

TITLE 2**BOARDS AND COMMISSIONS, ETC.****CHAPTER**

1. CITY TREE BOARD.
2. PARKS AND RECREATION ADVISORY BOARD.
3. BOOK STATION COMMITTEE.

CHAPTER 1**CITY TREE BOARD****SECTION**

- 2-101. Definitions.
- 2-102. Creation and establishment of a city tree board.
- 2-103. Term of office.
- 2-104. Compensation.
- 2-105. Duties and responsibilities.
- 2-106. Operation.
- 2-107. Street tree species to be planted.
- 2-108. Spacing.
- 2-109. Distance from curbs and sidewalks.
- 2-110. Distance from street corners and fireplugs.
- 2-111. Utilities.
- 2-112. Public tree care.
- 2-113. Tree topping.
- 2-114. Pruning, corner clearance.
- 2-115. Dead or diseased tree removal on private property.
- 2-116. Removal of stumps.
- 2-117. Interference with city tree board.
- 2-118. Arborists license and bond.
- 2-119. Review by board of mayor and aldermen.
- 2-120. Violations and penalty.

2-101. Definitions. (1) "Park trees" means trees, shrubs, bushes, and all other woody vegetation in named public parks, and all areas owned by the city, or to which the public has free access as a park, such as a bike, jogging, or walking trail, or small street or civic garden.

(2) "Street trees" means trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the city. (2011 Code, § 2-101)

2-102. Creation and establishment of a city tree board. There is hereby created and established a City Tree Board for the City of Harrogate, Tennessee, which shall consist of up to eight (8) members. Five (5) of the tree board members shall be citizens and residents of the city or county and, if possible, one (1) member being a representative from the Tennessee Division of Forestry. All tree board members and the chairman are approved by the board of mayor and aldermen. (2011 Code, § 2-102)

2-103. Term of office. The terms of the tree board shall be for two (2) years. The chairman shall be appointed by the mayor and board of aldermen. In the event that a vacancy shall occur during the term of any member, his/her successor shall be appointed by the chairman for the unexpired portion of the term. (2011 Code, § 2-103)

2-104. Compensation. Members of the board or related committee shall serve without compensation. (2011 Code, § 2-104)

2-105. Duties and responsibilities. It shall be the responsibility of the board to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets, bike trails, and in other public areas. Such plan will be presented annually to the board of mayor and aldermen and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City of Harrogate, Tennessee. The board, when requested by the board of mayor and aldermen, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work. (2011 Code, § 2-105)

2-106. Operation. The tree board shall elect its own officers from its membership, with the exception of the chairman, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. (2011 Code, § 2-106)

2-107. Street tree species to be planted. A list of approved trees will be maintained by the tree board. No tree species other than those included on the tree board's list shall be planted as street trees without written permission from the tree board. (2011 Code, § 2-107)

2-108. Spacing. The spacing of street trees will be in accordance with the three (3) species size classes listed in § 2-107 of this chapter, and no trees may be planted closer together than the following:

- (1) Small trees, twenty feet (20');
- (2) Medium trees, thirty feet (30'); and
- (3) Large trees, forty feet (40'). Except in special planting designed or approved by the city engineer or landscape architect. (2011 Code, § 2-108)

2-109. Distance from curbs and sidewalks. The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three (3) species size classes listed in § 2-107 of this chapter, and no trees may be planted closer to any curb or sidewalk than the following.

- (1) Small trees, two feet (2');
- (2) Medium trees, two and one-half feet (2-1/2'); and
- (3) Large trees, three feet (3'). (2011 Code, § 2-109)

2-110. Distance from street corner and fireplugs. No street tree shall be planted closer than eighty feet (80') of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than eight feet (8') to a fireplug. (2011 Code, § 2-110)

2-111. Utilities. No street trees other than those species listed as small or medium trees in § 2-107 of this chapter may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility. (2011 Code, § 2-111)

2-112. Public tree care. The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public ways to promote safety or to preserve or enhance the symmetry and beauty of such public grounds. The city tree board may remove, or cause or order to be removed, any tree or part thereof, which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with §§ 2-107 through 2-111 of this chapter. (2011 Code, § 2-112)

2-113. Tree topping. It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches (3") in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be

exempted from this chapter at the determination of the city tree board. (2011 Code, § 2-113)

2-114. Pruning, corner clearance. Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of fourteen feet (14') above the surface of the street or sidewalk. Said owners shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign. (2011 Code, § 2-114)

2-115. Dead or diseased tree removal on private property. The city shall have the right to cause 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 constitute a potential threat to other trees within the city. The city tree board will notify in writing the owners of such trees and charge the cost of removal. (2011 Code, § 2-115)

2-116. Removal of stumps. All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground. (2011 Code, § 2-116)

2-117. Interference with city tree board. It shall be unlawful for any person to prevent, delay or interfere with the city tree board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this chapter. (2011 Code, § 2-117)

