

ORDINANCE NO. 07-20

AN ORDINANCE ADDING CHAPTER 12.08 TO BE TITLED "TREE BOARD" TO THE CENTERTON MUNICIPAL CODE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, it is found by the City Council of the City of Centerton, Arkansas, that trees are a beneficial resource, the preservation and proliferation and regulation of which will serve a public interest in esthetics, safety and economics; and

NOW, THEREFORE, be it ordained by the City Council of the City of Centerton, Arkansas:

Section 1: That Chapter 12.08 to be titled "Tree Board" is hereby added to the Centerton Municipal Code and is to read follows:

CHAPTER 12.08

TREE BOARD

Sections:

12.08.01	Tree Board
12.08.02	Duties
12.08.03	Purpose
12.08.04	Definitions
12.08.05	Administration
12.08.06	Tree Planting, Maintenance and Removal
12.08.07	Commercial Tree Service
12.08.08	Hazardous and Nuisance Trees
12.08.09	Tree Protection and Landscaping
12.08.10	Penalty
12.08.11	Conflicts in Regulation

12.08.01 Tree Board

- A. There is hereby created by the City of Centerton the Tree Board, which shall be composed of five (5) members as follows:
1. The Street Department Superintendent.
 2. The Planning Department Director.

3. The Mayor.
 4. One member of the City Council appointed by the Mayor and approved by the City Council.
 5. One (1) member shall be from the public at large and shall be nominated by the Mayor of the City and approved by the City Council of the City for a term of four (4) years.
- B. The Centerton Tree Board shall adopt rules and regulations for the discharge of its duties and the transaction of business and shall keep a public record of all business done and transacted by it.
 - C. The members of the Centerton Tree Board shall elect one of their members as Chairperson, another as Vice-Chairperson, and they shall elect a Secretary to report the proceedings and business of the Board.

12.08.02 Duties

- A. Community Forestry Program. It shall be the duty of the Tree Board to develop and implement a Community Forestry Program to be presented and adopted by the City Council.
- B. Arbor Day. It shall be the duty of the Tree Board to authorize the annual observance of Arbor Day in the City of Centerton and to issue the appropriate proclamation.
- C. Tree City USA. It shall be the duty of the Tree Board to ensure that the City meets the requirements to make application to become a Tree City USA. Further, it shall be the duty of the Tree Board, after the City has become a Tree City USA, to ensure that the appropriate standards and requirements are met so that the City remains a Tree City USA.

12.08.03 Purpose

It is the purpose of this policy to promote and protect the public health, safety and general welfare of this community, improve the community image, improve the quality of life in the community, improve the environment, promote education of the benefits of trees and green space, enhance the value of properties within our City and promote community involvement by providing for the development of a Community Forestry Plan to address planting, maintenance, and removal of trees within the City of Centerton.

The objectives are to preserve the existing tree canopy and add to it to reduce storm water runoff, to stabilize and prevent soil erosion, to provide habitat for birds and other wildlife, to screen incompatible land and to enhance property values.

12.08.04 Definitions

Commercial Tree Service - A person or company that performs work on trees for profit.

Drip Line - An imaginary vertical line that extends downward from the outermost tips of the tree branches to the ground.

Hazardous Tree - A tree or tree parts with high probability of falling or causing injury of property loss; also, a tree harboring insects or a disease that could be detrimental to surrounding trees.

Arborist - A specialist in the planting and maintenance of trees.

Person - An individual, firm, corporation, partnership, business, group of individuals, City department or other entity which acts singly or collectively for a common purpose.

Public Grounds - All property and facilities owned by the City including but not limited to street rights of way, alleys, parks, medians, substations, treatment plants, plazas, squares, public buildings, detention and retention ponds and any other area owned by the City for City use.

Street Right-Of-Way - The area designated for City improvements on both sides of the street.

Topping - Also referred to as stubbing, dehorning and heading; it is the severe removal of the tree canopy back to large stubs.

Tree - Any self-supporting woody perennial plant, usually having a main stem or trunk and many branches, considered by the Arkansas Forestry Commission to be a tree.

