



**CITY OF COOPER CITY**  
**CITY COMMISSION WORKSHOP MEETING**  
Tuesday, December 12, 2023 at 4:30 PM  
City Hall Auditorium | 9090 SW 50th Place

## AGENDA

### PLEDGE OF ALLEGIANCE

### ROLL CALL

### PUBLIC COMMENTS (3 MINUTES)

### TOPICS FOR DISCUSSION

1. Commission Workshop – Tree Trimming, Removal, Maintenance in Rights-of-Way, and ancillary code-related topics - **Administration**

### ADDITIONAL PUBLIC COMMENTS (3 MINUTES)

### ADJOURNMENT

## ADA NOTICE

This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Office of the City Clerk, 954-434-4300 ext. 220, not later than two days prior to such proceeding. One or more members of the City of Cooper City Advisory Boards may be in attendance and may participate at the meeting. Anyone wishing to appeal any decision made by the Cooper City Commission with respect to any matter considered at such meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Agenda items may be viewed online at [www.coopercity.gov](http://www.coopercity.gov) or at the Office of the City Clerk, City of Cooper City, 9090 SW 50 Place, Cooper City, Florida, 33328, 954-434-4300.

## DECORUM

Members of the Commission, staff members, citizens, and others are required to use civil and appropriate language when addressing the Commission or anyone present at the meeting and must refrain from using profanity, cursing, or exhibiting aggressive or threatening behavior. All comments should generally be directed to the presiding officer and not to individual members of the Commission, staff, or the audience. No personal verbal attacks toward any individual by either the Commission, staff, citizens, or others shall be allowed during any meeting of the Commission.

Any persons making impertinent or slanderous remarks or personal attacks or who becomes boisterous while addressing the Commission or who otherwise violates the decorum rules set forth herein shall be barred from further audience before the Commission by the Mayor, or by request of any member of the Commission unless permission to continue or again address the Commission be granted by a majority vote of the Commission members present.



## CITY COMMISSION STAFF REPORT

**DEPARTMENT:** Administration

**DATE:** December 12, 2023

**SUBJECT:** Commission Workshop – Tree Trimming, Removal, Maintenance in Rights-of-Way, and ancillary code-related topics - **Administration**

**CITY MANAGER RECOMMENDATION:**

A thorough discussion of the subject needed.

**BACKGROUND OF ITEM:**

The City Commission has requested a workshop to discuss a variety of ordinances pertaining to trees, right-of-way maintenance, swale matters, thoroughfare beautification, and ancillary issues tied to the aforementioned.

Of special note, a similar workshop was held by the City on February 23, 2021, along with a follow-up workshop on April 6, 2021. At both meetings, a presentation was provided by a former Public Works Director, or staff, to help isolate relevant policy and practice surrounding the city's inventory of trees, the differing maintenance responsibilities and roles of city / resident in rights-of-way, how those roles looked historically vs. present, and other matters that are similar in nature to the current commission's workshop intent.<sup>1</sup>

Since those historical workshops, there have been several state legislative changes that impact the conversation, such as SB 60 that became law in July 2021, and SB 518, which was passed and clarified in 2022.<sup>2</sup> Further, the city's arborist has since retired, and the position not refilled, which has an impact, in part, on the workshop topic(s). Another important development since the last workshop is an ongoing code case, pending magistrate, against Flamingo Townhomes phase four, where the development has hired legal counsel to challenge the city's abutting property / swale maintenance requirement.<sup>3</sup>

<sup>1</sup> [Agenda\\_02232021\\_Tree\\_Workshop\\_\(1\).pdf \(coopercity.gov\)](#) AND [Agenda\\_04062021\\_Tree\\_Workshop\\_.pdf \(coopercity.gov\)](#)

<sup>2</sup> SB 60 effective July of 2021 restricts what type of code complaints may be investigated anonymously, while SB 518, effective July of 2022, changed the way cities could enforce tree removal and replacement for residentially zoned properties. Both bills, along with a memo from our CAO, are included in the backup.

<sup>3</sup> This case has been pending resolution since August of 2022 and could impact the city's overall thoroughfare beautification effort.

In light of the foregoing, there remains opportunity to better define these roles, reevaluate commission / city intent on key ordinances, and strategize on a systematic approach to achieve the city's beautification goals in keeping with its strategic plan.

#### **ANALYSIS:**

The City Manager and city staff have held several meetings to prepare for this workshop and identify a path forward for a productive dialogue. To that end, the presentation from 2021 was reviewed, modified, and redeveloped to serve as a framework to:

- Provide an overview of current city policy and practice.
- Provide a visual of city vs. resident responsibility and role based on current ordinance(s).
- Provide a list of variables that have since impacted this conversation.
- Provide staff recommendations on areas where city clarification would help staff more efficiently carry out commission intent and educate the public on city vs. resident role(s).
- Recommend, if needed, a future workshop to present a plan based on commission feedback.

Further, staff has identified the key topics to cover the commission concern / desire as:

- Maintenance of trees in the swale
- Tree trimming responsibilities
- Rear / abutting maintenance requirements
- City landscape architect or arborist

Ancillary or subtopics that stem from the above were also identified, to include: prohibited structures / landscape features and hedge height and walls along thoroughfares. The applicable ordinances tied to each of these topics are included as backup for this workshop.

#### **STRATEGIC PLAN:**

The City of Cooper City identified four key priorities:

1. Financially Sustaining Someplace Special
2. Proactive Public Safety
3. A Strong Sense of Place
4. Citywide Revitalization

This workshop impacts each key priority, as modifying or keeping the relevant codes has a financial impact, ties into the safety of the community, to include traffic concerns, helps to create a strong community spirit, and, perhaps most apparently, influences the citywide revitalization and beautification objective(s).

**PROCUREMENT:** N/A

#### **FISCAL IMPACT:**

TBD

**ALTERNATIVES:**

N/A

**ATTACHMENTS:**

- CAO Memorandum 2021-014
- CAO Memorandum 2022-015
- City Ord. Chapter 18
- City Ord. Sec 25-45
- City Ord. Sec 25-95
- City Ord. Sec 25-102
- iWorqs Case #212870





# COOPER CITY TREE & RIGHTS-OF-WAY WORKSHOP





# WORKSHOP FORMAT

- **PARTICIPANTS:**

- *City Manager* will provide a basic PP-guided overview.
- *City Commission* active participation is encouraged.
- *City Staff* is available to clarify portions of the presentation.
- *City Residents* input at the final public comment is valued.

- **PRINCIPLES:**

- There are no right or wrong answers.
- New, innovative ideas or approaches are acceptable.
- Improvement in current ordinance(s) to match policy and practice may be needed, or vice-versa.
- Focus on identifying a path forward.
- Recognition that we may not finalize the topic tonight, and a plan with alternative solutions may need to be brought back.



# WORKSHOP OBJECTIVES

- **Provide an overview of current city policy and practice.**
- **Provide a visual of city vs. resident responsibility / role based on our current ordinance(s).**
- **Provide a list of variables that have impacted this conversation since the last workshop.**
- **Provide staff recommendations on areas where city clarification would help staff more efficiently carry out commission intent and define our effort to educate the public on city vs. resident role(s).**
- **Recommend, if needed, a future workshop to present a plan based on tonight's commission feedback.**



# WORKSHOP

## PROBLEMS & GOALS

Item #1.

- **PROBLEMS:**

- As a result of years of improper placement, lack of species management, aging trees and inconsistent practices, the City has many trees in its swales that are adversely affecting public infrastructure, private property, and in some cases, public safety.
- Additionally, changing practice and laws have impacted city and resident understanding of roles / responsibilities in relation to maintenance issues in the rights-of-way, to include rear abutting property, and what can and cannot be done in the ROWs.
- Lastly, since the last workshop, the city's arborist has retired and the position has not been refilled, which has kept some related projects unrealized, along with a missing expertise available to staff need(s).

- **PRIMARY GOAL:**

- In light of changing laws, personnel and resource impact, and confusion on city vs. resident responsibility / role, identifying a holistic approach that aligns with the City's strategic plan is needed.



# WORKSHOP

## *PROBLEMS & GOALS*

Item #1.

- **SECONDARY GOALS:**

- Create a safe, walkable and drivable neighborhoods.
- Clarify or revisit ordinances tied to trees, maintenance, and ROW standards.
- Identify a fiscally responsible plan to address the immediate and most egregious trees, while outlining a long-term strategy.
- Minimize adverse impact on public infrastructure, e.g. sidewalks, roads, drainage, water/sewer.
- Minimize adverse impact on private property, e.g. driveways, vehicles.
- Reduce city liability.
- After the path forward is identified, develop and implement a robust communication plan to educate residents and create citizen buy-in.



# WORKSHOP

## PRIMARY TOPICS

Item #1.

- **TREE TRIMMING**
  - *Sec. 18-7*
- **TREE REMOVAL AND REPLACEMENT**
  - *Sec. 18-4 & 18-11*
  - *Senate Bill 518, effective July, 2022*
- **R.O.W & DRIVEWAY MAINTENANCE**
  - *Sec. 25-95 & 25-102*
- **CITY LANDSCAPE / ARBORIST**
  - *Sec. 18 and, specifically, 18-9*



# WORKSHOP

## TREE TRIMMING

### CITY RESPONSIBILITY

#### ROLES



- ▶ TRIM TREES ON CITY-OWNED PROPERTY ONLY\*
- ▶ TRIM TREES FOR LIFE, HEALTH, & SAFETY PURPOSES IN THE RIGHT-OF-WAY
- ▶ TRIM TREES PERIODICALLY TO MAINTAIN TREE CANOPY IN RIGHT-OF-WAY
- ▶ TRIM TREES TO DOT STANDARDS\*\*
- ▶ REMOVE OR TRIM TREES FOR EMERGENCY MANAGEMENT / NATURAL DISASTERS

### PROPERTY OWNER RESPONSIBILITY

- ▶ MAINTAIN AND TRIM TREES ON PRIVATE PROPERTY
- ▶ MAINTAIN AND TRIM TREES ON PUBLIC RIGHT-OF-WAY IF ABUTTING YOUR PROPERTY
- ▶ IT SHOULD BE NOTED, PAST CITY PRACTICE WAS TO TRIM TREES IN THE PUBLIC RIGHTS-OF-WAY DESPITE IT NOT BEING POLICY, I.E. PER CODE. THIS CHANGED APPROX. 2YRS AGO, WHICH HAS RESULTED IN RESIDENT CONFUSION AS THEY EXPECT TREE TRIMMING BASED ON PAST PRACTICE.

