

Ordinance No. 702-2020

By Council Members Kazy and McCormack

AN EMERGENCY ORDINANCE

To repeal Chapter 163, Tree Commission, Sections 163.01 to 163.03, of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2044-92, passed December 7, 1992, and to supplement the codified ordinances by enacting new Chapter 163, Free Urban Forestry Commission, Sections 163.01 to 163.04 to re-establish the Free Urban Forestry Commission.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That existing Chapter 163, Tree Commission, Sections 163.01 to 163.03, of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2044-92, passed December 7, 1992 are repealed.

Section 2. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Chapter 163, Free Urban Forestry Commission, Sections 163.01 to 163.04 as follows:

Section 163.01 Declaration of Public Policy and Purpose

Trees contribute to the quality of life of urban dwellers and are a valuable and beautiful asset throughout the City. Trees stabilize the soil, help control water pollution, preserve and foster air quality by removing carbon dioxide and airborne pollutants, abate visual and noise pollution, reduce energy costs by providing shade, and provide a natural habitat for wildlife. Not only do trees provide welcome shade to people, they also provide a psychological boost to urban dwellers, and add color and interest vitality to the urban landscape.

The Free Urban Forestry Commission will serve in an advisory capacity to assist ~~Cleveland City Council, the Mayor, Urban Forestry, the Mayor, Cleveland City Council, Urban Forestry~~ Section of the Division of Park Maintenance and Properties, and the City Planning Commission in ensuring the many benefits trees provide to citizens of the City by making recommendations related to:

- (a) Maintaining the health ~~and safety~~ of trees in our parks, rights-of-way and other public spaces and reducing the risk associated with trees;
- (b) Increasing public education and support for urban forestry;
- (c) Providing for the planting of new and replacement trees to preserve and expand the tree canopy;
- (d) ~~Protecting~~ Maintaining the tree canopy and protecting trees during construction and development; and
- (e) Establishing policy and regulations governing the protection, management, and conservation of trees and vegetation in the City; and
- (~~e~~) (f) Generating funds from the foundation community, corporate community, the citizens of the City, ~~and the private sector~~ the private sector, and government grants to support urban forestry.

Section 163.02 Free Urban Forestry Commission, Composition, Terms and Compensation

(a) There is hereby established the Cleveland Free Urban Forestry Commission, which shall consist of fifteen (15) members, eight (8) of whom shall be appointed by

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~~Council, the Mayor, and seven (7) of whom, representatives of City Departments, shall be appointed by the Mayor. shall be appointed by City Council.~~

~~(b) The members of the Commission shall include the following:~~

~~(1) a representative from Urban Forestry, Division of Park Maintenance and Properties, Department of Public Works;~~

~~(2) a representative from the Department of City Planning;~~

~~(3) Chief of Sustainability or a representative;~~

~~(4) a representative from the Department of Community Development;~~

~~(5) a representative from the Division of Engineering and Construction, Mayor's Office of Capital Projects;~~

~~(6) a representative from the Department of Public Utilities;~~

~~(7) a representative from the Division of Environmental Health, Department of Health;~~

~~(8) a Council Member or representative appointed by the Council President;~~

~~(9) a certified arborist;~~

~~(10) a representative from an electric company;~~

~~(11-13) three resident representatives; and~~

~~(14-15) representatives from environmental organizations.~~

(b) The members of the Commission shall include the following:

(1) a representative from the Urban Forestry Section of the Division of Park Maintenance and Properties, Department of Public Works;

(2) a representative from the Department of City Planning;

(3) the Chief of the Office of Sustainability, or his or her designee;

(4) a representative from the Division of Engineering and Construction, Mayor's Office of Capital Projects;

(5) a representative from the Department of Public Utilities;

(6) Council Member or representative appointed by the Council President;

(7) a certified arborist;

(8) a representative from an electric company;

(9) a developer who has completed projects in the City;

(10) three resident representatives, one being a youth between the ages of 11 and 17 who has permission from his or her parent or legal guardian;

(11) a representative from an environmental justice organization; and

(12) two representatives from a non-profit or non-governmental organization whose mission is to advocate for preservation or enhancement of urban forests, wildlife habitat, or similar natural systems.

(c) The Mayor shall appoint those members from the City Departments, the youth resident representative, the representative from an electric company, and the representative from an environmental justice organization. The Council shall appoint all other members.

