

ORDINANCE NO. 940

AN ORDINANCE AMENDING SECTION 72-34 OF CHAPTER 72, TREES AND PUBLIC TREE CARE, BY CLARIFYING THE ADVISORY STATUS OF THE TREE ADVISORY BOARD AND CLARIFYING BOARD AUTHORIZATION TO SETTLE VIOLATION APPEALS

WHEREAS, the City Council (the "City Council") of the TOWN OF HOLLYWOOD PARK, TEXAS (the "Town") adopted Ordinance 929 on July 16, 2013 which enacted Chapter 72, Trees and Public Tree Care, of the Code of Ordinances; and

WHEREAS, Section 72-34 (d) appears to require the Tree Advisory Board to comply with the Open Meetings Act; and

WHEREAS, Section 72-39 appears to authorize the Tree Advisory Board to settle violations arising under Chapter 72 of the Code of Ordinances; and

WHEREAS, the City Council desires to exempt the Tree Advisory Board from compliance with the Open Meeting Act and to make it clear that the Tree Advisory Board does not have the independent authority to adjudicate violations arising under Chapter 72 of the Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF HOLLYWOOD PARK, TEXAS THAT:

Chapter 72, Trees and Public Tree Care, Sec. 72-34 (d) of the Code of Ordinances is amended to read as follows:

“(d) *Meetings*. The Board shall meet a minimum of six times each year. The Board chair may schedule additional meetings as required or cancel scheduled meetings as deemed necessary. The Tree Advisory Board serves in an advisory capacity only to the Director and the City Council so that compliance with the Open Meetings Act by the Board is not required by the City Council.”

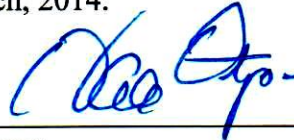
Chapter 72, Trees and Public Tree Care, Sec. 72-39 is amended to read as follows:

“Sec. 72-39. Violations

The Director shall seek voluntary compliance with the provisions of this chapter to the extent feasible. If the Director determines that there has been a violation of this chapter and such violation is not an immediate hazard or nuisance, the Director shall notify the alleged violator in person or by certified return receipt requested mail of the violation and the action required of the alleged violator. If an alleged violator disputes the violation within ten (10) days after the delivery or mailing of a notice of violation by the Director, and before a citation is issued, the alleged violator may appeal the notice of violation to the Tree Advisory Board, which shall meet to consider the appeal and seek to reach a settlement of the violation. If a settlement is reached, the Tree Advisory Board shall recommend the settlement to the Director who shall have final

authority to accept or reject the settlement. If a settlement is not reached, or if a settlement is reached and the Director does not accept the settlement, or if the violator does not appeal the violation to the Tree Advisory Board, and the alleged violator fails to cure the violation within ten (10) days of delivery in person or of the mailing of a notice of violation, a citation shall be issued to the alleged violator, and the violator shall be subject to a fine as provided in Section 1-15 of the Code of Ordinances. Each day that such violation shall occur, continue or be permitted to exist shall constitute a separate offense. If the Director determines that a citation of this chapter is an immediate hazard or nuisance, the Director may refrain from issuing a notice of violation and proceed directly to the issuance of citation in the Municipal Court.”

PASSED and APPROVED this 18th day of March, 2014.



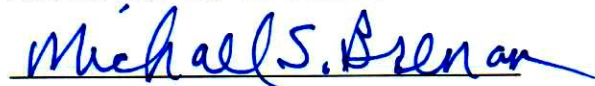
Mayor

ATTEST:



City Secretary

APPROVED AS TO FORM:



City Attorney