Passed 8-0 (Mayer absent)

ORDINANCE 08-05

TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "ADMINISTRATION AND PERSONNEL"

Re: Repealing and Deleting Section 2.12.040, Entitled "Tree Commission", and Adding Section 2.20.150, Entitled "Tree Commission"

WHEREAS, since its establishment in 1992, the Tree Commission has served to promote the care and protection of trees in the City of Bloomington; and

WHEREAS, pursuant to Indiana Code 36-10-4, *et seq*., which was adopted in its entirety by the Common Council, the Bloomington Board of Park Commissioners has exclusive control over the planting, trimming, and maintenance of trees on public property or in the public rights of way; and

WHEREAS, the Tree Commission shall assist the Bloomington Board of Park Commissioners in carrying out the Board's statutory duties regarding trees on public property or in the public rights of way;

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, THAT:

SECTION I. Bloomington Municipal Code Section 2.12.040 shall be repealed and deleted from the Title of Contents for Chapter 2.12.

SECTION II. Bloomington Municipal Code Section 2.20.150 is hereby adopted and shall to read as follows:

2.20.150 Tree Commission

(1) Purpose—Duties. The Tree Commission shall serve in an advisory capacity regarding the care of trees within the City of Bloomington ("City"). It shall be the responsibility of the Tree Commission to:

a) advise the Bloomington Board of Park Commissioners in formulating policies and practices of urban forestry as set forth in the Bloomington Municipal Code Chapter 12.24 entitled "Trees and Flora";
b) promote public education on the proper selection, planting, and care of trees by assisting the City with the publication of the City of Bloomington Tree Work Manual ;
c) assist the City in its efforts to fund urban forestry projects through donations and grants;
d) advise the Plan Commission on tree-related matters as necessary; and
e) provide information and advice to the Bloomington Board of Park Commissioners on cases before it regarding trees; and
f) assist the City's Urban Forester in the compilation and maintenance of an inventory of all trees and tree spaces within the public streets. This inventory should record the location, species, size, condition, and planting and maintenance history of these trees.

(2) Appointments. The Tree Commission shall consist of eight members. Seven shall be appointed, serving for three year terms. Two shall be appointed by the Mayor, two by the Common Council, one by the Bloomington Board of Park Commissioners, one by the Board of Public Works, and one by the Environmental Commission. The Urban Forester shall serve on the Commission as an advisory nonvoting member. Appointed members of the Tree Commission serve at the pleasure of their respective appointing body which has the ability to remove a member at any time for any reason deemed sufficient to that body. Members of the Tree Commission shall serve without compensation.

(3) Meetings—Procedures. The commission shall meet as needed, electing a president and vice-president annually and keeping a written record of its proceedings. In any event the commission shall meet no less than six (6) times per calendar year and shall advertise those meeting times and places in accordance with the law.

SECTION III. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION IV. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 7th day of MAY, 2008.

SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 8th day of MAY, 2008.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 11TH day of MAY, 2008.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends the Bloomington Municipal Code by moving the enabling provision for the City's Tree Commission from the jurisdiction of the Board of Public Works to that of the Board of Park Commissioners. This ordinance also: (1) updates the purpose and duties of the Tree Commission; (2) clarifies the role of the City's Urban Forester (formerly known as the City Landscaper); (3) provides for the election of commission officers; and (4) establishes that the Tree Commission shall meet at least six (6) times per calendar year.

Note: The Council adopted Ord 08-05 with the adoption of Am 1, which added the duty to advise the Plan Commission as necessary.

Signed copies to:
legal (10)
controller
webmistress
Parks + Rec
Public Works
Tree Commission
Planning
Plan Commission
EA/CAC3)
BMC (2)
clerk
file