

CITY OF APALACHICOLA, FLORIDA

ORDINANCE NUMBER 2011-01

“TREE ORDINANCE”

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA ADOPTING A TREE ORDINANCE; PROVIDING FOR ITS INCLUSION IN THE LAND DEVELOPMENT CODE OF THE CITY OF APALACHICOLA, FLORIDA; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Apalachicola, Florida finds it necessary for the purpose of promoting, protecting and preserving the general historic and pristine nature of the City of Apalachicola to adopt a tree ordinance, and

WHEREAS, Chapter 163, Florida Statutes, empowers and requires the City to establish land-use codes and provide for its administration, enforcement and amendments, and

WHEREAS, the Planning and Zoning Commission of the City of Apalachicola, after public hearings pursuant to due public notice, has recommended to the City Commission a proposed amendment to the Land Development Code of the City of Apalachicola, Florida by adding a section to the zoning regulations for tree protection and preservation within the City, and

WHEREAS, the City Commission, after due public notice and advertising of the proposed amendment of the Land Development Code of the City of Apalachicola, Florida by amending the zoning regulations for tree protection and preservation within the City, as recommended by the Planning and Zoning Commission, accept and enact such proposed amendment as set forth herein.

NOW THEREFORE BE IN ENACTED BY THE PEOPLE OF THE CITY OF APALACHICOLA, FLORIDA, THE FOLLOWING ORDINANCE PROVISIONS REGARDING THE ZONING REGULATIONS AND LAND DEVELOPMENT CODE FOR THE CITY OF APALACHICOLA:

SECTION I:

- I. Purpose and Intent
- II. Definitions
- III. Protected Trees
- IV. Permits for Removal, Relocation or Substantial Alteration
 - A. Residential Requirements
 - 1. Existing lots with homes
 - 2. Undeveloped lots

- B. Commercial Requirements
 - 1. Existing lots with structures
 - 2. Undeveloped lots
- C. City Property
- D. Duration of Permits
- V. Exemptions
- VI. Protection of Trees During Operations
- VII. Utility Easement Trimming
- VIII. Replacement and Fine Policies
- IX. Violation of Ordinance; Penalties
- X. Appeals
- XI. Severability

I. PURPOSE AND INTENT

Trees are recognized to be a valued asset, providing a healthier and more beautiful environment in which to live. Tree preservation enhances the value and marketability of property and thereby promotes the stability of residential neighborhoods, making them more livable and desirable.

This ordinance establishes protective regulations for tree preservation and a permitting process to insure good management practices on private and city-owned property, including utility easements for continued healthy and beautiful trees.

II. DEFINITIONS

- A. Board – The Planning and Zoning Board for the City of Apalachicola
- B. Citizens Tree Trimming Committee – A citizen advisory group appointed by the City Commission to review and make recommendations regarding tree preservation and regulation issues.
- C. Clear Cutting – The removal of all standing trees on a lot or a portion of a lot
- D. Diameter at Breast Height – The diameter of a tree trunk as measured four and a half (4 ½) feet above ground level.
- E. Drip Line – The limiting line established by a series of perpendicular drop points marking the maximum radius of the crown of an existing tree, but not less than ten (10) feet from the trunk, whichever is greater.
- F. Invasive Trees – Those trees which have been identified by the State as nuisance trees. For the purpose of this ordinance, that list includes the following: Chinese Tallow (popcorn tree), Mimosa, Tung Oil, Chinese Umbrella Tree, China Berry, and Melaleuca. Invasive trees are not subject to regulation in this ordinance.
- G. ISA Standards – International Society of Arboriculture.
- H. Native Trees – For the purpose of this ordinance, the following trees represent native trees as identified by habitat in the Florida Natural Resource Inventory and those species that represent the predominant forestation of Apalachicola: Live Oak, Water Oak, Red Oak, White Oak, Scrub Oak (Black Jack), Turkey Oak, Magnolia, Pecan, Hickory, Sycamore, Cypress, Juniper, Sweet Gum, Maple, Dogwood, Long Leaf Pine, Short Leaf Pine, Slash Pine, Sabal Palm, Tupelo. The definition of native tree may also be extended to include trees in a wetland, (other than an invasive non-native species) and any exceptional specimen trees as identified by the City Commission.
- I. Patriarch Tree – A protected native tree (section XII. A) whose trunk is thirty-five (35) or more inches in diameter at breast height.
- J. Protective Barrier – A physical structure limiting access to a protected tree composed of wood or other suitable material, which ensures compliance with the intent of this ordinance.
- K. Protected Trees – Those native trees that represent the predominant forestation of Apalachicola and which have been identified as regionally significant. Those species include: Live Oak, Red Oak, White Oak, Magnolia Sabal/Cabbage Palm and Slash Pine. All Patriarch trees shall be considered protected.
- L. Pruning – The routine removal of limbs/branches that are dead, growing into a structure or right-of-way, or the practice of thinning for health of the tree.
- M. Relocate – As used in the Chapter XII tree protection regulations and elsewhere in this Code, the digging up of a protected tree by a property owner from a place on the owner’s property and the planting of the same tree in another place on the same property or in a public place.
- N. Remove or Removal – The actual removal of a tree by digging up or cutting down or the effective removal through damage.
- O. Replacement Tree – Shall be a nursery grade quality tree and of the same species of those removed, or other as approved by the Board or City Commission.
- P. Selective Cutting - The removal of larger trees on an individual basis, while leaving trees of lesser size.
- Q. Substantial Alteration – The heavy cutting of top branches (topping), cutting of major lower limbs (elevating), or significant trimming of a tree that alters the natural symmetry of the tree. The term does not include customarily accepted practices used by certified arborists or pruning shade trees.
- R. Thinning – The removal of undesirable, competitive, diseased or damaged trees so as to cultivate and improve the development of remaining trees on the lot.
- S. Tree Canopy – The top layer or crown of mature trees

