
Sec. 12-6-10. Enforcement.

- (a) *Stop work order.* Whenever the city's designated arborist determines that a violation of this chapter has occurred, the following actions shall be initiated:
- (1) *Written notice.* Immediately issue written notice by personal delivery or certified mail to the person violating this chapter of the nature and location of the violation, specifying what remedial steps are necessary to bring the project into compliance. Such person shall immediately, conditions permitting, commence the recommended remedial action and shall have ten working days after receipt of said notice, or such longer time as may be allowed by the city's designated arborist, to complete the remedial action set forth in said notice.
 - (2) *Remedial work and stop work orders.* If a subsequent violation occurs during the ten working days referred to in subsection (a)(1) above, or if remedial work specified in the notice of violation is not completed within the time allowed, or if clearing and development of land is occurring without a permit, then the city's designated arborist shall issue a stop work order immediately. Said stop work order shall contain the grounds for its issuance, and shall set forth the nature of the violation. The stop work order shall be directed not only to the person owning the land upon which the clearing and development is occurring, but also a separate stop work order shall be directed to the person or firm actually performing the physical labors of the development activity or the person responsible for the development activity, directing him forthwith to cease and desist all or any portion of the work upon all or any geographical portion of the project, except such remedial work as is deemed necessary to bring the project into compliance. If such person fails to complete the recommended remedial action within the time allowed, or fails to take the recommended action after the issuance of such stop work order, then the city's designated arborist may issue a stop work order on all or any portion of the entire project.
 - (3) *Notice of compliance.* Upon completion of remedial steps required by notice the city's designated arborist shall issue a notice of compliance and cancellation of said notice or stop work order.
- (b) *Penalty.* The fine for violating this chapter shall be based on the size of limb(s) or the tree(s) removed without a permit. The measurement to establish said fine shall be based on the remaining tree material left intact on the site. If a tree is removed, the trunk caliper shall be measured at DBH and at the point of removal for a limb or each limb. If, in the opinion of the city's designated arborist, the tree has been substantially damaged so that its normal growth character will never return, i.e., a tree is topped and will never recover the original character, then the fine may be based upon the caliper of the tree trunk or each limb removed, whichever is the greater. Each day a violation of a stop work order continues shall constitute a separate offense (see subsection 7-10-6(b), penalty fees, of this Code). Each protected tree removed without a permit or in violation of a permit shall constitute a separate offence. Any person may seek an injunction against any violation of this chapter, and recover such damages as he may suffer. In addition to the fines and prohibitions contained herein, the provisions of section 1-1-8 of the Code shall apply to willful violations of this chapter.
- (c) *Tree planting trust fund.*
- (1) A tree planting trust fund has been established and funded by the fines pursuant to subsection (b) and mitigation fees paid pursuant to section 12-6-6. Expenditures from the tree planting trust fund are hereby authorized and may be made by the mayor and shall be utilized only for acquiring, planting, and maintaining existing trees and, in cases where necessary, other vegetation for public purposes within the city. The tree planting trust fund shall not be utilized for the removal of trees or vegetation. The first priority for expenditure of funds deposited in the tree planting trust fund is for restoration of the tree canopy in the area of the city where trees generating the funds were removed. Any expenditure in

excess of \$25,000.00 must be approved by the city council following review by the environmental advisory board.

(2) A grant program is hereby established for community organizations such as neighborhood associations, civic organizations, and garden clubs, according to the following criteria:

- a. Each grant is limited to ~~50 75~~ percent of the cost of the proposed project ~~up to \$5,500.00~~ with a maximum award of \$7,500;
- b. The tree planting trust fund must have sufficient funds for the project requested;
- c. Grant requests must be submitted to the environmental advisory board for review prior to consideration by the city's designated arborist and city council;
- d. The city council must approve each grant request; and
- e. The funds must be utilized for providing trees or other appropriate vegetation along with associated irrigation that will help restore the tree canopy as deemed appropriate by proper planting location requirements and may enhance the natural beauty of the community, serve to deter graffiti or the defacement of public or private property, and may create sound buffers where desirable.

(Code 1986, § 12-6-10; Ord. No. 44-99, § 5, 11-18-1999; Ord. No. 50-00, § 5, 10-26-2000; Ord. No. 31-09, § 1, 9-10-2009; Ord. No. 16-10, § 220, 9-9-2010; Ord. No. 21-15, § 1, 12-9-2015; Ord. No. 04-21, § 9, 2-25-2021)