

**CONSTITUTION AND BYELAWS
TREE BOARD
CITY OF
LAMAR**

**ARTICLE I
Name**

The name of their board shall be the Lamar Tree Board, as designated in its articles adopted.

**ARTICLE II
Membership**

The membership of this board is made up of persons appointed by the City Council and this action shall be required before a person is eligible to serve on the Lamar Tree Board. Vacancies will be filled by the Lamar Civics Club and any person filling vacancies shall hold office for the remainder of the unexpired term of the person they succeed.

The Board will consist of _____ members and their terms of office shall be _____ year(s), so arranged that _____ members shall expire in one and _____ members the next year. There shall also be a non-voting representative from the City Council on the Board.

Any member absent three consecutive meetings without good cause will be dropped and a new member installed. If a member is unable to attend the meeting, he or she should contact the chairperson, or if unable to contact the chairperson, contact the vice chairperson, prior to the scheduled meeting.

**ARTICLE III
Tree Board's Duties**

The Lamar Tree Board shall function under the City Council and the Lamar Civics Club as an advisory board. It shall provide advice and input to the City and the Civics Club regarding any and all aspects of urban forestry in the City of Lamar.

Specific duties of the board shall be:

1. To make recommendations for the care, preservation trimming, planting, replanting, or disposition of trees and shrubs in public ways, streets, alleys, and all City owned property.
2. To study, investigate, counsel, and help develop new methods in maintaining the city's trees.
3. To assist in carrying out the works of the Comprehensive Tree Master Plan for the city.
4. To submit an annual report to the City Council of Lamar on the first Monday of June. This should state its accomplishment, current projects and recommendations.
5. To consider, investigate, make findings, report and recommend upon any special matter of question within the scope of its work.

6. To help provide communication with the Distric Forester, Chamber of Commerce, local arborists, nurseries, and other specialists in urban forestry.

ARTICLE IV Chairperson

The Chairperson, elected by the board, shall preside at all meetings. The Chairperson shall also have the power to call meetings, appoint subcommittees and work forces from time to time as it may be deemed necessary.

The Chairperson's term will be for one (1) year. The Chairperson will represent the board as necessary at City Council meetings, and other meetings involving urban forestry when the board feels attendance is necessary.

ARTICLE V Vice Chairperson

The Vice Chairperson, elected by the board, shall preside at all meetings when the Chairperson is absent. The Vice Chairperson, with the approval of the Chairperson, shall also have the power to call meetings, appoint subcommittees and work forces from time to time as it may be deemed necessary.

The Vice Chairperson's term of office will be for one (1) year, and he or she automatically becomes the Chairperson the following year.

ARTICLE VI Secretary

The secretary, elected by the board, shall perform such duties relative to record keeping of all business meetings, to take care of all correspondence, and to keep an accurate roll of all members.

The secretary shall record the minutes in a book, which shall be the property of the Lamar Tree Board and the City Council, and be subject at all times to the use of the Tree Board and the City Council.

The secretary will preside at the meetings in the absence of the Chairperson and Vice Chairperson.

The secretary's term of office shall be one (1) year.

ARTICLE VII Meetings

All meetings are open to the public. Notices and agendas shall be given by letter and/or public announcement from the Chairperson and Lamar Civics Club at least one (1) week prior to the date of the meeting.

ARTICLE VIII
Tree Board Year

The beginning of each term shall be on January 1 of each year.

ARTICLE IX
Quorum

The simple majority of the members of the board shall constitute a quorum for the transaction of business of the board.

ARTICLE X
Amendments

The Constitution and Byelaws may be ammended by a two-thirds (2/3) vote of the members present at any regular or special meeting of the members. This ammendment is subject to City Council approval. Public notice will be given one (1) month prior to voting.

Chairperson

Secretary

City Council Rep.

ADOPTED BY CITY COUNCIL THE _____ DAY OF _____

A.D., 19_____.

_____ Mayor

ATTEST:

City Clerk

A TREEBOARD ORDINANCE

Be it ordained by the City Commission of the City of Lamar:

SECTION I

Definitions

Street trees: "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the city.

Park Trees: "Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access to as a park.

SECTION II

Creation and Establishment of a City Tree Board

There is hereby created and established a City Tree Board for the City of LAMAR which consists of members, citizens, and residents of this city, who shall be appointed by the mayor with the approval of the Commission.

SECTION III

Term of Office

The term of the persons to be appointed by the mayor shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired term.

SECTION IV

Compensation

Members of the board shall serve without compensation.

SECTION V

Duties and Responsibilities

It shall be the responsibility of the board to study, investigate, council and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in parks, along streets, and in other public areas. Such a plan will be presented annually to the City Commission and upon their

acceptance and approval shall constitute the official comprehensive city tree plan for the City of LAMAR.

The Board, when requested by the City Commission, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

SECTION VI

Operation

The Board shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

**A BRIEF TREE ORDINANCE
SECTION VII**

Tree Species to be Planted

The Town Tree Board develops and maintains a list of desirable trees for planting along streets in three size classes: small, medium, and large. A list of trees not suitable for planting will also be created and enforced by the tree board.

SECTION VIII

Spacing

The spacing of street trees will be in accordance with the three species size classes listed in Section VII of this ordinance, and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; except in special plantings designed or approved by a landscape architect.

SECTION IX

Distance from Curb and Sidewalk

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in Section VII of this ordinance, and no trees may be planted closer to any curb or sidewalk than the following: small trees, 2 feet; medium trees, 3 feet; and large trees, 4 feet.

SECTION X

Distance from Street Corners and Fireplugs

No street tree shall be planted closer than 35 feet from any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than 10 feet from fireplugs.

SECTION XI

Utilities

No street trees other than those species listed as small trees in Section VII of this ordinance may be planted under or within 10 feet of any overhead utility wire.

SECTION XII

Public Tree Care

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The City Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect, or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with Sections VII through XI of this ordinance.

SECTION XIII

Tree Topping

It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in the normal canopy and disfigure of the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the City Tree Board.

SECTION XIV

Pruning, Corner Clearance

Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not (severely) obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of thirteen feet (13') above the street surface or eight feet (8') above the sidewalk surface. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, or interferes with visibility of any traffic control device or sign.

SECTION XV

Dead or Diseased Tree Removal on Private Property

The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insect or disease which constitute a potential threat to other trees within the city. The City Tree Board will notify in writing the owners of any such tree(s). Removal shall be done by the said owners at their own expense within 60 days after the date of the service of notice. In the event of failure of the owners to comply with such a provision, the city shall have the authority to remove such trees and charge the cost of removal to the owners of the property.

SECTION XVI

Removal of Stumps

All stumps of street and park trees shall be removed below the surface on the ground so that the top of the stump shall not project above the surface of the ground.

SECTION XVII

Interference with City Tree Board

It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this ordinance.

SECTION XVIII

Arborist License and Bond

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the city without first applying for and procuring a license. The license fee shall be \$25 annually in advance; provided, however, that no license shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$25,000 for bodily injury and \$10,00 property damage indemnifying the city or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

SECTION XIX

Review by Ctiy Commission

The Ctiy Commission shall have the right to review the conduct, acts, and decisions of the City Tree Board. Any Person may appeal from any ruling or order of the Ctiy Tree Board to the City Commissions who may hear the matter and make final decisions.

SECTION XX

Penalty

Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$