

## ORDINANCE NO. 74- 21

AN ORDINANCE TO PRESERVE AND PROTECT TREES WITHIN THE TOWN OF LONGBOAT KEY BY REGULATING THE REMOVAL, OF TREES; PROVIDING FOR THE APPLICATION AND APPROVAL OF PERMITS AND A PERMIT FEE; DEFINING TREES; PROVIDING FOR EXCEPTIONS FROM THE PROVISIONS OF THE ORDINANCE; PROVIDING PENALTIES FOR VIOLATION OF ANY OF THE PROVISIONS OF THIS ORDINANCE; REPEALING ALL CONFLICTING ORDINANCES AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, trees are proven producers of oxygen, a necessary element for the survival of man; and

WHEREAS, the Town Commission of the Town of Longboat Key has determined that the protection of trees within the Town is not only desirable but essential to the present and future health, safety and welfare of all the citizens, present and future, and has further found that this requirement is so imperative that the public interest requires that the Town proceed to protect and preserve present trees and to encourage the propagation of trees in the future; and

WHEREAS, it is the intent of the Town Commission that trees, as defined, regulated and protected herein, are declared to be a natural public resource and it is in the intent of the Town Commission to encourage planting, replacement and relocation, and protection of trees, as herein set out, in the interest of the health, safety and welfare of present and future citizens of the Town of Longboat Key. To attain that end, it shall be unlawful to cut down, damage, poison or in any other manner destroy or cause to be destroyed any tree as covered by the terms of this ordinance except in accordance with the provisions of this ordinance, now, therefore,

BE IT ORDAINED BY THE TOWN OF LONGBOAT KEY:

Section 1. It shall be unlawful for any person, corporation or agent to remove any tree as defined herein until the following requirements have been met:

- A. A request has been submitted to the Town Commission of the Town of Longboat Key in writing on a form provided by the Town Manager, and accompanied with the following information.

1. An overall site plan including the approximate shape and dimensions of the lot or parcel of land, together with existing and proposed driveways, structures and improvements.
2. The approximate location of all trees, as defined herein, which trees shall be identified as to type and species.
3. The designation of all trees which are to be removed.
4. A statement as to why said trees are to be removed.
5. A statement as necessary, explaining how any standing trees or trees to be relocated as part of a development project are to be protected during the construction of the development.

Section 2. After an application for removal of trees has been filed, said application shall be checked by the Building and Zoning official who will review and consider what effects the removal of said trees will have upon the drainage, topography and the natural resources of the affected area prior to granting or denying said application. Based upon a review of these factors, the application shall be approved or denied.

Section 3. Application for tree removal permits filed with the Town Manager shall be accompanied by a fee of Five Dollars (\$5.00). Such fees are hereby declared to be necessary for the purpose of processing the application and making the necessary inspections for administration and enforcement of this ordinance.

Section 4. A tree is defined as any self-supporting woody plant having a diameter of six inches measured four and one-half (4.5) feet above ground level in the environs of the Town of Longboat Key and which provide shade or are capable of providing shade at maturity and all species of mangrove regardless of size.

Section 5. Exceptions:

A. Any tree located on a parcel of improved single family residential land, provided such tree is located on the premises of an individual owner, and further provided such property is not

being prepared for the development of a subdivision or other non single family residential uses are specifically exempt from the terms and conditions of this ordinance.

B. Trimming of trees as normal maintenance provided such trimming does not result in the mutilation of the tree or trim more than twenty-five (25%) percent of the existing leaves, limbs and foliage are specifically exempt from the terms and provisions of this ordinance provided mangroves of all species shall not be trimmed in any manner.

C. Any person who feels agrieved under the strict enforcement of this Ordinance by any administrative official may file, within five (5) days after the said agrievement, a petition to have his case reviewed and acted upon by the Town Commission, whose decisions on all matters shall be final.

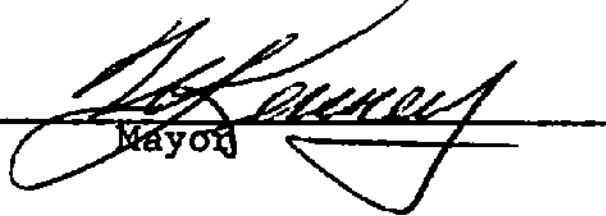
Section 6. Any person found guilty of violating any provisions of this ordinance or any order issued pursuant thereto shall upon conviction thereof be punished by a fine not exceeding \$500.00 or by imprisonment for a term not exceeding sixty (60) days, with each day of such violation constituting a separate offense.

Section 7. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

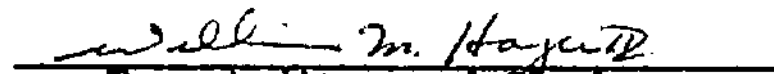
Section 8. This Ordinance shall take effect in accordance with law and the Charter of the Town of Longboat Key.

Passed on first reading this 3rd day of July, 1974.

Passed and adopted finally on second reading this 24<sup>th</sup> day of July, 1974.

  
Mayor

Attest:

  
Town Auditor and Clerk

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I HEREBY CERTIFY that the foregoing Ordinance was published in accordance with the Charter and Ordinances of the Town of Longboat Key and has been posted in at least three (3) public places for a period of four (4) weeks after the passage thereof, on this \_\_\_\_\_ day of \_\_\_\_\_, 1974.

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Town Auditor and Clerk

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