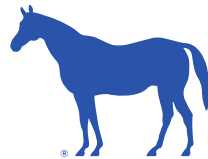


CHAPTERS 16 & 17B ORDINANCE UPDATE PREVIEW

Environmental Quality & Public Works

Jennifer Carey, Director

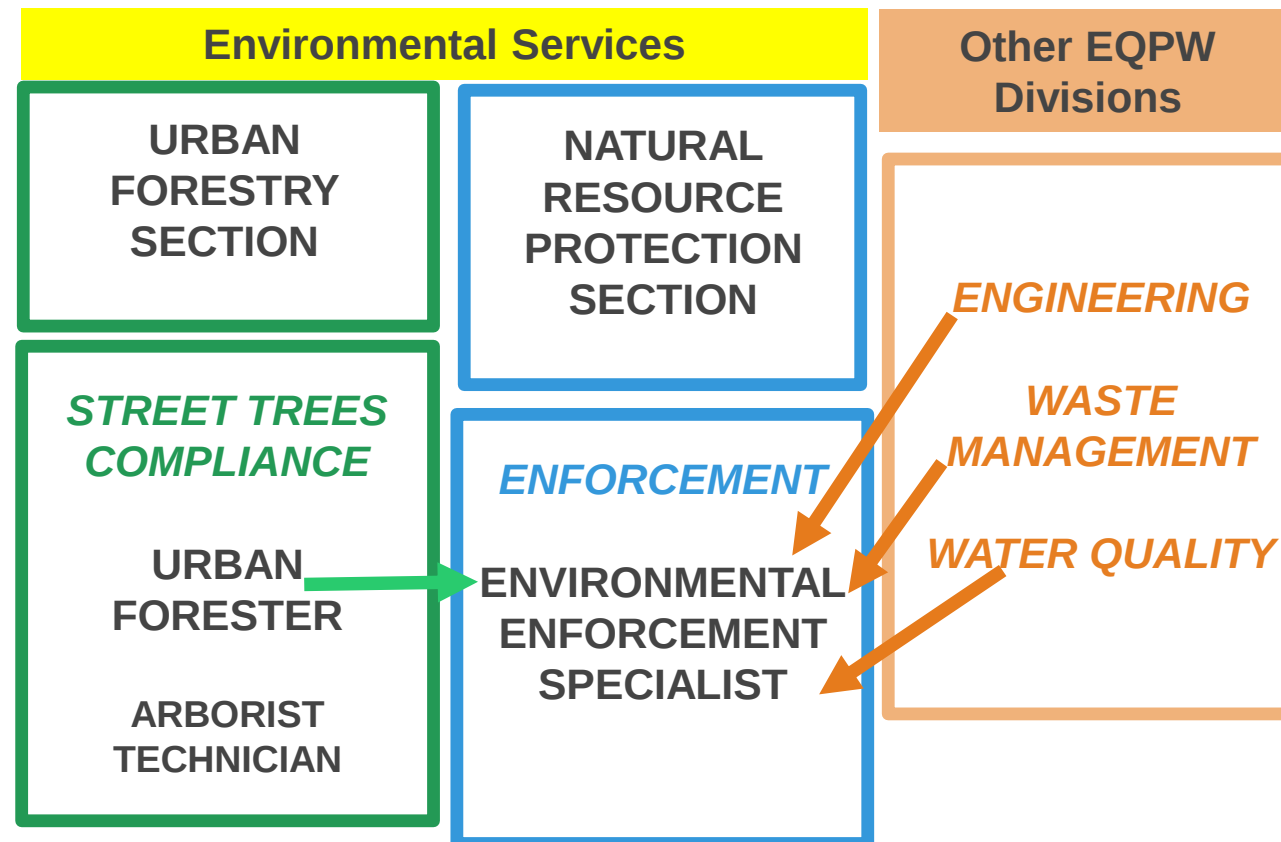
March 12, 2024



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Primary Reason for Updates

- To provide more consistency in how enforcement referrals are handled when they are escalated to the Natural Resource Protection Section in DES



Chapter 16 Updates

- Sec. 16-203. - Civil fines.
 - Removing the offered 1/3 reduction in fine amount for not appealing
- Based on 15 years of experience implementing this ordinance and lessons learned
 - The reduced fine was not the “carrot” we originally envisioned back in 2009.
- The reduction was only to apply if the violator brought their site into compliance AND did not appeal the citation and fine amount
- In practice, cited entities are submitting payments that they have reduced by 1/3, but they ARE NOT bringing their site into compliance
- Attempts to collect the additional 1/3 of the assessed civil penalty are time consuming and oftentimes unsuccessful (and the site is still out of compliance)

Chapter 17B Updates

- Clean up language throughout and update definitions
- Align street tree distance requirements with Traffic Engineering and Land Subdivision Regulations
- Proposed changes will align enforcement of 17B with other EQPW divisions
- Address gaps in enforcement (removal of street tree, but silent on grinding or removal of stump)
- Reordering sections to follow the chronological process of enforcement

Chapter 17B Updates

- Sec. 17B-1. - Definitions.
 - Adding definition for Tree Removal
 - To clarify that the removal of a tree also includes the removal or grinding of the stump
- Sec. 17B-2. - Tree planting.
 - Removing recommended spacing requirements between street trees
 - Too prescriptive and too difficult to follow when complying with other distance requirements
 - Changing minimum distance between street trees and stop signs / intersections from 75 feet to 50 feet
 - To align with the Land Subdivision Regulations and Traffic Engineering's requirements
- Sec. 17B-3. - Tree removal.
 - Correcting gender language
 - Correcting “may” to “shall”
 - Adding language including the “associated stump” in regards to tree removals

Chapter 17B Updates

- Sec. 17B-4. - Abuse or damage of street trees.
 - Adding language that includes damage to a street tree's root zone as a prohibited act
 - Addresses damages from parking / driving / storing materials on and within the root zone which leads to compacted soils and increases the likelihood of the tree becoming hazardous
- Sec. 17B-9. - Tree protection.
 - Adding language about protecting entirety of trees including root zone
 - See above
- Sec. 17B-12. - Violation.
 - Removing language linking the number of previous citations to a maximum civil fine and replacing it with language that mirrors Chapter 16
 - Aligns this chapter with the enforcement article in Chapter 16

Next Steps

- Finalize ordinance updates
- Present ordinance updates to the Tree Board at their meeting on April 10
- Include the ordinance updates in the Urban Forestry and Street Trees Update Presentation to the EQPW Committee on April 30

Questions?



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