

**RULES OF THE
ENVIRONMENTAL PROTECTION
COMMISSION
OF HILLSBOROUGH COUNTY**

CHAPTER 1-14

**MANGROVE TRIMMING AND
PRESERVATION**

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1-14.01 FINDINGS

(a) The Commission finds that there are over 555,000 acres of mangroves now existing in Florida. Of this total, over 80 percent are under some form of government or private ownership or control and are expressly set aside for preservation or conservation purposes. The Commission also finds that the vast majority of these mangroves are located at the southern end of the State and do not provide the direct ecological benefits to Hillsborough County that the local mangroves do, estimated at 18,800 acres for the Tampa Bay area and 6,500 acres for Hillsborough County.

(b) The Commission finds that mangroves play an important ecological role as habitat for various species of marine and estuarine vertebrates, invertebrates, and other wildlife, including mammals, birds, and reptiles; as shoreline stabilization and storm protection; and for water quality protection and maintenance and as food-web support. The mangrove forest is a tropical ecosystem that provides nursery

support to the sports and commercial fisheries. Through a combination of functions, mangroves contribute to the economies of many coastal counties in the state, including Hillsborough County, which has an economy strongly dependent on tourism and a variety of marine-related industries, most of which are closely correlated to a healthy natural environment and strong fisheries. In addition, Hillsborough County's coastal environment and natural resources are a strong attractant for both businesses and residents.

(c) The Commission finds that since 1950, approximately half of the Tampa Bay area's natural shoreline has been adversely impacted, with some areas of Hillsborough County having lost almost half of their mangroves in that same time frame.

(d) The Commission finds that both the City of Tampa and the Hillsborough County Comprehensive Plan designate mangrove swamps as preservation areas in Hillsborough County. In addition, the Tampa Bay National Estuary Program's Comprehensive Conservation and Management Plan for Tampa Bay ("Charting the Course") supports the protection, conservation and restoration of marine resources and habitats, including mangroves.

(e) The Commission finds that the trimming and alteration of mangroves can affect their productivity and habitat value.

(f) The Commission finds that the trimming of mangroves by professional mangrove trimmers following the criteria in these rules has a significant potential to maintain the beneficial attributes of mangrove resources and that professional mangrove trimmers should be authorized to conduct mangrove trimming, as contained herein, without prior government authorization.

1-14.02 INTENT

(a) It is the intent of the Commission to protect and preserve mangrove resources valuable to our environment and economy from unregulated removal, defoliation, and destruction.

(b) It is the intent of the Commission that no trimming or alteration of mangroves may be permitted on uninhabited islands which are publicly owned or on lands set aside for conservation and preservation, or mitigation, except where necessary to protect the public health, safety, and welfare, or to enhance public use of, or access to, these areas in accordance with management plans approved by the State, County or Municipality.

(c) It is the intent of the Commission to acknowledge waterfront property owners their riparian rights as recognized by section 253.141, Florida Statutes, and any other provision of law.

(d) It is the intent of the Commission to also allow mangrove trimming at waterfront properties with mangroves where such trimming can be done consistent with the specific criteria of the Commission.

(e) It is the intent of the Commission that the Wetlands Management Division shall be administered so as to encourage waterfront property owners to voluntarily preserve mangroves, encourage mangrove growth, and plant mangroves along their shorelines.

(f) It is the intent of the Commission that all trimming of mangroves pursuant to this rule on parcels having multifamily residential units be conducted so as to result in an equitable distribution of the riparian rights.

1-14.03 AUTHORITY

(a) The Commission obtains the authority to implement this rule pursuant to sections 4, 5, and 8 of the Hillsborough County Environmental Protection Act, chapter 84-446, Laws of Florida, as amended, the Mangrove Trimming and Preservation Act, sections 403.9321-403.9333, Florida Statutes, and section 403.182, Florida Statutes.

(b) The Florida Department of Environmental Protection (FDEP) has delegated its authority to regulate the trimming and alteration of mangroves to the Commission which requested

such delegation and demonstrated to the FDEP that it has sufficient resources and procedures for the adequate administration and enforcement of a delegated mangrove-regulatory program. In no event shall more than one permit for the alteration or trimming of mangroves be required within the jurisdiction of any delegated local government.

