

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF KEY WEST,
FLORIDA, AMENDING CHAPTER 110 OF THE LAND
DEVELOPMENT REGULATIONS ENTITLED
"RESOURCE PROTECTION" BY AMENDING ARTICE
VI ENTITLED "TREE PROTECTION", BY ADDING
SECTION 110-296 TITLED "USE OF FLORIDA
STATUTE 163.045"; PROVIDING FOR
SEVERABILITY; PROVIDING FOR REPEAL;
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City Commission for the City of Key West finds that reporting violations of certified arborists and landscape architects is critical to the promotion of the tree canopy within the city; and

WHEREAS, the City Commission for the City of Key West finds that ensuring the certified arborists and landscape architects utilizing Florida Statute 163.045 to remove a hazardous tree or to perform heavy maintenance are complying with the statutory requirements can best be served by referring the violations to the tree commission for review; and

WHEREAS, The Planning Board for the City of Key west approved this ordinance addition at their meeting on November 20, 2024; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That Section 110-296 of the Code of Ordinances is hereby added as follows*

Sec. 110-296 - Use of Florida Statute 163.045

(1) If a residential property owner utilizes Florida Statute 163.045 to remove a hazardous tree or to perform heavy maintenance on their property, property owner shall submit, to the urban forestry manager, the required documentation under Florida Statute 163.045, within (30) days of the removal of the hazardous tree or heavy maintenance.

(2) Upon receipt of the required documentation under Florida Statute 163.045, the urban forestry manager will verify that the tree removal or heavy maintenance qualifies for the Statutory Exemption under Florida Statute 163.045 and the provisions of the International Society of Arboriculture ("ISA").

(3) If the required documentation fails to comply with the requirements of Florida Statute 163.045, the urban forestry manager will issue a violation as provided in Sec. 110-288 and refer the documentation to the Tree Commission for an administrative hearing.

* (Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.)

(4) If the property owner fails to furnish the required documentation within thirty (30) days after the removal of the hazardous tree or heavy maintenance, the urban forestry manager shall forward the case to the code enforcement special magistrate for further hearing and penalty with proper notice prescribed in Article VI of Chapter 2, Code Compliance.

(5) Upon a finding that the documentation, used by a certified arborist or licensed landscape architect to remove trees or perform heavy maintenance, fails to qualify for the Statutory Exemption under Florida Statute 163.045 or ISA Standards, staff shall report the certified arborist or landscape architect to the ISA or the Department of Business and Professional Regulation, as appropriate.

(6) If the documentation is referred to the Tree Commission, the certified arborist or landscape architect shall receive reasonable notice of the placement of the item on a Tree Commission meeting.

Section 2: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 4: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and Clerk of the Commission and approval by the Florida Department of Economic Opportunity, pursuant to Chapter 380, Florida Statutes.

Authenticated by the Presiding Officer and Clerk of the Key West Tree Commission on _____ day of _____, 2024.

Filed with the Clerk on _____, 2024.

Mayor Danise Henriquez	_____
Vice Mayor Sam Kaufman	_____
Commissioner Lissette Carey	_____
Commissioner Monica Haskell	_____
Commissioner Mary Lou Hoover	_____
Commissioner Donald "Donie" Lee	_____
Commissioner Clayton Lopez	_____

DANISE HENRIQUEZ, MAYOR

ATTEST:

KERI O' BRIEN, CITY CLERK