

Bill No. 7991

Introduced in Council:

April 17, 2023

Adopted by Council:

Introduced by:

**Emmett Pepper, Frank Annie ,
Becky Ceperley, Mary Beth Hoover,
Larry Moore, and Joe Solomon**

Referred to:

**Parks and Recreation and
Ordinance and Rules**

1 **Bill No. 7991** - A BILL to amend and reenact sections 2-533, 50-172, 65-13, and 82-44,
2 of the Municipal Code of the City of Charleston, as amended, all relating to city
3 agencies and boards adopting wellbeing and conservation goals for the city.
4

5 **WHEREAS**, access to parkland, open space, nature, and recreational facilities creates a
6 sense of community through gathering spaces; and benefits the health, happiness, and
7 lives of Charleston’s residents; and
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9 **WHEREAS**, according to the Trust for Public Land, about half of the residents of the City
10 of Charleston are within a ten-minute walk (half mile) of a park, while the national
11 average is 55%; and
12

13 **WHEREAS**, according to the Living Planet Index by the World Wildlife Fund (WWF) and
14 Zoological Society of London (ZSL), animal species populations have dropped 20%
15 since the first Earth Day in 1970; and
16

17 **WHEREAS**, for example, the International Union for Conservation of Nature (IUCN)
18 recently listed the migratory monarch butterfly as an endangered species, further
19 justifying the need for city’s monarch waystation in Spring Hill Cemetery Park and other
20 future waystations; and
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22 **WHEREAS**, the City’s own operations can affect wildlife through actions such as utilizing
23 native plant species in landscaping, reducing pesticide and insecticide usage, and
24 operating buildings in a bird-safe manner; and
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26 **WHEREAS**, according to the United Nations Convention on Biodiversity, in order to
27 protect biodiversity and ecosystem functioning services, 30% of lands in the world need
28 to be protected; and
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30 **WHEREAS**, the City of Charleston currently has approximately 550 of its 20,890 acres
31 available as public parkland, equal to approximately 3%; and
32

33 **WHEREAS**, the 50th Anniversary of the U.S. Endangered Species Act, the nation’s most
34 prominent and historic biodiversity legislation, occurs later this year, on December 28,

35 2023; and

36

37 **WHEREAS**, increasingly, scientists believe that people’s mental and physical health
38 benefit from access to natural ecosystems – for example, a 2019 study in the journal
39 *Nature* found that 120 minutes each week in nature was associated with good health
40 and wellbeing; and

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42 **WHEREAS**, having clear direction to all applicable agencies, the City of Charleston will
43 benefit its residents by having goals for ensuring access to public spaces, including
44 natural spaces; and

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46 **WHEREAS**, on this Earth Day 2023, the City of Charleston commits to increasing access
47 for its residents to public parks for recreation, access to nature, and the ecosystem
48 services that nature provides through the declarations in this bill, the changes to City
49 code made by this bill, and future actions of the City Council; and

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51 **WHEREAS**, the City of Charleston hereby sets as a goal that 5% of the land in the City be
52 reserved for public parks, with at least 3% of land in the City be preserved as natural
53 landscapes; and

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55 **WHEREAS**, the City of Charleston hereby sets a goal that 75% of all residents have a
56 public park within a ten-minute (half mile) walk of their homes; and

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58 **WHEREAS**, the City of Charleston commits to utilizing native plant species when
59 landscaping and planting, minimize pesticide usage, and operate bird-safe buildings, to
60 the extent pecuniarily practicable; and

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62 **WHEREAS**, the City of Charleston seeks opportunities to locate additional monarch
63 butterfly waystations and to otherwise protect the habitats of species of the greatest
64 conservation need (SGCN), as designated by the West Virginia Division of Natural
65 Resources (WVDNR)), and species on the International Union for Conservation of
66 Nature (IUCN) Red List, that have been found to live in the City; and

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68 **WHEREAS**, in furtherance of these goals and objectives, the City Council hereby adopts
69 this ordinance.