III. PROTECTED NATIVE TREES

Any of the protected tree species or any tree identified as a Patriarch Tree may not be removed or modified on private or publically owned land except under emergency conditions. Permits for removal or modification of Protected Patriarch Trees as defined in this ordinance will not be granted. The proposed removal or substantial alteration of non-protected native trees (not including Patriarch trees) shall be subject to the established permit processes as outlined in Section IV. Planning and zoning may limit the removal of any native tree in addition to the listed protective trees, where landscape requirements become part of the permit conditions.

IV. PERMITS FOR REMOVAL, RELOCATION OR SUBSTANTIAL ALTERATION

Any person wishing to remove, relocate or substantially alter a protected tree or its protective surroundings, shall make application to the City by filing a written application on forms provided by the building department. Where an application as required by this Ordinance has been submitted, no permit shall be issued until a tree site plan for the lot or parcel has been submitted by the applicant to the Planning and Zoning Board and reviewed and approved by said Board. For new construction and renovation that involves increasing the size of an existing structure, a property survey shall be required in which the location and size of the affected tree shall be identified.

The tree site plan shall show the following information at a scale sufficient to enable the determination of matters required under this Ordinance:

1. The shape and dimensions of the lot or parcel, together with the existing and/or proposed locations of structures and improvements, if any.
2. Location and dimensions of all existing trees which are subject to the protected tree provisions. Trees proposed to remain, to be re-located, or to be removed shall be so identified.
3. A statement showing how trees not proposed for removal are to be protected during land clearing and construction; i.e. a statement as to proposed protective barriers.
4. A statement as to grade changes proposed for the lot or parcel and how such changes will affect the matters regulated by this Ordinance. The application and tree site plan shall be reviewed and either approved or denied by the Planning and Zoning Board.

A. RESIDENTIAL REQUIREMENTS

1. Existing lots with houses.
The removal, relocation or substantial alteration of a protected tree will still require an application and tree site plan, in addition to a statement outlining the reason for such request should accompany the application.
2. Undeveloped lots or parcels. As outlined above per application process

B. COMMERCIAL & MULTIFAMILY DEVELOPMENT REQUIREMENTS

1. Lots with structures (Same as residential 1. Above)
2. Undeveloped lots or parcels
As outlined above per application process
3. Multifamily developments will also be required to submit a landscape plan.
Developers shall preserve existing protected tress.

C. CITY PROPERTY

Before any tree located on City Property can be removed, relocated or substantially altered, a permit application must be submitted to the Planning and Zoning Board. In all cases concerning City Property, the Planning and Zoning Board shall make their recommendations to the City Commission, who will make the final decision as to approval or denial.

D. DURATION OF PERMITS

Permits granted for the removal of trees under the terms and conditions of this Ordinance shall run with the land and shall remain in force and effect for the following periods of time, and not thereafter. Once the permit has expired, a new application must be submitted for review and a new permit issued.

