

Sec. 27-407. - Municipal certification.

- (a) Nothing in this article shall preclude a municipality from adopting and enforcing its own tree preservation regulations in addition to Broward County's regulation of trees pursuant to Chapter 27, Article XIV of the Code.
- (b) A municipality may apply for and receive a municipal certification/recertification as provided for in this section.
- (c) If a municipal certification/recertification is granted, Broward County shall relinquish its authority to enforce this Article within the municipal boundaries of a municipality that has valid municipal certification/recertification, as provided for in Section 27-407 of the Code, as amended.
- (d) Notwithstanding this certification, Broward County specifically retains the authority to enforce the provisions of this article regarding the following:
  - (1) Properties owned or controlled by Broward County, including, but not limited to, facilities, road rights-of-way, and parks;
  - (2) Properties owned or controlled by the Broward County School Board;
  - (3) Any site designated by the Board as a Local Area of Particular Concern, Urban Wilderness Inventory Area, Natural Resource Area, or Environmentally Sensitive Land or Historic Tree; and
  - (4) Tree abuse committed by licensed or unlicensed tree trimmers that have not otherwise been enforced by the certified municipality.
- (e) Requests for Municipal Certification/Recertification:
  - (1) Recertification: All cities previously certified by RED, must request recertification in order to maintain their certification pursuant to this section. A municipal certification existing prior to the effective date of this ordinance shall remain in effect for one hundred eighty (180) days from the effective date of this ordinance. Thereafter, all previously issued municipal certifications shall expire.
  - (2) New Certifications: Cities which have not previously been certified can request certification at any time pursuant to the requirements of this section.
  - (3) Required data: The municipal certification/recertification request must be submitted to RED by the municipality's mayor and, where such position exists, the city manager or equivalent position. Said request must be accompanied by documents that describe the activities to be performed by the municipality in sufficient detail to meet the standards for certification/recertification in this article. Data required shall include:
    - a. A copy of the municipal tree preservation ordinance currently in effect which demonstrates that the municipality's tree preservation ordinance contains comparable requirements and standards which are as stringent as the following requirements and

standards specified in this article:

1. Tree preservation;
  2. Tree relocation;
  3. Tree replacement;
  4. Tree protection during construction;
  5. Specimen tree/natural forest protection;
  6. Tree abuse;
  7. Enforcement standards, including stop work authorizations, to the extent permitted by law.
- b. A document signed by the mayor and, where such position exists, the city manager or equivalent position, representing that the municipality has the capability to enforce its own valid municipal tree preservation ordinance within its jurisdictional boundaries which is not in conflict with the Code;
- (4) Action on certification/recertification requests: RED shall review each municipal certification/recertification request within ninety (90) days of receipt. Failure of RED to review the certification/recertification request within ninety (90) days does not automatically constitute approval.
- (5) Standards for issuing or denying a municipal certification/recertification request:
- a. RED shall review each municipal certification/recertification request and municipal tree preservation ordinance to ensure that the municipality's tree preservation ordinance contains comparable requirements and standards which are as stringent as the following requirements and standards contained in this article:
    1. Tree preservation;
    2. Tree relocation;
    3. Tree replacement;
    4. Tree protection during construction;
    5. Specimen tree/natural forest protection;
    6. Tree abuse;
    7. Enforcement standards, including stop work authorizations, to the extent permitted by law.
  - b. If a municipal ordinance meets the stringency requirements specified herein, as approved by RED, RED shall issue municipal certification/recertification by written notice to the municipality's mayor and, where such position exists, the city manager or equivalent position. However, any subsequent modification of a municipality's tree preservation

ordinance shall be reviewed by RED for consistency with certification standards specified herein.

Modifications shall be submitted to RED for approval within thirty (30) days of the adoption of the amendment(s).

- c. If the municipal ordinance does not meet the stringency requirements specified herein, RED shall deny certification/recertification. RED shall provide written notice of said denial to the municipality's mayor and, where such position exists, the city manager or equivalent position. Denial will specify the reason(s) for said denial. The municipality shall have the right to an administrative review of the RED determination pursuant to Section 27-14 of the Code, as amended.
- (6) RED reserves the right to review all certified municipalities' tree preservation programs. If RED has reason to believe that a municipal program is not enforcing its program consistently with its municipal certification/recertification, then the certification/recertification will be subject to revocation by RED.
- a. RED shall give written notice of certification non-compliance to the mayor and, where such position exists, the city manager or equivalent position of the municipality setting forth the particular standard(s) that do not meet the certification/recertification stringency requirements. The municipality shall have thirty (30) days from the receipt of the RED notice of non-compliance to submit to RED a corrective action plan and implementation schedule to bring the municipality's program into compliance.
  - b. If the municipality fails to take appropriate action to correct noncompliance issues, RED will revoke the municipality's certification/recertification. RED will provide written notice to the mayor and, where such position exists, the city manager or equivalent position that its municipal certification/recertification has been revoked. The municipality shall have the right to an administrative review of the RED determination pursuant to Section 27-14 of the Code, as amended. A municipality with a revoked certification/recertification may reapply for a municipal certification at any time in accordance with the provisions set forth in Section 27-407(e) of the Code, as amended.
  - c. A municipal certification/recertification received pursuant to the provisions of this section shall remain in force unless specifically revoked by RED for noncompliance as set forth in Section 27-407(e)(5)d. of the Code, as amended.

(Ord. No. 1999-07, § 1, 3-9-99; Ord. No. 1999-55, § 1, 10-12-99; Ord. No. 2003-15, § 5, 5-13-03; Ord. No. 2005-11, § 9, 5-24-05; Ord. No. 2009-56, § 1, 8-25-09; Ord. No. 2013-37, § 2, 11-12-13; Ord. No. 2023-17, §§ 1, 2, 5-23-23)