

TOWN OF WELAKA

TREE ORDINANCE REVIEW

with the

TOWN COUNCIL PUBLIC WORKSHOP

Monday, April 22, 2024

6 PM

Welaka Town Hall Council Room

400 4th Avenue

Welaka, FL 32193

Notes on editing:
Strikeouts are deletions.
Colored text is additions.
Highlighted texts are associated with comments.
For comments marked "LEGAL" Board requests additional review from Attorney.

**ORDINANCE 2015-1
WELAKA TREE ORDINANCE**

**AN ORDINANCE PROVIDING FOR CARE, NURTURING, AND REPLACEMENT OF TREES AND SHRUBS WITHIN THE
TOWN OF WELAKA, FLORIDA.**

WHEREAS, trees provide a setting with a variety of color unsurpassed in shade and hue, and

WHEREAS, trees are an invaluable psychological counterpart to the man-made urban setting, and

WHEREAS, trees absorb a high percentage of carbon dioxide and return oxygen, a vital ingredient to life; and

WHEREAS, trees are a valuable asset that can affect an area economically, and

WHEREAS, The Town Council of the Town of Welaka has determined that the protection of trees on public and private property within the Town of Welaka is not only desirable but essential to the present and future health, safety and welfare of all citizens,

and

WHEREAS, The Town of Welaka recognizes that trees on public and private property are valuable contributors to the Town's environment

NOW, THEREFORE, be it enacted and ordained by the Town Council of the Town of Welaka, Florida:

1. Kenneth Pagano

January 5, 2024 at 1:02:51 PM

Circumference is easier to measure in the

2. Kenneth Pagano

February 23, 2024 at 8:36:15 AM

Included Heritage Tree in definition.

3. Kenneth Pagano

January 8, 2024 at 11:04:56 AM

“trees(s) is used throughout the ordinance both for ordinary trees and Regulated Trees. Thus, use “Regulated Trees” when intended.

Section 1. Definitions

For the purpose of the administration and enforcement of this Ordinance, and unless otherwise stated in this Ordinance, the following words shall have a meaning as indicated herein:

1

(a) **Tree:** Any living self-supporting perennial plant whose one main stem attains at least a ~~diameter of three [3] inches or nine [9] inches in circumference,~~ at four and one-half [4.5] feet [4.5] above ground level and a height of fifteen [15] feet at maturity.

(b) **Street Trees:** Trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the Town

(c) **Park Trees:** Trees, shrubs, bushes and all other woody vegetation in public parks ~~having individual names, and~~ all areas owned by the Town, or to which the public has free access as a park.

2 3

(d) **Regulated Tree:** Any living tree which is ~~eight [8] inches or more in diameter or at least 24 two [224] feet~~ inches in circumference, ~~whichever dimension is lesser,~~ at a point four and one-half [4.5] feet [44] above ground level. The definition shall include all eChampion and Heritage tTrees regardless of size. ~~Regulated tree(s) shall hereinafter be called "tree" or "trees."~~

(e) **Champion Trees:** Those trees that have been identified by the Florida Division of Forestry or by the Florida Forest Service as being the largest of their species within the State of Florida or by the American Forestry Association as the largest of their species in the United States. ~~A The current list of eChampion tTrees is~~ shall be kept on file and ~~will be subject to revisions and will be updated yearly at regularly scheduled public meeting of the Trees and Gardens Board with the Town of Welaka Town Tree Board.~~

(f) **Heritage Trees:** Any trees ~~with that are a diameter of at least thirty [30] inches, or seven feet ten inches at least ninety four [94] inches in circumference, whichever dimension is lesser,~~ measured at a point four and one-half [4.5] feet above ground level.

4. **Kenneth Pagano**

January 5, 2024 at 12:58:41 PM

Not a definition. Move to Section 7.

5. **Kenneth Pagano**

January 5, 2024 at 1:00:01 PM

Move to Tree Plan. This list may change often.

Taking out of ordinance and move to tree plan

allows revisions without revising the

4

(g)

Street Trees to be Planted: The following list constitutes the official Street Tree species list for the Town of Welaka, Florida. No species other than those included in this list, may be planted as Street Trees without written permission of the Town Tree Board.

5

Small Trees

Dahoon, Holly Hop, Hornbeam, Jerusalem, Thorn Chickasaw, Plum, Bottlebrush, Pindo Palm, and Cherry Laurel

6. Kenneth Pagano

January 8, 2024 at 11:19:39AM

This is the make-up of the current tree board.

