

ORDINANCE 284

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS,
WEST VIRGINIA, REVISING AND AMENDING ELKINS CITY CODE §93.093
THROUGH §93.102 REGARDING THE ELKINS TREE BOARD**

WHEREAS, the Common Council of the City of Elkins, West Virginia previously adopted Ordinance 076, effective July 3, 2008, to establish the regulation of City trees; and

WHEREAS, the Common Council of the City of Elkins, West Virginia previously adopted Ordinance 235, effective April 6, 2017, to amend some of the provisions of Ordinance 076; and

WHEREAS, the Common Council has determined that only these particular sections of Chapter 93 of the Elkins City Code referred to below shall be amended or included as an additional section:

NOW THEREFORE, BE IT ORDAINED and ENACTED by the Common Council that only the following additional code provision and Sections of Chapter 93 of the Elkins City Code be amended or added as follows:

Sec. 93.093 Creation and Establishment of a City Tree Board

There is hereby created and established a City Tree Board for the City of which will consist of no less than six and no more than eight members, who are citizens and residents of Randolph County recommended by the City Tree Board, and who shall be appointed by the Mayor with the approval of the City Council. The members will come from different interest groups including; but not limited to, homeowners, tree professionals, and City Council. Membership on Council does not disqualify any person for appointment to the City Tree Board, if otherwise qualified, however, not more than two members of Council may be so appointed. At least one of the members of the City Tree Board shall be a member of Council.

Sec. 93.100 Dead or Diseased Tree Removal on Private Property

The City will have the right to request the removal of any dead or diseased trees on private property within the City, when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees within the City. The City Tree Board will notify in writing the owners of such trees upon the recommendation of the tree arborist. In the event that the private property owner takes no action following the notification, the City may, with the approval of Council, proceed to take further action if determined to be warranted to protect life and property.

Sec. 93.101 Tree Planning Meetings

Property owners, business owners, neighborhood associations and any other interested parties are encouraged to attend planning meetings with the Tree Board regarding proposed planting, pruning or tree removal programs.

Sec. 93.103 Liability

Nothing contained in this Chapter shall be deemed to impose any liability upon the City, its officers, agents or employees, nor to relieve the owner of any private property from the duty to keep any tree on the owner's property in such condition as to prevent it from constituting a hazard or impediment to travel or vision upon any street, alley or public place within the City.

All other Sections and provisions of this Chapter not specifically referred to herein regarding the City Tree Board shall remain in full force and effect .

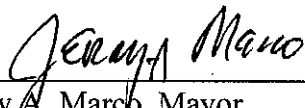
If any portion of this Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and Common Council determines that it would have adopted this Ordinance without the invalid provision.

This Ordinance shall become effective upon passage.

PASSED AND APPROVED ON FIRST READING: June 17, 2021.


**PASSED AND APPROVED ON THE SECOND AND FINAL READING THIS 1st
DAY OF July, 2021.**

CITY OF ELKINS, WEST VIRGINIA



Jerry A. Marco, Mayor

Attest:



Jessica Sutton, City Clerk