

ORDINANCE NO. 70-21

AN ORDINANCE TO ESTABLISH THE TREE COMMISSION OF THE CITY OF AVON AND DEFINE ITS POWERS AND DUTIES AND DECLARING AN EMERGENCY

WHEREAS, trees are important to the City of Avon because they can increase property values and community safety, achieve design and environmental goals of the City, reduce noise pollution, air pollution and flooding, as well as improve the general quality of life for the citizens of the City of Avon; and

WHEREAS, to promote the health, safety and welfare of the community Council deems it necessary to establish a Tree Commission whose goal will be to protect, among other things, the City's urban tree canopy and to assign it powers and duties to recommend back to Council appropriate regulations to achieve that end; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 - Council hereby creates the Tree Commission of the City of Avon. The function of the Commission shall be to promote the health, safety and welfare of the residents by of the City of Avon by studying, advising and encouraging the adoption and then implementation of a comprehensive plan for the proper planting of new and replacement trees and maintaining the health of existing trees in the urban forest.

Section 2 – The Tree Commission shall consist of eight (8) members who are citizens and residents of the City of Avon. One (1) member of the Commission shall be a Certified Arborist appointed by the Mayor. The arborist will not be a voting member of the Commission and their term shall have no specific expiration date. The other seven (7) members of the Commission shall be as follows: The Mayor or his or her nominee (no expiration date); a member of City Council (no expiration date); and five (5) additional members appointed by the Mayor. Each of these five additional members shall be appointed for a term of five (5) years, except that of the first five (5) members, one shall be appointed for a term of one (1) year, one for a term of two (2) years, one for a term of three (3) years, one for a term of four (4) years and one for a term of five (5) years. Any vacancy on the Commission shall be filled as stated above for the balance of the unexpired term.

Section 3 - The voting members of the Commission shall serve without compensation unless otherwise provided by City Council.

Section 4 - The duties, powers and responsibilities of the Commission shall be:

(a) To study, investigate, plan, advise, report and recommend to Council, the Certified Arborist, the Planning Commission or the Mayor any action, program, plan or legislation which the Commission shall find or determine to be necessary or advisable for the care, preservation, trimming, planting, replanting, maintaining, protecting, prompting, removal or disposition of trees and shrubs in public ways, curb strips, streets, alleys and all

City property.

(b) The Commission shall choose its own officers, make its own rules and regulations and keep minutes of its proceedings. In the absence of any rule upon the matter of business, the Commission shall be governed by Robert's Rules of Order. A majority of the voting members shall be a quorum for the transaction of business. All plans, findings, advice, reports and recommendations made by the Commission shall be in writing.

(c) The Commission, when requested by Council, the Mayor or the Certified Arborist, shall consider, investigate, make findings, reports and recommendations upon any special matter or question coming within the scope of its work.

Section 5 - That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity of adopting legislation to create a Tree Commission for the City of Avon, recognizing the need for a City Arborist and establishing the Commission's duties and responsibilities; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____

DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director
City of Avon, Ohio

Ordinance No. 70-21 (Con't.)

ATTEST:

Barbara J. Brooks, Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

Prepared by:
John A. Gasior, Esq.
Law Director