

ORDINANCE 536A
A TREE MANAGEMENT BEAUTIFICATION ORDINANCE
FOR THE CITY OF HAMILTON

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HAMILTON, ALABAMA AS FOLLOWS:

The City Council recognizes that trees, flowers and ornamental enhancements are an asset to the City providing a more healthful and beautiful environment in which to live. Trees and plants provided oxygen, shade, aesthetics and a priceless psychological benefit to the urban setting. Trees and plants and ornamental enhancements are beneficial in attracting new industry, residents and visitors. When the proper varieties of trees and plants are grown in the right place, they enhance the value and market ability of property, and promote the stability of desirable neighborhoods. It is further recognized that valuable advice and guidance to the Mayor and Council will result from the appointment of a Beautification and Tree Board.

SECTION 1. DEFINITIONS

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

Street Plants: "Street Plants" are herein defined as both flowering and nonflowering herbaceous plants planted on right of ways on either side of public streets within the City.

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

Park Plants: "Park Plants" are herein defined as both flowering and nonflowering herbaceous plants planted in public parks having individual names, and all areas, owned by the City, or to which the public has free access as a park.

Ornamental Fixtures: "Ornamental Fixtures" are those articles that are placed on public property in the City for the primary purpose of increasing the aesthetic appearance of said public property. For the purpose of this ordinance, park benches will be considered ornamental fixtures.

SECTION 2. CREATION AND ESTABLISHMENT OF A BEAUTIFICATION AND TREE BOARD.

There is hereby created and established a Beautification and Tree Board for the City of Hamilton, Alabama, which shall consist of 7 members, appointed by the Mayor with approval of the Council.

SECTION 3. 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. Following the initial appointment, two members shall be appointed annually to serve for three years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term. Members shall serve until their successors are appointed.

SECTION 4. MEETINGS

The Beautification and Tree Board shall provide in its minutes for periodic or called meetings. Meetings may also be called by the Mayor or by any three of the Commission members, after giving not less than three days notice of the date, time and place of the meeting.

SECTION 5. DUTIES AND RESPONSIBILITIES

The Beautification and Tree Board shall make recommendations to the Mayor and City Council on the needs of the municipality in connection with its beautification and tree program; shall recommend the type and kind of trees, plants to be planted or placement of ornamental fixtures upon municipal streets, parks, and other public places within the municipality; shall assist the Mayor and Council in providing information regarding the protection, maintenance, removal and placement of trees, plants or ornamental fixtures on public property and where requested by the owner, on private property; shall meet with the City Council and assist in making a master street plan by recommending the use and species of trees or plants; shall recommend to Mayor and City Council which trees are considered unwanted wood trees, and identify and recommend removal of dead, dying, diseased or insect infested trees; and shall make studies and report back to the Mayor and City Council with recommendations on matters concerning trees, plants or ornamental fixtures in the municipality.

SECTION 6. PENALTIES

Any person causing damage to any trees, plants or ornamental fixtures planted or placed on public property within the city in accordance with this ordinance shall be guilty of a misdemeanor; and upon conviction thereof shall be fined a sum sufficient to restore any damage resulting from the violation, not to exceed \$500.00 per tree, plant or ornamental fixtures damaged.

SECTION 7. APPEALS

Appeals of arbitration, decisions, or other actions by the Beautification and Tree Board may be made to the Mayor and City Council of the City of Hamilton, Alabama.

This Ordinance shall take effect as provided by law, after passage, approval and publication.

Adopted and approved this the 2nd day of September, 1997. }