

ORDINANCE NO. 2020-09

AN ORDINANCE OF THE CITY OF WEBSTER, FLORIDA ADOPTING CERTAIN REQUIREMENTS FOR THE MAINTENANCE AND CONTROL OF VEGETATION AND TREES WITHIN THE CITY OF WEBSTER; PROVIDING FOR PENALTIES FOR VIOLATION OF MAINTENANCE AND CONTROL REQUIREMENTS OF VEGETATION AND TREES; PROVIDING FOR CONFLICTS AND SEVERABILITY; PROVIDING FOR CODIFICATION AS WELL AS THE CORRECTION OF SCRIVENOR'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Council has determined that grass clippings, leaves, and other lawn debris can clog storm drains and can flow directly into local waterways untreated, resulting in street and private property flooding and add unnecessary nutrients to storm drains which help feed harmful algal blooms; and

WHEREAS, in addition to environmental harm, grass clippings when blown into the streets or sidewalks may create a safety hazard by creating a slippery and dangerous surface for traveling motorcyclists and bicyclists; and

WHEREAS, trees with branches overhanging public rights-of way and sidewalks without being maintained or trimmed, can also create a hazardous condition, and

WHEREAS, the City Council desires to protect the public health, safety and welfare of the citizens of the City and maintain a high quality of life for the citizens of the City; and

Whereas, the City Council desires to establish certain requirements regarding maintenance of vegetation and trees within the City; and

WHEREAS, this Ordinance is enacted pursuant to the home rule powers of the City of Webster as set forth at Article VIII, Section 2, of the *Constitution of the State of Florida*; Chapter 166, *Florida Statutes*; and other applicable controlling law.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF WEBSTER, FLORIDA:

SECTION 1. LEGISLATIVE FINDINGS AND INTENT. A new section of the City Code of Ordinances for the City of Webster, Florida to read as follows:

VEGETATION AND TREE MAINTENANCE; RESTRICTIONS, PROHIBITIONS

(a) Vegetation which is a hazard to public safety (such as Spanish bayonet, century plant, bougainvillea, and lime trees) is prohibited in the streets, rights-of-way, sidewalks, alleys and roadways of the City. Vegetation adjacent to public sidewalks and public streets shall not encroach onto the sidewalk or street surface and sod and ground cover should be kept trimmed to the edge of the sidewalk or street surface.

(b) All trees standing upon private property in the City having branches projecting into public highways or public places shall, be kept trimmed by the owner or occupant of such private property to such an extent that the lowest branches of such trees shall not come within 14 feet of the ground where they overhang any public sidewalk, public place, or public highway.

(c) The removal or trimming of vegetation or trees required by this section and the failure to replace required vegetation or trees when such vegetation or tree dies or is removed, shall be unlawful.

(d) It is unlawful for the owner or occupant of property to permit to remain on any property, including the abutting rights-of-way, any tree or tree branch that is in such diseased or dead condition so as to be in danger of falling upon any right-of-way or the property of another.

(e) It shall be unlawful to dispose, deposit, drop, blow, sweep, rake or place grass clippings, tree trimmings and other vegetative material upon any right-of-way, public

street or alleyway or sidewalks or gutters in the City or directly or indirectly into the municipal storm sewer system or onto the property of another or upon or into waters within the City. This section shall not, however, be construed to prohibit the use of mulching lawn equipment.

(f) A violation of this Code section is transient in nature and irreparable. Each property owner or occupant of property where activities that violate this subsection occur may be cited for each violation of this section.

(g) Any person in violation of any provision of this section may be cited immediately upon observation of the violation; the fine for each violation shall be \$50.00 per violation and such fine may be doubled for repeat violators.

(h) Any person who maintains or removes yard vegetation on behalf of any other person for compensation (e.g. lawn care and lawn maintenance companies, including any and all supervisors and employees) shall be subject to a fine of \$500.00 for each violation of this section and such fine may be doubled for repeat violators.

SECTION 2. IMPLEMENTING ADMINISTRATIVE ACTIONS. The City Manager is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions to include, but not be limited to, the adoption of administrative rules. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed effectual and prudent.

SECTION 3. CONFLICTS. All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed; provided, however, that this Ordinance shall not affect any code or ordinance of the City, which provides for a mechanism for enforcement of the City's codes and ordinances by the City.

SECTION 4. SEVERABILITY. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 5. CODIFICATION.

This Ordinance shall be codified in the *Code of Ordinances of the City of Webster*. The Code codifier is granted broad and liberal authority to change section numbers in the current *Code of Ordinances of the City of Webster*.¹

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon passage and adoption.

PASSED AND ADOPTED this _____ day of _____, A.D., 2020.

**CITY COUNCIL OF THE CITY OF
WEBSTER, FLORIDA**

Bobby Yost, Mayor

Attest:

Approved as to Form and Legality

Melissa Britt
Assistant City Clerk

William L. Colbert
City Attorney

¹ The Code codifier may change stated fee amounts upon the adoption of appropriate resolutions subsequent to the effective date of this Ordinance.