

## **Ordinance # 64**

### **Tree Board Ordinance**

#### **I. Purpose**

It is the purpose of this ordinance to promote and protect the public health, safety and general welfare by providing for the regulation of the planting, maintenance and removal of Trees, shrubs and other plants within the Town Of Winthrop including public rights of way, public parks, streets, cemeteries and parking areas.

#### **II. Tree Board**

1. Establishment A Town Tree Board is hereby established pursuant to 30-A MRSA Section 3001, for the supervision of public shade trees under 30-A M.R.S.A. 3263 and for purposes provided in Section II.
2. Membership The Town Tree Board shall consist of 5 members who are residents of the Town Of Winthrop. The Tree Board shall be appointed by the Town Council. Members of the Board shall serve without compensation.
3. Terms The term of each member shall be for three (3) years, except initially there shall be appointed 2 members for 3 years, 2 members for 2 years and one member for 1 year. When a vacancy occurs, the Council shall appoint a person to fill the unexpired term.
4. Procedures:
  - A. The Board shall elect a Chairperson, Vice-Chairperson and Secretary from among its members and create and fill such other offices, as it may deem necessary.
  - B. The Chairperson shall call at least one regular meeting of the Board every two months. More frequent meetings may be held, as business requires.
  - C. No business may be trans acted in the absence of 3 members of the Board authorized to vote.
  - D. The Board shall adopt rules for transaction of business and the secretary shall keep a record of all transactions, correspondence, findings and determinations. All records of the Board are public and may be inspected at all reasonable times. Said records shall be kept in the Town Office.
  - E. Minutes of all of the Board's meetings shall be provided to the Chairperson of the Conservation Commission and the Recreation Committee.
  - F. All Board meetings shall be open to the public, and shall be publicly announced in the local news media at least twenty-four

(24) hours prior to the meeting. The Commission shall have the right to executive sessions to the extent permitted by state statute.

### III. Duties of Tree Board

The Tree Board shall make recommendations to the Town Manager with respect to the selection, acquisition, planting and location of new trees, shrubs and plants and the selection, removal and replacement of existing trees, shrubs and plants on public property. The Tree Board may make recommendations to the Town Manager concerning the care and preservation of trees, shrubs and plants on public property. The Town Manager may carry out any of the Board's recommendations, subject to appropriations for such purposes, through use of the Public Works Department or contractual services.

### IV. Tree Wardens

The Council may appoint one or more members of the Tree Board to serve as Tree Wardens for a term of one year. The Tree Wardens shall have enforcement authority as provided under 30- A M.R.S.A. Sec 3282 with respect to the preservation and care of public trees.

### V. Violations, Penalties

It shall be unlawful for any person to trim cut or otherwise destroy any tree or shrub located on public property of the Town or within the limits of any public way, except as permitted by statute. Any person who violates this section commits a civil violation for which the Town may recover civil penalty of not more than one hundred dollars (\$100.00) to be recovered by complaint before the Kennebec County District Court.

### VI. Validity of Ordinance

Should any section or part thereof of this Ordinance be held by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

1<sup>st</sup> Reading:

2<sup>nd</sup> Reading: