

ORDINANCE 2020-1791

AN ORDINANCE AMENDING CITY OF MURRAY CODE OF ORDINANCES, §32 DEPARTMENTS, BOARDS, AND COMMISSIONS, SPECIFICALLY §32.90; §32.92; §32.93; §32.96; §32.98 AND §32.99 TO FURTHER DEFINE THE PURPOSE OF THE TREE BOARD AND TO REFER VIOLATIONS UNDER THIS ORDINANCE TO THE CODE ENFORCEMENT BOARD FOR ENFORCEMENT.

WHEREAS, the City of Murray desires to amend Chapter 32, specifically §32.90; §32.92; §32.96; §32.98 and §32.99 of the City of Murray Code Of Ordinances to further define the purpose of the Tree Board and to refer violations under this ordinance to the Code Enforcement Board for enforcement.

WHEREAS, the Murray City Council has reviewed and discussed the following proposed changes to Chapter §32 of the City Of Murray Code Of Ordinances and believe that the proposed changes are reasonable and necessary.

BE IT ORDAINED by the City Council of the City of Murray, as follows:

AMENDMENT I. ADDITIONS, ASSERTIONS & CHANGES:

City of Murray Code Of Ordinances, §32.90 PURPOSE shall read in its entirety as follows:

§32.90 PURPOSE

The purpose and intent of this subchapter is to encourage the preservation and protection of trees within the eCity because of the unique benefits they provide the community in preventing erosion, storm drainage, flooding and siltation of streams; in providing shade and cooling effects; and in preventing air, noise and visual pollution; in providing a haven for community wildlife; ~~and providing citizens with psychological relief from increasing complexities of manmade urban environment.~~ It is not intended to be punitive nor to cause hardship upon those individuals and concerns exercising reasonable care and diligence to protect these trees. The objective of the subchapter is to establish a comprehensive tree program along major ~~arterials~~ arteries and on all publicly owned property to make the eCity a healthier and more beautiful community in which to live.

AMENDMENT II. ADDITIONS, ASSERTIONS & CHANGES:

City of Murray Code Of Ordinances, §32.92 APPLICATION AND EXEMPTION shall read in its entirety as follows:

§32.92 APPLICATION AND EXEMPTION

This subchapter (Sections §32.90 through §32.99) shall be referred to as the Murray Municipal Tree Board or City Tree Board Ordinance apply to all real estate property and rights-of-way owned or controlled by the eCity with the following exceptions:

(A) It shall not apply to privately-owned residential, industrial or commercial property, except as specifically herein set forth in this chapter.

AMENDMENT III. ADDITIONS, ASSERTIONS & CHANGES:

City of Murray Code Of Ordinances, §32.93 CREATION; ESTABLISHMENT

shall read in its entirety as follows:

§32.93 CREATION; ESTABLISHMENT

There is hereby created and established a City Tree Board for the eCity which shall consist of seven members who shall be appointed by the Mayor with the approval of the City Council. At least one of the seven members, but not more than two members shall represent the Community Improvement Volunteers Committee; one shall be a City Council member; at least one shall be an arborist or academically qualified equivalent; and the remaining five two to four shall be interested and concerned members of the community. The ~~City Planner~~ Director of Planning, a representative of the City Street Department, and a representative of the City Electric System shall serve in an ex-officio capacity.

AMENDMENT IV. ADDITIONS, ASSERTIONS & CHANGES:

City of Murray Code Of Ordinances, §32.96 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY shall read in its entirety as follows:

§32.96 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

The eCity shall have the right to cause the removal of any dead or diseased trees on private property within the eCity, when such trees constitute a hazard to life and property, or harbor insects or disease, which constitute a potential threat to other trees within the eCity. Upon receipt of a written complaint regarding any dead or deceased tree, the Board shall use its best efforts, with permission from the property owner, to investigate whether or not the subject tree constitutes a hazard to life and/or property, including, but not limited to, harboring insects or disease, which pose a threat to other trees within the City. The City Tree Board will notify in writing the owners of such trees. Removal shall be done by the owners at their own expense within 60 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal on the owners property tax notice. Upon a Finding by the Board that the subject tree does constitute a hazard to life and/or property, and/or harbors insects which pose a threat to other trees within the City, the Board may contact the owner of the subject tree(s) to seek a prompt resolution to this matter, which may include treatment or removal of the subject tree, at the owner's sole cost and expense. In the event a resolution, or a plan for resolution, has not been reached or established within sixty (60) days following the initial contact by the Board, the Board may refer the matter to the Code Enforcement Officer for further investigation.

AMENDMENT V. ADDITIONS, ASSERTIONS & CHANGES:

City of Murray Code Of Ordinances, §32.98 REVIEW BY CITY COUNCIL shall read in its entirety as follows:

32.98 ~~REVIEW BY CITY COUNCIL~~ ENFORCEMENT

~~The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Council who may hear the matter and make the final decision.~~ This Ordinance shall be enforced by the Code Enforcement Board for the City of Murray.

AMENDMENT VI. ADDITIONS, ASSERTIONS & CHANGES:

City of Murray Code Of Ordinances, §32.99 PENALTY shall read in its entirety as follows:

32.99 PENALTY.

(A) Any person violating any provision of this subchapter §32.90 et seq. (the Murray Municipal Tree Board Ordinance) shall be, upon conviction or as plea of guilty, subject to a fine not to exceed twenty-five dollars (\$25).

(B) Any person violating any of the provision of §32.65 et seq. shall be fined not less than ten dollars (\$10), nor more than five hundred dollars (\$500) for each offense. Each day's violation shall constitute a separate offense.

Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this Ordinance; nor shall any just or legal right or remedy of any character be lost impaired or affected by this Ordinance.

All other sections and provisions of the Ordinances for the City of Murray, not specifically amended herein, shall remain in full force and effect and shall not be considered amended and shall be incorporated by reference as if fully stated herein.


BOB ROGERS, MAYOR

ATTEST:


DANNETTA CLAYTON, CITY CLERK

Introduced by the City Council on January 23, 2020.
Adopted by the City Council on February 27, 2020.
Published in the Murray Ledger and Times on March 6, 2020.