# WORKSHOP

Item #1.

## TREE REMOVAL & REPLACEMENT



### CITY RESPONSIBILITY

- ▶ RESPONSIBLE ON CITY-OWNED PROPERTY
- ▶ MAY REMOVE TREES IN PUBLIC RIGHTS-OF-WAY FOR LIFE, HEALTH, & SAFETY, IF CAUSING DAMAGE TO PUBLIC OR PRIVATE PROPERTY, OR TO PROVIDE NECESSARY ACCESS.
- ▶ MAY REPLACE TREES IN PUBLIC RIGHTS-OF-WAY FOLLOWING THE GUIDELINES OUTLINED IN SECTION 18-11, 18-13 OF THE CITY CODE.

### PROPERTY OWNER RESPONSIBILITY

- ▶ RESPONSIBLE FOR PRIVATELY OWNED PROPERTY
- ▶ AS A RESULT OF **RECENT** STATE LEGISLATURE, “RESIDENTIAL PROPERTY” MAY PROVIDE “DOCUMENTATION” FROM A CERTIFIED ARBORIST TO REMOVE A TREE UNDER CERTAIN CONDITIONS. THE CITY MAY NO LONGER REQUIRE A PERMIT OR REPLACEMENT TREE BE PLANTED.\*
- ▶ MAY OPT TO IMPROVE A TREE AND, IF SO, SECTION 18 OF THE CODE APPLIES FOR REPLACEMENT.



# WORKSHOP

## RIGHT-OF-WAY MAINTENANCE

Item #1.

### CITY RESPONSIBILITY



- ▶ REPAIRS SIDEWALKS
- ▶ REPAIRS WATER / SEWER UTILITIES AND STORMWATER SYSTEMS.
- ▶ REPAIRS ROADS IN THE PUBLIC RIGHT-OF-WAY
- ▶ OFFERS TO PRUNE TREE ROOTS WHEN REQUESTED BY PROPERTY OWNERS IF CAUSING DAMAGE TO PRIVATE OR PUBLIC PROPERTY

### PROPERTY OWNER RESPONSIBILITY

- ▶ RESPONSIBLE TO MAINTAIN / REPAIR DRIVEWAY APRON AND MAIN DRIVEWAY (Sec 25-102a-b)
- ▶ OFFERED ALTERNATIVE TO SELF-REPAIR ABUTTING SIDEWALKS W/ CITY MANAGER / DESIGNEE APPROVAL.
- ▶ RESPONSIBLE TO CLEAN & KEEP CLEAR ABUTTING SIDEWALKS.
- ▶ RESPONSIBLE TO MAINTAIN VEGETATION IN THE ROW.





# WORKSHOP

## ANCILLARY TOPICS

Item #1.

- A MAJORITY OF RECENT COMMISSION CONCERNS TIE TO ONE OF THE PRIMARY TOPICS ALREADY OUTLINED.
- HOWEVER, A COUPLE OF SUBTOPICS INTERRELATE WITH THE FORMER AND ARE AS FOLLOWS:
  - PROHIBITED STRUCTURES AND LANDSCAPE FEATURES IN THE RIGHT-OF-WAY, SEC. 25-45 AND, SPECIFICALLY, 25-45(E)
  - THOROUGHFARE BEAUTIFICATION VIA HEDGE HEIGHT OR COMMUNITY WALL CONCEPTS.\*



# WORKSHOP

## NEW VARIABLES

Item #1.

- **AT THIS JUNCTURE, WE WOULD LIKE TO HIGHLIGHT NEW VARIABLES THAT IMPACT THIS WORKSHOP:**
  - **NEW LAWS & A PENDING MAGISTRATE CASE:** Senate Bill 518 passed in 2022 and effective July 1, 2022. To a lesser extent, Senate Bill 60, effective July 1, 2021, impacts enforcement efforts.
    - REFER TO CAO MEMORANDUM 2021-014
    - REFER TO CAO MEMORANDUM 2022-015
    - Particularly SB 518 may have impact on the city's code section 18, requiring revision and revamping altogether.
    - **Flamingo Townhomes Phase 4 magistrate case and potential impact.**
  - **CITY ARBORIST VOID:** The retirement of the city arborist shortly after the city's pursuit of citywide revitalization of commercial properties and thoroughfares has hindered staff progress.
  - **CONSULTANT FOR CITYWIDE LANDSCAPE MASTER PLAN:** This project is forthcoming and, once complete, it may have impact on these workshop topics and need to be taken into consideration from a holistic view.



# WORKSHOP

Item #1.

## STAFF RECOMMENDATIONS

- **SOLICIT COMMISSION INPUT TO CLARIFY INTENT:**

1. **MAINTENANCE OF TREES IN THE SWALE:**

- Does the city commission want to leave the code as-is, and require residents to maintain / trim trees in the public swale, or does the city want to take on that role and amend current ordinance to reflect that intent?

2. **TREE TRIMMING RESPONSIBILITIES:**

- Similar to the above, does the city intend to maintain its current practice, as outlined in this presentation, or does the city desire for various reasons, e.g. uniformity, to take over tree maintenance & trimming responsibilities?

3. **ABUTTING PROPERTY REQUIREMENT\*:**

- Section 25-102(d) requires abutting property owners to clean sidewalks to the “front” and “sides” of their property. It then states the city *may* clean to the rear. This creates ambiguity; particularly related to thoroughfares. Clarification of city intent and code would be helpful.
- Other related sections of the code may need clarifying (Section 13-103).
- Since February 2021, Code has opened **1472 cases** under Sec 25-102.

# WORKSHOP

## *STAFF RECOMMENDATIONS*

### **4. ARBORIST / CERTIFIED LANDSCAPE ARCHITECT:**

- The retirement of the city arborist has left a noticeable hole in staff procedures and has slowed certain city projects. There may be value in revisiting this position, whether a city part-time / full-time position, or scaling a consultant-type approach.
- Section 18 of the city code would benefit from a complete overhaul, based on city intent and the recent change in law(s), and an expert in the field would help accomplish this need.

### **5. RIGHT-OF-WAY, SWALE PARKING:**

- On a lesser but related note, staff recommends amending city code to require swale parking, or street parking, to be same directional with the flow of traffic. This will positively impact public safety via traffic management.

### **6. FUTURE WORKSHOP:**

- A recommendation to calendar a future workshop to bring back a plan based on tonight's feedback from the commission and public.
- Prior to that workshop, Director of Communication to solicit public input.



# COOPER CITY TREE & RIGHTS-OF-WAY WORKSHOP



## INTER-OFFICE CORRESPONDENCE

## MEMORANDUM NO. 2021-014

TO: Joseph Napoli, City Manager  
 Kathryn Sims, Assistant City Manager / City Clerk  
 Captain Chris J. De Giovanni, BSO  
 Sergeant Richard Mosca, BSO

CC: Mayor Greg Ross  
 Members of the City Commission

FROM: Jacob G. Horowitz, City Attorney *JGH*  
 Brian J. Sherman, Assistant City Attorney *BJS*

DATE: June 18, 2021

RE: City of Cooper City ("City") / An Overview of CS/SB 60 – County and Municipal Code Enforcement

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This memorandum is intended to provide a brief overview of CS/SB 60. CS/SB 60 was approved by the Florida Legislature on April 28, 2021, and is awaiting transmittal to Governor DeSantis. If approved by Governor DeSantis, CS/SB 60 becomes effective on July 1, 2021.

**CS/SB 60 prohibits city and county code compliance inspectors from initiating an investigation into violations of local codes or ordinances based upon anonymous complaints.** Individuals reporting code enforcement violations **must** provide their name and address to the local government before a code compliance officer may investigate the complaint. Reports of local code or ordinance violations which present an **imminent threat** to the public health, safety, or welfare, or the destruction of habitat or sensitive resources are exempt from this requirement and may be investigated by a code compliance officer based on an anonymous complaint.

The City's code compliance department investigates all reported code violations regardless of the identity of the complainant or the form of the complaint. This includes code compliance investigation requests submitted through the City's website, phone calls, or electronic mail. Code compliance officers then independently verify each complaint, and either initiate a code compliance case against the subject property or close the case based on the applicable facts.

CS/SB 60 now requires that all complainants must provide their name and address to the City before a complaint is investigated. This prerequisite applies all code enforcement actions brought under Chapters 162 or 166, Florida Statutes, including citations. The information provided by the complainant, including their name and address, is a public record unless any applicable exemptions to the public disclosure of their protected information apply.



City of Cooper City  
Inter-Office Correspondence Memorandum No. 2021-0XX  
June \_\_, 2021  
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Our office is ready to assist the City with a review of its code compliance procedures to ensure that all complaints, including complaints submitted through the City's website or social media outlets, comply with the requirements of CS/SB 60 upon becoming law.

Please do not hesitate to contact our office if we can provide any additional assistance if you have any questions.

Enclosure: Senate Bill 60

JGH/BJS

## CITY OF COOPER CITY

## MEMORANDUM NO. 2022-015

TO: Mayor Greg Ross  
Members of the City Commission

CC: Joseph Napoli, City Manager  
Carlos Vega, Community Development Director  
Tom Good, Public Works Director  
Tedra Allen, City Clerk

FROM: Jacob G. Horowitz, City Attorney *JGH*  
Brian J. Sherman, Assistant City Attorney *BJS*

DATE: June 27, 2022

RE: City of Cooper City ("City") / An Overview of Senate Bill 518 – Private Property Rights to Prune, Trim, and Remove Trees

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This memorandum is intended to provide an overview of Senate Bill 518 ("SB 518," which was signed into law on May 19, 2022, as Chapter 2022-121, Laws of Florida. SB 518 takes effect on July 1, 2022.

SB 518 amends Section 163.045, Florida Statutes, to define the terms "documentation," "residential property," and limits the statute's application to trees that pose an "unacceptable risk." Section 163.045, Florida Statutes, currently prohibits a local government from requiring a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on residential property if the property owner obtains documentation from a certified arborist or licensed landscape architect.

SB 518 adds the following definitions to Section 163.045, Florida Statutes:

- "Documentation" means an onsite assessment performed in accordance with the tree risk assessment procedures outlined in Best Management Practices - Tree Risk Assessment, Second Edition (2017) by an arborist certified by the International Society of Arboriculture (ISA) or a Florida licensed landscape architect and signed by the certified arborist or licensed landscape architect; and,
- "Residential property" means a single-family, detached building located on a lot that is actively used for single family residential purposes and that is either a conforming use or a legally recognized nonconforming use in accordance with the local jurisdiction's applicable land development regulations.