12.08.05 Administration

The Centerton Tree Policy and Community Forestry Plan shall be directed and administered through the Centerton Tree Board with the help and assistance as required of the City administration.

12.08.06 Tree Planting, Maintenance and Removal

It is the public policy of the City of Centerton to maintain existing trees and to provide for and encourage the planting of new trees within the City to be the greatest extent possible.

- A. The City shall have the right to plant, prune, maintain and remove trees, plants, and shrubs within the public right-of-way of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve and enhance the symmetry and beauty of such public City-owned property.
- B. The City shall have the right to require the pruning of 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, sign or sight triangle at intersections, or is in any way deemed to be detrimental to public health or safety.
- C. Each City department shall be responsible for enforcing this ordinance. The Mayor or his or her designee will ensure that the applicable department will administer this ordinance in its assigned area of responsibility.
- D. Trees shall not be removed from a street right-of-way or other public ground unless approval is received from the City Tree Board.
- E. It shall be a violation of this ordinance to damage, destroy or mutilate any tree, or to cut back to stubs the crown of any tree in a public right-of-way or on other public grounds without the approval of the City Tree Board.
- F. Trees shall not be planted to conceal a fire hydrant from the street or impede the line of sight on any street, or hinder access.
- G. City employees performing tree work on public grounds shall be trained in basic tree science and the proper techniques of tree pruning. Such seminars are conducted by the Arkansas State Forestry Commission.
- H. Public utility companies shall notify the City prior to pruning any tree located within the City limits for the purpose of maintaining safe line clearance and shall carry out all such work in accordance with accepted ANSI A-300 practices.

12.08.07. Commercial Tree Service

- A. Requirements to procure a permit to engage in commercial tree service operations in the City of Centerton shall include, certification, whether by education and/or experience, and current liability insurance.
- B. No permit shall be required of any public service company or City employee doing such work in the pursuit of their public service endeavors.

- C. Fees shall be established from time to time by resolution of the City Council which shall take into consideration the recommendations of the Tree Board.
- D. Any permit issued hereunder shall not be transferrable.

12.08.08. Hazardous and Nuisance Trees

- A. 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. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.
- B. It shall be the duty of any person or persons owning or occupying real property bordering on any street upon which there are trees, to prune such trees in such a manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct the view of any street or alley intersection.

12.08.09. Tree Protection and Landscaping

- A. Subdivision and development plans shall be designed to preserve natural vegetation areas as much as possible. Streets, parcels, structures and parking areas shall be laid out to minimize the destruction of wooded areas or outstanding tree specimens. Developers of land are encouraged to designate wooded areas as park reserves or wildlife habitat.
- B. For all new development, the City Planning commission shall review landscaping plans and may require street trees to be planted in any of the streets, parking lots, parks and other public places abutting land henceforth developed and/or subdivided.
- C. The Planning Commission of the City of Centerton shall consider a landscape plan as part of its review of any subdivision plat, development plan or site plan application.
- D. No person shall deposit, place, store, or maintain upon any public place of the municipality, any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air, or nutrients to the roots within the drip line of any tree growing therein, except by written permission from the City.

12.08.10. Penalty

Any person violating any provision of this ordinance shall be upon conviction or plea of guilty subject to a fine not to exceed \$500.00 for each separate offense.

12.08.11. Conflicts in Regulation

- A. Where a conflict arises between this chapter and another ordinance, the more stringent requirement shall apply.
- B. The provisions of this policy are declared separable, and if any provision shall for any reason be held illegal, or invalid, it shall not affect the validity of the remainder of the policy.”

Section 2: The Mayor and City Recorder of the City of Centerton are hereby authorized to make application on behalf of the City to have Centerton named a “Tree City USA” and are further authorized to execute any and all documents necessary to effectuate the purpose of this Ordinance.

Section 3: The City Council of the City of Centerton, Arkansas, has determined that the implementation of the regulation as herein provided is essential and critical to the continued orderly growth of the City and the public peace, health and safety affected thereby, and an emergency is hereby found to exist and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 9th day of October, 2007.

APPROVED:

KEN WILLIAMS, Mayor

ATTEST:

BOBBIE GRIFFITH, City Recorder

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