1-14.04 DEFINITIONS

For the purposes of this chapter, the term:

- a. *Alter* means anything other than trimming of mangroves including removal, destruction or defoliation of mangroves.
- b. *Commission* means the Environmental Protection Commission Hillsborough County.
- c. *Defoliate* means the removal of leaves by cutting or other means to the degree that the plant's natural functions have been severely diminished or which results in the death of all or part of the mangrove.
- d. *Executive Director* means the appointed Environmental Director of the Environmental Protection Commission of Hillsborough County and authorized staff in the Wetlands Management Division.
- e. *Maintenance* means the first and subsequent trimming intended to maintain the height and configuration of a mangrove area that was legally trimmed either pursuant to a valid exemption or a previously issued permit from the appropriate governmental agency. However, where a pattern of trimming has stopped such that the view or use otherwise intended and obtained by the trimming has been broken or lost for a prolonged period of time, further trimming will not be considered maintenance.
- f. *Mangrove* means any specimen of the species *Laguncularia racemosa* (white

mangrove), *Rhizophora mangle* (red mangrove), or *Avicennia germinans* (black mangrove).

- g. *Mangroves on lands that have been set aside as mitigation* means mangrove areas on public or private land which have been created, enhanced, restored, or preserved as mitigation under a Mitigation Agreement pursuant to chapter 1-11, Rules of the Commission or a dredge and fill permit issued under sections 403.91-403.929, Florida Statutes (1984 Supplement, as amended), or a dredge and fill permit, management and storage of surface waters permit, or environmental resource permit issued under part IV of chapter 373, Florida Statutes, applicable dredge and fill licenses or permits issued by any other local regulatory agency, a resolution of an enforcement action, or a conservation easement that does not provide for trimming.
- h. *Professional mangrove trimmer* means a person who meets the qualifications set forth in section 1-14.08, Rules of the Commission.
- i. *Public lands set aside for conservation or preservation* means: (1) Conservation and recreation lands under chapter 259, Florida Administrative Code; (2) County, State and national parks; (3) State and national reserves and preserves, except as provided in section 403.9326(3), Florida Statutes; (4) State and national wilderness areas; (5) National wildlife refuges (only those lands under Federal Government ownership); (6) Lands acquired through the Water Management Lands Trust Fund, Save Our Rivers Program; (7) Lands acquired under the Save Our Coast program; (8) Lands acquired by the Hillsborough County Environmental Lands Acquisition and Protection Program; (9) Lands acquired under the environmentally endangered lands bond program; (10) Public lands designated as

conservation or preservation under a local government comprehensive plan; (11) Lands purchased by a water management district, the Fish and Wildlife Conservation Commission, or any other state agency for conservation or preservation purposes; (12) Public lands encumbered by a conservation easement that does not provide for the trimming of mangroves; and (13) Public lands designated as critical wildlife areas by the Fish and Wildlife Conservation Commission.

- j. *Riparian mangrove fringe* means mangroves growing along the shoreline on private property, the depth of which does not exceed 50 feet as measured waterward from the trunk of the most landward mangrove tree in a direction perpendicular to the shoreline to the trunk of the most waterward mangrove tree. Riparian mangrove fringe does not include mangroves on uninhabited islands, or any public lands in Hillsborough County, or mangroves on lands that have been set aside as mitigation, if the permit, mitigation agreement, enforcement instrument, or conservation easement establishing the mitigation area did not include provisions for the trimming of mangroves.
- k. *Trim* means to cut mangrove branches, twigs, limbs, and foliage, but does not mean to remove, defoliate, or destroy the mangroves.

1-14.05 EXEMPTIONS

(a) The following activities are exempt from the permitting requirements of the Executive Director and any other provision of law if no herbicide or other chemical is used to remove mangrove foliage:

(1) Mangrove trimming in riparian mangrove fringe areas that meet the following criteria:

- a. The riparian mangrove fringe must be located

on lands owned or controlled by the person who will supervise or conduct the trimming activities.

b. The mangroves that are the subject of the trimming activity may not exceed 10 feet in pretrimmed height as measured from the substrate and may not be trimmed so that the overall height of any mangrove is reduced to less than 6 feet as measured from the substrate. This exemption applies to property with a shoreline of 150 feet or less. Owners of property with a shoreline of more than 150 feet may not trim, under an exemption, more than 65 percent of the mangroves along the shoreline.

