

AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 288: TREE COMMISSION.

WHEREAS, Council has recommended amending Codified Ordinance Chapter 288;
and

WHEREAS, Council, coming now to consider said recommendation, approves it in full.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Codified Ordinance Chapter 288 is hereby amended as follows:

CHAPTER 288: TREE COMMISSION

§ 288.01 ESTABLISHMENT **AND PURPOSE AND DUTIES.**

(a) Establishment. There is hereby established in and for the city a Tree Commission to foster a community that is committed to the sustainable management of the urban forest.

(b) ~~Goals and objectives~~ **Purpose.**

(1) Promote the health and safety of the existing urban tree population and achieve a fully stocked, healthy and resilient urban forest by providing recommendations for tree planting on public lands, in rights-of-way and in subdivisions, per the Planning and Zoning Code;

(2) Educate Avon Lake's ~~citizens~~ **residents**, employees and volunteers about the need for a sustainable urban forest and the value and importance of maintaining and improving the urban forest;

(3) Work with city staff to ensure annual Tree City USA recognition and Growth Award attainment; and

(4) ~~Provide advice regarding~~ **Advise on** arboricultural and urban forestry best management practices.

§ 288.02 MEMBERSHIP; TERMS OF OFFICE; COMPENSATION; **AND REMOVAL.**

(a) Membership. The Tree Commission shall consist of seven ~~voting~~ members, ~~to be~~ comprised of the following:

- 1) ~~the Urban Forester; one member of Council (who serves as the Chairperson of the Public Service Committee); and five~~ **Three persons members**, who for the previous two years have been registered, qualified electors of the city, ~~who shall be appointed by the Mayor with the approval of~~ **and confirmed by** Council;
- 2) **Two members, who for the previous two years have been registered, qualified electors of the city, shall be appointed by Council;**
- 3) **One ex officio, non-voting member shall be the** Urban Forester;
- 4) One **ex officio, non-voting** member **appointed by** Council, ~~who serves as~~ **shall be** the Chairperson of the Public Service Committee;

(b) ~~Term of office.~~ The five appointed ~~citizen~~ **resident** members of the Tree Commission shall each serve three years **with staggered** terms, ~~provided however that the upon approval and adoption of this chapter, the first term of the five appointed members shall be staggered with two members serving for one year, one two members serving for two years, and the third member serving for three years.~~ **a third of which shall be appointed each year. Each member is eligible for reappointment without limitation on the number of consecutive appointments.** Should a vacancy occur during the term of any member, a successor shall be appointed by the Mayor with the approval of Council for the unexpired portion of such term.

- 1) **Vacancies on the Tree Commission shall be filled for the remainder of the unexpired term in the same manner that the position was originally filled.**
- 2) **The Chairperson will notify the Clerk of Council when a vacancy exists.**
- 3) **Any vacancy shall be filled within 60 days, unless extenuating circumstances require a longer period.**

(c) ~~Compensation and reimbursement.~~ Members of the Tree Commission shall serve without compensation but shall be entitled to reimbursement for any and all necessary expenditures in carrying out the functions of the Commission, including recommended continuing education opportunities provided through the Ohio Department of Natural Resources, Division of Forestry and other qualified providers, or as approved by the Urban Forester **or the Public Works Director.**

(d) Removal. Any **Tree** Commission member who misses three consecutive meetings, or more than 50% of the regular meetings on an annual basis, may be removed from the ~~Tree~~ Commission by a majority vote of the other Commissioners.

§ 288.03 POWERS AND DUTIES.

(a) The Tree Commission shall have the power to study, investigate, plan, advise, report, and recommend to Council, the Urban Forester, ~~the~~ Planning Commission or the Mayor any action, program, plan or legislation which the Commission shall find or determine to be necessary or advisable:

(1) **To** promote the health and safety of all trees in the urban forest on the public lands through the care, preservation, trimming, planting, replanting, maintaining, protecting, prompting, removal or disposition of trees and shrubs in public ways, curb strips, streets, alleys and all city property;

(2) **To** achieve a fully stocked, healthy and resilient urban forest by identifying and recommending trees and other plants desirable for planting in public spaces and on private property to ensure ~~the~~ public safety and welfare, promote diversity of native species of trees and other plants and protect the local natural ecosystem;

(3) To identify trees and other plants ~~which~~ **that** are undesirable for planting in public spaces and on private property to ensure ~~the~~ public safety and welfare and benefit the natural, local ecosystem;

(4) **To** work with city staff to ensure annual Tree City USA recognition and Growth Award attainment;

(5) **To** educate the community's residents, elected officials, employees and volunteers about the value and need for a sustainable urban forest by understanding the importance of maintaining and improving the urban forest through encouraging arboricultural best practices for the city; and

(6) **To** work with the Urban Forester to establish and maintain an inventory of city-owned trees and identify trees at high risk for failure, disease and insect infiltration.

(b) The **Tree** Commission, when requested by Council, the Mayor or the Urban Forester, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work. Recommendations requiring Council action shall be made to the Public Service Committee of Council.

(c) The members of the Tree Commission shall provide website content to **the** Communications and Technology **Department** concerning the rules, regulations, standards

and specifications developed by the Commission and approved by Council or such other content as deemed advisable.

(d) It is recommended that members of the Tree Commission participate in continuing education through the Ohio Department of Natural Resources, Department of Forestry and other educational opportunities.

(e) The Tree Commission shall establish and implement an annual Arbor Day observance.

§ 288.04 MEETINGS; ORGANIZATION.

(a) The Tree Commission shall hold an organizational meeting at its first regular meeting date of the year, and the meeting schedule for the year will be the first order of business. There shall be a minimum of six meetings per year. Work sessions or special meetings may be called at the discretion of the Commission Chairperson.

(b) The **Tree** Commission shall ~~choose~~ **elect by a majority vote** its own officers, make its own rules and regulations and keep a record of its proceedings. A ~~notebook~~ **handbook** shall be kept in the Clerk of Council's office as a permanent record. In the absence of any rule regarding the matter of business, the Commission shall be governed by Robert's Rules of Order.

(c) The **Tree** Commission shall appoint one of its members to serve as an ex officio member of the Parks and Recreation Commission and one member to serve as an **ex officio** ~~voting~~ member of the Environmental Affairs Advisory Board.

(d) A majority of the members shall be a quorum for the transaction of business. All plans, findings, advice, reports and recommendations made by the **Tree** Commission shall be in writing and shall designate by name those members of the Commission approving the same, failing to concur therein or abstaining therefrom. Those who fail to concur or who abstain shall have the right, as a part of such report, to state their reasons for refusing to approve or to concur. Minutes of meetings shall be ~~recorded and kept on file~~ in the Urban Forester's office. ~~Copies shall be filed with Commission members,~~ **and forwarded to the** Mayor and the Clerk of Council.

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees, which resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.

1st reading: 11/24/2025

2nd reading:

3rd reading:

PASSED: 12/08/2025

/s/ Jennifer G. Fenderbosch
Council President

POSTED: 12/12/2025

APPROVED: 12/09/2025

ATTEST: /s/ Valerie E. Rosmarin
Clerk of Council

/s/ Mark A. Spaetzel
Mayor