

**TOWN OF FAIRFAX  
STAFF REPORT**

**To: Mayor, Members of the Town Council**

**From: Michael Rock, Town Manager** 

**Date: October 5, 2011**

**Subject: Discussion of Tree Ordinance fines and penalties**

**DISCUSSION**

At the September 7, 2011 Town Council meeting Council Member John Reed inquired as to whether the penalties or fines for illegally cutting down a tree were appropriately high enough. The Master Fee Schedule shows an illegal tree cutting fee of \$500. This fee should not be in the Master Fee Schedule because it already appears in the Tree Ordinance under Section 8.36.140 as stated below, specifically in Section (C):

**§ 8.36.140 VIOLATIONS/ADMINISTRATIVE FINES.**

(A) The unlawful removal or alteration of a tree is hereby declared to be a public nuisance and may be punishable as a misdemeanor or infraction.

(B) In addition, it shall be a civil violation for a person to knowingly violate this chapter. The (Public Works) Director, at his or her discretion, may immediately issue a citation for this civil violation upon evidence of the violation. There is no requirement of a first warning in order for the Director to issue this citation.

(C) Administrative fine. Each violation of this chapter shall result in a citation with a \$1,000 fine.

(D) The Director shall give notice of a violation of this chapter by issuing a citation to any and all responsible persons within 30 days of the receipt of notice of the violation. The citation shall also give notice of the right to request an administrative hearing to challenge the validity of the citation and the time for requesting that hearing.

(Ord. 743, passed 7-1-2009)

**RECOMMENDATION**

It is my recommendation that in order to avoid confusion the Master Fee Schedule should refer to the Tree Ordinance citation of \$1,000.