

CALHOUN COUNTY

ORDINANCE NO. 03

AN ORDINANCE PROHIBITING THE REMOVAL OF TREES FROM PUBLIC PROPERTY; PROVIDING FOR PENALTIES, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Calhoun County owns substantial real estate holdings within the environs of the County, and

WHEREAS, on these real estate holdings, the natural flora and fauna provide benefits to the environment of Calhoun County, beauty to its citizens and otherwise contribute to the overall good of the County, and

WHEREAS, in particular the trees which exist on County property constitutes a valuable resource to Calhoun County,

NOW, THEREFORE, BE IT ORDAINED:

SECTION 1.

Any person who destroys a tree whose diameter, two feet from the ground, exceeds five (5) inches, shall be guilty of a second degree misdemeanor, punishable by a fine not to exceed \$500.00 and/or imprisonment not to exceed sixty (60) days.

In the event it is necessary to remove a tree from county property, the person requesting the removal of said tree, shall file a written request with the Board of County Commissioners which states the location of the tree(s) which are to be removed and the reason for its/their removal. The Board of County Commissioners shall consider the request, meeting in regular session, at the next regularly scheduled board meeting following the submission of the written request.

This Ordinance does not negate or supersede any other civil or criminal penalties which may be available either to the County or to the State Attorney's Office for the destruction of county property, including trees on county property.

For the purposes of this Ordinance, "county property" shall include any and all land owned by the County, including the rights of way of the county public roads.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
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SECTION 2. Penalties. Any person who violates the provisions of this section shall be guilty of misdemeanor of a second degree, punishable as provided §775.082 and/or §775.083, Florida Statutes.

SECTION 3. Severability Clause.

If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is held, for any reason, to be unconstitutional, void or invalid, the validity of the remaining portion of this ordinance shall not be affected thereby.

SECTION 4. Effective date.

This ordinance shall take effect upon its passage by a majority vote of the Board of County Commissioners in and for Calhoun County, after due notice and publication, in the regular meeting on the 4TH day of MAY, 1999.

ADOPTED THIS THE 4TH DAY OF MAY, 1999, BY A VOTE OF 5 TO 0.

BOARD OF COUNTY COMMISSIONERS
CALHOUN COUNTY, FLORIDA

BY: *Duane Capps*
Duane Capps, Chairman

ATTEST:

Willie D. Wise
Willie D. Wise, Clerk

CERTIFIED A TRUE COPY
Janice Holley, D.C.
WILLIE D. WISE
CLERK CIRCUIT COURT
CALHOUN COUNTY, FLORIDA