(2) Mangrove trimming supervised or conducted exclusively by a professional mangrove trimmer in riparian mangrove fringe areas that meet the following criteria:

a. The riparian mangrove fringe must be located on lands owned or controlled by the professional mangrove trimmer or by the person contracting with the professional mangrove trimmer to perform the trimming activities.

b. The mangroves that are the subject of the trimming activity may not exceed 24 feet in pretrimmed height and may not be trimmed so that the overall height of any mangrove is reduced to less than 6 feet as measured from the substrate.

c. The trimming of mangroves that are 16 feet or greater in pretrimmed height must be conducted in stages so that no more than 25 percent of the foliage is removed annually.

d. A professional mangrove trimmer that is trimming red mangroves for the first time under the exemption provided by this paragraph must notify the Executive Director / Wetlands Management Division in writing at least 10 days before commencing the trimming activities. This exemption applies to property with a shoreline of 150 feet or less. Owners of property with a shoreline of more than 150 feet may not trim, under an exemption, more than 65 percent of the mangroves along the shoreline.

(3) Mangrove trimming in riparian mangrove fringe areas which is designed to reestablish or maintain a previous mangrove configuration if the mangroves to be trimmed do not exceed 24 feet in pretrimmed height. The reestablishment of a previous mangrove configuration must not result in the destruction, defoliation, or removal of mangroves. Documentation of a previous mangrove configuration may be established by affidavit of a person with personal knowledge of such configuration, through current or past permits from the state or local government, or by photographs of the mangrove configuration. Trimming activities conducted under the exemption provided by this paragraph shall be conducted by a professional mangrove trimmer when the mangroves that are the subject of the trimming activity have a pretrimmed height which exceeds 10 feet as measured from the substrate. A person trimming red mangroves for the first time under the exemption provided by this paragraph must notify the Executive Director in writing at least 10 days before commencing the trimming activities.

(4) The maintenance trimming of mangroves that have been previously trimmed in accordance with an exemption or government environmental regulatory authorization, including those mangroves that naturally recruited into the area and any mangrove growth that has expanded from the area subsequent to the authorization, if the maintenance trimming does not exceed the height and configuration previously established. Historically established maintenance trimming is grandfathered in all respects, notwithstanding any other provisions of law. Documentation of established mangrove configuration may be verified by affidavit of a person with personal knowledge of the configuration or by photographs of the mangrove configuration.

(5) The trimming of mangrove trees by a state-licensed surveyor in the performance of her or his duties, if the trimming is limited to a swath of 3 feet or less in width.

(6) The trimming of mangrove trees by a duly constituted communications, water, sewerage, electrical, or other utility company, or by a federal, state, county, or municipal agency, or by an engineer or a surveyor and mapper working under a contract with such utility company or agency, when the trimming is done as a governmental function of the agency.

(7) The trimming of mangrove trees by a duly constituted communications, water, sewerage, electrical, or other utility company in or adjacent to a public or private easement or right-of-way, if the trimming is limited to those areas where it is necessary for the maintenance of existing lines or facilities or for the construction of new lines or facilities in furtherance of providing utility service to its customers and if work is conducted so as to avoid any unnecessary trimming of mangrove trees.

(8) The trimming of mangrove trees by a duly constituted communications, water, sewerage, or electrical utility company on the grounds of a water treatment plant, sewerage treatment plant, or electric power plant or substation in furtherance of providing utility service to its customers, if work is conducted so as to avoid any unnecessary trimming of mangrove trees.

(b) Any rule, regulation, or other provision of law must be strictly construed so as not to limit directly or indirectly the exemptions provided by this section for trimming in riparian mangrove fringe areas except as provided in section 403.9329(7)(b), Florida Statutes. Any rule or policy of the FDEP, or Commission, that directly or indirectly serves as a limitation on the exemptions provided by this section for trimming in riparian mangrove fringe areas is invalid.

(c) The designation of riparian mangrove fringe areas as aquatic preserves or Outstanding Florida Waters shall not affect the use of the exemptions provided by this section.

(d) Trimming that does not qualify for an

exemption under this section requires a permit as provided.

