

ORDINANCE 2005-16

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA
PROVIDING FOR THE REMOVAL OF CERTAIN UNSAFE
TREES WITHIN THE UNINCORPORATED BOUNDARIES OF
ST. JOHNS COUNTY, FLORIDA; AND PROVIDING AN
EFFECTIVE DATE

WHEREAS, it is recognized that standing dead trees may, in some instances, pose a hazard to adjoining persons or property due to their propensity to fall in inclement weather situations; and

WHEREAS, it is recognized that in many cases, such unsafe standing dead trees may be recognized as such by reasonable persons without special training; and

WHEREAS, the County has need of a process by which such trees can be identified and be placed in a safe condition.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Johns County, Florida that:

1. The private, non-governmental, fee simple owner or owners of the land (hereinafter, the "Owner") under any standing tree in the unincorporated portion of St. Johns County, Florida (hereinafter, the "Tree"), shall cause such Tree to be removed in a safe manner, if any such Tree meets all of the following criteria:

- (a) The entire circumference of the main trunk of the tree is rotted at any height;
- (b) No foliage is present for a period of greater than 1 (one) year immediately proceeding the inspection when the County has reasonable cause to believe that no foliage has been present; and
- (c) Personal property and/or persons (1) on land not owned by the Tree Owner, or (2) on general use public Right of Way, are reasonably determined to be in danger of being struck and damaged by such Tree falling within a radius surrounding such Tree equal to the height of such Tree.

2. The County Administrator or his designee shall be responsible for enforcing this ordinance only as to such Trees that are reported to it by any person's written complaint to the County Administrator which is sufficiently specific to identify the Tree in question and the nature of the danger caused thereby.

3. Upon the County receipt of such a complaint and the County's determination that the complained of Tree or Trees meet the requirements of Section 1(a), (b) and (c), said Tree

Owner shall be notified of any such determination and shall be allowed a reasonable time to remove such at his or her own expense prior to initiation of enforcement action.

4. Removal of such Tree may be enforced by any method provided in Chapter 162, Florida Statutes, or in any other means provided by law. An appeal of the County Administrator's determination regarding the criteria set out in Section 1 may be made as part of the quasi judicial or judicial hearing held in this enforcement process.

5. The County may waive required removal of such Tree upon the Tree Owner's submission (at his or her own expense) of reasonable documentation from an International Society of Arboriculture ("ISA") certified Arborist that the tree is alive and may be reasonably maintained in a safe condition, and upon the Tree Owner taking action approved by the County Administrator or his designee to ensure such Tree is so maintained in a safe condition.

6. a. The provisions of this Ordinance shall not require or permit the removal of any Tree, the removal of which would violate State or Federal law.

b. Any Tree which is protected by a purely private conservation easement shall not be exempted from application of this ordinance unless enforcement of such easement is made mandatory by State or Federal law. Any Tree which is protected by the terms of a government owned and/or managed conservation easement shall be exempted from application of this ordinance.

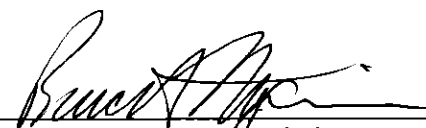
c. This ordinance shall take precedence (as a public safety measure) over any conflicting County ordinance, except as to the provisions of such ordinances which contradict this ordinance and which are mandated by State or Federal law.

7. Upon identification of a Tree which meets the criteria of Section 1(a), (b) and (c) above, except that the owner or formal manager of the land thereunder, or conservation easement therefore, is the United States or State of Florida government; then the county Administrator shall make prompt reasonable effort to reach an agreement with such government (or sub-unit thereof) to have such Tree put in a safe condition which is safe for the public and adjoining private property owners. Failing such, the County Administrator shall report such circumstance to the Board of County Commissioners of St. Johns County for consideration and direction.

8. This ordinance shall take effect upon a certified copy being filed with the Department of State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 23rd day of February, 2005.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Bruce A. Maguire, Chairman

ATTEST: Cheryl Strickland, Clerk of Court

By: L. Donnell King
Deputy Clerk

Effective Date: 03/01/05

REVISION DATE 02/28/05



THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared CHARLES BARRETT who on oath says that he is an Accounting Clerk of the St. Augustine Record, a daily newspaper published at St. Augustine in St. Johns County, Florida: that the attached copy of advertisement, being NOTICE OF HEARING in the matter of UNSAFE TREE REMOVAL was published in said newspaper in the issues of FEBRUARY 4, 2005.

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 7TH day of FEBRUARY, 2005.

by [Signature] who is personally known to me or who has produced PERSONALLY KNOWN as identification.

[Signature of Patricia A. Bergquist] (Signature of Notary Public)

Notary Public Seal for Patricia A. Bergquist, My Commission DD275991, Expires December 18, 2007.

PATRICIA A. BERGQUIST

NOTICE OF PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS... AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA PROVIDING FOR THE REMOVAL OF CERTAIN UNSAFE TREES WITHIN THE UNINCORPORATED BOUNDARIES OF ST. JOHNS COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE... The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida and may be examined by parties interested prior to the public hearing.

Telecommunications Device for the Deaf (TDD): Florida Relay Service: 1-800-368-7293, no later than 48 hours prior to the date of the meeting. BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA CHERYL STRICKLAND, ITS CLERK By: Patricia DeGrande, Deputy Clerk L296-5 Feb 4, 2005