

**ORDINANCE NO. 08-2021**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 2, ARTICLE IV, DIVISION 3, SECTIONS 2-184, 2-185, AND 2-186 OF THE TOWN CODE PERTAINING TO THE TREE BOARD; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Lake Park, Florida, is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, the Town Commission created a Tree Board, the duties and responsibilities and additional provisions of which are set forth, in part, in Sections 2-184 through 2-186 of Division 3 of Article IV of Chapter 2 of the Town Code; and

**WHEREAS**, the Community Development Department staff has recommended that the Town Commission amend Chapter 2, Article IV, Division 3, Sections 2-184 through 2-186 to restructure the Tree Board's duties and responsibilities, compensation and education and operation.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:**

**Section 1.** The whereas clauses are incorporated herein as true and correct and as the legislative findings of the Town Commission.

**Section 2.** Chapter 2, Article IV, Division 3, Sections 2-184 through 2-186 are hereby amended as follows:

**Sec. 2-184. Compensation and Education.**

Members of the board shall serve without compensation. It shall be the responsibility of each board member to participate in necessary educational workshops and programs designated by the town. In addition board members shall be responsible for attending such programs as are required for advisory board members of municipalities provided by the Palm Beach County Commission on Ethics.

**Sec. 2-185. Duties and responsibilities.**

(a) Tree survey inventory. It shall be the responsibility of the board to work with town Staff and consultants, as directed by the town and to the extent necessary contingent upon the town providing available funds, to provide recommendations on the development of an inventory survey of all park trees and street trees on public property within the town. Such survey inventory, when performed, will identify trees by type, number, and location and shall be provided, in writing, with

appropriate maps and symbols, as necessary to delineate the information specified herein. The inventory survey shall be completed as determined by the town and contingent on the appropriation of available funds. The survey shall be provided to the board for its review and recommendation, no later than January 1, 1993, and shall be updated and amended annually thereafter to reflect and additions of trees.

(b) *Care guide.* It shall be the responsibility of the board to assist, when requested, the community development director or public works director to study, investigate, counsel, and develop and/or update annually, and administer a written care guide for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. The board shall act on an advisory basis as it relates to the care guide, so as to, in part, ensure the continued growth of the existing native indigenous tree canopies within the town; provide the town with adequate green and open space and to generally promote the health and safety benefits derived from native plant life to facilitate a clean living environment; advocate for energy conservation through the productive use of natural resources; and preserve and restore land via the eradication of invasive non-native plants, weeds, and other non-indigenous plant species.

(c) *Annual work plan.* It shall be the responsibility of the board to make recommendations to the town on the development of an annual work plan in accordance with the Tree City U.S.A. guidelines. Such work shall include, but not be limited to, tree related projects and tasks as well as an implementation schedule for such projects and tasks with the objective to maintain, beautify, conserve and restore plantings throughout the town's public streets and areas.

(d) *Submission of plan and expenses.* The Town Manager, or designee, may elect to recommend an annual work plan shall to the board for each fiscal year and include a list of estimated expenses, so as to recommend funding necessary for the annual work plan's implementation. The Town Manager's, or designee, recommended work plan shall be submitted to the board for its review and comment, and thereafter to the town commission for final approval not later than June of each year and shall include a list of estimated expenses for the followings ealendar year. The town commission may approve such plan by resolution, subject to the provision of necessary funding in the town budget.

(e) *Beautification - Special matters, and questions and recommendations.* The board, when requested by the town commission, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of the board's work. In addition, the Board shall make recommendations to the town commission related to involving plantings throughout the town; the identification of available grants that serve to beautify the plantings throughout the town; and the availability of special programs or projects that may serve to promote the environment.

### **Sec. 2-186. Operation.**

The board shall at a regular meeting to be conducted in January, or if there is no meeting in January then at the first meeting of the board in the new year, elect from its membership a

~~chair and vice-chair, choose officers, make rules and regulations, and keep a journal of the boards findings.~~ A majority of the members of the board shall be a quorum for the transaction of business.

