

CHAPTER 4. BEAUTIFICATION

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CHAPTER 4. BEAUTIFICATION

ARTICLE I. COMMISSION

4.101. COMMISSION ESTABLISHED.

There is hereby created and established a "Beautification and Improvement Commission" hereinafter called "Commission." (ord. #121 7-20-94)

4.102. MEMBERSHIP.

Each Councilmember and the Mayor shall make an appointment to the commission. In the event of removal, a finding of cause shall not be required, as provide by law. Terms of office shall be four years. Terms of three members shall expire in the odd years; terms for the other four shall expire in the even years. A member shall continue to serve until his successor is appointed and qualifies. Any member who resigns shall be replaced by appointment for the unexpired term of that member.

(Ord. #121. 7-20-94, Ord. #2000-8.)

4.103.MEETINGS.

The Commission shall meet in July of each year to organize and elect from its group a Chairperson, Vice-Chairperson, Secretary and Chairperson of Publicity. Officers shall serve for one year. The Commission shall meet on call by the Chairperson. In his absence, the Vice-Chairperson may call such meetings.

Robert's Rules of Order shall be followed as a procedure guide for all meetings. A quorum shall consist of a majority of the members of the Commission, and a quorum shall be present to conduct business. Any member having three unexcused consecutive absences shall be automatically removed from the Commission, and the unexpired term filled by appointment by the Mayor.

The Chairperson may appoint such temporary committees from within or outside the membership of the Commission as may be deemed necessary to effect the functions of the Commission.

Minutes of meetings shall be kept in written form as a permanent record. Copies of minutes shall be forwarded to the Town Council.

4.104.REPORTS.

The Commission shall report at least annually to the Council as to the activities, programs and needs of the Commission and shall make such other reports as may be requested by Council.

4.105 FUNCTION AND AUTHORITY.

The function of the Commission shall be to promote compliance with all environmental projects of the town; to determine and promote ways for making its highway approaches thereto and the surrounding areas more attractive and aesthetically pleasing to the eye; to encourage specifically the preservation, protection and replacement of trees, flowers and shrubs within the town and prevent their unnecessary destruction pursuant to the general police powers of the town.

The Commission shall study and compile its financial needs and each year shall recommend an annual budget to the Mayor and, upon approval thereby, shall help implement same. The annual budget may include both operating and capital expenses. Budgeted revenue sources may include revenues from the town's General Fund, private donations and from any state or federal government grant programs and other sources. In recommending the annual budget, the Commission may designate certain revenues set aside in a special account for future projects. The Council shall be furnished a quarterly report of the revenue and disbursements of the Commission, as may be required by Council. All funds and payment of bills for goods or services shall be approved by Council.

The Commission shall not enter into any contracts involving financial liability or incur any indebtedness except upon written authority from the Council; provided, however, the Commission may enter into agreements for the purpose of effecting its objectives, when no liability of the town is involved.

4.106. REVIEW BY TOWN COUNCIL.

The Council shall have the right to review the conduct, acts, proposals, recommendations, programs and decisions of the Commission. Any person may appeal from any ruling or order of the Commission to the Council which may hear the matter and make final decision.

4.107. INTERFERENCE WITH COMMISSION.

It shall be unlawful for any person to interfere with the Commission, or any of its agents, while engaging in planting, cultivation, mulching, pruning, spraying, or removing of trees on public or private grounds.

4.108. UTILITY EXEMPTION.

Public and private utility companies shall be exempt from the provisions of this Chapter provided they file with the Town Clerk the policies and procedures followed in their flower, shrub and tree trimming and removal practices and provided a mutually acceptable standard is agreed upon by the utility and Council.

4.109. RESERVED.**4.110. RESERVED.****4.111. PROHIBITED ACTS.**

No person shall on public property, as commonly defined:

1. Damage, cut, carve, abuse or harm any flower, shrub or tree or injure the bark of any tree;
2. Pick the flowers or seeds of any flower, shrub or tree; **or remove any dirt for planting, grading, etc.**
3. Attach any rope, wire or other contrivance to any shrub or tree unless necessary for its support; or trim, spray, plant, set out or remove flowers, shrubs or trees without obtaining prior written approval from the Commission or its designated representative.
4. Trim, spray, plant, set out or remove flowers, shrubs or trees without obtaining prior written approval from the Commission or its designated representative.

4.112. DEFINITIONS.

The following definitions shall apply:

1. **Tree** means any woody plant which:
 - a. Has a trunk four inches or more in diameter at four and one-half feet above the ground, or
 - b. Is of horticultural or ornamental variety, including but not limited to dogwood, redbud, crab apple, budweave or holly and has a trunk diameter of three inches or more at one foot above the ground or a height of eight or more feet.
2. **Tree Protective Zone** means public property, including that owned entirely by any public body, or over which it holds a right-of-way or easement on any street, road, park, mall or other public lands.

4.113 PROCEDURES AND ENFORCEMENT.

- a. Any person found in violation of the provisions of this Chapter shall be guilty of a misdemeanor.
- b. Each flower, shrub or tree destroyed or damaged in violation hereof shall constitute a separate offense.