1. If granted for a lot or parcel of land for which no building permit is required, one year from the date of issuance
2. If granted for a lot or parcel of land for which a building permit is required, but for which no site plan approval is required by the Planning and Zoning Board, until expiration of the building permit granted with such tree removal permit
3. If granted for a lot or parcel of land for which site plan approval from the Planning and Zoning Board is required as a condition precedent to obtaining a building permit, until expiration of the site plan

V. EXEMPTIONS

The removal, relocation, or substantial alternations under one or more of the following circumstances shall, with the approval of the Planning and Zoning Board, NOT require a permit and replanting shall not be required.

- A.** Nursery trees: The removal of any tree planted and grown in the ordinary course of business of a lawful plant or tree nursery.
- B.** Emergency situations: The removal of any tree during or following an emergency or an act of nature, when the City Commission determines that permitting requirements will hamper private or public work to restore order to the city.
- C.** Safety hazard: The removal of any tree which the city designee finds to be in such a dangerous condition or pose such an imminent hazard as to endanger the public health, welfare, or safety and therefore to require immediate removal.
- D.** Unprotected trees
- E.** Routine pruning (Note: routine pruning does not substantially alter the tree)

VI. PROTECTING OF TREES DURING BUILDING OPERATIONS

It shall be unlawful for any person, in the development, redevelopment or improvement of any parcel of land, to store, within 10 feet of the trunk of any protected tree, equipment, material, debris, fill, gasoline, oil, paint, chemicals or other materials harmful to trees.

Before development, redevelopment or improvement, redevelopment or improvement the developer or builder shall be required to erect and maintain suitable protective barriers so as to prevent damage to protected trees within the drip line of the tree. Wood, metal or other substantial material shall be utilized in the construction of protective barriers. This protection, where required, shall remain until such time as the development, redevelopment or improvement is completed.

During construction, no attachments or wires shall be attached to any protected tree.

It shall be unlawful to pace with concrete, asphalt or any other impervious material within a distance from any protected tree deemed appropriate by the Planning and Zoning Board, taking into consideration the size and type of tree.

VII. UTILITY EASEMENT TRIMMING

Appropriate tree trimming within utility easements is necessary to maintain accepted public safety standards and system reliability. Utility companies and their contractors that perform any pruning or removal of trees for the City of Apalachicola shall do so in accordance with the following:

- A.** All tree management will be limited to what is necessary for the proper maintenance of existing and new utility facilities in order to provide safe and reliable utility service.
- B.** The utility shall develop standards to minimize clearing distances for 18 month cyclical pruning. The standards shall be tiered to recognize growth patterns of different species and maintain the essential character of the trees and at no time shall the removal of more than 25% of any tree's canopy occur within an 18 month period.
- C.** Target clearance distance shall fall within the 4' – 6' range, trimmed according to ISA standards.
- D.** The Utility shall continue its program of community education to ensure that the public is made aware of the need for utility pruning, what to expect when the pruning trucks come into a neighborhood and to allow citizens to express their concerns and get answers before trimming begins.
- E.** On a scheduled basis, the Utility shall review areas of its system in advance of utility clearance pruning and develop a plan for pruning, replanting and implementation of alternatives to pruning, if appropriate, within such areas. The area plans developed by the Utility shall be reviewed on a timely basis by a review team consisting of the utility forester; the urban forester; or, if trimming of a canopy road is involved, the canopy roads coordinator. The review team will consider alternatives and will recommend to the Utility any changes to the plan that should be considered to further the purposes of the City's tree trimming policy.
- F.** The City of Apalachicola and the Utility will evaluate alternative system engineering design whenever trees twenty-four (24") inches (dbh) or larger are to be affected. If the alternative design is determined to be economically viable the Utility will perform the alternative construction.
- G.** Should disagreements on tree trimming management techniques arise between the Utility and the owner of property on which an affected tree is located, the City's Tree Trimming Committee shall meet with both affected parties to formulate a recommendation for resolution to be presented to the City Commission.
- H.** The Utility should continue to explore and propose to the commission alternatives for converting overhead lines to underground transmission.
- I.** The Citizen's Tree Trimming Committee shall meet periodically to review the effectiveness of this ordinance and administration in meeting the goals stated herein.

VIII. PROPOSED REPLACEMENT TREE AND FINE POLICY GUIDELINES The replacement tree policy is established to provide a mechanism for mitigation when trees identified as "protected" must be removed during construction or as a vehicle for assessing fines for unpermitted activities. This replacement policy does not apply to Patriarchal Trees with a caliper of greater than 35 inches which are prohibited from being removed or damaged under this ordinance.

