Planning Department
6603 E. Hwy 22, Callaway, FL 32404
Phone (850) 871-4672 Fax (850) 871-2444
www.cityofcallaway.com

TREE PERMIT APPLICATION

Name of applicant _____ Applicant phone number _____

Address of applicant _____ Person(s) removing tree(s) _____

○ Commercial Non Vacant ○ Commercial Vacant

Reason for removing tree(s): _____

_____

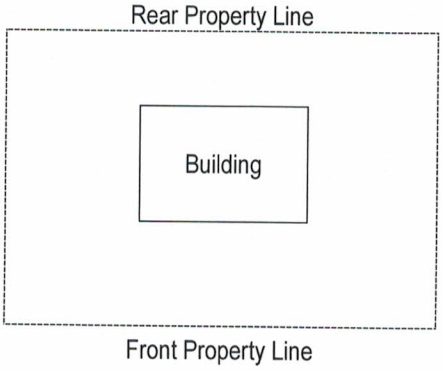
Tree type: _____ Diameter at 54" from ground _____

Tree type: _____ Diameter at 54" from ground _____

Tree type: _____ Diameter at 54" from ground _____

Tree type: _____ Diameter at 54" from ground _____

Please show approximate location of trees to be removed with the symbol "X".



I hereby affirm the information supplied on this application is true and accurate, and understand I may be liable for additional fees incurred if false information has been provided.

I have read and understand Ordinance 507, 508, Section 15.785.4 of the Land Development Regulations.

Applicant signature _____ Date _____

Date reviewed _____ Approved by _____

ORDINANCE 507

AN ORDINANCE AMENDING SECTION 15.785.2(b) PROTECTED TREES, OF THE CITY OF CALLAWAY LAND DEVELOPMENT CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Callaway City Commission desires to amend the city's Land Development code to reduce the restrictions on the removal of pine trees within the City during land development;

NOW, THEREFORE, be it enacted by the people of the City of Callaway, Florida:

1. Section 15.785.2(b) PROTECTED TREES of the City of Callaway Land Development Code is hereby amended to read as follows:

Protected trees shall include:

(a) all trees, other than pine trees, having a diameter at breast height of eight (8) inches or more;

2. This ordinance shall take effect upon passage.

DULY ADOPTED in regular session, this 23rd day of July, 1996.

CITY OF CALLAWAY, FLORIDA

By: Ray R. Bennett
Mayor of Callaway

ATTEST:

Genette R. Bernal
Genette R. Bernal
Interim City Clerk

ORDINANCE NO. 508

AN ORDINANCE OF THE CITY OF CALLAWAY REGARDING NUISANCES: PROVIDING DEFINITIONS; PROHIBITING MAINTAINING OF NUISANCE; PROVIDING FOR AN INSPECTOR, ESTABLISHING PROCEDURES FOR ENFORCEMENT; AMENDING THE CITY OF CALLAWAY CITATION ORDINANCE; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; REPEALING ORDINANCE 379 AND ANY OTHER ORDINANCE OR PROVISIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF CALLAWAY, FLORIDA:

Section 1. DEFINITIONS.

As used in this ordinance the following terms shall have the meanings respectively ascribed to them in this section:

(a) Construction debris means any refuse generated by a contractor, subcontractor or other person or supplier during the course of repair, addition to, or construction of any building or structure whether such activity requires a building permit or not.

(b) Demolition debris means any refuse generated through the cutting or trimming of trees, bushes or shrubbery for hire, or the destruction or demolition, in whole or in part, of any structure or building, or the clearing of land by any person, whether for hire or by the owner.

(c) Enforcement Officer shall mean any Code Enforcement Officer or law enforcement officer of the City of Callaway.

(d) Garbage shall mean any putrescible animal and vegetable wastes resulting from the handling, storage, preparation, cooking, sale or consumption of food.

(e) Litter means any garbage; rubbish; trash; refuse; cans; bottles; boxes; containers; paper; tobacco products; tires, appliances; mechanical equipment or part; building or construction material; tool; machinery; wood; motor vehicle or motor vehicle part; vessel; aircraft; farm machinery or equipment; sludge from a waste treatment facility; water supply treatment plan, or air pollution control facility; or substance in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

(f) Inspector: That officer or employee of the City designated by the City Commission.