1-14.06 TRIMMING OF MANGROVES; PERMIT REQUIREMENTS

(a) The Executive Director shall authorize mangrove trimming via a permit issued pursuant to this section, provided the trimming is consistent with the following criteria: (1) The mangroves to be trimmed are located on lands owned or controlled by the applicant or on sovereign submerged lands immediately waterward and perpendicular to such lands; (2) The mangroves to be trimmed are not located on uninhabited islands which are publicly owned or on lands set aside for conservation and preservation, or mitigation, except where necessary to protect the public health, safety, and welfare, or to enhance public use of, or access to, conservation areas in accordance with management plans approved by the State, County or Municipality. (3) The trimming of mangroves over 10 feet in height is supervised on-site or conducted exclusively by a professional mangrove trimmer; (4) The mangroves subject to trimming under the permit do not extend more than 500 feet waterward as measured from the trunk of the most landward mangrove tree in a direction perpendicular to the shoreline; (5) No more than 50 percent of the area (footprint) of mangroves at the subject site will be trimmed. Also, at least 50 percent of the mangroves in the trimmed area that are over 16 feet in pre-trimmed height may not be reduced in height but these trees may be laterally trimmed provided that no portion of their canopies above 12 feet from the substrate is trimmed. (6) No mangrove will be trimmed so that the overall height of any mangrove is reduced to less than 6 feet as measured from the substrate; (7) No herbicide or other chemical will be used for the purpose of removing leaves of a mangrove; (8) The trimming does not result in the removal, destruction, or defoliation of the mangroves; (9) All trimming of mangroves in excess of 16 feet in height must be conducted in

stages so that no more than 25 percent of the pretrimmed foliage or height of the trees is removed annually. Regrowth from the previous year's trimming may be trimmed in addition to the 25 percent mentioned above; (10) Trimming may only be conducted from April 1 through November 1; (11) Only non-petroleum based lubricants must be used in chainsaws; and (12) All listed species in the Florida Exotic Pest Plant Council (FLEPPC) "List of Invasive Species" that are within 25 feet of the mangrove canopy must be removed from the applicant's property. Where the removal is to a degree that a potential for erosion is created, the area must be re-stabilized. Stumps and roots may be killed and left in place if desired. (13) All trimmed branches and trunks shall be removed from the wetlands and disposed of, as provided by law.

(b) The height and configuration of mangroves trimmed under permits issued pursuant to this section may be maintained under (a)(5).

(c) Requests for permits to trim mangroves must be submitted on the Executive Director's application form and must contain sufficient information to enable the Executive Director to determine the scope of the proposed trimming and whether the activity will comply with the conditions of this section.

1-14.07 ALTERATION OF MANGROVES; PERMIT REQUIREMENT

(a) The Executive Director, when deciding to issue or deny a permit for mangrove alteration under this section, shall use the criteria in section 373.414(1) through (8), Florida Statutes, as follows: (1) Whether the activity will adversely affect the public health, safety, or welfare or the property of others; (2) Whether the activity will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats; (3) Whether the activity will adversely affect navigation or the flow of water or cause harmful erosion or shoaling; (4) Whether the

activity will adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity; (5) Whether the activity will be of a temporary or permanent nature; (6) Whether the activity will adversely affect archaeological resources under the provisions of section 267.061, Florida Statutes; (7) The current condition and relative value of functions being performed by areas affected by the proposed activity; and (8) The cumulative impact of similar activities pursuant to section 373.414(8), Florida Statutes.

(b) If the applicant is unable to meet these criteria, the Executive Director and the applicant shall first consider measures to reduce or eliminate the unpermissible impacts. If unpermissible impacts still remain, the applicant may propose, and the Executive Director shall consider, measures to mitigate the otherwise unpermissible impacts.

(c) A request for a permit to alter mangroves must be submitted on the Executive Director's application form and with sufficient specificity to enable the Executive Director to determine the scope and impacts of the proposed alteration activities.

(d) The use of herbicides or other chemicals for the purposes of removing leaves from a mangrove is strictly prohibited.

(e) A permit is not required under this rule to trim or alter mangroves if the trimming or alteration is part of an activity that is permitted under part IV of chapter 373, Florida Statutes. The procedures for permitting under part IV of chapter 373, Florida Statutes will control in those instances.

1-14.08 PROFESSIONAL MANGROVE TRIMMERS

(a) For purposes of the Executive Director, the following persons are considered professional mangrove trimmers: (1) Certified arborists, certified by the International Society of Arboriculture; (2) Professional wetland scientists, certified by the Society of Wetland

Scientists; (3) Certified environmental professionals, certified by the Academy of Board Certified Environmental Professionals; (4) Certified ecologists certified by the Ecological Society of America; (5) Landscape architects licensed under part II of chapter 481. Only those landscape architects who are certified in the state may qualify as professional mangrove trimmers under this chapter, notwithstanding any reciprocity agreements that may exist between this state and other states; (6) Persons who have conducted mangrove trimming as part of their business or employment and who are able to demonstrate to the department or a delegated local government, as provided in subsection (b), a sufficient level of competence to assure that they are able to conduct mangrove trimming in a manner that will ensure the survival of the mangroves that are trimmed; and (7) Persons who have been qualified by the county or a delegated local government through a mangrove-trimming qualification program as provided in subsection (b).