Fines for the unauthorized removal of protected trees shall be placed in a "Special Beautification Fund" maintained by the City of Apalachicola. These funds will be used to establish, maintain, and promote a beautification and reforestation program on city property, primarily along highway corridors and city parks. T
The following "Tree Replacement Schedule" and "Fine Schedule" will apply to the removal of all protected trees.

Caliper of Existing Tree Removed	# of Replacement Trees Required	Fine for illegal removal of protected Trees
Less than 8"	2	\$500
Between 8" and 15"	4	\$2,000
Between 15" and 25"	6	\$5,000
Between 25" and 35"	8	\$10,000

IX. VIOLATION OF ORDINANCE; PENALTIES

Any person who violates any provision of this Ordinance may be fined up to \$5,000 per violation and a replacement plan may be required in a ratio as determined by the Planning and Zoning Board and as described above. The violation for removing a Patriarch Tree as defined in this ordinance shall be a fine of up to \$25,000 and a requirement to replace 20 trees at a size and species to be determined by the Planning and Zoning Commission.

Any commercial tree care contractor or general contractor must be licensed by the City in order to conduct business within the City. Two or more violations of any provision of this Ordinance by any commercial tree care contractor or general contractor may result in revocation of such person’s license to do business within the City.

X. APPEALS

Any person who is denied a tree removal or alteration permit by the Planning and Zoning may appeal that decision to the City Commission in a manner described in the City’s land use code.

XI. SEVERABILITY

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

XII. TREE PROTECTION

A. PROTECTED NATIVE TREES

The native trees predominately foresting the City of Apalachicola are:

1. Bald and Pond Cypress (Taxodium Distichum and Taxodium Ascendens)
2. Eastern and Southern Red Cedar (Juniperus Virginiana and Juniperus Solicicola)
3. Live Oak (Ouercus Virginiana)
4. Longleaf Pine (Pinus Palustris)
5. Pecan (Carya Illonensis)
6. Sabal (Cabbage) Palm (Sabal Palmetto)
7. Slash Pine (Pinus Elliottii)
8. Southern Magnolia (Magnolia Grandiflora)
9. Sycamore (Platanus Occidentalis)
10. Water Oak (Ouercus Nigra)

Individual trees of these species having diameters of four (4) or more inches at breast height are protected (hereinafter referred to as “protected trees”). Other native trees and all nonnative trees are not protected.

B. PRESERVATION OF PATRIARCH TREES

No patriarch tree on privately or City owned property shall be removed or substantially altered by a private landowner or a department of the City unless:

1. Under a declared emergency (section C.1.c) or in the case of an imminent hazard (section C.2), the Code Enforcement Officer, City Manager, or a designee in their absence finds for a specific tree that immediate action is required to eliminate a condition endangering public safety or property.
2. Non-Emergency or Non-Imminent Hazard Situation:
 - a. On private property, the Planning and Zoning Board approves the issuance of a tree permit to a private landowner to remove or substantially alter a tree on a lot because not doing so would make the lot undevelopable for any principal structure (section D.1.c).
 - b. On private property, the City Manager documents in writing his or her reasons for allowing removal or substantial alteration (sections D.1.c and D.2.c)

C. ACTIVITIES EXEMPTED FROM OR REQUIRING A TREE PERMIT

1. A tree permit is not required for the following exempt activities
 - a. Unprotected trees -- the removal, relocation, or substantial alteration of:
 - 1) Native trees not listed in section A
 - 2) Native trees listed in section A that are less than four (4) inches in diameter at breast height
 - 3) Cultivated varieties of once native trees developed by selective breeding and sold by plant nurseries and,
 - 4) Nonnative trees, including invasive species
 - b. Pruning -- Pruning of unprotected trees, and light pruning of protected trees that does not substantially alter the protected trees.
 - c. Emergency -- The removal or substantial alteration of any significantly damaged, protected, non-patriarch tree during or following a natural or man-made disaster (e.g., hurricane, tornado, high wind, flood, or forest fire) when the City Commission or City Manager declares a state of emergency and determines that permitting requirements will hamper private or public work to restore safety and order to the City. Permission is required to remove or substantially alter a patriarch tree (section B.1).
 - d. Highway and electric utility right of ways -- The removal or trimming of protected trees by:
 - 1) The Florida Department of Transportation along roads under its jurisdiction to maintain safe lines of sight at road intersections and alleys and horizontal clearance areas along roadways where errant vehicles leaving the roadway might travel.

- 2) The electric utility along power lines necessary for the maintenance of accepted public safety standards and system reliability.