SB 518 further provides that an unacceptable risk arises if removal of the tree is the only means of practically mitigating its risk below moderate, as determined by the tree risk assessment

procedures outlined in Best Management Practices - Tree Risk Assessment, Second Edition (2017).

Please do not hesitate to contact us if we can provide any additional assistance or if you have any questions.

Enclosure: Chapter 2022-121, Laws of Florida (Senate Bill 518)

**INTER-OFFICE CORRESPONDENCE****MEMORANDUM NO. 2023-013**

TO: Mayor Greg Ross  
Members of the City Commission

CC: Ryan Eggleston, City Manager  
Tedra Allen, City Clerk  
Tim Fleming, Interim Public Works Director  
Captain Christopher DeGiovanni, Broward Sheriff's Office  
Sergeant Richard Mosca, Broward Sheriff's Office

FROM: Jacob G. Horowitz, City Attorney *JGH*  
Brian J. Sherman, Assistant City Attorney *BJS*

DATE: December 7, 2023

RE: City of Cooper City ("City") / Maintenance and Repair of Sidewalks and Swales

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In anticipation of the City Commission workshop on December 12, 2023, the City Attorney's Office has reviewed the City Code and other applicable law related to sidewalk and swale maintenance. The City Code provides a number of references to the maintenance of sidewalks and swales, and the code provisions are a legally permissible and enforceable exercise of municipal authority. Nevertheless, the City has a **non-delegable** duty to maintain the City's roads, sidewalks, and rights-of-way in a reasonably safe condition.

The City **may legally require** abutting property owners to maintain their adjacent sidewalks and to initiate code enforcement actions against those owners who fail to adhere to the City code. This obligation is currently embraced in Sec. 25-102 of the City Code. However, the Supreme Court of Florida determined in *Woods v. City of Palatka*, 63 So. 2d 636, (Fla. 1953), that the passage and enforcement of such an ordinance "[does] not relieve the City of its duty to exercise reasonable diligence in repairing defects in sidewalks." The Florida Supreme Court, in *Commercial Carrier Corp. v. Indian River Cnty.*, 371 So. 2d 1010 (Fla. 1979), found that the repair and upkeep of traffic signals remains an 'operational' function, as distinguished from a 'discretionary' function, of government for which the City remains legally responsible to the extent sovereign immunity is waived pursuant to Section 768.28, F.S.

If the defect or alleged dangerous condition on the sidewalk was caused or created by the actions of an abutting property owner, then that property owner may also be found

responsible for a claimant's injuries and damages resulting from a trip and fall on a city sidewalk. Even so, the city will not be relieved of its legal duty to properly maintain, and to warn of and to correct a dangerous condition which it knew or should have known of on a city sidewalk or roadway. These dangerous conditions may include defects caused by trees and tree roots growing on private or public property. In these cases, adjacent homeowners may be liable for overgrown landscaping which protrudes past the property line, but the City is not relieved its liability or maintenance obligations. See Also *Williams v. Davis*, 974 So. 2d 1052, 1054 (Fla. 2007). The City remains responsible for the maintenance of trees and shrubbery on public property, which includes rights-of-way and the maintenance of the foliage intruding into roadways. See *Jauma v. City of Hialeah*, 758 So. 2d 696 (Fla. 3d DCA 2000); *Armas v. Metro. Dade Cnty.*, 429 So. 2d 59, 61 (Fla. 3d DCA 1983).

The City can also legally require and enforce, by ordinance, that the adjacent property owner maintain the trees and shrubbery in the public right-of-way. If the adjacent property owner refuses to maintain the landscaping in the right-of-way, then the City has the duty to perform the maintenance, but after providing proper notice and opportunity for the adjacent property owner to correct a maintenance issue, the City can charge the adjacent property owner for the maintenance cost. If an accident occurs due to the failure to properly maintain the landscaping in a City right of way, the City as the landowner may have tort liability and cannot transfer such liability to the adjacent landowner. However, the City can also pursue the adjacent property owner for the cost of repair if the adjacent property owner does not fix the defect after being directed to do so as required by the City code. If the adjacent homeowner contributes or causes the defect, then the homeowner may also have personal tort liability.

#### CODE OF ORDINANCES

A review of the City Code revealed a number of provisions which allude to the responsibility of adjacent property owners being responsible for the maintenance of swales and public rights-of-way. Section 25-48 expressly provides that property owners, as listed on the tax rolls, are responsible for the regular maintenance of all landscaping on that property.

Chapter 25, Article III of the City Code entitled, "Landscaping," contains most of the City's regulations regarding the maintenance of swales and rights-of-way, and defines a swale to mean:

(T)he area of land located in the public right-of-way between the edge of the street pavement and the front property line of the adjacent property.

A number of sections within the City Code also allude to the desire of the City to have adjacent property owners maintain contiguous swale areas and the landscaping and trees within those rights of way. Section 25-44 discusses tree buffers for residential developments, but also provides for the recording of a declaration of covenants obligating the property owner to maintain such buffers. The City Attorney's Office investigated this obligation in relation to

certain code compliance matters; however, we were unable to find a recorded declaration of those cases. Section 25-45 further refers to the obligations of adjacent property owners to remove inappropriate trees in the swale area which are do not conform to the swale plant list or obstruct visibility. Additionally, Section 25-51, provides for penalties for those who do not properly maintain swale areas.

As noted, Section 25-48 of the City Code provides that property owners, defined as the person shown on the county's real estate tax records, shall be responsible for the regular maintenance of all landscaping on the property. This section also provides that yard waste shall not be disposed of or stored on the swales, but does not include swales in the owner's maintenance responsibilities. Note that Section 25-49, regulating swale trees, provides that adjacent property owners are only responsible for the maintenance of palm trees in the swale area, and this obligation is absent in reference to other types of swale tree.

Maintenance obligations are again discussed in Chapter 13, Article VIII of the City Code. In this section, "Lot" and "Maintenance" are defined to mean:

*Lot.* (A)ny tract or parcel of land shown on a recorded plat or on the official County zoning maps or any piece of land described by a legal recorded deed and the swale area adjacent to any land

*Maintenance:* (A) responsible owner is required to maintain, mow, clear, cut, trim or bulldoze his or her lot and maintain his or her pool, and remove and legally dispose of all associated solid waste so that the lot does not constitute a violation of the provisions of this article.

Section 13-103 provides the responsible party, as defined, must maintain the property in order to prevent the; growth or accumulation of any grass, weeds, undergrowth or other dead plant life on an improved lot and the accumulation of bushes, trees, undergrowth or other dead or living plant life on a lot which threatens or endangers the public health, safety, welfare.

Finally, Chapter 25, Article VII, clearly delineates the obligations of property owners to clean adjacent sidewalks, but not repair sidewalks within the public rights of way. Sec. 25-102 expressly provides that "it shall be the duty and responsibility of each owner ... to keep in repair any sidewalks located on their premises (excluding public sidewalks located within the public right-of-way).

The City Attorney's Office remains available to discuss these matters further at the December 12, 2023 City Commission workshop. Please also do not hesitate to contact our office if there are any further questions.

JGH:BJS

*Footnotes:*

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**Cross reference**— *Community appearance board, § 2-131; garbage, trash and vegetative growth, Ch. 8; landscaping, Ch. 23; parks and recreation, Ch. 12; planning, Ch. 22; subdivisions and platting.*

## Sec. 18-1. - Tree canopy trust fund.

A tree canopy trust fund is hereby established for the purpose of accruing revenues generated by the receipt of monies collected as application fees and equivalent values as prescribed herein, and for the expenditure of such funds for the purpose of establishing tree canopies on real property within the City, to fund educational outreach programs, to fund tree giveaways to residents that promote tree canopy preservation, and to support tree maintenance and preservation throughout the City. Expenditures shall be recommended by the Director of Public Works, or his or her designee, and made in accordance with adopted City policies.

(Ord. No. 87-11-1, §§ 1, 2, 11-10-87; Ord. No. 92-10-2, § I, 10-27-92; Ord. No. 96-12-1, § I, 12-10-96; Ord. No. 03-12-01, § 1, 12-9-03; Ord. No. 11-10-3, § 2, 10-25-11; Ord. No. 20-6-1, § 2, 5-23-20)

## Sec. 18-2. - Definitions.

For the purposes of this article, the following terms shall have those meanings set forth herein.

*Bond* shall mean a cashiers check payable to the City of Cooper City in an amount equal to the equivalent replacement value of the tree(s) to be removed and/or relocated and given as guarantee of replacement by the applicant.

*Branch collar* shall mean the trunk tissue that forms around the base of a branch between the main trunk and the branch.

*Caliper* shall mean the diameter of a tree measured at four and one-half feet above the ground, rounded to the nearest one-half inch.

*Canopy* shall mean the upper portion of a tree, consisting of limbs, branches, and leaves.

*Conifer* shall mean a pine tree or cone-bearing seed plant.

*Dicotyledonous (Dicot) tree* shall mean a tree having a woody stem and branches and leaves having net veination and having a separate, distinct outer bark which can be peeled from the tree.

*Dripline* shall mean the natural outside end of the branches of a tree or shrub projected vertically to the ground.

*Equivalent replacement value* shall mean an amount of money, which reflects the cost of replacing or monocot calculated by multiplying the caliper inches of that tree, or trunk feet of that monocot, by the value per caliper inch or trunk feet for that class of tree or monocot, as determined by the Table of Tree Valuation (see sections 18-13 and 18-14 hereof).

*Hatracking* shall mean to flat-cut the top or sides of a tree, severing the main branch or branches; or trimming a tree by cutting off branches and leaving a stub larger than one inch in diameter; or reducing the total circumference or canopy of a tree by more than one-quarter; or by otherwise trimming a tree in such a manner as not to conform to the current American National Standards Institute (ANSI) A300 standards, copies of which are available for review at City Hall.

*Horizontal plane* shall mean an imaginary line that begins at the base of the live frond petioles.

*Mature canopy spread* shall mean the projected area in which the branches and leaves of a tree will extend beyond the trunk when it is fully grown.

*Monocotyledonous (Monocot) tree* shall mean a palm tree or a tree having fronds with parallel venation and a tightly held trunk surface.

*Overlift* means the removal of a majority of the inner lateral branches and foliage thereby displacing weight and mass to the ends of the branches. The alteration of the tree's live crown ratio may be considered as evidence of overlifting.

*Private lands* shall mean property not owned and/or leased by a governmental entity.

*Prune* shall mean the same as trim.