Medium Trees

Dogwood-Cabbage-Palm-Redbud

Golden-Rain-Tree-American-Holly-Loblolly-Bay-Pumpkin-Ash-East-Palatka-Holly-Wax-Myrtle

Large Trees

Bald-Cypress, Winded-Elm, Hackberry, Red-Maple, Laurel-Oak, Live-Oak, Washington-Palm, Sycamore, Sweetgum, Date-Palm

Section 2. Creation and Establishment of a Town Tree Board

There is hereby created and established a Town Tree Board for the Town of Welaka, Florida, which shall consist of five (5) members; who are ~~1 council member of this Town who shall not be the chairman of the tree board, and 4~~ public citizens of the Town who shall be appointed by the Mayor of the Town, ~~one~~ of which one (1) shall be the Chairperson of the Town Tree Board, to oversee this ordinance and bring all findings and programs to the Council.

Section 3. Term of Office of Tree Board Members

6 The term of office and the method for filling vacancies established under ~~s~~Section 2 of this Ordinance shall be as follows: Three public citizen board members who shall be appointed in each even number year; ~~and One~~two public citizens ~~and one council member~~ who shall be appointed in odd number years. Vacancies shall be filled as necessary.

Section 4. Compensation of Tree Board Members

Members of the Tree Board shall serve without compensation.

Section 5. Duties and Responsibilities of Tree Board

7. Kenneth Pagano

February 23, 2024 at 8:43:51 AM

All Regulated Trees should be considered.

8. Kenneth Pagano

January 8, 2024 at 11:33:15 AM

LEGAL

This needs more consideration. Applicant or CF determines health. Or applicant marks trees CF says are healthy. Liability issue for legal dept.

9. Kenneth Pagano

January 8, 2024 at 11:40:33 AM

See exceptions Sect 6.(c).

(a) It shall be the responsibility of the Tree Board to study, investigate, counsel, develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets, and in other public areas. Such plan will be presented annually to the Town Council and, upon their acceptance and approval, shall constitute the official comprehensive ~~Tree~~ ~~Plan~~ for the Town;

(b) The Tree Board, when requested by the Town Council, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work.

(c) Site plans, development plans, or subdivision plats that result in an alteration of a site, or that require Planning and Zoning approval under Town Of Welaka Land Development Plan, shall include consideration of Regulated ~~Tree~~ preservation; and the approval of such plans shall constitute the issuance of a tree permit consistent with the approved plan. Site plans, development plans and subdivision plats ~~may~~ shall require a pre-design, on-site meeting with, at minimum, one current member of the town Tree Board to locate any ~~e~~Champion ~~Tree~~ or ~~h~~Heritage ~~Tree~~.

7 8

(1) If such trees are present and there is some dispute regarding the health of such trees, the County Forester will determine the health of such trees. The applicant will mark and locate, ~~using a registered land surveyor,~~ all ~~champion trees and all heritage~~ Regulated ~~Tree~~ ~~deemed healthy enough to provide substantial long-term benefits.~~ The applicant may locate additional trees to be preserved.

(2) Notice of application for ~~authorization~~ a permit to remove a Regulated ~~Tree~~ shall be provided to the members of the Tree Board, and one or more of the members of the Tree Board shall be provided a reasonable opportunity to comment to the permitting authority prior to the issuance of a permit or conditional use permit that would authorize the removal of trees.

9

(3) A ~~subsequent~~ Regulated ~~Tree~~ location survey must be included in the application. The applicant will be ~~required to save all~~ ~~e~~Champion ~~Tree~~ and Heritage Trees.

(4) Site plan approval requires the retention of a 15 percent tree canopy for all zoning districts except industrial and platted single-family subdivisions. The Town ~~Tree Board~~ may grant the application with less than 15 percent canopy if one or more of the criteria listed in Section 6 are met.

10. Kenneth Pagano

January 8, 2024 at 11:52:40 AM

How to enforce when property is not associated with a building permit. Suggestion: A sign at each Town entrance that reads "Welaka is a TreeCity" "CALL before you CUT"

11. Kenneth Pagano

January 8, 2024 at 11:59:51 AM

This would amount to an environmental impact study that the TTB may not be qualified to do. Nor could it be done within the required 5 days. Further, who bears the cost of the study. The Town's Land Development Plan should have provisions for when an environmental impact study is required.

12. Kenneth Pagano

February 23, 2024 at 8:45:27 AM

All Regulated Trees should be considered.