(b) A person who seeks to assert professional mangrove trimmer status under paragraphs (a)(6) or (7) to trim mangroves under the exemptions in section 1-14.05, Rules of the Commission and permits provided in sections 1-14.06 and 1-14.07, Rules of the Commission, must request in writing professional mangrove trimmer status from the Executive Director. The Executive Director shall grant or deny any written request for professional mangrove trimmer status within 30 days after receipt of a complete application. If professional mangrove trimmer status has been granted by the Executive Director, no additional requests for professional mangrove trimmer status need be made to the Executive Director to trim mangroves under the exemptions provided. Persons applying for professional mangrove trimmer status must provide to the department a notarized sworn statement attesting: (1) That the applicant has successfully conducted trimming on a minimum of 10 mangrove-

trimming projects authorized by the Florida Department of Environmental Protection or a local government program. Each project must be separately identified by project name, professional mangrove trimmer and permit number where applicable; (2) That a mangrove-trimming or alteration project of the applicant is not in violation of sections 403.9321-403.9333, Florida Statutes, chapters 1-11 and 1-14, Rules of the Commission, or any lawful rules adopted thereunder; and (3) That the applicant possesses the knowledge and ability to correctly identify mangrove species occurring in this state.

(c) The Executive Director may deny a request for professional mangrove trimmer status if the Executive Director finds that the information provided by the applicant is incorrect or incomplete, or if the applicant has demonstrated a past history of noncompliance with the provisions of sections 403.9321-403.9333, Florida Statutes, chapters 1-11 and 1-14, Rules of the Commission, or any adopted mangrove rules.

(d) A professional mangrove trimmer status granted by the Executive Director may be revoked by the Executive Director for any person who is responsible for any violations of sections 403.9321-403.9333, Florida Statutes, chapters 1-11 and 1-14, Rules of the Commission, or any adopted mangrove rules.

(e) The Executive Director's decision to grant, deny, or revoke a professional mangrove trimmer status is subject to appeal pursuant to chapter 1-2, Rules of the Commission.

(f) All professional mangrove trimmers working in Hillsborough County must register with the Executive Director by paying an annual registration fee and by demonstrating that they meet the criteria of this section. The fee for first time registration shall be \$50.00 and annual renewals thereafter shall be \$25.00.

(g) All professional mangrove trimmers working in Hillsborough County must notify in writing the Executive Director prior to conducting any mangrove trimming or

alteration including those activities authorized under the exemptions provided.

(h) All professional mangrove trimmers working in Hillsborough County must be on site when mangrove trimming activities are performed under their supervision.

1-14.09 MITIGATION AND ENFORCEMENT

(a) A person may not alter or trim, or cause to be altered or trimmed, any mangrove within the landward extent of wetlands and other surface waters, as defined in sections 1-11.03 and 1-11.04, Rules of the Commission, and section 62-340.200(19), Florida Administrative Code, using the methodology in section 373.4211, Florida Statutes, and chapter 62-340, Florida Administrative Code, when the trimming does not meet the criteria except under a permit issued under sections 1-14.06 or 1-14.07, Rules of the Commission, by the Executive Director or as otherwise provided by this chapter. Any violation of this chapter is presumed to have occurred with the knowledge and consent of any owner, trustee, or other person who directly or indirectly has charge, control, or management, either exclusively or with others, of the property upon which the violation occurs. However, this presumption may be rebutted by competent, substantial evidence that the violation was not authorized by the owner, trustee, or other person.

