

CITY OF MARSHALL

ORDINANCE NO. 2024-002

AN ORDINANCE AMENDING CHAPTER 90. VEGETATION. ARTICLE II. TREES.
DIVISION 1. GENERALLY. SEC. 90-46. ESTABLISHMENT; COMPOSITION;
APPOINTMENT OF MEMBERS; DUTIES OF THE CODE OF ORDINANCES, CITY
OF MARSHALL, ILLINOIS.

ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF MARSHALL

Published in pamphlet form by authority of the City of Marshall,
Clark County, Illinois, this 12 day of February, 2024.

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AN ORDINANCE AMENDING CHAPTER 90. VEGETATION. ARTICLE II. TREES. DIVISION 1. GENERALLY. SEC. 90-46. ESTABLISHMENT; COMPOSITION; APPOINTMENT OF MEMBERS; DUTIES OF THE CODE OF ORDINANCES, CITY OF MARSHALL, ILLINOIS.

Section 1. That Chapter 90. Vegetation. Article II. Trees. Division 1. Generally. Sec. 90-46. Establishment; Composition; Appointment of members; Duties of the Code of Ordinances, City of Marshall, Illinois is hereby amended to read as follows, with strikeouts indicating deletions in text and underscores indicating additions to text:

~~Sec. 90-46. Establishment; composition; appointment of members; duties.~~

- (a) ~~Establishment. The Marshall Tree Commission (hereinafter "tree commission") is hereby established. Its functions and duties are limited to those set forth in this article.~~
- (b) ~~Composition. The tree commission shall be composed of seven commissioners. All shall serve without pay. Five commissioners shall be city utility customers. The remaining two commissioners shall be ex officio and shall not vote. They shall include the director of public works and one council member, which member shall be appointed annually by the mayor at the first regular meeting of each municipal year.~~
- (c) ~~Appointment of members. The mayor, by and with the advice and consent of the city council, shall appoint the members of the tree commission at the first regular meeting of each municipal year, and from time to time as necessary to fill vacancies. The commissioners shall hold office for three years or until a successor is appointed and~~

~~qualified. Initially, one member shall serve for a period of one year, two members for two years and two members for three years, the successor to each member appointed to serve for a term of three years.~~

~~(d) — Vacation of terms and removal. A member of the tree commission may be removed by the mayor with the approval of a majority of the city council. Should any commissioner resign, become unqualified, or be removed from the tree commission, a successor shall be appointed by the mayor and shall serve the unexpired period of the vacated term.~~

~~(e) — Duties. The tree commission shall perform the following duties:~~

~~(1) — Within a reasonable time after the appointment of the tree commission, the commissioners shall meet, appoint a chairperson, and adopt rules of procedure for regular and special meetings to fulfill the duties imposed by it in this article.~~

~~(2) — Advise and consult the chairperson of the commission pertaining to this article and its enforcement.~~

~~(3) — Develop, if deemed necessary by the commission, and make alterations to, or revisions to, the arboricultural specifications manual and the urban forestry plan.~~

~~(4) — Adopt policies and develop and implement a program for the selection, planting, maintenance and removal of trees, shrubs and other plants within the city.~~

~~(5) — Oversee the expenditure of funds provided by the city.~~

~~(6) — Establish educational and informational programs.~~

~~(7) — Issue permits required by this article.~~

~~(8) — Fulfill and maintain requirements for eligibility in the Tree City USA program.~~

~~(9) — Advise and consult the city council concerning necessary amendments to this article.~~

~~(10) — Upon the request of any person who disagrees with the decision of the chairperson of the commission, shall hear~~

~~all issues of the disputes which arise between the chairperson and any such person whenever these issues involve matters of the interpretation or enforcement of the arboricultural specifications manual, the urban forestry plan, or of the interpretation or enforcement of this article, including disputes regarding the issuance of permits, or the concurrence or nonconcurrence of the chairperson in permits required under other ordinances or laws, or the abatement of nuisances, . The decision of a majority of the appointed members of the tree commission with regard to such dispute shall be binding upon the chairperson. Appeals of the decision of the chairperson shall be made by written notice of appeal to the tree commission within ten days of the action or decision of the chairperson; nothing in this section shall be construed to limit the jurisdiction of any court of law with respect to such disputes.~~

~~(Ord. No. 91-32, § 4, 10-28-91; Ord. No. 05-9, § 32, 5-9-05; Ord. No. 06-4, § 1, 2-13-06)~~

Sec. 90-46. Tree Commission

- (1) Establishment of Tree Commission. The Marshall Tree Commission is hereby established. Its functions and duties are set forth in this article.
- (2) Composition. The Tree Commission shall consist of five (5) voting members, appointed by the Mayor and approved by the City Council, and one (1) ex-officio, nonvoting member who shall be a member of the City Council and appointed by the Mayor.
- (3) Qualifications. The members shall be appointed based upon expertise, experience, or interest in trees.
- (4) Term. Appointments shall be made at the first regular meeting of the City Council of each municipal year, and from time to time as necessary to fill vacancies. A member of the tree commission may be removed by the mayor with the approval of a majority of the city council. Should any commissioner resign, become unqualified, or be removed from the tree commission, a successor shall be appointed by the mayor and shall serve the unexpired period of the vacated term. The commissioners shall hold office for three years or until a successor is appointed and qualified.