13. Kenneth Pagano

February 23, 2024 at 8:49:19 AM

TB feels permits for pruning would be to cumbersome for people.

10 | Section 6. Tree Permits—Generally

(a) ~~When Required.~~ In addition to the development review required under Section 455, Aa permit shall be required as a condition precedent to the removal or relocation of any ~~Champion Tree or Heritage~~Regulated Tree on any property within the CityTown limits. A ~~R~~non-regulated ~~T~~ree or other tree not considered a ~~Champion Tree or Heritage Tree that is located completely on private property~~ does not require a permit to remove or relocate.

Nothing herein should be interpreted to exempt the property owner or developer from any landscaping and buffering requirements in the Land Development Code or from any other local, State or Federal permit requirements.

(b) **Permit Process.** The following shall serve as the standard permitting process for tree removal or relocation permits in the Town of Welaka ~~not covered in Section 5.(c):~~

(1) Any ~~person wishing~~property owner or property owner's representative required to obtain a tree permit shall make application with the Building Department on such form as shall be prescribed by the Building Official. An application fee may be required, the amount of which shall be established by a resolution of the Welaka Town Council.

11

(2) The Building Official shall forward the application to ~~chairman of~~the Tree Board who shall review the applications ~~for consideration and determine what effect the removal will have upon the drainage, topography, natural resources, and ecology of the area and shall consider these factors~~ in granting or denying ~~an~~the application.

12

(3) A member of the Tree Board shall, ~~within a reasonable time after of~~the filing of an application concerning a ~~Champion Tree or Heritage~~Regulated Tree, ~~attempt to~~verify the information contained in the application and shall either approve or deny the application as to each ~~R~~Regulated ~~T~~ree proposed to be removed or relocated ~~or pruned~~. Applications that are denied may be appealed to the Welaka Town Council.

13

(c) **Permit Approval- Considerations.** The Building Official and the Tree Board shall grant the application if it finds one or more of the criteria are met:

(1)The tree ~~is an immediate~~poses safety hazard that may result in physical harm to persons, domestic animals, buildings, motor vehicle traffic, bicycle traffic, or pedestrian traffic.

14. Kenneth Pagano

January 8, 2024 at 12:08:18 PM

The County Forester would determine if an arborist is necessary.

15. Kenneth Pagano

January 5, 2024 at 12:58:41 PM

Not a definition. Moved to Section 7. See notes above concerning location of lists.

16. Kenneth Pagano

February 23, 2024 at 8:57:42 AM

Placing lists in the Tree Plan rather than in the Ordinance saves having to revise an ordinance should the list change. Revising the Tree Plan needs only simple Council approval whereas changing the Ordinance would require much more time.

14 | (2) ~~The tree is infected with~~ exhibits an infestation of harmful insects or fungi that are not generally typically present on other trees of the species and may reasonably be expected to spread to other trees not so infested as determined by the Putnam County Arborist County Forester.

(3) The Regulated Tree, by its location, prevents reasonable use or development of the site, and no reasonable alternative to such use or development is possible.

(4) The Regulated Tree, by the normal growth of its branches or roots, is causing progressive damage to buildings or other structures, and no reasonable correction or prevention is available other than the removal or pruning of the tree.

As a condition of the granting of a permit, the applicant may be required to relocate the trees proposed for removal or replace the removed trees with new trees planted elsewhere on the site. Replacement trees may be required on a more than one-for-one basis if the replacement trees are smaller than the tree being removed; however, replacement trees shall not be required on more than a three-for-one basis. A tree list developed as part of this ordinance shall be used as a reference for selecting replacement trees.

In all cases wherein this chapter shall require replacement of any tree, the replacement shall be made with replacement stock. "Replacement stock" is hereby defined as any tree contained on the replacement stock list having a height of at least eight [8] feet and a Florida Nursery Grade Number One or better. Survival of replacement stock will be guaranteed until the replacement stock meets with the definition of "tree" as defined in Section 1. Replacement stock may be any of the trees listed on a list of approved trees established by resolution of the Welaka Town Council

Section 7. ~~Street Trees Species to be Planted~~ Tree Plan

The following sections comprise the requirements and contents of the Tree Plan:

15 | **Street Trees to be Planted:** The following list constitutes the official Street Tree species list for the Town of Welaka, Florida. No species other than those included in this list, may be planted as Street Trees without written permission of the Town Tree Board.