*Public lands* shall mean properties owned and/or leased by a governmental entity.

*Replacement tree* shall mean any Class "A" tree or Class "A" and "B" monocot, as determined by the Table of Tree Valuation (section 18-13 herein), which is planted to compensate for the equivalent replacement value of a removed or abused tree.

*Shape* means the regular and frequent shearing of outer tree branches, making pruning cuts of one inch in diameter or less, for the purpose of controlling the size and shape of the tree canopy.

*Shearing* means the cutting of many small diameter stems of one inch in diameter or less.

*Stump* shall mean the living or dead portion of a tree from above the surrounding grade to below the first branch.

*Topiary pruning* means the practice of pruning a tree into an ornamental shape by pruning branches one inch in diameter or less.

*Tree* shall mean a woody perennial plant, possibly shrubby when young, with one or more main stem(s) or trunk(s) which naturally develops diameter and height characteristics of a particular species.



*Tree abuse* shall mean any action or inaction which does not follow current acceptable trimming practices as established by the American National Standards Institute (ANSI) A300, copies of which are available for review at City Hall.

*Tree relocation* shall mean to transplant a tree from one location to another.

*Tree removal* shall mean removing the entire tree, including its root system; or removing all of the branches of a tree, leaving only a stump.

*Tree service /arborist* shall mean any person, company, corporation or service which does regularly, for compensation or fee, transplant, remove, prune, trim, repair, inject, or perform surgery on a tree.

*Tree survey or tree location plan* shall mean a drawing depicting a parcel of land, graphically locating by botanical and common names, caliper and condition of all trees contained thereon, and bearing the seal of the professional land surveyor in the case of a tree survey, or landscape architect, in the case of a tree location plan, licensed in the State of Florida.

*Trim* shall mean to cut away, remove, cut off or cut back parts of a tree or plant using approved methods set forth in the American National Standards Institute (ANSI) A300 current standards, copies of which are available for review at City Hall.

*Trunk feet* shall mean the distance in feet between the ground and the branch or frond which is closest to the ground on a monocot tree.

(Ord. No. 87-11-1, §§ 1, 2, 11-10-87; Ord. No. 92-10-2, § 1, 10-27-92; Ord. No. 00-1-9, § 1, 1-25-00; Ord. No. 03-12-01, § 1, 12-09-03)

#### Sec. 18-3. - Exemptions.

- (a) Owners of lands having a residential dwelling unit existing thereon as of the effective date of this article, for which the individual holds a fee simple title, shall be exempt from the provisions of this article. However, this article shall apply to those lands held under the ownership of a condominium association, maintenance association, homeowners' association or other common entity; and to trees which previously have been preserved by a developer on lands having a residential dwelling unit; and to previously relocated trees on lands having a residential dwelling unit.
- (1) Such exempt residential landowners shall notify the City of their intent to remove a tree so that the City may have the opportunity to determine if the tree is of historical or environmental significance and/or relocate the tree to public lands at no expense to the property owner/tenant.
- (b) Licensed plant and/or tree nurseries shall be exempt from the terms and provisions of this article only in relation to those trees planted and growing for wholesale and/or retail sale purposes in

the ordinary course of said licensee's business.

Item #1.

- (c) Franchised utilities and their agents shall be exempt from the terms and provisions of this article, provided, however, they shall comply with the following conditions:
  - (1) They shall not prune or remove trees other than for the purpose of removing hazards to public safety or to the provision of uninterrupted service; and
  - (2) They shall prune according to current nationally accepted ANSI A300 standards for utilities line clearing; and
  - (3) For regular maintenance, the affected occupant shall be notified via U.S. mail by the franchised utility, at least four weeks prior to the beginning of pruning; and
  - (4) In urgent situations, which do not present an imminent threat to the public health, safety or welfare or immediate interruption of service, the affected occupant shall be given at least 48 hours written notice, via a door hanger, prior to pruning by the franchised utility.

For the purposes of subsection (3) and (4) hereof, "affected occupant" shall mean the person or persons residing in the affected dwelling unit and shall mean the City of Cooper City for any parcel that is designated via a plat or other instrument of record as being publicly-owned.

- (d) The following trees are exempt from the provisions of this article: Melaleuca, Brazilian Pepper (Florida Holly), Australian Pine, and Carrotwood.
- (e) Notwithstanding anything to the contrary herein, this article shall apply to trees of historical or environmental significance, as defined in section 18-12 hereof, when such trees are located on private property.

(Ord. No. 87-11-1, §§ 1, 2, 11-10-87; Ord. No. 92-10-2, § 1, 10-27-92; Ord. No. 93-8-1, § 1, 8-24-93; Ord. No. 95-8-1, § 1, 8-8-95; Ord. No. 00-1-9, § 2, 1-25-00; Ord. No. 03-12-01, § 1, 12-9-03)

#### Sec. 18-4. - Tree removal.

- (a) Unless otherwise provided by law, it shall be unlawful for any person to remove or to retain another to remove any living tree on public or private lands without first obtaining a tree removal permit; however, denial of such permit shall not unreasonably restrict the permitted use of the land.
- (b) Application for a tree removal permit shall be made to the City Manager or the City Manager's designee, stating the reason for removal, indicating the equivalent replacement value of the tree(s) to be removed, and demonstrating how the equivalent replacement value shall be compensated. The application shall be accompanied by a tree survey or tree location plan identifying the size and species of every existing tree on the property, and which trees are to be removed. A tree removal permit may be granted if one of the following considerations is present:
  - (1) Whether a proposed development cannot be located on the site without tree removal;

- (2) Whether the applicant has made every reasonable effort to incorporate existing trees in development project and to minimize the number of trees removed;
  - (3) Whether a tree proposed to be removed is of poor quality and condition;
  - (4) Whether a tree proposed to be removed is, or will be, obstructing safe vehicular cross visibility;
  - (5) Whether a tree proposed to be removed is damaging existing improvements;
  - (6) Whether a tree proposed to be removed is creating on-going safety problems for existing development; or
  - (7) Whether a tree proposed to be removed is growing too close in proximity to other tree(s) to permit normal growth and development of the affected tree(s).
- (c) The City Manager or the City Manager's designee shall review the application and confirm the equivalent replacement value of the tree(s) to be removed, as set forth in section 18-13 and 18-14 hereof, and shall notify the applicant of any discrepancies on the application.
- (d) Swale trees. Only those trees classified as "C" in sec. 18-13 Table of Tree Valuation or trees that meet one or more of the criteria listed in sec. 18-4(b) may be removed and replaced. The applicant for such permit for trees in public rights-of-way adjacent to developed single family and duplex residential lots, shall fulfill one of the following conditions for each tree to be removed.
- (1) The applicant shall plant one replacement tree in the swale, with a minimum height of eight to ten feet and minimum spread of three to four feet, for each tree to be removed. Adherence to best management practices and FPL's Right Tree Right Place Program is required. The species of replacement tree shall be one from the following list of permitted swale trees as set forth in section 25-49(1)(a., b.) hereof:
    - a. Quercus virginiana, Live Oak.
    - b. Bursera simaruba, Gumbo Limbo.
    - c. Tamarindus indica, Tamarind.
    - d. Lysiloma bahamensis, Wild Tamarind.
    - e. Acer rubrum, Maple
    - f. Tabebuia heterophylla, Pink Tabebuia
    - g. Bulnesia Arborea, Verawood
    - h. Lagerstroemia indica, Crape Myrtle sp.
    - i. Conocarpus E.; 'sericeus', Silver Buttonwood
    - j. Tecoma stans, Yellow Elder:
    - k. Ilex cassine, Dahoon holly.
    - l. Eugenia sp., Stoppers.

The applicant shall post a bond in the sum of \$150.00 for each tree to be removed. Failure to plant required replacement tree(s) within 60 days from the permit issuance date shall result in forfeiture of the bond.

- (2) If the City Manager or the City Manager's designee determines that there is insufficient space for a replacement tree, or otherwise reasonably determines that a replacement tree cannot be planted in the swale, then the applicant shall either donate such replacement tree(s) for planting on public lands or the applicant shall pay the sum of \$150.00 to the City's tree canopy trust fund, for each tree to be removed.
- (e) *Undeveloped land.* The applicant for such permit for trees in all locations other than public rights-of-way adjacent to developed single-family and duplex residential lots shall fulfill one of the following conditions for each tree to be removed.
- (1) The applicant shall plant replacement tree(s) on the site from which the tree(s) is to be removed provided that sufficient space exists on said site to allow the replacement tree(s) to establish a mature canopy spread. The applicant shall post a bond in the amount of the value of the replacement tree(s). Failure to plant the required replacement tree(s) within 60 days from the permit issuance date or prior to certificate of occupancy issuance date, whichever is later, shall result in forfeiture of the bond.
  - (2) The applicant shall pay the amount of the equivalent replacement value for the tree(s) to be removed to the City's tree canopy trust fund.
  - (3) The applicant shall provide any combination of the above conditions so that the total value is equal to the equivalent replacement value of the tree(s) to be removed.
- (f) The Planning and Zoning Board shall review proposed development plans, and shall recommend approval or denial to the City Manager or the City Commission based upon the determination as to whether the applicant has met the requirements of this article.
- (g) Prior to the issuance of a tree removal permit, the City Manager or the City Manager's designee shall be in receipt of the prescribed application fee and the prescribed equivalent replacement bond and/or equivalent value.
- (h) Equivalent replacement and/or equivalent value shall not be required for the removal of any tree which has died or been severely injured due to lightning, disease or storm damage.
- (i) If a tree(s) is removed prior to the issuance of a tree removal permit the violator shall apply for a tree removal permit at double the scheduled application fee (see section 18-14 hereof) and shall pay an amount equal to the amount of the equivalent replacement value of the removed tree(s), within 60 days from the date of City notification of the permit requirement to the owner. In the event that a stump of the removed tree(s) does not exist, to assist the determination of the type

of tree removed, the equivalent replacement value shall be estimated based upon trees of like species existing in the vicinity and any other available information relevant to the determination of the type of tree removed. Item #1.

(Ord. No. 87-11-1, §§ 1, 2, 11-10-87; Ord. No. 92-10-2, § 1, 10-27-92; Ord. No. 95-8-1, § 1, 8-8-95; Ord. No. 00-1-9, § 3, 1-25-00; Ord. No. 03-12-01, § 1, 12-9-03; Ord. No. 19-7-1, § 2, 8-20-19)

Sec. 18-5. - Tree relocation.