~~(e) (d) Other than the representatives of City Departments, the term of the members shall be three (3) years; provided that of the initial appointments, four (4) members shall serve three (3) years and four (4) members shall serve two (2) years. If a vacancy occurs during the term of any member, the Mayor or Council President, depending on who appointed the outgoing member, shall appoint a successor to serve the unexpired portion of that term.~~

~~(d) (e) The members of the Commission shall serve without compensation.~~

Section 163.03

Organization and Procedures

(a) The Commission members shall select a chairperson at the first meeting of the Commission. The chairperson shall appoint a vice chairperson and secretary from the Commission's membership.

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(b) The Commission shall meet at least ~~once a month~~ quarterly at such time and place as it shall decide. Special meetings may be called by the chairperson at the chairperson's discretion. A simple majority of the members shall constitute a quorum for the transaction of business. Any member who is absent from three (3) consecutive duly-called meetings shall be removed from the Commission unless said member files a written appeal with the Commission and a majority thereof votes to retain said member.

(c) The Commission may create any committee or subcommittee it deems necessary to carry out the work of the Commission.

~~(e)~~ (d) The Commission shall adopt such rules and regulations governing its own conduct as are not in conflict with the Charter or these Codified Ordinances.

~~(d)~~ (e) The Commission shall keep minutes of its meetings, a copy of which shall be kept on file in the Division of Park Maintenance and Properties. All plans, findings, reports and recommendations of the Commission shall be in writing and shall designate thereon the names of the members concurring therein. A member who does not concur in any such plan, finding, report or recommendation may note thereof the reasons for said member's failure to concur.

~~Section 163.04~~ Duties of Commission

~~The Commission shall:~~

~~(a) Cause to be conducted a comprehensive inventory of trees in the City, which shall at a minimum include:~~

~~(1) identification of species, condition, numbers, size distributions and locations of trees; and~~

~~(2) location of large, significant, and/or historic trees;~~

~~(b) Study and recommend to the Commissioner of Park Maintenance and Properties guidelines and plans for the preservation, planting, health maintenance, trimming, and removal of trees and shrubs in the City in keeping with the policies set forth in Section 163.01 of the chapter;~~

~~(c) Work with the necessary departments to develop guidelines for a plan review process for any new development to reduce tree loss and damage;~~

~~(d) Investigate and make findings and recommendations regarding any special matter involving trees, shrubs or planting sites when so requested by Council or the Administration;~~

~~(e) Issue an annual report to Council, the Mayor, and the public regarding their activities, plans, goals, objectives, and guidelines to sustain the City's tree canopy;~~

~~(f) Cause to be conducted educational programming for residents, businesses, and organizations in the community to encourage proper maintenance of trees within the City; and~~

~~(g) Solicit grants or contributions to the Tree Preservation Fund set forth in Section 509.21 of the codified ordinances, for the purpose of supporting the preservation, protection, maintenance, purchase and planting of trees in the City, and educating the public with respect thereto.~~

Section 163.04 Duties of Commission

The Commission shall:

(a) Assist with the adoption of an urban forest management plan and assist with updating a comprehensive inventory of trees and tree benefits analysis at regular intervals for the City;

(b) Provide recommendations on policy, plans, programs, or legislation concerning urban forestry management, sustainability and protection of associated trees on public or private property;

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(c) Review and comment on any program or work undertaken by any City Department, technical or advisory bodies related to the protection or enhancement of the urban forest when so requested by the Mayor or Council;

(d) Work with the necessary departments to implement recommendations to reduce tree loss and damage;

(e) Monitor implementation of City plans and policies related to the urban forest and provide review and comment to the Mayor and Council;

(f) Assist the Director of Public Works, or his or her designee, in preparing educational programming for residents, businesses, and organizations in the community to encourage proper maintenance of trees within the City;

(g) Solicit grants or contributions to the Tree Preservation Fund set forth in Section 509.21 of the codified ordinances, for the purpose of supporting the preservation, protection, maintenance, purchase and planting and establishment of trees in the City, and educating the public with respect thereto;

(h) Review and report on whether the penalties collected for unauthorized damage or removal of trees are being paid to the Tree Preservation Fund as set forth in Section 509.99 of the codified ordinances and make recommendations regarding the disbursement of funds from the Tree Preservation Fund;

(i) Assist the Director of Public Works, or his or her designee, in preparing an annual report to Council, the Mayor, and the public regarding the activities of the Commission; and

(j) Any other duty requested by the Mayor or Council.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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8-26-2020

FOR: Council Members Kazy, Mc Cormack

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