2. A tree permit is required for the following activities

- a. Any removal or substantial alteration of a protected tree not exempted in section C.1. Some specific situations requiring a permit include:
 - 1) Imminent hazard -- The removal or substantial alteration of a protected tree when an applicant proposes that immediate action is required due to a condition endangering public safety or property.
 - 2) Diseased or pest-infested tree -- The removal or substantial alteration of a diseased or pest-infested, protected tree when an applicant proposed that doing so will prevent the spread of the disease or pests to healthy trees.
 - 3) Storm damaged tree -- The removal or substantial alteration of a protected tree damaged by a storm for which the City Commission or City Manager did not declare a state of emergency.
 - 4) Tree in decline -- The removal or substantial alteration of a protected tree that has lost vigor and displays pale green or yellow leaf color, small leaves, poor growth, leaf drop, or dieback of twigs and branches.

D. PERMITS FOR REMOVAL, RELOCATION, OR SUBSTANTIAL ALTERATION OF PROTECTED TREES

Any person wishing to remove or substantially alter a protected tree shall make application to the Code Enforcement Officer on a tree application form provided by the Officer.

A tree permit shall be issued to remove or substantially alter a protected tree only if such action is in compliance with these Chapter XII requirements and the section VII.E site plan requirements.

Substantial alteration of a protected tree shall be allowed only under a declared emergency (sections B.1 and C.1.c), when a permit is obtained in the case of an imminent hazard (sections B.1 and C.2), or when a permit is obtained in a non-emergency or non-imminent hazard situation to eliminate limbs that encroach on an adjacent structure.

1. Private Property.
 - a. If the proposed tree removal or substantial alteration is in conjunction with proposed development the Planning and Zoning Board reviews (e.g., a newly proposed structure, the expansion of an existing structure, the expansion of an existing structure where the footprint increases in size, the construction of a driveway or walkway, or other such development that disturbs the land surface), the Board shall implement these tree protection requirements at the time it reviews and decides to approve, conditionally approve, or disapprove a site plan.

- b. If the proposed tree removal or substantial alteration is not in conjunction with proposed development that the Planning and Zoning Board reviews (e.g., tree removal due to tree roots affecting the structural integrity of a building foundation), the Code Enforcement Officer, City Manager, or a designee shall implement these tree protection requirements at the time he or she reviews and decides to approve, conditionally approve, or disapprove the proposal. Only the City Manager shall make decisions on patriarch trees (paragraph c).
- c. If the proposal is the removal or substantial alteration of a patriarch tree, the Code Enforcement Officer shall provide a copy of the tree application to the Tree Committee appointed by the City Commission. The Committee shall review the tree permit application and make a recommendation to the decision maker (the Planning and Zoning Board (paragraph a) or the City Manager (paragraph b)).

When the Board is the decision maker, approval or conditional approval to remove or substantially alter a patriarch tree on a privately-owned lot shall only be made when no principal structure could be legally built on the lot taking into consideration the location of the tree and such requirements as setbacks and minimum required size for single-family dwellings. Through the variance process the Board of Adjustment may consider reducing setbacks or minimum dwelling size if doing so would spare the tree.

When the City Manager is the decision maker, the Manager's reasons for allowing removal or substantial alteration of a patriarch tree shall be documented in writing.

2. City Property

- a. A person wanting to remove or substantially alter a protected tree on City property adjacent to private property owned by the person (e.g., to create an entryway to a proposed driveway on private property) shall apply for a tree permit. Cost of the permit and tree removal or substantial alteration shall be borne by the applicant.
- b. A City department wanting to remove or substantially alter a protected tree on City property shall make a request to the Code Enforcement Officer. To document the request, the Code Enforcement Officer shall prepare a tree application for the proposed action. Removal or substantial alteration of the tree shall not occur unless the Code Enforcement Officer, City Manager, or one of their designees approves the removal or substantial alteration.
- c. If the proposal is the removal or substantial alteration of a patriarch tree, the Code Enforcement Officer shall provide a copy of the tree application to the City Manager and Tree Committee appointed by the City Commission. The Committee shall review

the tree permit application and make a recommendation. The City Manager shall make a decision on the proposal and document in writing the reasons for allowing any removal or substantial alteration.

As a condition of approval, decision makers may require that certain protected trees or native trees listed in section A that are less than four (4) inches in diameter at breast height be relocated from the area of proposed development to an undeveloped location.