- (a) It shall be unlawful for any non-governmental employees or agents thereof to relocate any living tree on public or private lands without first obtaining a tree relocation permit; however, denial of such permit shall not unreasonably restrict the permitted use of the land. Relocated Class A trees and Class "A" and "B" monocots as shown in the Table of Tree Valuation (section 1812 herein) may be considered toward fulfilling City landscape requirements, as set forth in the City's Code of Ordinances.
- (b) Application for a tree relocation permit shall be made to the City Manager or the City Managers' designee, stating the reason for relocation, and shall be accompanied by a tree survey or tree location plan identifying all existing trees on the property, which tree(s) is to be relocated, and its new location on the site.
- (c) The City Manager or the City Managers' designee shall determine the equivalent replacement value of each tree to be relocated, and the applicant shall post a bond in the amount of the equivalent replacement value, as set forth in sections 18-13 and 18-14 hereof.
- (d) The Planning and Zoning Board shall review the proposed development plans and shall recommend approval or denial to the City Commission based upon the determination as to whether the applicant has met the requirements of this article.
- (e) Prior to the issuance of a tree relocation permit, the City Manager or the City Manager's designee shall be in receipt of the prescribed application fee and the bond in the amount of the equivalent replacement value, as set forth in sections 18-13 and 18-14 hereof.
- (f) Trees shall be relocated utilizing sound horticultural methods and in accordance with the current standards set forth by the ANSI A300, as same may be amended from time to time.
- (g) Any tree(s) relocated prior to the issuance of a tree relocation permit shall be compensated for by the violator posting a bond in the amount of the equivalent replacement value for the tree(s) relocated, and such violator shall be subject to double the scheduled application fee as set forth herein.
- (h) One hundred twenty calendar days subsequent to the successful relocation of the tree(s), as determined by the City Manager or the City Managers' designee, the bond shall be refunded to the applicant. Failure to successfully relocate said tree(s) shall result in forfeiture of the bond.

Sec. 18-6. - Tree protection.

- (a) It shall be unlawful to develop, redevelop, build and/or rebuild on public or private lands where trees are to be retained without first taking all reasonable measures to prevent damage to the tree and root system out to the dripline.
- (b) Trees to be retained on a site shall be protectively barricaded prior to the commencement of and during development and/ or building activities in accordance with the provisions of this chapter.
- (c) The existence of any tree(s) to be retained on a development, redevelopment, building and/or rebuilding site shall allow the City Manager or the City Managers' designee to stop all work on said site until such time as the above-prescribed protective measures are in place.
- (d) Any trees to be retained on a development, redevelopment, building and/or rebuilding site which are damaged beyond survivability or dead as determined by the City Manager or the City Managers' designee shall be substituted by an equivalent replacement tree as prescribed in section 18-4(e)(1-4) of this article, prior to issuance of a certificate of occupancy or final inspection.
- (e) Land clearing, including understory is not permitted in an area designated as a natural forest community without first obtaining a tree removal permit as provided in this chapter.

(Ord. No. 87-11-1, §§ 1, 2, 11-10-87; Ord. No. 92-10-2, § 1, 10-27-92; Ord. No. 03-12-01, § 1, 12-9-03)

Sec. 18-7. - Tree trimming.

- (a) It shall be unlawful and shall constitute tree abuse for trees on public or private lands to be trimmed in any manner other than as described herein and in accordance with the current standards set forth by the ANSI A300, copies of which are available for review at City Hall.
- (b) Tree cuts shall be clean cuts made, using a sharp tool, at the junction of two branches, or the junction of a branch and the main trunk, without cutting into the branch collar.
- (c) Removal of dead wood, crossing branches, weak or insignificant branches and suckers shall be accomplished without reducing the canopy of a tree by more than one-quarter.

(Ord. No. 87-11-1, §§ 1, 2, 11-10-87; Ord. No. 92-10-2, § 1, 10-27-92; Ord. No. 00-1-9, § 5, 1-25-00; Ord. No. 03-12-01, § 1, 12-9-03)

Sec. 18-8. - Tree abuse.

- (a) It shall be unlawful and constitute tree abuse for trees on public or private lands.
- (b) Abused trees shall not be considered in fulfilling City landscape requirements.

(c) Tree abuse shall constitute and not be limited to:

- (1) Hatracking.
- (2) Damage inflicted upon any part of a tree, including the root system by machinery, storage of materials, soil compaction, excavation, unreported vehicle accidents, chemical application or change to the natural grade.
- (3) Damage inflicted to or cutting upon a tree which permits infection or pest infestation.
- (4) Bark removal of more than one-third of the tree circumference.
- (5) Tears and splitting of branch ends or peeling, puncturing and/or stripping of bark.
- (6) Use of climbing spikes on any species of tree for any purpose other than total tree removal.
- (7) Severe neglect of tree nutrition or adequate irrigation necessary for continued growth.
- (8) Destroying the natural habit of tree growth.
- (9) Pruning which leaves stubs or results in a flush cut; or splitting of limb ends.
- (10) Pruning that does not conform to standards or recommendations set by the American National Standards Institute, as amended.
- (11) Pruning of live palm fronds which initiate above the horizontal plane.
- (12) Overlifting a tree.
- (13) Shaping a tree, other than permitted topiary pruning.

(Ord. No. 03-12-01, § 1, 12-9-03)

Sec. 18-9. - Tree services/arborists.

- (a) Tree services/arborists performing work within the limits of the City shall be registered to do so with the City Manager or the City Manager's designee.
- (b) Tree services/arborists registration shall be valid for a period of one (1) year from date of issuance and shall be subject to the fees set forth in section 18-14 hereof. Registrations are not transferable or returnable.
- (c) Registered tree services/arborists shall maintain a copy of such registration on site for inspection when performing work within the City.
- (d) The City may revoke or deny renewal of a tree service/arborist registration if such tree service/arborist fails to conform to the tree trimming standards prescribed in section 18-7 hereof or if found to have committed tree abuse as defined in section 188 hereof, including work performed on developed single-family or duplex residential lots. Within ten (10) days of receipt of written notice revoking registration or denying renewal, a request may be made for a hearing before the City Manager to review the decision of the City. In addition to revocation or non-renewal of registration, tree services/arborists who violate the provisions of this chapter, shall be subject to the penalties as set forth in section 18-17 hereof.

- (e) Tree services/arborists who have been found to have committed tree abuse shall be required to take remedial measures to correct said abuse, as determined by the City's arborist or other City designee, including, but not limited to, payment to the tree trust fund for the replacement value of said tree, as set forth in section 18-13 hereof. Item #1.
- (f) Tree services/arborists performing work within the City shall have the name as shown on their City registration clearly marked on each of their vehicles/equipment.

(Ord. No. 87-11-1, §§ 1, 2, 11-10-87; Ord. No. 92-10-2, § 1, 10-27-92; Ord. No. 00-1-9, § 6, 1-25-00; Ord. No. 19-7-1, § 4, 8-20-19)

Sec. 18-10. - Tree nuisances.

- (a) It shall be unlawful for the owner of property to allow any tree, dead tree or stump to exist upon any parcel of land which endangers human health, safety or welfare, or which could foreseeably cause the spread of disease or infestation to surrounding plant life, and such existence hereby is found to constitute a public nuisance.
- (b) The City Manager or the City Manager's designee shall give notice to the owner upon whose parcel of land such nuisance is located, advising the owner of same, and that the City waives all applicable permit and replacement requirements set forth herein.
- (c) Such notice shall be served by personal service of certified mail, return receipt requested. In the event that the address of the owner is unknown or such certified mail is returned unclaimed or refused, such notice may be served by posting the same in a conspicuous place on the property upon which the nuisance is located.
- (d) Such notice shall notify the owner to forthwith remove such tree, dead tree or stump no later than 30 days after receipt or posting of the aforementioned notice, whichever is applicable. Within ten days of posting or receipt of notice the owner may request a hearing before the City Manager to review the decision of the City. In the event that such nuisance is not removed by the owner, the City shall remove the same or have the same removed and the cost thereof shall constitute a charge and lien against the owner's property payable with interest accruing at the highest rate permitted by state law, plus costs and attorney's fees.

(Ord. No. 87-11-1, §§ 1, 2, 11-10-87; Ord. No. 92-10-2, § 1, 10-27-92)

Sec. 18-11. - Tree replacements.

- (a) The following species are specifically recommended as replacement trees in all locations other than public rights-of-way adjacent to developed single-family and duplex residential lots.
- (1) All those trees classified as "A" in the Table of Tree Valuation for dicot and conifer trees.
- (2) All those palms classified as "A" or "B" in the Table of Tree Valuation for monocot trees.
- (b)



For swale trees in public rights-of-way adjacent to developed single-family and duplex residential lots species of replacement trees shall be one from the list of permitted swale trees as set forth in section 18-4(d) hereof.

- (c) All replacement trees shall be Florida No. 1 or better in quality, as set forth in the current Florida Department of Agriculture publication, Grades and Standards for Nursery Plants.
- (d) Replacement trees as specified herein may be considered toward fulfilling the City's landscape code requirements.

(Ord. No. 87-11-1, §§ 1, 2, 11-10-87; Ord. No. 92-10-2, § 1, 10-27-92; Ord. No. 95-8-1, § 1, 8-8-95; Ord. No. 00-1-9, § 7, 1-25-00; Ord. No. 03-12-01, § 1, 12-9-03; Ord. No. 19-7-1, § 5, 8-20-19)

#### Sec. 18-12. - Tree preservation.

- (a) At the time a developer makes application for preliminary site plan approval, the developer shall submit a tree survey or tree location plan designating all trees with a caliper greater than two inches in size, for review by the City. Based upon said tree survey or tree location plan, and a physical inspection of the site, the City Manager or the City Manager's designee, shall determine if any tree(s) of historical or environmental significance exist on the subject property, which are defined as:
  - (1) Any tree planted in recognition or memory of someone, living or dead;
  - (2) Any tree listed on the National Register of Historical Trees;
  - (3) Any tree recognized as a champion tree in the State of Florida;
  - (4) Any tree listed as a protected species in Florida;
  - (5) Any tree which provides a habitat for an endangered or threatened species of wildlife, as determined by the State of Florida; and
  - (6) Any tree having a caliper of 18 inches or greater.
- (b) If the City Manager or the City Manager's designee determines that such a tree(s) exists on the property, the developer shall make every reasonable effort to preserve said tree(s) in the original location or to relocate said tree(s) elsewhere on the site.
- (c) If preservation or relocation of such tree(s) is not feasible within the site, the City may elect to have such tree(s) relocated to public lands at the developer's expense.