(g) Nuisance: The term "nuisance" shall mean any of the following:

(1) Any accumulation of letter, refuse, construction or demolition debris, trash, junk and other abandoned materials, metals, lumber or other things.

(2) Any excessive accumulation of untended growth of weeds, underbrush or other dead or living plant life upon an improved lot, tract or parcel of land, in the manner that such lot, tract or parcel of land shall or may become infested or inhabited with rodents, vermin or snakes, or may become a breeding place for mosquitos, or threaten or endanger the public health and welfare, or may reasonably cause disease, or adversely affect and impair the economic welfare of the adjacent property.

(3) Any unfit or unsafe dwelling or structure.

(4) Any weeds which exceed one foot in height.

(5) All unnecessary or unauthorized noises and annoying vibrations, including animal noises.

(6) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes that give rise to the emission or generation of such odors and

stenches.

(7) The carcasses of animals or fowl not disposed of within a reasonable time after death.

(8) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.

(9) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.

(10) Any accumulation of stagnant water permitted or maintained or allowed to accumulate on any lot, piece of ground, or premises, including that water confined in a swimming pool, spa or hot tub.

(11) Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities.

(12) Unsheltered storage for a period of thirty (30) days or more within the corporate limits of this city (except in licensed junkyards) of old and unused stripped junk and other automobiles not in good and safe operating condition, and of any other vehicles, machinery, implements, or equipment or personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, is hereby declared to be a nuisance and a danger to public health, safety and welfare.

(13) For the purpose of this ordinance, the term nuisance shall also include any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which the premises are located. This includes, but is not limited to, the keeping or depositing on or the scattering over the premises of any of the following:

a. litter, junk, trash, or construction or demolition debris; and

b. abandoned, discarded, unused objects or equipment such as, but not limited to, automobiles, furniture, stoves, refrigerators, freezers, cans or containers.

(14) Any unauthorized obstructions to or interferences with the free public use of streets, rights-of-way and public thoroughfares including, but not limited to: an annoyance to the public as to render the use of the street hazardous; a hinderance or prevention of free and unobstructed use for travel; which renders passage through the street more difficult; or which increases the danger of injury to persons or property.

(15) Such other acts or conditions which are declared by other ordinances to be or constitute nuisances.

(h) **Refuse:** Leavings, dregs, rubbish, trash or waste material.

(i) **Trash** shall mean all grass clippings, leaves, tree limbs, old furniture, mattresses, bed springs, small debris, non-putrescible solid waste, cloth, paper, cardboard, glass and other similar materials. The term "trash" shall not include anything weighing over one thousand (1,000) pounds, items over ten (10) feet long or any debris or items generated by a contractor, or individual through construction or demolition.

(j) **Underbrush:** Any undergrowth or brush conducive to the collection of insects and rodents.

(k) **Unfit or unsafe dwelling or structure:** Any dwellings or structure or portions thereof and accessory buildings which are structurally unsafe, unstable, or unsanitary; inadequately provided with exit facilities; constitute a fire hazard; unsuitable or improper for the use or occupancy to which they are put; constitute a hazard to health or safety because of inadequate maintenance,

dilapidation, obsolescence or abandonment; dangerous to life or property of the occupant thereof or of the surrounding area; unfit for human habitation if so intended or used; or otherwise in violation of the housing, building, electrical, plumbing, mechanical, sanitation and fire codes of the city and/or county.

(l) **Weeds.** Any plants which are useless to men or injurious to crops, grasses or flowers.

Section 2. **PROHIBITED ACTS/PENALTY.**

Any person creating or maintaining a nuisance within the City shall be guilty of an offense punishable as provided in Section 1-12 of the Code of Ordinances or the City of Callaway Citation Ordinance.

Section 3. **POWERS AND DUTIES OF THE ENFORCEMENT OFFICER; DETERMINATION OF INTERESTED PARTIES.**

(a) The Enforcement Officer shall be charged with the duty of administering the applicable standards and securing compliance therewith and in furtherance of this responsibility, the Enforcement Officer shall;

(1) Make such inspections as may be necessary to effectuate the purposes and intent of this ordinance.

(2) Investigate any complaints of alleged violation of this ordinance and maintain a log reflecting the resolution thereof; however, only matters or conditions pertinent to the existence of a nuisance, as defined herein shall be considered or reported by the

Enforcement Officer.

