

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 110 ENTITLED "RESOURCE PROTECTION" BY AMENDING SECTION 110-287 "FUNDS", PROVIDING FOR EXPANDED EXPENDITURES FOR EDUCATIONAL PROGRAMS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West recognizes the importance of protecting and promoting the tree canopy of the city; and

WHEREAS, the City of Key West recognizes the importance of having an educated body such as the tree commission and landscaping staff in making specialized decisions in the field of arboriculture;

WHEREAS, an amendment to 110-287 providing for the use of tree commission funds for arboriculture educational programs benefitting tree commissioners, landscape staff and the Urban Forestry Program would serve to promote the safety and welfare of the citizens of Key West;

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

Section 1: That Section 110-287 of the Code of Ordinances is hereby amended as follows\*:

Sec. 110-287. - Funds.

The city manager shall establish within the city's operating budget a special account which shall include all funds donated to the work of the tree commission by any person, all funds donated to the city pursuant to section 110-327(7), all funds received from compliance settlement agreements as established in section 110-291, all funds received by the city from fines imposed in enforcement of this article by the code enforcement special master, and any other compensation paid to the city for damage to trees belonging to the city. Funds in the special account shall be spent only as requested by the tree commission and approved by the city commission and shall be used to finance arboriculture educational programs and courses benefitting the Urban Forestry Program Manager, all relevant city-employed landscaping staff, as determined by the city manager, and sitting tree commissioners, including

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\*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

meals and a per diem in compliance with the City's travel policy. Funds shall also be used to finance arboriculture-related educational programs for the general public about  
~~city tree programs~~ and to finance protection, replacement, or additional plantings of trees in the city.

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 there from 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 the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Read and passed on final reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Filed with the Clerk \_\_\_\_\_, 2011.

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CRAIG CATES, MAYOR

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CHERYL SMITH, CITY CLERK