(Ord. No. 87-11-1, §§ 1, 2, 11-10-87; Ord. No. 92-10-2, § 1, 10-17-92)

#### Sec. 18-13. - Table of tree valuation.

- (a) Dicot and conifer trees:

Class	Botanical Name	Common Name
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C	Acacia auriculaeformis	Earleaf Acacia	Item #1.
B	Acacia farnesiana	Sweet Acacia	
A	Acerrubum	Red Maple	
B	Albiziajulibrissin	Mimosa	
C	Albizialebeck	Woman's Tongue	
A	Annona glabera	PondApple	
C	Araucaria excelsa	Norfolk Island Pine	
B	Bauhiniaspp.	Orchid Tree	
C	Bischofiajavonica	Bischofia	
C	Brassaiaactinophylla	Schefflera	
C	Bucidabuceras	Black Olive	
A	Burserasimarouba	GumboLimbo	
B	Callistemonspp.	Bottlebrush	
B	Calophyllumspp.	Calophyllum	
B	Cassiafistula	Golden Shower	
B	Chrysophyllumoliviforme	Satinleaf	
C	Citrus spp.	Citrus	
B	Clussiarosea	Pitch Apple	
A	Coccolobadiversifolia	Pigeon Plum	

A	Coccolobauvifera	Sea Grape	Item #1.
B	Conocarpus erectus	Green Buttonwood	
B	Conocarpus sericeus	Silver Buttonwood	
A	Cordia sebestena	Geiger Tree	
C	Cupaniopsis anacardiodes	Carrotwood	
C	Cupressus sempervirens	ItalianCypress	
C	Dalbergiasissoo	India Rosewood	
A	Delonixregia	Royal Poinciana	
B	Enterlobiumcyclocarpum	Ear Tree	
B	Eriobatrjajaponica	Loquat Plum	
C	Eucalyptus torelliana	Eucalyptus	
A	Eugeniaspp.	Stopper	
C	Ficus aurea	Strangler Fig	
C	Ficus benjamina	Benjamin Fig	
C	Ficus elastica	Rubber Tree	
C	Ficus nitida	Cuban Laurel Fig	
B	Ficus rubiginosa	RustyleafFig	
C	Grevillearobusta	Silk Oak	
A	Guaiacumsanctum	Lignum-Vitae	

C	Hibiscus spp.	Hibiscus Standard	Item #1.
B	Hibiscustiliacus	Tree Hibiscus	
A	Ilex cassine	Dahoon Holly	
A	Jacarandaacutifolia	Jacaranda	
B	Juniperus silicicola	Red Cedar	
C	Kigeliapinata	Sausage Tree	
B	Koelreuteriaformosana	Golden Raintree	
B	Lagerstroemiaindica	Crape Myrtle	
B	Lagerstroemiaspeciosa	Queen's Crape Myrtle	
A	Ligustrumspp.	Ligustrum	
B	Litchichinensis	Lychee	
A	Lysilomaspp.	Wild Tamarind	
C	Mangiferaindica	Mango	
C	Manilkarazapota	Sapodilla	
B	Myricacerifera	Wax Myrtle	
C	Neriumoleander	Oleander Standard	
A	Noronhiaemarginata	Madagascar Olive	
C	Parkinsoniaaculeata	JerusalemThorn	
A	Peltophorumpterocarpum	Yellow Poinciana	

C	Persea americana	Avocado	Item #1.
A	Persea borbonia	Red Bay	
A	Pimenta dioica	All Spice	
A	Pinus elliottii var. densa	South Florida Slash Pine	
B	Piscidia piscipula	Jamaican Dogwood	
C	Pithecellobium dulce	Cat's Claw	
B	Platanus occidentalis	American Sycamore	
B	Plumeria rubra	Frangipani	
B	Podocarpus spp.	Podocarpus	
B	Pongamia pinnata	Pongam	
B	Prunus caroliniana	Cherry Laurel	
B	Psidium littorale	Cattley Guava	
B	Quercus laurifolia	Laurel Oak	
B	Quercus nigra	Water Oak	
A	Quercus virginiana	Live Oak	
B	Sapindus saponaria	Soapberry	
B	Simarouba glauca	Paradise Tree	
B	Tecoma stans	Yellow Elder	
A	Swietenia mahagoni	Mahogany	

C	Syzygiumcumini	Jambolan Plum	Item #1.
C	Syzygiumjambos	Rose Apple	
A	Tabebuia argentea	Yellow Tabebuia	
B	Tabebuia pallida	Pink Tabebuia	
A	Tamarindus indica	India Tamarind	
A	Taxodium distichum	Bald Cypress	
C	Terminalia catappa	Tropical Almond	
B	Thespesia populnea	Seaside Mahoe	
C	Thuja orientalis	Arbor-Vitae	
B	Ulmus parvifolia	Florida Elm	

(b) Monocot trees:

Class	Botanical Name	Common Name
B	Acoelorrhaphes wrightii	Paurotis Palm
B	Arecastrum romanzoffianum	Queen Palm
B	Butia capitata	Pindo Palm
C	Chrysalidocarpus lutescens	Areca Palm
C	Cocos nucifera	Coconut Palm
C	Cycas circinalis	Queen Sago Palm
B	Livistona chinensis	Chinese Fan Palm

B	Neodypsis decaryi	Triangle Palm	Item #1.
A	Phoenixcanariensis	CanaryIsland Date Palm	
A	Phoenixdactylifera	Medjool Date Palm	
A	Phoenixreclinata	Senegal Date Palm	
C	Phoenixroebellini	Pygmy Date Palm	
B	Ptychosperma elegans	Solitaire Palm	
B	Ptychospermamacarthurii	MacArthurPalm	
C	Ravenearivularis	MajestyPalm	
A	Roystoneaelata	Royal Palm	
B	Sabalpalmetto	Cabbage Palm	
B	Thrinaxfloridana	ThatchPalm	
C	Veitchiamerrillii	Christmas Palm	
B	Veitchiamontgomeryana	MontgomeryPalm	
C	Washingtonia robusta	WashingtonPalm	
A	Wodyetiabifurcata	Foxtail Palm	

(c) A species of tree not listed hereinabove shall automatically be calculated as a Class "C" Tree.

(Ord. No. 87-11-1, §§ 1, 2, 11-10-87; Ord. No. 92-10-2, § 1, 10-27-92; Ord. No. 95-8-1, § 1, 8-8-95; Ord. No. 03-12-01, § 1, 12-9-03; Ord. No. 19-7-1, § 6, 8-20-19)

Sec. 18-14. - Fees and values.

(a) *Application fees:*

(1) Tree removal:

Minimum fee, up to 4 trees .....\$100.00

Additional fee per tree over 4 trees .....25.00

(2) Tree relocation: .....

Minimum fee, up to 4 trees .....60.00

Additional fee per tree over 4 trees .....15.00

(3) Tree service/arborist registration-annual .....30.00

(b) *Equivalent replacement value - Dicot and Conifer:* .....

(1) Class A - per caliper inch to 8 inches .....90.00

Per caliper inch from 9 inches—17 inches .....135.00

Per caliper inch for historically or environmentally significant trees and trees greater than 18 inches  
.....180.00

(2) Class B - per caliper inch to 8 inches .....65.00

Per caliper inch from 9 inches—17 inches .....97.50

Per caliper inch for historically or environmentally significant trees and trees greater than 18 inches  
.....130.00

(3) Class C - per caliper inch to 8 inches .....50.00

Per caliper inch from 9 inches—17 inches .....75.00

Per caliper inch for historically or environmentally significant trees and trees greater than 18 inches  
.....100.00

(c) *Equivalent Replacement Value - Monocut:* .....

(1) Class A - per trunk foot .....100.00

- per trunk foot for historically or environmentally significant trees .....200.00

(2) Class B - per trunk foot .....25.00

- per trunk foot for historically or environmentally significant trees .....50.00

(3) Class C - per trunk foot .....20.00

- per trunk foot for historically or environmentally significant trees .....40.00

(d) The fees listed hereinabove may be amended from time to time by resolution of the City Commission.

(Ord. No. 87-11-1, §§ 1, 2, 11-10-87; Ord. No. 92-10-2, § 1, 10-27-92; Ord. No. 95-8-1, § 1, 8-8-95)



- (a) Any species of tree determined by the City Manager or the City Manager's designee to have blight or disease common to all members of the species and endangering the future existence thereof may be declared a contaminated species by the City Commission.
- (b) The City Manager or the City Manager's designee shall establish an inspection and treatment program so as to prevent and/ or diminish the demise of the species when feasible.
- (c) The employees of the City are authorized and empowered to enter upon any lands at any reasonable time for the purpose of inspecting any contaminated tree(s) situated thereon and may remove any such tree(s) as necessary.
- (d) The City shall serve notice to landowners of proposed treatment of contaminated trees by having published a display advertisement in a newspaper of general circulation within the City describing the contamination, treatment, geographic area and intent of the City's employees to enter upon lands for such treatment purposes. Landowners denying passage on their lands and treatment by the City's employees shall file such written denial to the City within ten calendar days from the publication date. The City's employees shall have the right to enter upon any lands at any reasonable time for the purpose of treating contaminated trees situated thereon without further notice or permission unless said written denial has been received within the specified time.
- (e) It shall be unlawful for any person to obstruct or prevent the City's employees from the performance of duties as prescribed herein.

(Ord. No. 87-11-1, §§ 1, 2, 11-10-87; Ord. No. 92-10-2, § 1, 10-27-92)

#### Sec. 18-16. - Tree emergencies.

- (a) Any tree(s) determined by the City Manager or the City Manager's designee to be in a hazardous or dangerous condition so as to endanger human health, welfare and/or safety and requiring immediate removal, may be removed upon issuance of a tree removal permit waiving all fees and values scheduled herein and after such time the City Manager or the City Managers' designee shall advise the Planning and Zoning Board and City Commission of same.
- (b) During periods of emergency, such as natural disaster, unnatural disaster, blight, infestation, acts of God, or other similar occurrences affecting tree preservation, the City Manager or the City Manager's designee may waive any and/or all provisions of this section, and after such time shall advise the Planning and Zoning Board and City Commission of same.