Under a tree permit, thinning of healthy protected trees may be justified if selective removal of trees improves the development of remaining trees and allows them to grow faster and in a fuller, characteristic form.

To ensure that a tree permit is not prematurely issued for a proposed development that is never approved, the tree permit and building permit will be issued simultaneously.

E. PROTECTION OF TREES DURING BUILDING OPERATIONS

Within the drip line radius of a protected tree, the following activities shall not occur during development, redevelopment, or improvement: deposition of debris and fill; storage of gasoline, oil, paint, chemicals, and other toxic materials harmful to trees; and attachment of wire to trees.

Driveways and sidewalks of impervious concrete and asphalt may not be constructed within the drip line of protected trees.

F. UTILITY EASEMENT TRIMMING

Electric utility companies and their contractors that perform vegetation maintenance and tree pruning or trimming within electric utility right-of-way corridors shall do so in accordance with the following requirements. As defined in State law (F.S. 163.3209), "vegetation maintenance and tree pruning or trimming" means "the mowing of vegetation within the right-of-way, removal of trees or brush within the right-of-way, and selective removal of tree branches that extend within the right-of-way."

1. All tree management will be limited to what is necessary for the proper maintenance of existing and new utility facilities in order to provide safe and reliable utility service.
2. Prior to vegetation maintenance and tree pruning or trimming, the utility shall provide the City Manager with a minimum of five (5) business days' advance notice. Such advance notice is not required for vegetation maintenance and tree pruning or trimming required to restore electric service or to avoid an imminent vegetation-caused outage.
3. The electric utility shall meet with the City Manager, or the Manager's designee (e.g., Code Enforcement Officer), to discuss and submit the

utility's vegetation maintenance plan, including the utility's trimming specifications and maintenance practices. The plan shall identify any patriarch trees that are proposed for trimming and the amount of trimming proposed.

4. Vegetation maintenance and tree pruning or trimming conducted by utilities shall conform to American National Standards Institute (ANSI) A300 (Part I)—2008 (R2014) pruning standards and ANSI Z133.1-2000 Pruning, Repairing, Maintaining, and Removing Trees, and Cutting Brush—Safety Requirements.
5. Vegetation maintenance and tree pruning or trimming conducted by utilities must be supervised by qualified electric utility personnel or contractors licensed to do business in the City of Apalachicola and trained to conduct vegetation maintenance and tree trimming or pruning consistent with these requirements or by Certified Arborists certified by the certification program of the International Society of Arboriculture. Trimming of patriarch trees may only be performed by Certified Arborists.

G. REFORESTATION FUND

Fees collected for the lawful removal of protected trees shall be placed in a Reforestation Fund maintained by the City of Apalachicola. (Fees for the administrative processing of tree permit applications (e.g., \$50 per application) and fines for the unlawful removal or substantial alteration of protected trees (section H) shall not be placed in the Reforestation Fund.) Reforestation Fund fees shall be spent to establish, maintain, and promote a reforestation program on City property, primarily in parks, squares, and along highway and street corridors.

Following are the Reforestation Fund fees that shall be collected for removal of protected trees.

Diameter at breast height of protected tree removed (inches)	Fee for each tree (\$)
4 to 16	25
Greater than 16 to less than 35	35
35 and larger (patriarch tree)	1,000

For a tree permit applicant not proposing to remove a patriarch tree, the maximum total Reforestation Fund fee collected for each lot covered by the application shall not exceed two hundred and fifty dollars (\$250).

For a tree permit applicant proposing to remove a patriarch tree, the maximum total Reforestation Fund fee collected for each lot covered by the application shall not exceed

two hundred and fifty dollars (\$250) for the non-patriarch trees plus an additional one thousand dollars (\$1,000) for each patriarch tree.

H. PENALTIES FOR VIOLATIONS

1. Any person that removes or substantially alters a protected tree before a tree permit is obtained shall be charged a doubled permit application processing fee (e.g., \$100) for an after-the-fact permit.
2. If an after-the-fact tree permit is not issued because the tree removal or substantial alteration is not in accordance with these tree protection regulations, a fine in the amount specified in section III.D.1 of this Code shall be imposed. Each tree that is illegally removed or substantially altered is a separate offense.
3. Any person that illegally removes or substantially alters a patriarch tree shall be fined up to \$25,000.
4. Commercial tree care contractors or general contractors are required to be licensed by the City in order for them to conduct business within the City. Two or more violations of any provision of these tree protection requirements by any commercial tree care contractor or general contractor may result in revocation of such person's license to do business within the City.