**Section 3.**     **Severability.** If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by a Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

**Section 4.**     **Codification.** The provision of this Ordinance shall become and be made a part of the Code of Ordinances for the Town of Lake Park. The Sections of the Ordinance may be re-numbered or re-lettered to accomplish such.

**Section 5.**     **Effective date.** This Ordinance shall take effect immediately upon execution.

Upon First Reading this 21 day of July, 2021, the foregoing Ordinance was offered by Commissioner Linden, who moved its approval. The motion was seconded by Commissioner Michaud and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR MICHAEL O'ROURKE	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER JOHN LINDEN	<u>/</u>	_____
COMMISSIONER ROGER MICHAUD	<u>/</u>	_____

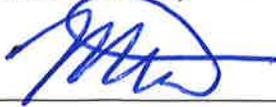
**PUBLISHED IN THE PALM BEACH POST THIS 25 DAY OF July, 2021**

Upon Second Reading this 4 day of August, 2021, the foregoing Ordinance, was offered by Vice-Mayor Glas-Castro who moved its adoption. The motion was seconded by Commissioner Michaud and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR MICHAEL O'ROURKE	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER JOHN LINDEN	<u>/</u>	_____
COMMISSIONER ROGER MICHAUD	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No.** 08-2021 duly passed and adopted this 4 day of August, 2021.

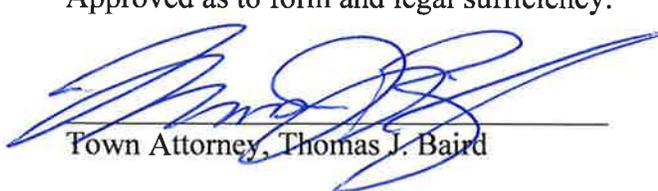
TOWN OF LAKE PARK, FLORIDA

BY:   
Mayor, Michael O'Rourke

ATTEST:

Approved as to form and legal sufficiency:

  
Town Clerk, Vivian Mendez  
  
TOWN OF LAKE PARK  
FLORIDA

  
Town Attorney, Thomas J. Baird

**ADDITIONAL TREE BOARD CODE SECTIONS NOT BEING MODIFIED – REFERENCE ONLY**

*Subpart A - GENERAL ORDINANCES*

*Chapter 2 - ADMINISTRATION*

*ARTICLE IV. - BOARDS AND COMMITTEES*

*DIVISION 3. TREE BOARD*

**Sec. 2-181. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Board* means the town tree board.

*Park trees* means trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the town, or to which the public has free access as a park.

*Street trees* means trees, shrubs, bushes and all other woody vegetation on land lying within the public rights-of-way of the town.

(Ord. No. 3-1991, § 6, 2-6-1991; Code 1978, § 31-25)

**Sec. 2-182. Creation and establishment of a town tree board.**

There is hereby created and established a town tree board, which shall consist of five persons appointed by the town commission.

(Ord. No. 3-1991, § 6, 2-6-1991; Ord. No. 18-1991, § 1, 11-20-1991; Code 1978, § 31-26)

**Sec. 2-183. Term of office.**

The terms of office of members of the board shall be three years. The members of the board shall be appointed by the town commission so as to stagger the terms of office.

(Ord. No. 3-1991, § 6, 2-6-1991; Ord. No. 18-1991, § 1, 11-20-1991; Code 1978, § 31-27)

**LEGAL NOTICE OF PROPOSED ORDINANCE  
TOWN OF LAKE PARK**

Please take notice that on Wednesday, August 4, 2021 at 6:30 p.m. or soon thereafter the Town Commission, of the Town of Lake Park, Florida to be held at 535 Park Avenue, Lake Park, Florida 33403 will consider the following Ordinances on second reading and proposed adoption thereof:

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If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Vivian Mendez, MMC, Town Clerk  
Town of Lake Park, Florida

**PUB:** July 25, 2021 The Palm Beach Post