(Ord. No. 87-11-1, §§ 1, 2, 11-10-87; Ord. No. 92-10-2, § 1, 10-27-92; Ord. No. 03-12-01, § 1, 12-9-03)

#### Sec. 18-17. - Violation—Penalties.

- (a) If a citation issued for a violation of this chapter shall be paid prior to the issuance of a notice to appear or municipal information, the fine shall be \$50.00. After the issuance of a notice to appear or municipal information the penalties provided in section 1-8 of this Code shall be applicable.
- (b) In addition to all other remedies provided by law and this chapter, whenever any work is being done by a person not in compliance with this Chapter, an officer of the City may order that work be stopped and such persons performing such work shall immediately cease such work. The work may not resume until such time as the person is in compliance with this chapter.

(Ord. No. 87-11-1, §§ 1, 2, 11-10-87; Ord. No. 00-1-5, § 2, 1-11-00; Ord. No. 03-12-01, § 1, 12-9-03)

- (a) *Street swale landscape plan.* At the time of application for either a development permit, plat or site plan approval, developers shall submit a general location plan locating swale trees. Trees shown on the street swale landscape plan shall be planted prior to requesting a final building inspection. The type of species chosen shall be in conformance with the City's list of swale trees (section 25-49(d)(1)), as may be amended. ....
- (b) *Number of required swale trees.* The minimum requirements for swale trees are as follows. ....
- (1) Single-family and duplex developments shall provide one swale tree per 30 linear feet of swale. ....
- At installation, swale trees shall be a minimum of ten feet in height.
- (2) All other developments shall provide one swale tree per 40 linear feet of swale. At installation, swale trees shall be a minimum of 14 feet in height. ....
- (3) The above requirements shall be met for each lot. The calculation of the required amount of swale trees shall be based on the total length of all street lot lines of the lot. ....
- (4) Accessways from the public right-of-way through the swale area shall be permitted to service the parking or other vehicular use areas and such accessways may be subtracted from the linear dimensions used to determine the number of trees required. ....
- (c) *Location of swale trees.* All trees required to be placed in the swale area shall be planted halfway between the sidewalk or property line and the edge of the road. The Planning and Zoning Board may recommend a waiver of such requirements and the City Commission may waive such requirements, when the proper area for trees is not physically available. ....
- (d) *Removal of inappropriate plant material.* All trees and other plant material planted in the swale area of public rights-of-way which are not in conformance to the approved swale plant list or obstruct visibility shall be removed by the adjacent property owner. Upon notification from the City to remove inappropriate trees, the property owner has 15 days to take the necessary action. If the subject trees have not been removed within 15 days, the City may elect to remove them and subject the owner to a fine as provided in this article. ....
- (e) *Prohibited structures and miscellaneous landscape features.* It shall be unlawful for any property owner or tenant to plant, place, erect or install or cause to have planted, placed, erected or installed in the swale area adjacent to their property, nor within private property, which shall protrude into the swale area adjacent to their property any concrete blocks, coral rock, pyramid-shaped cement curb stones, vegetation or any other sharp edged or pointed organic material that could cause a hazard or injuries to pedestrians. Any property owner who has planted, placed, erected or installed such material prior to or after the effective date of this article, shall be

notified in writing by the City Code Enforcement Officer to remove same within five days of receipt of notice or be subject to a fine, as provided in section 21-6, enforcement and penalties. ....

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- (f) *Exemption.* Single-family and duplex developments platted prior to March 22, 1983 shall be exempt from all the provisions of this section except subsection (e), prohibited structures. ....

(Ord. No. 12-2-1, § 3, 2-28-12)

- (a) *Height of grass.* All owners of property within the City are required to maintain at a height not to exceed six inches from the ground all unpaved public right-of-way abutting their property by cutting grass, weeds, and other vegetation on the unpaved public right-of-way. For the purposes of this section, the term "property owner" is defined as the person or persons shown on the county real estate tax records as the owner of the property, and the term "public right-of-way" shall mean all streets, roads, alleys, lanes, water or other public ways where the public has the right to travel or which are open to the use of the public. ....
- (b) *Waste material.* All property owners within the City are required to remove all waste material, junk or other debris from the public right-of-way abutting their property. ....
- (c) *Prohibited placements.* The placement and maintenance of shrubbery, raised sprinkler systems, signs, tree trimmings, refuse, overhang of branches less than eight feet above grade, and all other articles or materials, other than trees, within the public right-of-way is prohibited. ....
- (d) *Maintenance of driveways and sidewalks.* It shall be the responsibility of the owner of the property whose driveway or other entrance to his property intersects the public right-of-way to maintain said driveway, including that portion of the sidewalk within the width of the driveway or other entrance, including without limitation that portion which is on the public right-of-way. ....
  - (1) Prior to the installation of any new driveway apron, developers shall install a minimum of three Schedule 40 PVC (polyvinylchloride) sleeves, one and one-half-inch diameter, under the driveway apron for future installation of underground utility lines. ....
- (e) *Exceptions.* The prohibitions contained in this section shall not apply in the following situations:
  - (1) *Trash for pick-up.* Properly packaged trash, waste material, refuse and other articles may be placed on the unpaved public right-of-way no more than 24 hours before the next scheduled pick-up. ....
  - (2) *Paved portions of streets.* Property owners are not required to maintain the paved surface of the public streets. ....
  - (3) *Mailboxes.* Single-family property owners may place mailboxes in the unpaved public right-of-way when such placement is a prerequisite to mail delivery to their property. ....
  - (4) *Parking.* Vehicular parking in the public right-of-way shall be governed by other applicable laws, ordinances or regulations. ....
  - (5) *Agents of City.* The prohibitions against placing or maintaining any object or material in the public right-of-way shall not apply to the City or to its authorized agents, nor shall they apply to franchised public utilities operating within the scope of their easements or franchises. ....
  - (6)

*Inaccessibility.* The City Manager may designate public property abutting paved public rights-of-way greater than 60 feet in width, and which are designated as major trafficways, to be maintained by the City due to unreasonable access problems affecting abutting property owners. This finding shall be based on barriers separating the abutting property owners' property and the unpaved right-of-way such as an unbroken line of trees or bushes, planted by the original developer of the property or by the City. All requests and all decisions shall be in writing and shall state the basis for a claim that unreasonable access to the public right-of-way exists. ....

(f) *Penalty.* For the purposes of this section, 25-95, the following penalties shall apply. ....

- (1) If a citation which issued for violation of this section is paid prior to the issuance of a notice to appear or municipal information, the fine shall be \$50.00; and if such fine is paid after issuance of a notice to appear or municipal information but prior to the date of arraignment for such violation, the fine shall be \$75.00; and if such fine is paid after the date of arraignment but prior to any trial, the fine shall be \$100.00. If the case is brought to trial, the penalty, upon conviction, shall not be less than \$100.00. ....
- (2) Under the provisions of this section, each day that a violation exists shall constitute a separate offense and shall be subject to a separate penalty and fine. ....

- (a) *Repair of sidewalks located on owner's premises.* It shall be the duty and responsibility of each property owner (including homeowner associations pursuant to section 6-33(h) of the City Code) to construct or reconstruct and to keep in repair any sidewalks located on their premises (i.e., excluding public sidewalks which are located within the public right-of-way). .....
- (b) *Driveway aprons.* The apron area of a driveway shall be repaired by the owner of the abutting property so as to remain in a smooth and clean condition, free from ruts, potholes, loose aggregate and deterioration. Any sidewalks which are separately laid out and constructed as a sidewalk and situated between the paved driveway and the driveway apron area shall be the City's responsibility (in lieu of the owner of the abutting property being responsible for said sidewalk) to the same extent that the City repairs sidewalks pursuant to this section 25-102, except that the City's responsibility under this paragraph (b) shall be subject to each of the following limitations, restrictions and conditions: .....
  - (1) The City shall cause any sidewalk repair for which the City is responsible to be done by its own forces or City contractors in accordance with contract specifications, standards and methods which are approved by the City's Public Works Director. ....
  - (2) The City shall not be responsible for aesthetic or cosmetic differences between the repaired sidewalk and the remaining portion of the driveway or for any lack of uniformity in appearance. ....
  - (3) Before undertaking any sidewalk repair work pursuant to this paragraph (b), the City Manager may require the benefitted property owners to execute release and indemnification forms (the "release:") which serves to implement this provision and to protect the City and its officers, agents, employees, and contractors from liability. The release shall also provide for the benefitted property power to be solely responsible for the repair of the remaining portion of the property owner's driveway. ....

As an alternative to doing the above-described repair work via the City's own forces or City contractor, the City Manager may authorize, by written agreement, the property owner to engage the property owner's own contractor to do the sidewalk repair work, at the property owner's sole cost and expense, except that the City Manager may reimburse the property owner for the cost of the repair, after the work is satisfactorily completed. The amount of reimbursement shall not exceed the cost that the City would have incurred had the City used its own forces or a City contractor for the repair work.

- (c) *Harmony of provisions.* Except as provided in paragraphs (a) to and including (b) above, all sidewalk areas within public rights-of-way shall be kept in a structurally sound condition (as defined in section 6-36(o) of the City Code) by the City. Any sidewalks located within the paved driveway apron area of a non-residential property shall be the property owner's responsibility to construct or reconstruct and keep in repair. ....

(d) *Cleaning of sidewalks.* It shall be the responsibility of each property owner (including home associations pursuant to section 6-33(h) of the City Code) to uniformly clean debris, stain, and mold from all sidewalks on or abutting the front or sides of their property. This area shall also be kept clean and free of weeds, trash and debris and other such obstructions. Notwithstanding any other provisions of this section, the City may, in its discretion, periodically clean (i) those portions of a public sidewalk that abuts non-residential property and which are in the public rights-of-way outside a property owner's boundaries; or (ii) sidewalks which abut the rear property boundary of a residential property that may or may not be separated by a fence or other physical barrier from the property. ....

Item #1.

(Ord. No. 15-5-1, § 2, 5-12-15; Ord. No. 15-5-2, § 2, 5-12-15)





**Case #:** 212870

**Case Date:** 12/10/21

**Civil Citation-Request for  
Appeal:**

**Case Type:** Case

**Complainant Type:** Citizen

**Civil Citation #:**

**Citation Penalty Amount Due:**

**Citation Penalty Due On or  
Before:**

**License Plate Number:**

**Name:** FLAMINGO LAKES TNHMS ASSN INC % ATLANTIS MANAGEMENT SERVICES

**Property Address:** SW 122 TER

**Property Address C/S/Z:** Cooper City, FL 33330

**Zoning:** Zone 4

**Mailing Street:** 11011 SHERIDAN ST STE 208

**Mailing C/S/Z:** Cooper City, Fl. 33026

**Code Violation No.:** 6-34(b) Residential maintenance standards. 13-103(a)(2) Owner's responsibility to maintain.

**Violation  
Description/Assessment:** Trees along west sidewalk of property in need of pruning.

**Inspection Date:** 12/10/2021

**Re-Inspection Date:** 05/31/2022

**Compliance Deadline:** 05/31/2022

**Compliance Date on Final Order:**

Item #1.