16 | The official tree species list for the Town of Welaka shall be included in the Tree Plan. No other species than those in that list shall be planted as a Street Tree or Park Tree without the permission of the Tree Board. ~~No species other than those included in the street tree list may be planted as street trees without written permission of the Tree~~

17. Kenneth Pagano

February 23, 2024 at 9:00:54 AM

Spacing requirements differ among species.

Board.---

(Sections 8 thru 13 to be incorporated into Section 7 and renumber as required)

(End of first work shop discussion.)

17

Section 8.(a) Spacing

The spacing of street trees will be in accordance with the tree species size classes. ~~referred to in Section 8, and no trees may be planted closer together than the following:--~~

- ~~Small trees, 20 feet--~~
- ~~Medium trees, 30 feet--~~
- ~~Large trees, 50 feet, except in special plantings designed or approved by a landscape architect.--~~

Section 9.(b) Distance from Curb and Sidewalk

To prevent damage to sidewalks and curbs, ~~the~~ the distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the tree species size classes. ~~referred to in section 8. and no trees may be planted closer to any curb or sidewalk than the following:--~~

- ~~Small trees ----- 2 feet--~~

18. Kenneth Pagano

February 23, 2024 at 9:54:11 AM

LEGAL

Please review this revision.

- ~~Medium trees-Large~~ (a)feet-
- ~~trees-~~ (b)feet-

~~Section 10.(c)~~ Distance from Street Corners and Fire Hydrants

No street tree shall be planted closer than twenty [20] feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted closer than fifteen [15] feet of any fire hydrant.

(d) Call Before You Dig

Prior to any planting, a survey of existing utilities must be performed ("call before you dig - 811") to prevent damage to said utilities.

~~Section 11(e).~~ Public Tree Care

1. The Town of Welaka shall have the right to plant, prune, maintain, relocate or remove trees, plants and shrubs within the lines of all public rights-of-way, streets, alleys, avenues, lanes, squares, parks and other public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

18

2. ~~The Tree Board may remove or cause or order to be removed any tree~~ or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with an injurious fungus, insect or other pest. This section does not prohibit the planting or pruning of street trees by owners of adjacent property provided that planted trees meet the requirements and any proposed pruning of existing Street Trees or Park Tree must be approved in advance by the Tree Board.

3. All public agencies and utilities shall comply with this ordinance. All public utilities, governmental

19. Kenneth Pagano

February 23, 2024 at 9:17:05 AM

Placing lists in the Tree Plan rather than in the Ordinance saves having to revise an ordinance should the list change. Revising the Tree Plan needs only simple Council approval whereas changing the Ordinance would require much more time.

agencies and their subcontractors shall comply with the "National Arborist Association Standard for the Pruning of Shade Trees" when pruning trees on public or private property. Notice shall be provided to landowners at least one week in advance of pruning and/or removing landowners' trees. Emergency removal requiring immediate action to protect the health and safety of the public are not subject to this ordinance.

Section 12(f). Tree Topping

It shall be unlawful as a normal practice for any person, business entity, firm, corporation or Town department to top any street tree, park tree or other tree on public or private property. "Topping" is defined as the severe cutting back, of limbs to stubs larger than three [3] inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, trees serving as viable habitat for wildlife, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempt from this requirement at the determination of the Tree Board.

Section 13(g). Pruning, Corner Clearance

Every owner of any tree overhanging any street or right-of-way within the Town shall prune the branches so that such branches shall not obstruct the light from any streetlamp or obstruct the view of any street intersection, and to that end there shall be a clear space of eight [8] feet above the surface of the street or sidewalk. Such owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The Town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight, or interferes with visibility of any traffic-control device or sign.

Section 14(h). Dead/Diseased Tree Removal on Private Property

The Town shall have the right to cause the removal of any dead or diseased trees on private property within the Town when such trees constitute a hazard to life and property or harbor insects or disease which constitute a potential threat to other trees within the city. The Tree Board will notify in writing the owners of such trees. Removal shall be done by the owners at their own expense within thirty [30] days after the date of service of notice. In the event of failure of an owner to comply with such provisions, the Town shall have the authority to remove such trees and charge the cost of removal on the owner's property.