(5) Officers. Officers shall consist of a chairman, vice-chairman, and a secretary elected by the Tree Commission who shall serve a term of one (1) year and shall be eligible for reelection. The chairperson shall preside over meetings. In the absence of the chairperson, the vice-chairperson shall perform the duties of the chairperson. If both are absent, the secretary shall serve as chairperson.

The duties of the chairperson:

- A. Conduct the meeting of the Tree Commission.
- B. Report a copy of the minutes of each meeting to the mayor.
- C. Give notice as provided herein or by law for all public hearings conducted by the Tree Commission.
- D. Advise the mayor of vacancies on the Tree Commission.
- E. Report to the City Council at the request of the mayor of the proceedings of the Tree Commission.

The Duties of the Vice-Chairperson: To serve as the chairperson in his/her absence.

The Duties of the Secretary: Record the minutes of the meeting and share a copy with each member of the Tree Commission.

(6) Meetings. A quorum shall consist of a majority of the members. All decisions or actions of the Tree Commission shall be made by majority vote of those members present and voting at any meeting where a quorum exists. The Tree Commission will meet in February of each year and any time upon the call of the chairperson or the mayor.

(7) Purpose and Intent. It is the purpose of this article to promote and protect the public health, safety, and general welfare by providing for the control of the planting, maintenance, and removal of trees. The intent of this article is to promote:

- (a) The planting, maintenance, restoration, and survival of desirable trees within the City limits; and
- (b) The protection of City residents from personal injury and property damage and the protection of the City from property damage, caused or threatened by improper planting, maintenance, or removal of trees.

(c) By definition a tree is a variety of plant species that has independently evolved a trunk and branches as a way to tower above other plants to compete for sunlight.

(8) Duties. The Tree Commission shall perform the following duties:

(a) Upon the call of the chairperson, meet and adopt rules of procedure for regular and special meetings to fulfill the duties imposed upon it by this article;

(b) Shall research within the City to identify neighborhoods, areas, and sites on which it would be advantageous to plant trees;

(c) Shall recommend to the Director of Public Works as to trees that need to be removed due to disease or for public safety;

(d) Shall contact the property owner for written consent for planting trees on private property;

(e) May, when requested, assist property owners with the planting of trees on private property;

(f) Establish and promote educational and informational programs;

(g) Make recommendations regarding City Tree policies;

(h) Recommending modifications or creation of new ordinances regulating and protecting trees;

(i) To inform and educate the citizens of Marshall concerning the advantages of maintaining healthy trees within the City limits.

(9) Restrictions. The Commission shall:

(a) Not require the owner of property to accept City purchased trees without his/her written approval;

(b) Receive written approval from property owners adjacent to a location on the City right-of-way before planting a tree;

(c) Not plant trees under power or telephone lines;

(d) Not plant trees above sewer lines;

(e) Shall receive approval from the Director of Public Works for each tree planting;\

(f) Not approve the planting of any trees other than the following approved trees, to wit:

Acer Saccharum- Sugar Maple- to 100 feet, live to 300 years

Quercus Rubra- Northern Red Oak- to 140 feet, live to 300 years

Ulmus Americana L- American Elm- to 100 feet, live to 175 years

Cercis Canadensis- Eastern Redbud- to 20 feet, live to 40 years
Metasequoia Glyptostroboides- Dawn Redwood- to 165 feet, live to 400 years

Section 2. If any provision of this Ordinance, or application thereof, is held invalid by any Court, other provisions or applications of this Ordinance which can be given effect without the invalid provision or application shall not be affected, and to this end the provisions of this Ordinance are declared to be severable.

Section 3. That this Ordinance shall take effect ten (10) days after its passage and approval as provided by law.

NAYS	ABSENT	<u>AYES</u>	<u>NAYS</u>
		✓	✓
Michael Smitley			
Warren J. Le Fever		✓	
Vickie Wallace		✓	
Jarod Green		✓	
Josh Sanders		✓	
Robert Nelson		✓	
Foster Propst		✓	
Rob Knott		✓	

PASSED this 12 day of February, 2024.
APPROVED this 12 day of February, 2024.


MAYOR

ATTESTED, filed in my office,
and published in pamphlet form
this 12 day of February, 2024.

Mary C Saitley

CITY CLERK

(SEAL)