

**THE CITY OF KEY WEST
Tree Commission**

Post Office Box 1409 Key West, FL 33041-1409
Telephone: 305-809-3725

**NOTICE OF ADMINISTRATIVE HEARING
BEFORE THE TREE COMMISSION OF THE CITY OF KEY WEST**

January 23, 2020

Tree Commission
City of Key West
Petitioner,

Vs.

Marek Navratil
1218 Newton Street
Key West, FL 33040

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, February 11, 2020**, at 5:00 p.m., at **Josephine Parker City Hall at Historic Glynn R. Archer School, 1300 White Street, Key West, Florida**.

This hearing will be conducted pursuant to sections 110-288 et. seq. of the Key West City Code. The purpose of this hearing will be to determine if a code violation has been committed by the above named Respondent. **Your presence is required at this Tree Commission meeting.**

Date of alleged violation: prior to November 19, 2019 at 908 Trinity Drive #1, Key West, FL:

Sec. 110-256. Tree abuse.

- (b) *Prohibited acts.* A tree shall be considered abused if a person takes an action so that one of the following occurs:
- (4) Cutting upon a tree which destroys its natural shape.
 - (7) Tears and splitting of limb ends or peeling and stripping of bark.

Sec. 110-321. Required.

- (a) Unless a tree removal permit approved by the tree commission and issued by the Urban Forestry Manager has been obtained, no person, whether on publicly or privately owned land, shall cause tree abuse or other harm, or major maintenance to, hatracking, transplanting, topping or removal of the following:
- (3) Any dicot/canopy tree which is four (4) inches or more in diameter at standard height (DSH);

Key to the Caribbean – average yearly temperature 77 ° Fahrenheit.

Sec. 110-336. Pruning or heavy maintenance.

- (1) Pruning of trees shall be performed following pruning standards set by ANSI A-300 standards, as provided in division 5 of this article.
- (2) A permit is not required for the trimming of a dicot tree if: less than 1/3 of the tree and/or canopy is being removed as defined in section 110-252 as minor maintenance, and the trimming does not impact the overall shape of the tree; branches being removed are not primary, structural branches and are less than 6 inches in diameter; and the work is done according to ANSI A-300 standards.
- (3) A permit is required for the removal of large, structural branches and if the tree is being reduced in size or overall shape and density by more than 1/3 as defined in section 110-252 as major maintenance.

Factual allegation: One (1) regulated Golden Shower tree has been improperly trimmed. More than 1/3 of the canopy has been removed without benefit of a major maintenance permit.



March 2019

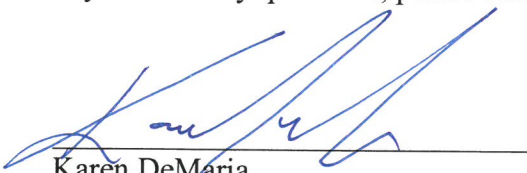


If the Tree Commission for the City of Key West finds that there has been a violation of the above code section, it will elect to enter into a compliance settlement agreement pursuant to section 110-291 of the Key West City Code or recommend a fine and further hearing before the Special Master of the City of Key West pursuant to section 110-294 of the Key West City Code.

Attendees are hereby notified that a complete and accurate record of the proceeding is required under Florida Statute 286.0105 if an appeal is sought. Appellants are responsible for providing transcription services.

I hereby certify that the forgoing notice has been mailed to the Respondents and has been sent via e-mail and certified U.S. Mail to the above named Respondent's listed address on this **23rd day of January 2020**.

If you have any questions, please call the office at (305) 809-3768.



Karen DeMaria

Urban Forestry Manager

kdemaria@cityofkeywest-fl.gov

STAFF REPORT

DATE: January 29, 2020

RE: **Administrative Hearing for 908 Trinity Drive #1**

FROM: Karen DeMaria, City of Key West Urban Forestry Manager

On November 18, 2019, I received an anonymous complaint regarding a tree in the process of being removed at 908 Trinity Drive Unit #1. An inspection on November 19, 2019, documented that a Golden Shower tree in front of 908 Trinity Drive #1 had been improperly trimmed (Tree Abuse, Sec 110-256 of the Key West Code of Ordinances) and that more than 1/3 of the canopy had been removed (permit required-major maintenance trim Sec 252, 321 and 336).

I left my card in the front door of the unit. Later I spoke to the property owner on the phone and they said they had asked to have the tree trimmed to get the branches away from the road. I asked them for the contact information of the person who did the trimming work, which I received.