2-118. Arborists license and bond. It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the city without first obtaining written permission from the Harrogate Tree Board. Permission shall not be required of any public service company or city employee doing such work in the pursuit of their public service endeavors. Before any permission shall be issued by the tree board each firm shall provide evidence of liability insurance in the minimum amounts covered by the Tennessee Governmental Tort Liability Act, being *Tennessee Code Annotated*, §§ 29-20-101, *et seq.* indemnifying the city or any person injured or damaged resulting from the pursuit of such endeavors as herein described. (2011 Code, § 2-118, modified)

2-119. Review by board of mayor and aldermen. The board of mayor and aldermen 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 board of mayor and aldermen who may hear the matter and make final decision. (2011 Code, § 2-119)

2-120. Violations and penalty. A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense. (2011 Code, § 2-120)

CHAPTER 2

PARKS AND RECREATION ADVISORY BOARD

SECTION

- 2-201. Powers and duties.
- 2-202. Membership.
- 2-203. Election of officers.
- 2-204. Meetings.
- 2-205. Order of business.
- 2-206. Adoption and amendment.

2-201. Powers and duties. (1) The role of the parks and recreation advisory board is to serve as an advisory body to the Harrogate Mayor and Board of Aldermen on all matters related to recreational activities and facilities provided by the City of Harrogate.

(2) In performing this role, the parks and recreation advisory board shall have the following duties and responsibilities:

- (a) Adopt a set of bylaws.
- (b) Review and/or recommend policies and procedures that encompass recreational activities and facilities.
- (c) Review the utilization of facilities and make recommendations regarding lease, acquisition, sale, design, improvement, maintenance, operations and scheduling of facilities/equipment provided by the City of Harrogate.
- (d) Advise the mayor and board of aldermen of the needs of the different recreational organizations within the City of Harrogate, and make appropriate recommendations.
- (e) Review policies and make recommendations regarding fees, services, charges, and fines related to program activities, facilities and equipment provided by the city.
- (f) Research grants/funding of recreational programs and facilities.
- (g) Establish recreational activities and programs.
- (h) To perform any other related duties as directed by the Harrogate Board of Mayor and Aldermen. (2011 Code, § 2-201, modified)

2-202. Membership. (1) The parks and recreation advisory board shall consist of six (6) voting members, all of whom shall be residents of the City of Harrogate. There shall be one (1) representative of the Harrogate Board of Mayor and Aldermen, one (1) representative of Lincoln Memorial University, and four (4) citizen representatives. The Harrogate Board of Mayor and Aldermen shall appoint all members for a term of two (2) years.

(2) If a vacancy should occur on the parks and recreation advisory board for any reason, a recommendation by the respective organizations shall be made to that seat for the duration of the un-expired term, and the mayor and board of aldermen shall appoint the vacant seat. (2011 Code, § 2-202)

2-203. Election of officers. (1) A chairman, a vice-chairman and a secretary shall be elected by the parks and recreation advisory board members and confirmed into office by approval by the Harrogate Mayor and Board of Aldermen.

(2) The chairman shall preside over the meetings of the parks and recreation advisory board and appoint all standing and temporary committees.

(3) The vice-chairman shall serve as a temporary chairman in the absence of the chairman. In the event that both the chairman and the vice-chairman are absent, a temporary chairman shall be elected to conduct that meeting and proceed with the order of business.

(4) The secretary shall, in concurrence with the chairman, prepare agendas for all meetings, prepare the minutes of all meetings, provide public notice of scheduled meetings, and perform other duties as necessary. (2011 Code, § 2-203)

2-204. Meetings. (1) Regular meetings shall be held on the second Monday of each month at 6:00 P.M. at the Harrogate City Hall. Members shall be notified by e-mail of each regular meeting by the secretary.

(2) All regular meetings of the parks and recreation advisory board shall be open to the public.

(3) Four (4) voting members of the parks and recreation advisory board shall constitute a quorum. A quorum shall be present before any business is transacted.

(4) In order for the parks and recreation advisory board to carry out its duties and responsibilities, it is necessary for all members to attend the meetings.

(5) All actions of the parks and recreation advisory board shall be put before its members in the form of a motion, duly seconded, and voted upon by members present for a quorum.

(6) Voting shall be done by show of hands. The chairman shall vote only in case of a tie.

(7) The parks and recreation advisory board shall keep a record of its meetings, recommendations, findings and determinations. These records shall be public and maintained in the files of the Parks and Recreation Advisory Board of the City of Harrogate at the City Hall. (2011 Code, § 2-204)

2-205. Order of business. (1) Order of business shall be as follows:

- (a) Determination of quorum.
- (b) Approval of previous minutes.

- (c) Old business.
- (d) New business.
- (e) Adjournment.

