

PROPOSED ORDINANCE

Proposed by: Town Attorney

A proposed ordinance to amend Chapter 27 – Conservation and Sustainability Commission (CSC), Section 27-5. – Tree Board, of the Code of the Town of Vienna.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF VIENNA, VIRGINIA THAT:

Section 1: The Town Code, Chapter 27 – Conservation and Sustainability Commission (CSC), Section 27-5. – Tree Board, of the Code of the Town of Vienna, is amended to read as follows:

Sec. 27-5. – Tree ~~board~~ Commission

- (a) The conservation and sustainability commission, acting with the cooperation and advice of the ISA certified Town arborist *and augmented by additional Town residents*, shall constitute the Town **Tree Commission** ~~tree board~~. *The Tree Commission shall advise and assist the Town on matters relating to the conservation and management of the Town's trees and tree canopy and the development and maintenance of specifications and guidelines related to the same.*
- (b) *The Tree Commission shall consist of nine (9) members; four (4) of whom shall be appointed by Town Council, two student (2) members shall be selected by the Town Council who should be one high school junior and one high school senior and serve a term of two (2) years, two (2) members shall be selected by the Conservation and Sustainability Commission from its membership, and one (1) member shall be selected by the Planning Commission from its membership. In addition, a Town representative(s) from the Departments of Parks and Recreation and/or Planning and Zoning shall serve as an ex-officio member(s) of the commission. Except for the Town representative(s), all appointees shall be either residents of the Town or representatives of businesses or professions located in and licensed by the Town. In making all appointments to the board, Town Council shall give consideration to persons who have evidenced an interest or expertise in tree conservation and tree policy.*
- (c) *The term of all members shall be for two years. Initially, two members of the Tree Commission shall be appointed for a term of one year and three members shall be appointed for a term of two years. Thereafter, all appointments to the Tree Commission except for those to fill an unexpired term, shall be for a period of two years. Vacancies occurring on the Tree Commission for reasons other than the expiration of terms shall be filled by the appropriate appointing entity for the remainder of the unexpired term. Members shall be eligible for reappointment.*

Commented [BS1]: This section states all members shall be residents of the Town or representatives of a business located in the Town.

Commented [HL2R1]: I support that.

Members may be removed from the Tree Commission by a majority vote of Town Council.

(d) *The Tree Commission shall meet one (1) hour before each CSC regular meeting, or as set by motion of the Tree Commission, and shall adhere to the same ~~rules and requirements for~~ relating to organization, rules, meetings, and records applicable to the Conservation and Sustainability Commission as set forth in Section 27.3.*

~~(b)~~

(e) The ~~Tree~~ Board Commission shall have the following powers and duties:

1. To promote and protect public health, safety, and general community appearance by planning and recommending to the Town Council and Town Arborist the planting, maintenance, and removal of trees, shrubs, and other plants on public property within the Town.
2. ~~To ensure that the planting, maintenance, pruning, and removal of trees and shrubs on public property within the Town are done in accordance with current accepted standards as established and set forth by the National Arborist Association and by the American Association of Nurserymen's Council American Standard for Nursery Stock.~~
3. ~~To develop, maintain, 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. To assist with creating an tree~~ Urban Forest Management Plan management plan. Such plan will be reviewed annually, updated as necessary, and presented to the Town Council; upon acceptance and approval by the Town Council, such plan shall constitute the official public tree management plan for the Town.
4. To recommend to the Town Council and to the appropriate municipal department directors the adoption of such rules, regulations, and policies *and programs relating to tree conservation and management, the care and improvement of the Town's urban forest, and protecting and enhancing the Town's tree canopy* including those necessary ~~as may be necessary~~ to implement and enforce the public tree management plan and related ordinances.
5. To undertake an ongoing program of public outreach and education in order to promote public understanding and support of the Town's public tree management plan and to increase public awareness of the value and benefits of a diversified, sustainable community forest.
6. ~~To serve as the Town's representative at, and to attend~~ To occasionally attend as a Town representative and bring back knowledge and information from,

area, regional, and interagency meetings, seminars, summits, and conferences concerning urban forestry programs and policies.

7. ~~To assist the Town with compiling, analyzing, publishing, and updating annually information and statistics regarding the Town's progress in maintaining and restoring tree canopy.~~ To assist Town staff with compiling the annual Urban Forestry report. Such information and statistics include: (a) the amount spent each year by the Town for the purchase and planting of trees, (b) the number of trees planted on Town property each year, (c) the number of trees on Town property cut down or removed, (d) any available data regarding the extent of or changes to the Town's tree canopy, and (e) any available data regarding an inventory of the Town's street trees, such as the percentage of street tree planting sites that are filled, and priority street tree planting sites that are unfilled.
8. To present an annual ~~Tree Report~~ Tree Commission Activity Report to the CSC for presentation to the Town Council that includes a description of the ~~Tree Board~~ Commission's activities, key data and statistics compiled under subsection (e)(7) above, and ongoing and anticipated future activities. This information and report shall be published each year, including on the Town website. Every five (5) years the Tree Commission, with the assistance of Town staff, shall provide to the Town Council a comprehensive report on the ~~measurement condition~~ of the Town's tree canopy including a comparison of previous measurements.

(e)

- (f) Review by Town Council. The Town Council shall have the right to review the conduct, acts, and decisions of the Town ~~tree board~~ Tree Commission. Further, the ~~tree board~~ Tree Commission, when requested by the Town Council, shall consider, investigate, make findings, report on, and recommend any special matter or question coming within the scope of its work.

(Code 1969, § 27-5; Ord. of 9-2000; Ord. of 1-28-2019)

Section 2: This Ordinance shall become effective ten (10) days following notice of adoption by the Town Council.

Passed and approved this _____ day of _____, 2024.

Linda J. Colbert, Mayor

ATTEST:

Town Clerk

c:SDB\OrdinancesTree Board Amendments Town Code 27-5 DRAFT Updated 01 25 2024