

ORDINANCE NO.:22-116
INTRODUCED BY: Mr. Winzig

First Reading October 17, 2022
Second Reading November 7, 2022

AN ORDINANCE
AMENDING CODIFIED ORDINANCE CHAPTER 146 REGARDING
TREE COMMISSION, AND DECLARING AN EMERGENCY

WHEREAS, the City wishes to update the ordinance regarding the Tree Commission in light of enacting the new Chapter 1335 regarding trees;

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Codified Ordinance Chapter 146 which presently reads as follows:

“Chapter 146 - TREE COMMISSION^[20]

Footnotes:

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Cross reference— Trees—see GEN. OFF. Ch. 547.

146.01 - Establishment.

- (a) There is hereby established a Tree Commission which shall consist of seven members, who are either citizens of Bay Village or who may be employed in the City of Bay Village, five appointed by the Mayor with confirmation by a majority of the members of Council provided for in the Charter, a member of Council appointed by Council, and the Director of Public Service and Properties or his designee. The purpose of the Tree Commission is to assist City officials and City Council with the preservation, protection, and enhancement of the urban forest in the City of Bay Village. Two members shall be experienced in landscaping or have extensive knowledge of shade trees. The term of the five appointed members shall be for three years, expiring January 1. Any vacancy shall be filled in the same manner as an original appointment for the unexpired term.
- (b) In order to stagger expiration dates, the initial Board members' terms shall terminate as follows:
 - (1) One member shall serve for a term of one year, two members shall serve for a term of two years, and two members shall serve for a term of three years, expiring January 1 of each year.
 - (2) The Council representative's term shall terminate upon expiration of their term in office.
 - (3) The City will appoint a secretary who shall serve at the pleasure of the Commission.

(Ord. 98-103. Passed 11-2-98.)

146.02 - Powers and duties.

The Tree Commission shall:

- (a) Meet regularly once monthly, or a meeting may be called or canceled by the Chairperson or two members. A majority of the members shall constitute a quorum for the transaction of business. A majority of a quorum shall decide any matter before the Tree Commission. Prior to January 31 of each year, the Tree Commission shall meet and elect a member to serve as Chairperson.
 - (b) Study, investigate, plan, devise and recommend to Council and/or the Director of Public Service and Properties or his designee, any action, program, plan or legislation which the Tree Commission shall determine to be necessary or advisable for the care, preservation, trimming, planting, replanting, removal or disposition of trees or shrubs in public ways, streets, alleys, parks, or other property owned by the City of Bay Village.
 - (c) Regulate the planting, maintenance and removal of trees and shrubs on City property and rights-of-way, to ensure safety and promote aesthetics.
 - (d) Appoint its own officers and committees, to make its own procedural rules, and to keep an accurate record of its proceedings and to make appropriate recommendations to the Mayor for nominees to the Tree Commission.
 - (e) Recommend to City Council the designation of any tree as "Grand and Glorious Tree."
 - (f) Interpret the language of this chapter and any other related ordinances, and determine its applicability to particular situations.
 - (g) Consider, investigate, make findings, and recommend upon any special matter or question coming within the scope of its authority, upon request by the Mayor or Council.
 - (h) Act as an advisory or appeal board for the residents of the City who question or disagree with the City in matters pertaining to tree removal, planting and any other tree matters.
 - (i) Perform other responsibilities as may be from time to time prescribed by Council action.
- (Ord. 98-103. Passed 11-2-98.)

146.03 - Reports.

The Tree Commission shall file written recommendations to the Mayor and Council prior to application for available grants for specific City projects setting forth such details as Council and the Mayor may require. The Tree Commission shall file a written annual report with the Mayor and Council no later than January 30 of each year, setting forth such details as Council and the Mayor may require of its activities for the previous year.

(Ord. 98-103. Passed 11-2-98.)”

be and the same is amended to read:

“Chapter 146 - TREE COMMISSION^[20]

Footnotes:

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Cross reference— Trees—see GEN. OFF. Ch. 1335.

146.01 - Establishment.

- (a) There is hereby established a Tree Commission which shall consist of seven members, who are either citizens of Bay Village or who may be employed in the City of Bay Village, five appointed by the Mayor with confirmation by a majority of the members of Council provided for in the Charter, a member of Council appointed by Council, and the Director of Public Service and Properties or his designee. The purpose of the Tree Commission is to assist City officials and City Council with the preservation, protection, and enhancement of the urban forest in the City of Bay Village. Two members shall be experienced in landscaping or have extensive knowledge of shade trees. The term of the five appointed members shall be for three years, expiring January 1. Any vacancy shall be filled in the same manner as an original appointment for the unexpired term.
- (b) In order to stagger expiration dates, the initial Board members' terms shall terminate as follows:
 - (1) One member shall serve for a term of one year, two members shall serve for a term of two years, and two members shall serve for a term of three years, expiring January 1 of each year.
 - (2) The Council representative's term shall terminate upon expiration of their term in office.
 - (3) The City will appoint a secretary who shall serve at the pleasure of the Commission.

(Ord. 98-103. Passed 11-2-98.)

146.02 - Powers and duties.

The Tree Commission shall:

- (a) Meet at least quarterly, at such times and dates called by the Chairperson or any two members. A majority of the members shall constitute a quorum for the transaction of business. A majority of a quorum shall decide any matter before the Tree Commission. Prior to January 31 of each year, the Tree Commission shall meet and elect a member to serve as Chairperson.
- (b) Study, investigate, plan, devise and recommend to Council and/or the Director of Public Service and Properties or his designee, any action, program, plan or legislation which the Tree Commission shall determine to be necessary or advisable for the care, preservation, trimming, planting, replanting, removal or disposition of trees or shrubs in public ways, streets, alleys, parks, or other property owned by the City of Bay Village.
- (c) Regulate the planting, maintenance and removal of trees and shrubs on City property and rights-of-way, to ensure safety and promote aesthetics.
- (d) Appoint its own officers and committees, to make its own procedural rules, and to keep an accurate record of its proceedings and to make appropriate recommendations to the Mayor for nominees to the Tree Commission.
- (e) Recommend to City Council the designation of any tree as "Grand and Glorious Tree."
- (f) Consider, investigate, make findings, and recommend upon any special matter or question coming within the scope of its authority, upon request by the Mayor or Council.
- (g) Provide advice and opinion to the Departments, Boards and Commissions of the City on matters pertaining to tree removal, planting and any other tree matters.
- (h) Perform other responsibilities as may be from time to time prescribed by Council action.

146.03 - Reports.

The Tree Commission shall file written recommendations to the Mayor and Council prior to application for available grants for specific City projects setting forth such details as Council and the Mayor may require. The Tree Commission shall file a written annual report with the Mayor and Council no later than January 30 of each year, setting forth such details as Council and the Mayor may require of its activities for the previous year.


(Ord. 98-103. Passed 11-2-98.)”

and present Chapter 146 is hereby repealed.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.


SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED: December 5, 2022


PRESIDENT OF COUNCIL


CLERK OF COUNCIL

APPROVED: December 5, 2022


MAYOR

101322 jt