

ORDINANCE 2019-1

AN ORDINANCE OF THE TOWN OF INTERLACHEN, FLORIDA; REPEALING ORDINANCE 2014-3; PROVIDING FOR PURPOSE; PROVIDING FOR CREATION OF A TOWN TREE BOARD; PROVIDING FOR DEFINITIONS; PROVIDING FOR ESTABLISHING METHODS OF APPOINTMENT OF MEMBERS TO THE TREE BOARD; PROVIDING A METHOD FOR FILLING VACANCIES; PROVIDING FOR DEFINING DUTIES OF THE TREE BOARD MEMBERS; PROVIDING FOR AUTHORIZING A TREE PLAN; PROVIDING FOR ESTABLISHING POLICY; PROVIDING FOR ESTABLISHING AUTHORITY FOR CARE OF PUBLIC TREES; PROVIDING FOR DECLARING CERTAIN ACTIVITIES UNLAWFUL; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF INTERLACHEN, FLORIDA:

SECTION I REPEAL

2019-1 - 1.1 - Repeal.

Ordinance 2014-3, which passed on second reading on March 11, 2014, is hereby repealed.

SECTION II PURPOSE

2019-1 - 2.1 - Purpose.

The purpose of this Ordinance is to declare and define the Town's power and authority over all trees, plants and shrubs located within the street rights-of-ways, parks and other places owned or legally controlled by the Town of Interlachen, Florida. Such power and authority shall promote and protect the public health, safety and general welfare and further, shall accentuate the scenic, cultural, historical and aesthetic attributes of the Town of Interlachen by establishing procedures and practices for fulfilling these purposes.

SECTION III DEFINITIONS

2019-1 - 3.1 - Definitions

Whenever used in this Ordinance, unless a different meaning clearly appears from the context:

- 1) "TOWN" shall mean the Town of Interlachen, Florida.


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- 2) "PERSON(S)" shall mean a public or private individual, corporation, company, firm, association, trust, estate, commission, board, public or private institution, utility or other legal entity.
- 3) "TREES" shall mean self-supporting woody perennial plants, whose one (1) main stem attains at least a diameter of three (3) inches or nine (9) inches in circumference at four and one half (4-1/2) feet above ground.
- 4) "STREET TREES" shall mean trees, shrubs and bushes on land lying within all streets or avenue rights-of-way.
- 5) "PARK TREES" shall mean trees, shrubs and bushes in public parks having individual names, and all areas owned by the Town.
- 6) "CROWN" shall mean the main mass of branching of a plant above the ground.
- 7) "DRIPLINE" shall mean a vertical line extending from the outermost branches of a tree to the ground.
- 8) "EXCEPTIONAL SPECIMEN TREE" shall mean any tree which is determined by the Town Council to be of unique and intrinsic value to the general public because of its size, age, historic association, ecological value or any tree that is designated a Florida State Champion, United States Champion or World Champion by the American Forestry Association.
- 9) "RELOCATION OF A TREE" shall mean an act to relocate a tree being removed to an appropriate new location.
- 10) "REMOVAL OF A TREE" shall mean physical removal by mechanical methods such as excavation, chain saw and stump removal.
- 11) "TOPPING" shall mean the cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

SECTION IV CREATION AND ESTABLISHMENT OF THE TOWN TREE BOARD

2019-1 - 4.1 - Creation and Establishment of the Town Tree Board.

There is hereby created and established a Town Tree Board for the Town of Interlachen, Florida, which shall consist of five (5) members, comprised of Putnam County residents.

Town Tree Board members shall be appointed by a majority vote of the Town Council at a regularly scheduled Town Council meeting. All members shall serve without compensation.

A quorum consisting of three (3) or more members must be present in order for an official meeting to be conducted and no action shall be taken by the committee except at an official meeting and then by the approval/vote of a majority of those present.


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2019-1 - 4.2 - Filling of Vacancies.

Tree Board vacancies shall be filled by a majority vote of the Town Council at a regularly scheduled Town Council meeting.

2019-1 - 4.3 - Operation of the Town Tree Board.

The Town Tree Board shall choose its own officers and keep a journal of its findings.

2019-1 - 4.4 - Town Tree Board Duties and Responsibilities.

A) It shall be the duty and responsibility of the Town Tree Board to study, investigate, develop, update and oversee the administration of a written tree plan for the identification, preservation, pruning, planting, replanting or removal of trees and shrubs in parks, along streets and in other public areas.

B) The Tree Plan or Tree Plan Amendments shall be presented to the Town Council prior to implementation, and upon its approval, shall constitute the official Tree Plan for the Town of Interlachen, Florida.

C) The Town Tree Board, when requested by the Town Council, shall consider, investigate, make findings, report and make recommendations to the Town Council.

D) The Tree Plan shall be created to preserve and maintain existing trees such as Exceptional Specimen Trees.

E) The Tree Plan shall include a Tree Inventory denoting tree care, location, identification by species, height, canopy width, trunk diameter, health and other significant historical, cultural and unique physical characteristics.

F) The Tree Plan shall advocate removal of dead, dying or invasive trees as permitted by available funds.

G) The Tree Plan shall advocate replacement of trees with either the same species or variety of another species. The replacement tree may be younger and smaller than the original tree.