19

Section 15(i). Evasive Invasive Trees

The Town shall cause no planting or cultivating of ~~the following evasiveinvasive~~ plants upon public property in the Town

of Welaka. Furthermore; the Town strongly recommends that all Town property owners refrain from planting or cultivating said species: ~~The invasive species list shall be included in the tree plan.~~

- (a) ~~Mimosa, Silk Tree~~
- (b) ~~Woman's Tongue~~
- (c) ~~Asparagus Fern~~
- (d) ~~Orchid Tree~~
- (e) ~~Australian Pine, Beach Sheoak~~
- (f) ~~Camphor Tree~~
- (g) ~~Winged Yam~~
- (h) ~~Air Potato~~
- (i) ~~Cat's Claw Vine~~
- (j) ~~Surinam Cherry~~
- (k) ~~Laurel Fig~~
- (l) ~~Chinese Privet, Hedge Privet~~
- (m) ~~Japanese Honeysuckle~~
- (n) ~~Nandina, Heavenly Bamboo~~
- (o) ~~Popcorn Tree, Chinese Tallow Tree~~
- (p) ~~Flamegold Tree~~
- (q) ~~Bottlebrush, Weeping Bottlebrush~~
- (r) ~~Golden Bamboo~~
 - ~~Oyster Plant~~
 - ~~Simple-Leaf Chaste Tree~~

-
- (s) ~~Chinese Wisteria~~
 - (t) ~~Malanga, Elephant Ear~~

Section 16(j). Protection and Preservation

It is the intent of this section to ensure the survival of existing trees during development and alteration of a site. Recognizing the impossibility of protecting all trees, the developer will designate those trees to be preserved and the level of protection to be afforded them based on the following categories:

1. *Category I* Trees: Those trees identified during a pre-design on-site meeting as being healthy Heritage Trees which do not conflict with the approved site plan. Trees so designated will be protected from construction activities within the full drip line of the tree. All Champion Trees will be protected to Category I standards or better.
2. *Category II* Trees: Those trees identified during a pre-design meeting which are desirable to keep but due to location and development activities cannot be protected to the level of Category I Trees. Construction activities will be kept at a minimum often feet from the trunk of Category II Trees. Alternative construction techniques such as pervious pavements, jacking and boring, bridging over large roots, and root aeration systems may be used to protect these trees.
3. *Category III* Trees: Those trees which, due to number or location, cannot receive the level of protection afforded Category I and II trees, yet add to the landscape and may survive development activities.

Section 178. Exemptions

- (a) **Forestry:** All bona fide commercial forestry operations, including natural, planted, and hardwood forests, regardless of zoning or tax classifications, are exempt from this ordinance insofar as the following provision are met:
 1. **Qualifications:** Parcels in the Agriculture, Commercial or Residential Zoning classification must be ten acres or greater in size. A commercial forestry operation in the above classifications must have a forest management plan in effect similar to, and meet the same minimum standards as, the forest management plan furnished or developed by the county forester; however, one good and accepted forest management practice

will not be required in lieu of another.

2. **Owners** of commercial forestry operations in areas zoned Agriculture, Commercial, or Residential must submit a notice of activity to the Tree Board prior to the commencement of the following silvicultural activities: timber harvesting, mechanical site preparation, or land clearing. This notice will include the following information:

- Owner's name
- Parcel number
- Parcel acreage
- Acreage affected
- Type of activity
- Vendor name and address
- Estimated date of commencement of activity

3. All commercial forestry operations, regardless of zoning or tax classification, must be conducted in accordance with the Silviculture Best Management Practices Manual and the Management Guidelines for Forested Wetlands in Florida. Failure to comply will terminate the exemption as provided herein from this Chapter.

(b) **Agricultural:** Lands that are zoned Agricultural and that qualify for the agricultural tax exemption are exempt from this Chapter subject to the following provisions: Requirement of permits for removal of **h**Heritage **t**Trees in all agricultural districts, except bona fide forestry operation within fifty [50] feet of property ownership boundaries and within four hundred [400] feet of all publicly owned parks, except in bona fide forestry operations. Within Agriculture-zoned lands, a notice of activity must be submitted to the Tree Board prior to clearing new lands for agricultural use. This notice will include the following information:

- Owner's name
- Parcel number
- Acreage affected
- Type of activity
- Vendor name and address
- Estimated date of commencement of activity

(c) **Residential:** Except for Champion and Heritage Trees, trees on lots in actual single family residential use are exempt from this section.

Section 489. Primary Reference Work

20. Kenneth Pagano

February 23, 2024 at 9:55:36 AM

LEGAL

What is the meaning of "Liberally".

21. Kenneth Pagano

February 23, 2024 at 9:56:30 AM

LEGAL

Should the Tree Board members be issued ID Bagdes?

