

2-346 Duties and Power of the Tree Board

~~(a) Purpose.~~ It is the purpose of this division to promote and protect the public health, safety and general welfare by providing for the development of a community forestry plan to address the planting, maintenance, and removal of public trees, street trees, and shrubs within the City in order to promote, maintain and improve the urban forest resource of the City. It is not the intent of this division for the City to assume responsibility for trees planted in the rights of way by adjacent property owners other than for removal as needed due to damage, hazard, or disease.

~~(b) Applicability.~~ This division is applicable to trees and shrubs located within street rights of way, drainage easements, public parks and on other public property within the City.

~~(c) Definitions.~~ The following words and phrases, when used in this division, shall have the meanings ascribed to them in this subsection, except where the context otherwise requires:

~~*Private trees* mean all trees and shrubs other than public or street trees.~~

~~*Public property* means, and shall include any land owned by the City, any real property including parks, easements, and other lands which are owned by the City or held by it in trust for the benefit of the public.~~

~~*Public trees and shrubs* means all trees and shrubs for which any portion of the trunk is located on public property.~~

~~*Street rights of way* means a strip of land acquired by purchase, reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a roadway or street.~~

~~*Street trees* means all trees and shrubs for which any portion of the trunk is located on street rights of way within the City.~~

~~(d) Authority.~~ There is hereby created and established a City Tree Board for the City. The City Tree Board shall consist of a total of nine members comprised of residents of the City. The members shall be appointed at large by the Mayor, with approval of the City Council based on their interest or expertise regarding urban forestry. All members shall serve without compensation and may be removed by the City Council, as provided in this Code. City staff and administrative guidance shall be provided to the City Tree Board by the Parks and Recreation Department or by other City departments as necessary. The implementation of the activities associated with this division shall be dependent upon the City Council's ability to provide funds on an annualized basis.

~~(e) Term of office.~~ The term of the nine persons to be appointed by the Mayor shall be three years, except that the term of three of the members appointed to the first Board shall be for only one year and the term of three members of the first Board shall be for two years. In the event that a vacancy shall occur during the term of any member, the successor shall be appointed by the Mayor with approval by the City Council for the unexpired portion of the term.

~~(f) *Quorum and operation.*~~

~~(1) *Quorum.* At any meeting of the City Tree Board, a quorum shall consist of five of the appointed members. No action shall be taken in the absence of a quorum. Five affirmative votes shall be required to pass any measure.~~

~~(2) *Meeting.* The City Tree Board shall meet as required in the furtherance of its duties set forth herein.~~

~~(3) *Board officers.* The City Tree Board shall elect a Chairman from its members and shall create and fill such other offices as deemed necessary. The term of the Chairman shall be one year with eligibility for reelection for no more than three consecutive terms.~~

~~(4) *Other operations.* The City Tree Board may develop bylaws or other rules of operation, establish subcommittees, develop and recommend to the City Council regulations, standards and specifications to be adopted separate from or as a part of this division as deemed necessary.~~

~~(g) *Community forestry plan.* It shall be the responsibility of the City Tree Board to study, investigate, counsel and develop and/or update periodically a written plan for the care, preservation, trimming, planting, replanting, removal or disposition of street trees, public trees and shrubs. Such plan shall incorporate an inventory of the existing street trees, public trees and shrubs. The Tree Board shall ensure that the plan will be in conformance with the goals and objectives of the current City land use and transportation plan by submittal to the Planning Commission for review and approval. Upon approval and adoption of the recommended plan by the City Council, it shall constitute the official community forestry plan and become a part of the City land use and transportation plan.~~

~~(h) *Tree planting, maintenance and removal standards.* Standards for the planting, maintenance and removal of trees are to be located within the community forestry plan. These standards shall not amend, abridge or modify the prohibition against obstructing motor vehicle operators' line of sight at intersections and entry points along streets.~~

~~(i) *Tree species.* The City Forester, with the approval of the City Tree Board, shall develop and maintain a list of suitable trees for planting along streets in three size classes: Small, medium and large. A list of trees not suitable for planting shall also be created.~~

~~(j) *Review by the City Council.* The City Council shall have the right to review the acts and decisions of the City Tree Board.~~

~~(k) *Exemptions.* Property owned and used by the schools or any branch of the County, State or federal governments shall be exempt from the provisions of these regulations.~~

~~(m) *Permit required.*~~

~~(1) Prior to any tree or shrub being planted in any street right of way or public property, as defined above, within the Downtown Revitalization Area or in the Project Area of the Campus Corner Revitalization Project Plan Area and Increment District, a permit must be obtained from~~

~~the City Forester. The purpose of this permit is to ensure that any trees or shrubs planted within this designated area are consistent with the overall community forestry plan. The Forester shall determine the criteria for granting a permit based upon, but not limited to, the species of tree or shrub, the time of year of planting and a proposed watering plan. In the event a tree or shrub is planted without the proper permit, a ten day notice shall be given to the property owner to either remove the tree or shrub or obtain a permit. In the event that no permit is obtained or the tree or shrub is not removed, then the City Forester shall remove the tree or shrub.~~

~~(2) The project areas are described as:~~

~~(a) The Downtown Revitalization Area; and~~

~~(b) The Campus Corner Revitalization Project Plan Area and Increment District pursuant to each district's map on file in the office of the City Clerk.~~

~~(m) *Report.* In locations where a public hazard is created by a street tree, public tree or shrub the appropriate City department shall cause the abatement of the hazard and subsequently submit a report to the City Tree Board.~~