(b) Any area in which 5 percent or more of the trimmed mangrove trees have been trimmed below 6 feet in height, except as provided in sections 1-14.05(a)(3), (4), (6), (7), (8) and (9), Rules of the Commission, destroyed, defoliated, or removed as a result of trimming conducted under sections 1-14.06 or 1-14.07, Rules of the Commission must be restored or mitigated. Restoration must be accomplished by replanting mangroves within six months of the initial violation, in the same location and of the same species as each mangrove destroyed, defoliated, removed, or trimmed, to achieve within 5 years

a canopy area equivalent to the area destroyed, removed, defoliated, or trimmed; or mitigation must be accomplished by replanting offsite, in areas suitable for mangrove growth, mangroves to achieve within 5 years a canopy area equivalent to the area destroyed, removed, defoliated, or trimmed. Where all or a portion of the restoration or mitigation is not practicable, as determined by the Executive Director, the impacts resulting from the destruction, defoliation, removal, or trimming of the mangroves must be offset by donating a sufficient amount of money to offset the impacts, which must be used for the restoration, enhancement, creation, or preservation of mangrove wetlands within a restoration, enhancement, creation, or preservation project approved by the Executive Director; or by purchasing credits from a mitigation bank created under section 373.4135, Florida Statutes, at a mitigation ratio of no less than 2-to-1 and no greater than 5-to-1 credits to affected area. The donation must be equivalent to the cost, as verified by the Executive Director, of creating mangrove wetlands at no less than a 2-to-1 and no greater than a 5-to-1, created versus affected ratio, based on canopy area. The donation may not be less than \$4 per square foot of created wetland area.

(c) In all cases, the applicant, permittee, landowner, and person performing the trimming are jointly and severally liable for performing restoration under paragraph (b) and for ensuring that the restoration successfully results in a variable mangrove community that can offset the impacts caused by the removal, destruction, or defoliation of mangroves. The applicant, landowner, and person performing the trimming are also jointly and severally subject to penalties.

(d) If mangroves are to be trimmed or altered under a permit issued, the Executive Director may require mitigation. The Executive Director shall establish reasonable mitigation requirements that must include, as an option, the use of mitigation banks created under

section 373.4135, Florida Statutes, where appropriate. The Executive Director's mitigation requirements must ensure that payments received as mitigation are sufficient to offset impacts and are used for mangrove creation, preservation, protection, or enhancement.

(e) Any replanting for restoration and mitigation under this subsection must result in at least 80 percent survival of the planted mangroves 1 year after planting. If the survival requirement is not met, additional mangroves must be planted and maintained until 80 percent survival is achieved 1 year after the last mangrove planting.

(f) The Executive Director shall enforce the provisions of this chapter in the same manner and to the same extent provided for in sections 403.141 and 403.161, Florida Statutes, for the first violation, which includes, but is not limited to, the imposition of a civil penalty in an amount of not more than \$10,000 per offense along with restoration of the mangroves consistent with the criteria of subsection (b) above.

(g) For second and subsequent violations, the Executive Director, in addition to the provisions of sections 403.141 and 403.161, Florida Statutes, shall impose additional monetary penalties for each mangrove illegally trimmed or altered as follows: (1) Up to \$100 for each mangrove illegally trimmed; or (2) Up to \$250 for each mangrove illegally altered.

(h) In addition to the penalty provisions provided in subsections (b)-(g), for second and all subsequent violations by a professional mangrove trimmer, the Executive Director shall impose a separate penalty upon the professional mangrove trimmer up to \$250 for each mangrove illegally trimmed or altered.

1-14.10 FEES

(a) All applications for mangrove trimming permits shall be accompanied by a fee as provided in the miscellaneous activities in

wetlands provision in section 1-6.05(9), Rules of the Commission.

1-14.11 ADMINISTRATION

(a) Permits issued shall expire one year from permit issuance if the project has not been completed, or if the initial trim has not been completed for those projects where trimming is to be phased in annually. Extensions may be granted by the Executive Director for good cause shown.

(b) The Executive Director may revoke any permit issued, for fraud, misrepresentation or violation of the conditions imposed on the permit. Written notice of the intent of the Executive Director to revoke a permit shall be provided to the applicant, setting forth the specific reasons for the revocation. Upon notice of the Executive Director's intent to revoke the permit, the applicant shall immediately cease all trimming and alteration activities on site. The applicant shall have thirty days to show cause why the permit should not be revoked.

(c) The Executive Director may issue a citation to cease and order to correct for any site where trimming or alteration has commenced and a permit has not been obtained but is required pursuant to this chapter. Any person receiving such an order for cessation of operations shall immediately comply with the requirements thereof. It shall be a violation of this chapter for any person to fail or to refuse to comply with a citation to cease and order to correct issued under the provisions of this section.

Adopted xx/xx/04