22. Kenneth Pagano

February 23, 2024 at 9:57:33 AM

LEGAL

Please review for accuracy and

Whenever there is a question regarding tree protection standards, consult the Florida ~~Division of Forestry~~ Forest Service Tree Protection Manual shall serve as the primary reference.

Section 4910. Applicability of Ordinance

The terms and provisions of this Chapter shall apply to all real property lying within the incorporated limits of the Town of Welaka, including publicly owned land, rights-of-way, and easements.

20 Section 2011. Article Ordinance to be Liberally Construed

This Article Ordinance shall be liberally construed in order to effectively carry out the purposes hereof, which are deemed to be in the best interests of the public health, safety and welfare of the citizens and residents of the Town. In the event this chapter conflicts with any other applicable county or state regulations on this subject matter, the more restrictive shall apply.

Section 2412. Interference with Tree Board

21 It shall be unlawful for any person to prevent, delay or interfere with the Tree Board, or any of its agents, or servants, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private property, as authorized in this ordinance.

22 Section 2213. Local Business Tax Receipt and Insurance Required

It shall be unlawful for any private person, business entity, corporation or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the Town without first applying for and procuring a Local Business License in accordance with the requirements of the town. However, no license shall be required of any public service company or City employee doing such work in the pursuit of their public service endeavors. Before any Local Business License shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$25,000.00 for bodily injury and \$10,000.00 property damage indemnifying the town or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

Section 2314. Enforcement; Town of Welaka Code Enforcement Board

23. Kenneth Pagano

February 23, 2024 at 9:40:34 AM

For Legal:

Where is this referenced section found?

Any violation or alleged violation of this ordinance may be cited by Notice of Violation issued to the offending person(s) by either (1) The Town of Welaka Code Enforcement Officer; or (2) The Town of Welaka Building Official; or (3) The Town of Welaka Tree Board; or (4) the Town of Welaka Chief of Police. Upon the issuance of such citation, the same shall be forthwith referred to the Town of Welaka Code Enforcement Board for disposition in accordance with its standard and statutory procedures.

Section 2415. Enforcement; Penalties

1. The Town of Welaka Code Enforcement Board, upon such notification and duly noticed hearing, in the event of a finding that a violation of this ordinance has been committed, may order the violator to pay a fine in an amount specified in this section for each day the violation continues past the date set by the enforcement board for compliance or, in the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code inspector. In addition, if the violation is a violation described in s. 162.06(4), the enforcement board shall notify the local governing body, which may make all reasonable restoration required to bring the property into compliance and charge the violator with the reasonable cost of the restoration along with the fine imposed pursuant to this section. Making such restoration does not create a continuing obligation on the part of the local governing body to make further restoration or to maintain the property and does not create any liability against the local governing body for any damages to the property if such restoration was completed in good faith. If a finding of a violation or a repeat violation has been made as provided in this part, a hearing shall not be necessary for issuance of the order imposing the fine. If, after due notice and hearing, a code enforcement board finds a violation to be irreparable or irreversible in nature, it may order the violator to pay a fine as specified in paragraph 2.
2. ~~2)(a)~~A fine imposed pursuant to this section shall not exceed \$250 per day for a first violation and shall not exceed \$500 per day for a repeat violation, and, in addition, may include all costs of restoration pursuant to subsection (1). However, if the code enforcement board finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed \$5,000 per violation.
3. In determining the amount of the fine, if any, the enforcement board shall consider the following factors:
 1. The gravity of the violation;
 2. Any actions taken by the violator to correct the violation; and
 3. Any previous violations committed by the violator.
4. An enforcement board may reduce a fine imposed pursuant to this section.
5. A certified copy of an order imposing a fine, or a fine plus restoration costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property

owned by the violator. Upon petition to the circuit court, such order shall be enforceable in the same manner as a court judgment by the sheriffs of this state, including execution and levy against the personal property of the violator, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this part shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit filed pursuant to this section, whichever occurs first. A lien arising from a fine imposed pursuant to this section runs in favor of the local governing body, and the local governing body may execute a satisfaction or release of lien entered pursuant to this section.

**PASSED THE FIRST READING AT REGULAR MEETING HELD: September 8, 2015 PASSED THE SECOND READING AT
A MEETING HELD: November 10, 2015**

**ATTEST
SIGNED**

Meghan E. Allmon, Town Clerk
Jamie D. Watts, Mayor

Approved as to form:

Patrick Kennedy, Town Attorney
Jessica Finch, Council President