(b) When the Enforcement Officer verifies the existence of a nuisance involving an unfit or unsafe structure, it shall be his duty to promptly prepare and submit to the City Planner the notice and order required by this ordinance. The City Planner, with assistance of the city attorney, shall determine the owner of record of the real estate upon which the nuisance is located, and send a notice and order of condemnation to said party. In addition, notice shall be given to the lessee or occupants, if any, and persons of record interest, including mortgagee, contract purchaser, agent with power of attorney, and any person claiming an interest in the property.

(c) Where the Enforcement Officer verifies the existence of a nuisance not involving an unsafe or unfit structure, the Enforcement Officer shall serve the notice and order upon the record owner of the premises reflected by the latest tax rolls and upon any occupant of the premises, if other than the owner.

(d) Where the Enforcement Officer verifies the existence of a nuisance involving public streets, rights-of-way or public thoroughfares, the Enforcement Officer shall serve a citation on the offender as provided in the City of Callaway Citation Ordinance.

Section 4. **ORDER OF ENFORCEMENT OFFICER.**

(a) The notice and order of the Enforcement Officer may require the cutting of weeds or underbrush or the removal of rubbish or such other measures as are reasonably necessary to abate

the nuisance.

(b) The notice and order of the Enforcement Officer may require the vacation, demolition or removal of any unfit or unsafe dwelling or structure, or may order the repair, restoration or replacement of any part of same; provided, however, that no building or structure shall be subject to repair, restoration or replacement where the cost of repairing, restoring or replacing any part or parts thereof would exceed fifty percent (50%) of the value of such structure after repair, restoration or replacement.

(c) The notice shall include:

(1) The description of the location of the buildings and/or land involved either by street address or by legal description.

(2) A statement providing an accurate description of the nuisance for which the notice is issued.

(3) Specification of the section or sections of this chapter upon which the notice of violation is based.

(4) If the nuisance does not involve an unsafe or unfit structure, a statement ordering what shall be done to abate the nuisance.

(5) If the nuisance does involve an unfit or unsafe structure, a statement of the nature and extent of such repairs or alterations necessary to comply with this ordinance.

(6) If the nuisance involves an unfit or unsafe structure and is of such a character that repairs or alterations cannot bring the building into compliance, a statement to this effect and an order of demolition of the building indicating fully the reason therefor.

(7) If abatement of the nuisance or demotion of a structure is necessary for compliance, a specification of time for performing same shall be stated in the notice which shall not

be less than ten (10) days nor more than ninety (90) days.

(8) The name or names of persons upon whom the notice is served as stated in section 3(a).

(9) A statement advising that upon the owners failure to comply with the notice, the city may vacate, demolish, or remove or otherwise abate the nuisance in accordance with the order stated in the notice, and at the expense of such performance by the city shall be charged against the real property and the assessment when made shall constitute a lien upon said property by the city.

(10) A statement advising of the procedures for review of the action of the Enforcement Officer as set out in section 10.

(d) In the case of an unfit or unsafe dwelling or structure this notice and order shall require the owner and other interested parties within thirty (30) days after service to obtain a permit and begin specified repairs or improvements, or begin to demolish and remove the dwelling or structure or portion thereof. This work shall be completed within sixty (60) days from the date of the permit for repair or demolition. Any demolition permit necessary as a result of any condemnation herein shall not require a fee.

(e) Except as otherwise provided in this ordinance for unsafe or unfit dwellings or structures the inspector may order such work to be completed within such time as he determines to be reasonable considering the nature of the nuisance, the danger to the public and the amount of work involved to abate the nuisance.

(f) When the county health officer or licensed pest control operator verifies the existence of a rodent infestation in any dwelling or structure that is to be demolished and removed, in

order to preclude the migration of rodents, the notice and order of the inspector shall require that effective rodent extermination methods be employed by a licensed structural pest control operator prior to demolition. Extermination techniques shall include ectoparasite control measures.

Section 5. SERVICE OF NOTICE AND ORDER.

