

DIVISION 2-III-6 BOARD OF PARK COMMISSIONERS

2-316 Duties And Powers Of The Board

2-317 Expenditures Of City Funds; Compensation; Reimbursement Of Expenses

2-316 Duties and Powers of the Board

(a) Purpose. The Board of Park Commissioners shall advise the City Council on policies pertaining to the use of the park and recreational facilities of the City and the provisions set forth below in 2-318.

- (1) Propose rules and regulations for the maintenance of order, safety, and decency in those parks and recreational facilities;
- (2) Consider and investigate any matter affecting the development and improvement of parks and recreational facilities and policies pertaining to the use of those facilities;
- (3) Make recommendations to improve the park and recreational facilities;
- (4) Make recommendations regarding systems of supervised recreation, and modifications in existing recreational programs;
- (5) Provide copies of the minutes of its meetings to the office of the City Clerk within ten days from the date of their approval; and
- (6) Provide an annual report of the Board's acts and affairs.

(b) Authority. The Mayor, with the approval of the Council, shall appoint a Board of Park Commissioners consisting of nine registered voters, who shall serve without compensation, and shall have such powers and duties as are now provided by law or may hereafter be conferred by ordinance. One member shall be appointed based on their interest or expertise regarding urban forestry. The City Manager, or his designate, shall be ex-officio member of the Board of Park Commissioners, but shall have no vote. His advice and services shall be at the disposal of the Board of Park Commissioners in the planning and execution of its work.

(c) 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.

(d) Quorum. At any meeting of the Board of Park Commissioners, 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.

2-318 Duties Related to Trees

(a) Purpose. 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 section 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 section, 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) *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 Board of Park Commissioners shall ensure that the plan will be in conformance with the goals and objectives of the current City land use and transportation plan 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.

(e) *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.

(f) *Tree species.* The City Forester, with the approval of the Board of Park Commissioners, 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.

(g) *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.

(h) 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 Board of Park Commissioners.