  
18 City after an onsite inspection, or temporarily to accommodate construction  
19 needs, provided that the manner and purpose for such temporary removal will  
20 not harm the trees. The trees shall be properly irrigated throughout the building  
21 process. Persons who cause tree damage during construction shall be subject  
22 to the penalties set forth in the provisions of this Code. Understory plants within  
23 protective barriers shall be protected.

24 (D) *Barriers required.* Prior to clearing, demolition, or other development or  
25 construction activities, the Department shall determine which trees, if any,  
26 require protection. Protective barriers shall be constructed, as necessary, to  
27 prevent the destruction or damaging of regulated trees that are located within  
28 50 feet of any construction activity or storage of equipment and materials. Trees  
29 identified for preservation which are destroyed or severely damaged shall be  
30 mitigated in accordance with this section prior to issuance of a certificate of  
31 occupancy or use. To avoid conflicts between barrier placements and  
32 demolition and construction activities, barriers shall be drawn to scale on the  
33 demolition, grading and paving sheets of the development plan.

34 (E) *Barrier zones.* All regulated trees in areas of demolition, development, and/or  
35 construction that have not been permitted nor designated for removal by either  
36 the terms of the permit or approved development order shall be protected by  
37 barrier zones erected and inspected prior to construction of any structures,  
38 road, utility service or other improvements. Barricades shall comply with the  
39 following:

40 (1) Protective barriers shall be plainly visible and shall create a continuous  
41 boundary around trees or vegetation clusters in order to prevent encroachment  
42 by machinery, vehicles, or stored materials. To further protect tree roots, a layer  
43 of wood chips at least eight inches thick shall cover the soil within the barricade.  
44 Barricades must be at least three feet tall and must be constructed of either

1 wooden corner posts at least two by four inches buried at least one foot deep,  
2 with at least two courses of wooden side slats at least one by four inches with  
3 colored flagging or colored mesh attached, or constructed of one-inch angle  
4 iron corner posts with brightly colored mesh construction fencing attached.  
5 Protected trees shall be preserved by galvanized chain link fencing a minimum  
6 of 48 inches high, 11-gauge wire, two-inch mesh size secured with 17/8 inch  
7 line posts no further than 10 feet apart secured at a depth of three feet below  
8 soil line. Corners shall be secured with 23/8 inch line posts secured to a depth  
9 of four feet below soil line.

10 (2) Barriers shall be placed at the greater of the following:

11 (i) At or outside the dripline for all regulated pine and palm trees;

12 (ii) At a minimum of two-thirds of the area of the dripline for all other  
13 regulated species; or

14 (iii) At the tree root plate.

15 (3) If complying with the above placement of barriers is found to unduly restrict  
16 development of the property, the Department may approve alternative barrier  
17 placements or methods of protection provided that at least fifty (50) percent of  
18 the area under the canopy dripline remains undisturbed (no grade change or  
19 root cut) and further provided that there shall be no disturbance to the tree root  
20 plate. Protective barriers may not be removed or relocated without such  
21 approval.

22 (4) No grade changes shall be made within the protective barrier zones without  
23 prior approval of the Department. Where roots greater than one inch in  
24 diameter are damaged or exposed, they shall be cut cleanly and re-covered  
25 with soil within one hour of damage or exposure.

26 (5) Protective barriers shall remain in place and intact until such time as  
27 landscape operations begin. If construction needs dictate a temporary removal  
28 (for less than twenty-four (24) hours), the Department may approve or deny  
29 the temporary removal of protective barriers.

30 (6) Landscape preparation in the protected area shall be limited to shallow  
31 disking of the area. Disking shall be limited to a depth of four inches unless  
32 specifically approved otherwise by the Department.

33 (F) No gas, oil, fill, equipment, building materials or building debris shall be  
34 placed within the areas surrounded by protective barriers, nor shall there  
35 be disposal of any waste materials such as paints, oils, solvents, asphalt,  
36 concrete, mortar, or any other materials harmful to trees or understory  
37 plants within the areas surrounded by protective barriers.

38 (G) Trees shall be braced in such a fashion as to not scar, penetrate,  
39 perforate, or otherwise inflict damage to the tree.

40 (H) Natural grade shall be maintained within protective barriers. In the event  
41 that the natural grade of the site is changed as a result of site

development, such that the safety of the tree may be endangered, tree wells or retaining walls may be required.

(I) Underground utility lines shall be placed outside the areas surrounded by protective barriers. If said placement is not possible, disturbance shall be minimized by using techniques such as tunneling.

(J) Fences and walls shall be constructed to avoid disturbance to any protected tree. Post holes and trenches located close to trees shall be dug by hand and adjusted as necessary, using techniques such as discontinuous footings, to avoid damage to major roots.

(K) If any preserved tree is not alive and healthy three (3) years after the certificate of occupancy is granted, it shall be removed and replaced with the tree or trees that originally would have been required by this Chapter if it were removed. The area that was preserved to accommodate the preserved tree shall be maintained in an unpaved condition and the replacement trees established in this area.

#### **Section 54-41 12. Enforcement.**

(A) Any violations of the provisions and requirements of this chapter shall be prosecuted on behalf of the City by the Code Enforcement Department ~~before the Code Enforcement Board in accordance with its rules, regulations, and procedures as mandated in §§ 32-65—32-71 of this Code of Ordinances~~ or in accordance with the rules, regulations and procedures contained within the City's Supplemental Code Enforcement Citation System codified in Code of Ordinance § 101-01.

(B) Failure to obtain a tree removal permit prior to removing or relocating any tree in accordance with Section 54-06 shall constitute a continuing violation until a complete after-the-fact tree removal permit application is obtained and submitted to the Department for each tree removed or relocated. If the submitted application for a tree removal permit is denied, fines shall continue to accrue from the date of denial until a revised or corrected tree removal permit application is submitted. The City Manager or City Manager's designee may bring any tree removal violation before the special magistrate for a determination as to whether the tree removal violation constitutes an uncorrectable violation, as defined under section 32-67 of the City Code and Section 162.09(2), Florida Statutes. Upon a finding by the special magistrate that a tree removal violation is an uncorrectable violation that is irreparable or irreversible in nature, the special magistrate shall impose a fine of up to \$5,000 per tree in addition to requiring the violator to obtain an after-the-fact tree removal permit and replace any damaged trees.

(C) Nothing contained herein shall in any way limit any other department of City government from participating and assisting in the prosecution of violations of this chapter.