

CITY OF ROMNEY TREE BOARD & ORDINANCE NO: 20080408

An Ordinance regulating the planting, maintenance and removal of trees in public streets, parks and other municipally owned property; establishing a Romney Tree Board – duties and responsibilities, prescribing regulations relating to the planting, maintenance and removal of trees, providing regulations for the pruning and removal of trees on private property which endanger public safety, establishing an urban forestry appeals process and prescribing penalties for violations of its provisions.

Section 1. Purpose

It is the purpose of this ordinance to promote and protect a healthy urban forest, public health, safety and the general welfare of the City of Romney by setting minimum standards for the maintenance, planting and removal of trees and shrubs located within street right-of-ways, parks and other public places.

Section 2: Authority and Power

There is hereby created and established a Romney Tree Board, which shall consist of five members, inclusive of two council members and three resident citizens of Romney, who shall be appointed by the mayor with the approval of city council. Ad hoc members are suggested and should be included from the WV Division of Forestry, Allegheny Power Company, WV Dept. of Environmental Protection, WV State School for the Deaf and Blind and the West Virginia Dept. of Transportation – Highways Division. The acting Mayor, City Zoning Officer and the City Administrator will also serve as ad hoc members.

Section 3: Terms of Office

The terms of three members on the Romney Tree Board shall be for two (2) years, and two members will serve for (3) years. All terms will be renewable upon expiration as approved by the mayor. In the event that a vacancy shall occur during the term of any member, the successor will be appointed by the mayor to serve the unexpired portion of the term. All members will serve without compensation. The Romney Tree Board shall elect officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum necessary for the transaction of business. The board shall create by laws to govern itself, except as this ordinance dictates. Roberts's Rules of Order shall prevail.

Section 4: Applicability and Duties of Responsibility

It shall be the responsibility of the Romney Tree Board to administer and enforce the provisions of this ordinance, and for recommending new or modified rules and regulations as related to any public tree activity within the municipal limits of Romney. This ordinance provides full power and authority over all tree, plants and shrubs located within street rights-of-way, parks and public places within the City. The Romney Tree Board upon receipt of a written and signed notice of public threat or nuisance shall have the authority to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes and all public road ways to promote safety or to preserve or enhance the urban forest on public grounds. The Romney Tree Board may remove or order to be removed any tree or part thereof which is in an unsafe condition, or is potentially injurious to sewers, power lines, water lines, or other public improvements. The Romney Tree Board shall have authority to enter onto private property whereon there is located a tree, or shrub suspected to be a public nuisance and to recommend its removal. A public threat or nuisance shall be any tree with hazardous defects, infectious disease or insect problems, that is dead or dying, that obstructs street lights, traffic signs or the free passage of pedestrian or vehicular traffic, and trees that pose a threat to public safety. The Romney Tree Board in addition shall:

- Supervise or inspect all work done under a permit issued in accordance with the terms of this ordinance.
- Coordinate the formulation of a comprehensive tree plan; develop specifications and standards of practice compliant with ANSI- American National Standards Institute.
- Have the authority to amend and/or add to the comprehensive tree plan when needed and approved by quorum vote.

Section 5: Permit

It shall be required for any person or firm providing any tree service, for a fee, on publically owned trees within the municipal limits of Romney to first obtain a city business license. It shall also be required that any person or firm engaged in any type of tree pruning, fertilization, or providing or advertising arboricultural services, for a fee, on publically owned trees provide proof of current ISA (International Society of Arboriculture) Arborist Certification or documentation of comparable training to the satisfaction of the Romney Tree Board. The Romney Tree Board shall have the authority to define acceptable professional certification and training for any person or firm working on public trees. Additionally, an applicant must also file evidence of possession of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$100,000 property damage indemnifying the city or any person injured or damaged resulting from the activities as so defined in this ordinance.

Section 6: Tree Topping

It shall be unlawful 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 diameter within the tree's crown so as to remove the normal canopy and causing disfiguration. Trees damaged by storms or other cause, or certain trees under utility lines or other obstructions that are posing a public threat may be exempted from this section as determined by the Romney Tree Board. Violators may be fined \$500 and/or replacement costs for each tree damaged.

Section 7: Pruning, Corner Clearance

Every owner of any tree overhanging any street or public right of way shall prune the branches so that the branches shall not obstruct the light from street lamps, obstruct the view of any street intersection and interfere with pedestrian or vehicle traffic. If after receiving written notification, or notification delivered directly to the property owner, the City shall remove obstruction as so defined and bill the property owner for expenses incurred.

Section 8: Private Property

The City shall have the right to cause the removal of any tree on private property within the city deemed to be hazardous, dead or diseased. The Romney Tree Board shall have the authority to determine when any trees constitute a hazard to life or property or harbor insects or disease constituting threat to other trees within the city limits. When deemed necessary, the Romney Tree Board will request an inspection from an ISA Certified Arborist or relevant government agency and will provide the inspection results to the property owner with direction to remove. The property owner shall bare the full cost of removing any trees on their property condemned by the City.

Section 9: Abuse or Mutilation of Public Trees

No person shall cause any public tree to be killed, damaged, cut, carved, burned, transplanted, improperly pruned or removed. Violators may be fined \$500 and/or replacement costs for each tree damaged.

Section 10: Interference with the Romney Tree Board

It shall be unlawful for any person to prevent, delay or interfere with the tree board or any of its agents while engaging in any tree activity as defined in this ordinance.

Section 11; Appeals and Review by City Council

The Romney City Council shall have the right to review the conduct, acts and decisions of the Romney Tree Board. Any person may appeal any ruling or order of the Romney Tree Board to the Romney City Council who will hear the matter and make the final decision. Council shall have a period not to exceed thirty (30) days to render in writing and by quorum vote, a final decision.

Section 12: Violations and Penalties

Any person, firm or corporation violating or failing to comply with any of the provisions of the ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined up to \$500.00

Section 13: Severability

If any section of this ordinance is found to be invalid or unconstitutional in any court of competent jurisdiction, such declaration shall not invalidate any other provision of this ordinance.

Whereas: City of Romney Tree Board Ordinance No: 20080408 becomes effective upon passage.

10/06/08
1st Reading

10/06/08
2nd Reading

11/3/8
3rd Reading

William E. Hicks Sr.
Mayor William E. Hicks Sr.

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Hiff Maphis, Recorder