**Corrective Action:** Please take all remedial action to prune, trim, and maintain all trees and vegetation within the swales located at (roadways), including all branches or limbs overhanging over the sidewalk.

**Status of Residence:**

**Urgent Problems:**

**Routine Problems:**

**Magistrate Hearing Date:** 07/06/2022

**Violation Complied Date:**

**Case Closed Date:**

**Special Magistrate:** Theresa Edwards, ESQ.

**Continuance Date:**

**Certification of Fine Hearing:**

**Reduction of Fine Hearing:**

**Recording/ Release Fees:**

**BSO Deputy Name/CCN:**

**Status:** Magistrate Hearing

**Assigned To:** Nikkitres Daniel

**Property**

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
504036110010	SW 122 TER	FLAMINGO GARDENS PHASE FOUR 123-39 B TRACT A LESS PTS K/A BLDGS 1 THRU 28 AKA: COMMON AREA FLAMINGO LAKES TOWNHOMES	FLAMINGO LAKES TNHMS ASSN INC % ATLANTIS MANAGEMENT SERVICES		

**Activities**

Date	Activity Type	Description	Employee	Status
12/10/2021	01 - Courtesy Inspection	Per Jeanette Woffard: Trees in swale in need of trimming	Nikkitres Daniel	Pending
02/04/2022	11 - Case Reference	Case extended until review comes back from the city	Nikkitres Daniel	Pending
03/01/2022	11 - Case Reference	There remains no answer from the city in regards to obtaining the development plans to decide who is responsible for cutting the trees.	Nikkitres Daniel	Pending
04/13/2022	11 - Case Reference	There has been no response from the city. Trees remain overgrown.	Nikkitres Daniel	Pending
04/28/2022	11 - Case Reference	Received email from Brian Sherman in reference to case. Use code 13-103.	Nikkitres Daniel	Not Cor

04/28/2022	11 - Case Reference	Proceed with case with added ordinance 13-103.	Nikkitres Daniel	Not Complied
04/28/2022	11 - Case Reference	Received notification to proceed with case. Add 13-103	Nikkitres Daniel	Not Complied
05/31/2022	07 - Refer to Magistrate	Trees remain in need of trimming	Nikkitres Daniel	Not Complied

## Violations

Date	Violation	Description	Notes	Status
12/10/2021	** 6-34 (b). Residential maintenance standards. (Ord. No. 14-2-4, §2, 2-25-14)	<p>(b) Exterior Premises Condition.</p> <p>The exterior of the premises and any auxiliary structures thereon shall be kept free of all nuisances, and any hazards to the safety of the occupant, pedestrians and other persons utilizing the premises and free of deterioration and any of the foregoing shall be promptly removed and abated by the owner, operator or occupant. It shall be the duty of the owner, operator, or occupant to keep the premises free of hazards and unsafe or unsightly conditions which include, but are not limited to:</p> <p>(1) Refuse Brush - Weeds, stumps, roots, obnoxious growths, litter and debris.</p> <p>(2) Natural Growth - Dead and dying trees and limbs or other natural growth which, by reason of rotting or deteriorating conditions, or storm damage, constitute a hazard to persons in the vicinity thereof shall be removed. Trees shall be kept pruned and trimmed at all times to prevent hazard.</p> <p>(3) Overhangings - Loose and overhanging objects which by reason of location above ground level constitute a danger of falling on persons in the vicinity thereof shall not be permitted.</p> <p>(4) Ground Surface Hazards - Holes, excavations, breaks, projections, obstructions and excretion of pets on paths, driveways, parking lots and other parts of the premises which are accessible to the public shall not be permitted. Holes and excavations shall be filled and repaired, walks replaced and other conditions removed where necessary to eliminate hazards or unsanitary conditions with reasonable dispatch upon their discovery.</p> <p>(5) Sources of Infestation - All parts of the premises shall be maintained so as to prevent infestation.</p> <p>(6) Visible gas tanks, filtration systems and air conditioning units at ground level on new installations shall be concealed by a fence or landscape border so that the item will not be seen from the street. (Ord. No. 94-10-1, § 1, 10-11-94)</p>	Trees in swale in need of trimming	*Open
12/10/2021	**13-103. - Owner's responsibility to maintain	<p>(a)It shall be the responsibility of a responsible party to maintain the property in order to prevent the following prohibited conditions:(1)The growth or accumulation of any grass, weeds, undergrowth or other dead plant life on an improved lot which exceeds the height of six inches from the ground for more than 50 percent of the area to be maintained.(2)The accumulation of bushes, trees, undergrowth or other dead or living plant life on a lot which threatens or endangers the public health, safety, welfare, or causes or which may cause an infestation of rodents, the breeding of mosquitoes or vermin, or which adversely affects and impairs the economic value of adjacent lots.(3)Any accumulation, storage or maintenance of solid waste on a lot which threatens or endangers public health or safety or may cause an infestation of rodents, the breeding of mosquitoes or vermin, or adversely affects and impairs the economic value of the adjacent lots.(4)Any accumulation of water, including in a swimming pool, that is stagnant or that is becoming stagnant.(5)Solid waste that is deposited, stored, maintained or relocated on the lot or right-of-way more than 24 hours prior to an authorized scheduled pick up conforming to the provisions set forth in the City Code. Solid waste shall not be relocated to any lot other than a legal disposal site.(6)Trees and branches that are not pruned and are below a height of seven feet above the ground or that interfere with electric power lines.(7)Each of the conditions described in section 6-40 (concerning the</p>	Trees along sidewalk in need of pruning.	*Open

condition of the exterior of buildings and premises) and section 8-12 through section 8-14 (concerning litter and garbage) of the City Code.

Item #1.

## Attached Letters

Date	Letter	Description
06/01/2022	<a href="#">CE - Special Magistrate- Notice of Hearing</a>	Mailed 06/02/2022
04/28/2022	<a href="#">CE - Notice of Violation</a>	Mailed to mgmt co
12/10/2021	<a href="#">CE - Courtesy Notice</a>	Mailed to mgmt co

## Notes

Date	Note	Created By:
2022-07-06	Also send notices to: Shir Law Group 2295 NW Corporate Blvd. Suite 140 Boca Raton, FL 33431 Attn: Guy Shir. Continuance requested by the respondent's council and granted by the City, continued to 09/07/2022.	Ruth Freeston
2022-06-17	The request for continuance has been granted to 09/07/2022. Notice of Hearing has been sent on 06/17/2022.	Ruth Freeston
2022-06-17	Also send notices to: Shir Law Group 2295 NW Corporate Blvd. Suite 140 Boca Raton, FL 33431 Attn: Guy Shir	Ruth Freeston
2022-06-13	Received letter to request extension from the Respondent's attorney's office.	Ruth Freeston
2022-04-28	Received notification to proceed with case. Add 13-103	Nikkitres Daniel

## Uploaded Files

Date	File Name
09/21/2022	<a href="#">12877346-E7E65D74-8178-4806-8328-36C9613CA616.jpeg</a>
07/14/2022	<a href="#">12276323-Flamingo Lakes Twnhomes#212870 from Atty representing the respondent.pdf</a>
07/14/2022	<a href="#">12275438-Shir Law#212870 Certified Mail Continuance.pdf</a>
07/14/2022	<a href="#">12275422-Flamingo Lakes#212870 Certified Mail Continuance.pdf</a>
07/14/2022	<a href="#">12275350-Flamingo Lakes#212870 Certified Mail Continuance.pdf</a>
07/14/2022	<a href="#">12275010-Flamingo Lakes Twnhms#212870 Continuance.pdf</a>
06/30/2022	<a href="#">12165979-Flamingo Townhomes#212870 Certified Mail NOH-NOV 3.PNG</a>
06/30/2022	<a href="#">12165942-Flamingo Townhomes#212870 Certified Mail NOH-NOV 2.PNG</a>
06/30/2022	<a href="#">12165576-Flamingo Townhomes#212870 Certified Mail NOH-NOV.PNG</a>
06/30/2022	<a href="#">12163298-11862787-Flamingo Lakes Twnhome#212870 Certified Mail NOH-NOV.pdf</a>
06/30/2022	<a href="#">12163290-Flamingo Lakes Certified Mail of Renotice.pdf</a>
06/30/2022	<a href="#">12163289-Flamingo Lakes Certified Mail of Renotice.pdf</a>

06/30/2022	<a href="#">12163279-Flamingo Lakes Certified Mail NOH for Continuance.pdf</a>
06/30/2022	<a href="#">12163277-Flamingo Lakes Certified Mail NOH for C</a> <div>Item #1.</div> <a href="#">.pdf</a>
06/17/2022	<a href="#">12020569-Re-Notice of Hearing-Flamingo Lakes Townhomes#212870 Signed.pdf</a>
06/17/2022	<a href="#">12018011-Flamingo Townhomes#212870 Email from City Attorney granting extension.pdf</a>
06/13/2022	<a href="#">11958289-Letter for Request for Extension-#212870 Flamingo Lakes Townhomes.pdf</a>
06/02/2022	<a href="#">11862787-Flamingo Lakes Twnhome#212870 Certified Mail NOH-NOV.pdf</a>
06/01/2022	<a href="#">11854262-D4E6F706-720B-4C77-BB63-DF7898D7D74B.jpeg</a>
06/01/2022	<a href="#">11854263-D313D890-DD39-4C29-9B6C-A70F12310E2A.jpeg</a>
06/01/2022	<a href="#">11854259-610BE3EE-E796-4702-9A4A-BC99F931770E.jpeg</a>
06/01/2022	<a href="#">11854260-BFBDDDB05-D8D8-4FF3-A604-9A8DCC77509A.jpeg</a>
04/28/2022	<a href="#">11434280-346B7A5A-F970-4895-BE1B-2156311737E8.jpeg</a>
04/28/2022	<a href="#">11434279-EB5F8490-122F-4523-9E74-F9B7F196A1B0.jpeg</a>
12/10/2021	<a href="#">10283512-A9BB46F3-EBCD-4402-9C2F-312C4094CD43.jpeg</a>
12/10/2021	<a href="#">10283513-2C4A0E89-A623-42DC-9D22-D89526A67939.jpeg</a>
12/10/2021	<a href="#">10283511-E874B123-BBE6-4112-BB69-B4F8DF711419.jpeg</a>