Golden Shower tree location on Trinity Drive

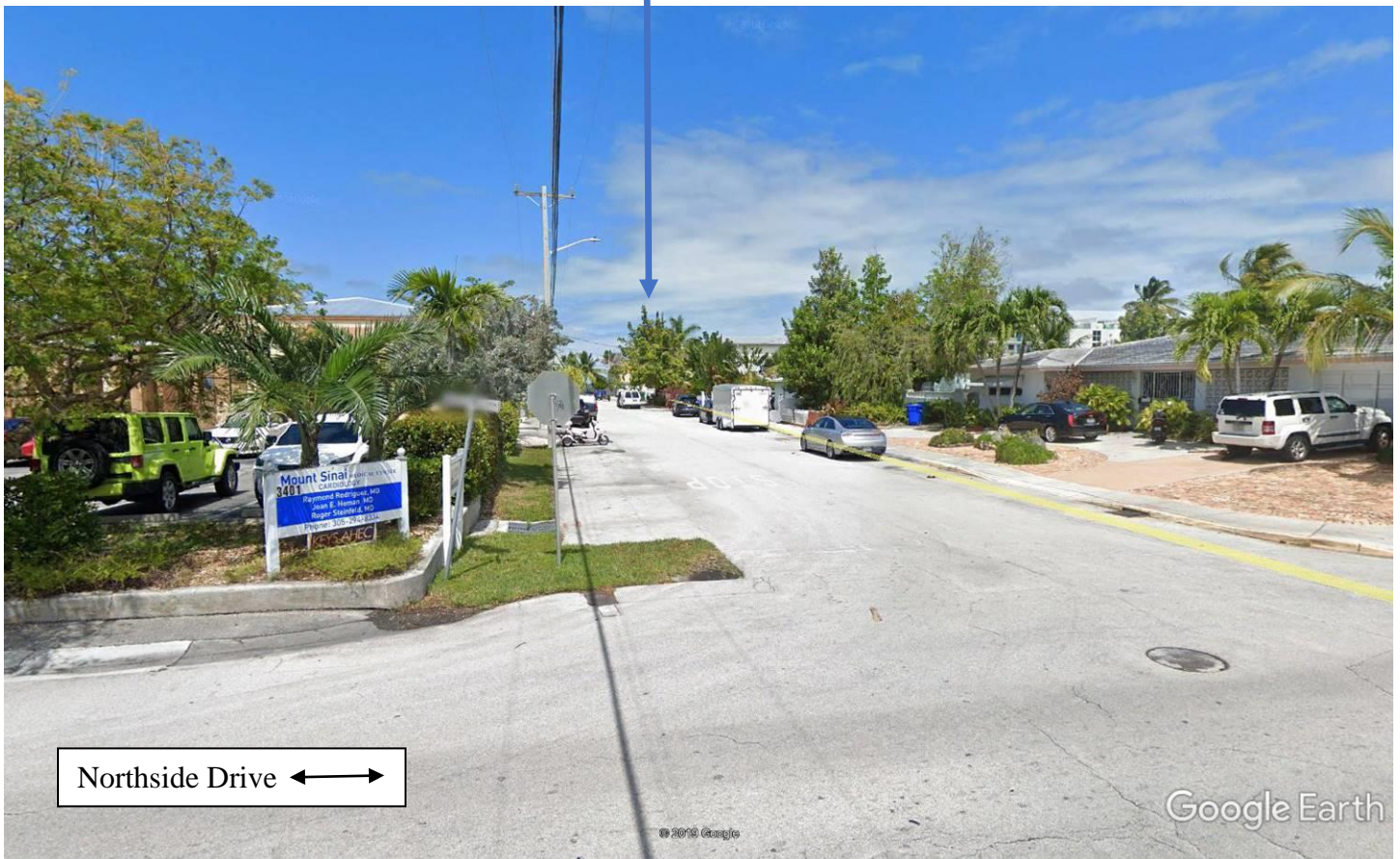




Photo dated March 2019



11/19/2019



11/19/2019



11/19/2019

On January 15, 2020, I met with the person who trimmed the golden shower tree, Marek Navratil. He willingly came to my office and said he was trimming the tree as a friend and not as a gardener. I informed him of the tree trimming regulations in the City and he explained he was trying to fix some broken limbs and didn't realize the extent of the trimming he was doing.

Recommend a fine against Mr. Navratil. He has already had a training session regarding the City Tree Ordinance. The property owner has agreed to have the tree properly trimmed by a certified arborist if required by the Tree Commission (recommended by Urban Forester to be done in a year).



