

DATE 7/22, 11

REVIEWED BY  
PREPARED BY  
CITY ATTORNEYS OFFICE

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AN ORDINANCE TO AMEND CHAPTER 28, TREES, OF THE CODE OF THE CITY OF ROCK HILL CONCERNING TREE COMMISSION

BE IT ORDAINED by the Governing Body of the City of Rock Hill, in Council assembled:

SECTION 1. That this Ordinance is being adopted in order to effect proper compliance with the provisions of the Home Rule Act of 1975, now South Carolina Code of Laws for 1976, Section 5-7-30 and Section 5-7-260 and Section 2-48 and Section 2-96 of the Code of the City of Rock Hill.

SECTION 2. That this Ordinance was adopted by the Rock Hill City Council by a majority vote and applicable public hearing requirements.

SECTION 3. That **Chapter 28, TREES, Article II. Administration, Sec. 28-32. Tree commission, Subsection (b)** of the Code of the City of Rock Hill, be and the same is hereby amended by deleting the current language and inserting in lieu thereof the following:

(b) Composition; appointment of members.

(1) The tree commission shall be composed of nine members appointed by the city council in accordance with standard city procedures regarding boards and commissions.

(2) Members appointed by the city council shall serve three-year terms.

SECTION 4. That all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of inconsistency.

SECTION 5. That this Ordinance shall be and become finally binding immediately after same shall have received first and second readings, given in manner required by law.

DONE AND RATIFIED in Council assembled on this the \_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
A. Douglas Echols, Jr., Mayor

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Susie B. Hinton, Mayor Pro Tempore

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John A. Black, III, Councilmember

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Kathy S. Pender, Councilmember

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James C. Reno, Jr., Councilmember

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Osbey Roddey, Councilmember

\_\_\_\_\_  
Kevin H. Sutton, Councilmember

ATTEST:

\_\_\_\_\_  
Anne H. Poag  
Municipal Clerk

## ARTICLE II. - ADMINISTRATION <sup>[63]</sup>

<sup>[63]</sup> **Cross reference**— Administration, ch. 2.

Sec. 28-31. - Forester.

Sec. 28-32. - Tree commission.

Sec. 28-33. - Appeals.

Secs. 28-34—28-60. - Reserved.

### **Sec. 28-31. - Forester.**

#### **(a) *Office established; appointment.***

- (1) There is hereby established the position of forester.
- (2) The forester shall be appointed by the city manager.

#### **(b) *Authority.***

- (1) The forester shall have exclusive jurisdiction and supervision over all public trees. This shall not be construed as to relieve any person of such person's duties or responsibilities under this chapter.
- (2) The forester shall have the authority to supervise all work performed under any permit or contract issued under this chapter.
- (3) The forester shall have the authority to seek the abatement of public nuisances as described in article IV of this chapter.
- (4) In accordance with section 28-3, the forester shall have the authority to institute the recovery of damages for injured public trees as described in section 28-63

#### **(c) *Duties.***

- (1) The forester, with the assistance of the tree commission, shall develop and maintain appropriate policies for community forest management in accordance with this chapter.
- (2) The forester shall issue such permits as are required by this chapter. The forester shall have the right to inspect all work performed pursuant to such permits, to revoke permits in cases of noncompliance, and to enforce the provisions of section 28-62

(Code 1981, § 28.5-11; Ord. No. 2001-31, § 2(28.5-11), 5-14-2001; Ord. No. 2010-37, § 3(Exh. A), 7-26-2010)

### **Sec. 28-32. - Tree commission.**

- (a) *Established.*** The Rock Hill Tree Commission is hereby established.

(b) *Composition; appointment of members.*

(1) The tree commission shall be composed of nine members appointed by the city council in accordance with standard city procedures regarding boards and commissions.

(2) Members appointed by the city council shall serve three-year terms.

**Deleted:** The number of consecutive terms served by any member shall be limited to three.

(c) *Duties.*

(1) The tree commission shall adopt rules of procedure for regular and special meetings to fulfill its obligations under this chapter. These rules shall be set forth in the bylaws promulgated by the tree commission.

(2) The tree commission shall advise the city council based on an annual reevaluation of experience under this chapter.

(3) The tree commission shall provide leadership in the development of understanding of the objectives and methods of the urban forestry program, and shall assist the forester in the development and maintenance of the community forest management plan.

(4) The tree commission shall serve as appeal board for the administration of this chapter.

(Code 1981, § 28.5-12; Ord. No. 2001-31, § 2(28.5-12), 5-14-2001; Ord. No. 2010-37, § 3(Exh. A), 7-26-2010)

**Sec. 28-33. - Appeals.**

(a) If a person disagrees with the determination of noncompliance with the provisions of this chapter, he may, within five days of receipt of written notice thereof, provide the forester and the city manager with a written description of the particulars of disagreement and issues requiring review. A quorum of the tree commission shall consider such particulars.

(b) The scope of review of the tree commission shall be limited to a review of facts bearing on whether the person is or is not in compliance with this chapter, and the tree commission shall not have the discretionary authority to waive or relax the standards set forth in this chapter. Within ten days after receipt of the application for review, the tree commission shall cause to be served on the person a report of findings of compliance or noncompliance. In the event of a finding of noncompliance by the tree commission, the report shall specify a number of days, no less than five, from receipt of the report within which the prohibited condition must be brought into compliance. Failure to bring such condition into compliance in the specified time shall result in abatement and correction by the city as provided in section 28-62 and in article IV of this chapter and shall be subject to general penalties as described in section 28-3

(Code 1981, § 28.5-29; Ord. No. 2001-31, § 2(28.5-29), 5-14-2001; Ord. No. 2010-37, § 3(Exh. A), 7-26-2010)

**Secs. 28-34—28-60. - Reserved.**