(2) Items of business at the regular meeting shall appear on the agenda. All items on the agenda shall be presented to the secretary at least seven (7) days prior to the meeting. (2011 Code, § 2-205)

2-206. Adoption and amendment. (1) Bylaws of the parks and recreation advisory board shall be adopted by a majority vote of the mayor and board of aldermen.

(2) Bylaws of the parks and recreation advisory board may be amended from time to time by majority vote of the mayor and board of aldermen at a duly constituted meeting; provided that such proposed amendment shall have been first submitted to all its members in writing prior to the meeting at which the vote is taken. (2011 Code, § 2-206)

CHAPTER 3

BOOK STATION COMMITTEE

SECTION

- 2-301. Powers and duties.
- 2-302. Membership.
- 2-303. Election of officers.
- 2-304. Meetings.
- 2-305. Order of business.
- 2-306. Adoption and amendment.

2-301. Powers and duties. (1) The role of the book station board is to serve as an advisory body to the Harrogate Board of Mayor and Aldermen on all matters related to book station activities provided by the City of Harrogate.

(2) In performing this role, the book station board shall have the following duties and responsibilities:

- (a) Adopt a set of bylaws.
- (b) Review and/or recommend policies and procedures that encompass book station activities.
- (c) Review the utilization of the book station and make recommendations regarding the acquisition, sale, design, improvement, maintenance, and operations of the book station facilities and/or equipment provided by the City of Harrogate.
- (d) Advise the board of mayor and aldermen of the needs of the book station and make appropriate recommendations.
- (e) Review policies and make recommendations regarding fees, services, charges, and fines related to program activities, facilities and equipment provided by the city.
- (f) Research grants/funding of recreational programs and facilities.
- (g) Establish book station activities and programs.
- (h) To perform any other related duties as directed by the Harrogate Board of Mayor and Aldermen. (2011 Code, § 2-301)

2-302. Membership. (1) The book station board shall consist of five (5) voting members, all of whom shall be residents of the City of Harrogate. There shall be four (4) citizen representatives and one (1) representative of the Harrogate Board of Mayor and Aldermen. All members shall be appointed by the Harrogate Board of Mayor and Aldermen for a term of two (2) years.

(2) If a vacancy should occur on the book station board for any reason, a recommendation shall be made to that seat for the duration of the unexpired term, and the board of mayor and aldermen shall appoint the vacant seat. (2011 Code, § 2-302)

2-303. Election of officers. (1) A chairman, a vice-chairman and secretary shall be elected by the book station board members and confirmed into office by approval by the Harrogate Board of Mayor and Aldermen.

(2) The chairman shall preside over the meetings of the book station board and appoint all standing and temporary committees.

(3) The vice-chairman shall serve as a temporary chairman in the absence of the chairman. In the event that both the chairman and the vice-chairman are absent, a temporary chairman shall be elected to conduct that meeting and proceed with the order of business.

(4) The secretary shall, in concurrence with the chairman, prepare agendas for all meetings, provide public notice of scheduled meetings, and perform other duties as necessary. (2011 Code, § 2-303)

2-304. Meetings. (1) Regular meetings shall be held on the second Saturday of each month at 10:00 A.M. at the Harrogate Book Station. Members shall be notified by e-mail of each regular meeting by the secretary.

(2) All regular meetings of the book station board shall be open to the public.

(3) Three (3) voting members of the book station board shall constitute a quorum. A quorum shall be present before any business is transacted.

(4) In order for the book station board to carry out its duties and responsibilities, it is necessary for all members to attend the meetings. Three (3) consecutive unexcused absences or failing to attend seventy-five percent (75%) of the meetings in a year will allow the chairman to request the position to be vacated and a replacement to be appointed by the Harrogate Board of Mayor and Aldermen.

(5) All actions of the book station board shall be put before its members in the form of a motion, duly seconded, and voted upon by all unexcused members present for a quorum. At least three (3) voting members shall be present before a vote may be taken.

(6) Voting shall be done by show of hands. The chairman shall vote only in case of a tie.

(7) The book station board shall keep a record of its meetings, recommendations, findings and determinations. These records shall be public and maintained in the files of the Book Station Board of the City of Harrogate at the City Hall. (2011 Code, § 2-304, modified)

2-305. Order of business. (1) Order of business shall be as follows:

- (a) Determination of quorum;
- (b) Approval of previous minutes;
- (c) Old business;
- (d) New business; and
- (e) Adjournment.

(2) Items of business at the regular meeting shall appear on the agenda. All items on the agenda shall be presented to the secretary at least five (5) days prior to the meeting. (2011 Code, § 2-305)

2-306. Adoption and amendment. (1) Bylaws of the book station board shall be adopted by a majority vote of the Harrogate Board of Mayor and Aldermen.

(2) Bylaws of the book station board may be amended from time to time by majority vote of the Harrogate Board of Mayor and Aldermen at a duly constituted meeting; provided that such proposed amendment shall have been first submitted to all its members in writing prior to the meeting at which the vote is taken. (2011 Code, § 2-306)