

ORDINANCE NO. 05-06

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, CREATING A TREE ADVISORY BOARD WITHIN THE CITY OF EUSTIS, FLORIDA; PROVIDING FOR THE APPOINTMENT OF MEMBERS; PROVIDING FOR EUSTIS STAFF SUPPORT; PROVIDING FOR BOARD MEMBERS DUTIES AND RESPONSIBILITIES; PROVIDING FOR BOARD MEMBER ELIGIBILITY; PROVIDING FOR SUNSETTING THE TREE ADVISORY BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION ACCORDING TO LAW.

Purpose: During 2004, the City of Eustis endured three hurricanes which had a severe affect on trees on City property and rights of way. Due to the significant damage to some City trees and to the loss of other trees during this year, there exists a need to plan for identifying danger and dying trees and replanting trees in appropriate places and of appropriate variety. It is the intent of the City Commission and the propose of this ordinance to establish a Tree Advisory Board to advise the City Commission on a plan to establish procedures to identify dead, damaged and dying trees and plant appropriate trees on City property and rights of way and to maintain the City's status as a Tree City USA.

NOW, THEREFORE, THE COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, HEREBY ORDAINS AS FOLLOWS:

Section 1. Eustis Tree Advisory Board Existence.

The Eustis Tree Advisory Board is hereby established within the City of Eustis. The Tree Advisory Board shall consist of eleven (11) members which shall serve for a period of 18 months.

Section 2. Appointment of Board Members.

The members of the Tree Advisory Board shall be appointed by the City Commissioners. Each City Commissioner shall appoint two persons, except that the Mayor shall appoint three persons for a total of 11 board members.

Section 3. Board Member Eligibility.

In order to be eligible to serve on the Tree Advisory Board, a board member must be 18 years of age and

- (a) a resident of the City of Eustis; or
- (b) the principle owner of a business which holds a City of Eustis occupational license; or
- (c) the principle (or joint) owner of real estate located within the City of Eustis.

Section 4. Meetings of the Board.

The Board shall meet in regular session no less than once per month.

Section 5. City Staff Support.

The City of Eustis Public Works department shall assist the Tree Advisory Board with notice of meetings, recording and providing minutes of meetings and technical support.

Section 6. Duties of Board.

The Board is charged with the following duties:

1. Elect a chair and vice chair to chair their meetings and sign the final written report of the Board.
2. Report to the City Commission in writing or by representative appearance at City Council Meetings no less than once per month.
3. Advise the City Commission by written report on the following:
 - a. A policy for City tree trimming;
 - b. A tree removal and replacement program including a schedule for such activities;
 - c. Identifying areas of City property and rights of way where additional trees should be planted and maintained;
 - d. A policy for care of newly planted trees;
 - e. Areas of critical concern in need of immediate attention (both for tree trimming, removal and re-planting);
 - f. A policy for public notification regarding proposed City action affecting individual properties or trees;
 - g. A policy for a program whereby property owners can have advanced information regarding planned tree removal so they can "pre-plant" trees on their own property;
 - h. Possible outside funding sources to supplement City funds such as creating programs for donations or volunteering;
 - i. Utility trimming and tree location strategies.

Section 7. Removal of Board Members. Any board members who fails to attend three (3) consecutive meetings shall be notified by the Eustis City Commission that his or her appointment as a board member is terminated.

Section 8. Board Sunset. The Eustis Tree Advisory Board shall be dissolved on November 5, 2006.

Section 9. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not effect the validity of the remaining sections, sentences, clauses or phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 10. Inclusion in the Code of Ordinances. It is the intention of the City Commission of the City of Eustis that the provisions of this Ordinance shall become and be made a part of the City of Eustis Code of Ordinances and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Section", "Article", or such other appropriate word or phrase to accomplish such intentions.

Section 11. Repeal of Conflicting Ordinances. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 12. Effective Date. This Ordinance shall become effective immediately upon passing.

Section 13. Publication. This Ordinance shall be published in accordance with the requirements of law.

PASSED, ORDAINED and APPROVED in Regular Session of the City Commission of the City of Eustis, Lake County, Florida, this 5th day of May, 2005.

CITY COMMISSION OF THE CITY OF EUSTIS

(CORPORATE SEAL)

//Signature//
Frank E. Royce, Mayor-Commissioner

ATTEST:

//Signature//
Jim R. Myers, Jr., City Clerk

CITY OF EUSTIS CERTIFICATION

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 5th day of April, 2005, by **FRANK E. ROYCE** and **JIM R. MYERS, JR.**, the Mayor and Finance Director/City Clerk, of the City of Eustis, Florida, who are personally known to me.

//Signature//
Notary Public. State of Florida

Printed Notary Signature

CERTIFICATE OF POSTING

The foregoing Ordinance 05-06 is hereby approved, and I hereby certify that I published the same by Posting one (1) copy hereof at City Hall, one (1) copy hereof at the Eustis Memorial Library, and one (1) copy hereof at the Eustis Senior Service Center; all within the Corporate Limits of the City of Eustis, Lake County, Florida.

//Signature//
Jim R. Myers, Jr., City Clerk

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for use and reliance of the City Commission of the City of Eustis, Florida.

//Signature//
Lewis W. Stone, City Attorney

Date