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71 **Now, therefore, be it ordained by the Council of the City of Charleston:**

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73 That Sections 2-533, 50-172, 65-13, 82-44, and 90-33 of the Municipal Code of the City
74 of Charleston, as amended, are hereby amended and reenacted, all to read as follows:

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76 **CHAPTER 2 - ADMINISTRATION**

77 **ARTICLE VII. - BOARDS, COMMITTEES AND COMMISSIONS**

78 **DIVISION 2. - BEAUTIFICATION COMMISSION**

79 **Sec. 2-533. Duties.**

80

(a) It shall be the duty of the beautification commission to advise and

81 recommend to the mayor or the city council such programs or projects as would, in the
82 opinion of the commission, improve the beauty and general welfare of the city, and
83 conform with the development and conservation goals contained in the city's
84 comprehensive plan.

85 (b) The mayor or the council may request the advice or cooperation of the
86 commission for any project or program connected with the beautification, cleanliness or
87 general welfare of the city.

88 (c) The commission shall submit an annual report to the mayor, generally
89 outlining its program and progress during the previous year.

90 (d) It shall be the duty of the commission to recommend maintenance and
91 rules of Davis Park, Shanklin Park, Elk River Park and Ruffner.

92 (e) The commission shall approve recommendations for expenditures from
93 the municipal beautification project fund.

94 (f) The commission shall, upon recommendation of the department head,
95 approve the citywide consulting horticulturalist and make this recommendation to the
96 finance committee and the city council.

97 (g) The commission shall serve as the tree board for the city.

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99

100 **CHAPTER 50 - ENVIRONMENT**

101 **ARTICLE V. - TREES**

102 **Sec. 50-172. Purpose.**

103

104 It is the purpose of this article to promote and protect the public health and general
105 welfare in furtherance of the development and conservation goals contained in the city's
106 comprehensive plan, by providing for the regulations of the planting, maintenance,
107 preservation and removal of trees within the city.

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109

110 **CHAPTER 65 - LAND REUSE AGENCY**

111 **ARTICLE II. - POWERS AND DUTIES.**

112

113 **Sec. 65-12. - Redevelopment division.**

114 The CLRA redevelopment division shall focus on properties in residential and
115 commercial areas of the city that the CLRA owns or could own with the goal of
116 rehabilitating the neighborhood and general area, in support of policies adopted by the
117 City of Charleston, including development and conservation goals contained in the
118 comprehensive plan. The redevelopment division may recommend to the board that the
119 CLRA acquire property, convey or lease property owned by the CLRA, create land
120 lease agreements for property owned by the CLRA, work with developers to create new
121 redevelopment on CLRA owned property, or make any other recommendation regarding
122 the acquisition, disposal, or development of property. The CLRA redevelopment division
123 shall work with the Charleston Urban Renewal Authority (CURA) to assist in the
124 planning and development of relevant property owned by CURA.

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126 **Sec. 65-13. Conservation division.**

127 The CLRA conservation division shall focus on properties across the city that the CLRA
128 owns or could own with the goal of rehabilitating the area through land conservation,
129 rather than development, in support of policies adopted by the City of Charleston,
130 including development and conservation goals contained in the comprehensive plan.

131 The conservation division may recommend to the board that the CLRA acquire property,
132 maintain, improve and preserve public trust lands, proposals to foster the donation of
133 public trust lands to the city, to encourage the monetary support for public trust lands
134 and to maintain in trust lands and moneys which are owned by or contributed to the city
135 for the purposes of this division.

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137 "Public trust lands" for purposes of this chapter shall mean and include: lands,
138 easements, leases or any other interest in real property, whether possessory or
139 nonpossessory, having scenic, recreation, historic, woodland, forestry, conservation,
140 preservation or cultural value which are owned or acquired by the city. Public trust lands
141 may include conservation and preservation easements as provided in W. Va. Code, Ch.
142 20, Art. 12.

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145 **CHAPTER 82 - PARKS AND RECREATION**

146 **ARTICLE II. - PARKS AND RECREATION DEPARTMENT**

147 **Sec. 82-44. Construction and acquisition of recreational property.**

148 The city council may establish, construct, acquire and set aside for recreational parks,
149 playgrounds and other recreational facilities any real or personal property acquired by
150 the city, in furtherance of existing public policies, including the city's comprehensive
151 plan and the State of West Virginia's Statewide Comprehensive Outdoor Recreation
152 Plan (SCORP). Such property shall be under the control of the director when turned
153 over to the director by the council.

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