

Sec. 82-38. - Civil remedies.

In addition to any other remedies provided by this article, the city shall have the following judicial remedies available for violations of this chapter or any permit condition promulgated under this chapter the city may institute a civil action in a court of competent jurisdiction to:

- (1) Establish liability and to recover damages for any injury caused by the removal of trees, shrubs, orchids, or vines in contravention of the terms of this chapter.
- (2) Impose and recover a civil penalty for each violation in an amount of not more than \$5,000.00 per offense, and in the case of willful action to cause permanent injury or move a specimen tree located in city property or right-of-way without prior city approval, the fine would be up to \$15,000.00 per offense. However, the court may receive evidence in mitigation. Each tree, shrub, orchid, or vine unlawfully removed under the provisions of this chapter shall constitute a separate offense hereunder.
- (3) Seek injunctive relief to enforce compliance with this chapter to enjoin any violation thereof; and to seek injunctive relief to prevent irreparable injury to the trees, shrubs, orchids, or vines or properties encompassed by the terms of this chapter. Any such action shall be expedited by the court.
- (4) The city shall be entitled to an award of its attorney's fees and costs for enforcement of this chapter, including for any civil suit in which it is the prevailing party.

(Ord. No. 2017-45, § 2(Att. A), 12-5-2017)