2019-1 - 4.5 - Additional Activities of the Town Tree Board.

The Town Tree Board shall carry on the following activities:

A) Assist and educate the community and its officials in disseminating information about protection, maintenance and improvement of the Town's tree population.

B) Propose to the Town Council such legislation as may be necessary and practical to pursue the ends for which the Town Tree Board was created.

C) Provide technical advice and assistance to developers, builders, contractors, etc., in the selection and protection of naturally occurring trees, during the development of wooded areas.


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- D) Communicate with such professional and technical services as it may see fit, within the scope of this Ordinance.
- E) Develop tree-planting projects in conjunction with other public and private agencies; such as “Keep Putnam Beautiful”, plant nurseries, utility companies, state and/or county agencies, developers and businesses.
- F) Inform the Town Council of grants and other funding sources to support the Town’s Tree Plan and Policies.

SECTION V ESTABLISHING STATEMENTS OF POLICY

2019-1 - 5.1 - Establishing Statements of Policy.

- A) All street trees and park trees as defined herein shall be considered an asset of the Town and shall have compensatory value.
- B) Any person(s) may, with approval from the Town Council be allowed to undertake horticultural or landscaping activities on Town property.
- C) The Town Maintenance Supervisor shall consider the Tree Board reports, and the goals and objectives set forth in the Tree Plan and Statements of Policy.
- D) Future municipal buildings or development, renovation or restoration shall have a landscape plan. The landscape plans shall be provided for the Town Council’s consideration and approval before construction begins.
- E) Proper care shall be taken to avoid, to the extent practical, any injury to the roots of any tree within the tree’s root zone during excavation of Town streets or other public places.
- F) All stumps on Town property shall be removed below the surface of the ground to the extent that available funding permits.
- G) Any tree trimming company, utility company, governmental agency and/or their subcontractors shall be responsible for familiarizing themselves with this Ordinance prior to trimming street trees and park trees, and shall conduct all tree trimming or tree removing operations that are consistent with practices advocated by a Certified Arborist, who is licensed with the International Society of Arboriculture.

SECTION VI AUTHORIZING AND PROVIDING TREE CARE

2019-1 - 6.1 - Authorizing and Providing Tree Care.

- A) The Town Maintenance Department or agents thereof shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.


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B) The Town Maintenance Department or agents thereof may remove or cause to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest.

C) Property owners may plant and maintain trees or plants on adjacent right-of-way with the Town Maintenance Supervisor's approval. Ultimately, the Maintenance Department reserves the right to remedy neglected rights-of-way.

SECTION VII DECLARATION OF UNLAWFUL ACTIVITIES

2019-1 - 7.1 - Declaration of Unlawful Activities.

A) It shall be unlawful as a normal practice for any person(s) or entity to remove, disfigure, top or damage any tree on public property, but for the following exceptions:

- 1) In emergency situations.
- 2) When performed by the Town Maintenance Department and/or their agents.
- 3) When performed by person(s) whose written request has received written approval from the Town Council.
- 4) When performed in the course of municipal construction or municipal landscaping that has been approved by the Town Council.
- 5) When performed pursuant to contracts with the Town of Interlachen which specifically define the activity to be accomplished.

B) It shall be unlawful to attach any sign, wire, rope or cable to any tree on Town property without a written request and written approval from the Maintenance Supervisor.

C) It shall be unlawful to paint any tree on Town property, except for timber harvesting or land-clearing purposes.

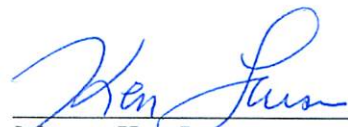
D) It shall be unlawful for any person(s) to prevent, delay or interfere with any of the Town's employees, or any of the Town's agents or servants, while engaging in planting, cultivating, mulching, pruning or removal of any tree as authorized by this Ordinance.

SECTION VIII PENALTY

2019-1 - 8.1 - Penalty.

The violation of any provision of this Ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00).


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**SECTION IX
CONFLICTING ORDINANCES**

2019-1 - 9.1- Conflicting Ordinances.

All laws and ordinances of the Town of Interlachen which conflict with the terms of this Ordinance are hereby repealed.

**SECTION X
SEVERABILITY CLAUSE**

2019-1 - 10.1 - Severability Clause.

If any provision of this Ordinance or the application thereof to any person or circumstances is held to be invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.


**SECTION XI
EFFECTIVE DATE**

2019-1 - 11.1 - Effective Date.

This Ordinance shall become effective immediately upon its final passage as provided by law.

Passed On First Reading	<u>February 12, 2019</u>
Passed On Second Reading	<u>March 12, 2019</u>


Chairperson, Carolyn Meadows


Mayor, Ken Larsen

Approved by:

First Reading

Second Reading

Carolyn Meadows
Chairperson, Carolyn Meadows

YES

YES

Beverly Bakker
Vice-Chairperson, Beverly Bakker

YES

YES

Carolyn Bennett
Council, Carolyn Bennett

YES

YES

Joni Conner
Council, Joni Conner

YES

YES

Judi Costanzo
Council, Judi Costanzo

YES

YES

Attest:

Ken Larsen
By: Mayor, Ken Larsen

Pamela S. Wilburn
Town Clerk, Pamela S. Wilburn

(TOWN SEAL)