It shall be the duty of the Enforcement Officer to see to it that the required notice and order is delivered to the interested parties by personal delivery of copy thereof to the party to be notified, or by leaving such copy at his usual place of abode with some person of the family above fifteen (15) years of age and informing such person of the contents thereof, or by either registered or certified United States mail with return receipt requested, or, if the name of any such party or his place of residence or his post office address cannot be ascertained after diligent search, or in the event a notice sent by either registered or certified mail shall be returned undelivered and the person to be notified is not residing within the city, by publishing a copy thereof once a week for two (2) consecutive weeks in a newspaper of general circulation within the city. A copy of such notice and order shall be posted in a conspicuous place at City Hall and upon such dwelling or structure. However, if the violation is related to a nuisance in a public street, right of way or public thoroughfare, the Enforcement Officer shall provide service on the offender.

Section 6. EXTENSION OF TIME TO COMPLY.

(a) In the case of an unfit or unsafe building or structure

if the interested parties shall have obtained a building or demolition permit within the thirty (30) day period and in good faith and in due time begun work to comply with the order, but it appears that they will not be able to complete the work by the date ordered, they may file a written request stating the reasons they have been unable to complete compliance and if reasonable grounds are shown therefor, the city clerk is authorized to issue an amended order authorizing an extension of time, not to exceed sixty (60) days, in which to complete compliance with the original order.

(b) In the case of a nuisance which is not an unfit or unsafe dwelling or structure the Enforcement Officer may grant extensions of up to sixty (60) days to abate the nuisance as are reasonably necessary under the circumstances upon written request from the interested parties stating the reasons they have been unable to complete compliance and showing reasonable grounds for such failure to complete compliance.

(c) Violations of this ordinance which constitute a nuisance in a related to public streets, rights-of-way and public thoroughfares shall be abated immediately.

(d) The City Commission, in exceptional cases, upon written request, may extend the completion date of the Enforcement Officer as merited by special hardship, unusual difficulty, or uniqueness of the situation; however, in no event shall the completion date extend beyond a maximum period of one hundred eighty (180) days.

Section 7. CITY ACTION ON FAILURE TO COMPLY.

(a) If the owner or other parties in interest fail to repair,

restore or replace such parts of the dwelling or structure within the time permitted by the notice and order of the Enforcement Officer, and in the absence of extenuating circumstances as would justify an extension of the time period therefor, the city clerk may order a vacation of the premises until compliance or a demolition of the structure.

(b) In the event that the owner or other parties in interest shall fail to comply with an order made pursuant to the provisions of this ordinance within the time therein fixed, the City, acting through the Director of Public Works, is authorized to vacate, demolish or remove or otherwise abate the nuisance in accordance with such order, either with City forces or by independent contractor submitting the lowest and best bid.

Section 8. **ASSESSMENT OF COST; LIEN.**

(a) Upon expiration of the thirty (30) day appeal period with no appeal having been taken, the City Planner, after proceeding under this ordinance, shall as often as may be convenient report the action taken toward abatement of the nuisance by the City and the city commission shall assess the entire cost of such action against the real property, which assessment, when made shall constitute a lien upon said property by the City. The lien of the City shall encompass in addition to the abatement cost for the vacation or removal of the facility, all administrative, legal, postal and publication expenses, as well as rodent extermination when employed, as well as all other direct or indirect costs associated therewith. The lien upon the property shall be superior

to all others except taxes.

(b) The City Planner, shall file such lien in the County's Official Record Book showing the nature of such lien, the amount thereof, and an accurate legal description of the property, including the street address, which lien shall date from the date of filing and recite the names of all persons notified or interested parties. Such municipal lien shall bear interest from said date at the rate of ten per cent (10%) per annum for individuals and fifteen per cent (15%) for corporation owners and shall be enforceable if unsatisfied after the expiration of two (2) years from the date of filing of such notice of lien, as other liens may be enforced by the City. All such recorded liens shall be included in a municipal tax deed sale and no such deed shall be issued by the City Clerk unless full payment of principal and interest is received. Upon notice of an impending county tax deed sale, the City Planner shall request the Clerk of the Circuit Court to collect all monies due the City, including such municipal lien with interest.

Section 9. **APPEALS GENERALLY.**

(a) Any interested party may appeal the decision of the Enforcement Officer or City Planner to the City Commission upon the filing, within thirty (30) days after service of the Enforcement Officer or City Planner's notice and order, of an application to the building official, setting forth the grounds for the appeal. Upon receipt of the notice of appeal, the City Planner shall forthwith transmit a copy of the notice of appeal, together with

all related documents of his department, to the City Commission. Within ten (10) days after the filing of notice of appeal, the City Commission shall schedule a date for the hearing thereof and give notice of the date for the hearing to the interested parties, in a manner as would afford them not less than ten (10) days' notice. Under no circumstances shall the Commission establish a hearing date beyond sixty (60) days from the filing of the notice of appeal.

(b) All appeals proceedings shall be public and notice thereof published in a newspaper of general circulation within the city at least ten (10) days prior to the date of the hearing. The findings of the commission shall be encompassed in a resolution stating with particularity the grounds for the decision.

(c) All interested parties shall have thirty (30) days within which to comply with the resolution of the Commission.

(d) Nuisances related to public streets, rights-of-way and public thoroughfares shall be abated immediately. However, offenders shall have the right to appeal decision of abatement to the City Commission for determination of whether the conduct constituted a nuisance. If there is a determination that such conduct did not constitute a nuisance, then any fines or penalties assessed against the alleged offender shall be forfeited by the City.

Section 10. FINAL APPEAL TO CIRCUIT COURT.

An interested party, having exhausted his administrative remedies before the city commission, may appeal to the circuit

court the decision of the commission in like manner of appeals from county courts.

Section 11. **APPEARANCE BY COUNSEL; WITNESSES SWORN.**

Any interested party appearing before the city commission may appear in person, by counsel, or by an agent possessing power of attorney provided the agency's instrument appears in the county's official record book, but may not appear through any person otherwise a stranger to the record. All witnesses appearing before the city commission in proceedings under this chapter shall be sworn by the mayor or in his absence, by the person acting in his stead, except counsel representing a client.

Section 12. DUTIES OF OTHER DEPARTMENT.

(a) Members of the fire department, law enforcement, and public works department shall make written reports to the Enforcement Officer, of all dwellings or structures which appear to be substandard housing within the terms of this ordinance. Such reports shall be submitted to the Enforcement Officer as soon as practicable.

(b) In carrying out his responsibilities hereunder, the Enforcement Officer may request assistance from a health officer, to determine violations of municipal ordinances, or state law, and rules and regulations of a health officer.

Section 13. ENTRY POWERS.

The Enforcement Officers and his designees are hereby authorized to enter upon private property in order to enforce the provisions of this ordinance. When necessary to obtain such entry,

the Enforcement Officer and his designees may institute proceedings to obtain a search warrant.

Section 14. **AMENDMENT TO THE CITY OF CALLAWAY CITATION ORDINANCE.**

Exhibit "A" of the City of Callaway Citation Ordinance is hereby amended to include a penalty of $25.00 for the violation of Section 1(a)(14) outlined above relating to streets, rights-of-way and public thoroughfares.

Section 15. **REPEALER.**

Ordinance 379 and all ordinances in conflict or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

Section 16. **SEVERABILITY.**

In the event that any portion of this Ordinance shall be determined to be unconstitutional or invalid for any reason, the remaining provision shall remain in full force and effect.

Section 17. **EFFECTIVE DATE.**

This Ordinance shall take effect upon passage.

PASSED, APPROVED AND ADOPTED this 13th day of August, 1996.

Ray G. Boevink, Mayor

ATTEST:

Genette R. Bernal

Genette Bernal, Interim City Clerk

SECTION 15.785.4 CONDITIONS FOR TREE REMOVAL

(a) It is the intent of this subsection to minimize the removal of protected trees and that no approval shall be granted to remove a tree if the developer has failed to take reasonable measures to design and locate the proposed improvements so that the number of protected trees to be removed is minimized. In particular, the design must attempt to preserve specimen and historic trees.

(b) No approval for the removal of a protected tree shall be granted unless the developer demonstrates one or more of the following conditions:

1. A permissible use of the site cannot reasonably be undertaken unless specific trees are removed or relocated.

2. The tree is located in such proximity to an existing or proposed structure that the safety, utility or structural integrity of the structure is materially impaired.

3. The tree materially interferes with the location, servicing or functioning of existing utility lines or services.

4. The tree creates a substantial hazard to motor, bicycle or pedestrian traffic by virtue of physical proximity to traffic or impairment of vision.

5. The tree is diseased, insect ridden, or weakened by age, abuse, storm or fire and is likely to cause injury or damage to people, buildings or other improvements.

6. Any law or regulation requires the removal.