

PARKS AND RECREATION

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**AN ORDINANCE ESTABLISHING THE BEAVER PARK COMMITTEE,
ESTABLISHING THE BEAVER TREE PROGRAM, AND FOR OTHER PURPOSES.**

WHEREAS, the City of Beaver, Arkansas, (the "City"), proposes to establish a tree program to qualify the City as a "Tree City" to become eligible for certain state, federal or private benefits, programs or grants;

WHEREAS, the City considers this matter falls within the present ambit of concern of the existing Beaver Park Committee; and

WHEREAS, the City is in the process of codifying it's Ordinances for greater ease of administration and reference and considers it convenient to number the sections of this Ordinance so as to fit within the expected City Code structure;

BE IT ORDAINED BY THE CITY COUNCIL OF CITY OF BEAVER, ARKANSAS:

PARKS AND RECREATION

Sections:

12.01 Park Committee

12.01.01 Park Committee Created There shall be a Park Committee composed of three to five members who shall elect a Chair. The Park Committee shall meet monthly as needed during the months April through October. The Park Committee is created to advise and

12.01.05 Administration The park committee's tree program activities shall be advisory in nature with the purpose of providing advice to the mayor and city council as to the management of the community forest of Beaver, in accordance with the intents and purposes of this code section.

12.01.06 The Beaver Park Committee's tree program activities One of the major purposes of the Beaver Park committee shall be promoting the responsible planting of trees on public and private property, public education about trees, promotion of proper maintenance of trees, advocating trees within the city, and developing innovative and joint funding for projects from a variety of sources.

A. The Beaver Park Committee's tree program activities shall include the responsibility to study, investigate, consult, develop, updated annually, and administer a written plan for the care, preservation, pruning, planting or removal of trees and shrubs in parks, along the streets, and in other public areas. Such plan will be presented annually to the city council and upon their acceptance and approval shall constitute the unofficial comprehensive tree management plan.

B. The committee will investigate available grants, loans or contributions from other governmental agencies, public or private corporations and individuals.

C. The committee will encourage and foster the planting of trees and other vegetation for the beautification of the city, and disseminate information to the public concerning proper selection and care of trees.

12.01.07 Tree planting, maintenance and removal It is the public policy of the city of Beaver to maintain existing trees and to provide for and encourage the planting of new trees within Beaver to 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 ensure public safety or to preserve and enhance the symmetry and beauty of such public grounds.

B. 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 the visibility of any traffic control device or sign or site triangle at intersections.

C. Trees shall not be removed from a street right-of-way or other public ground unless approval is received from the city.

D. It shall be a violation of this ordinance to damage, destroy or mutilate any tree in a public right-of-way or on other public grounds, or attach or place any rope or wire, sign, poster, handbill or any other object to any such tree.

E. Trees shall not be planted to conceal a fire hydrant from the street or impede the line of sight on the street.

F. It shall be unlawful for any person to top or cut back to stubs the crown of any tree on street rights-of-way or on other public grounds.

G. City agents performing tree work on public ground shall be trained in basic tree science and the proper techniques of tree pruning.

II. Public utility companies shall notify the city prior to pruning any tree located on city-owned property for the purpose of maintaining safe line clearance and shall carry out all such work in accordance with accepted arboricultural practices.

12.01.08 Commercial tree service

A. Requirements to procure a business license to engage in cutting, trimming, pruning, removing, spraying, or otherwise treating trees shall include compliance with the city arborist's recommendations approved by the city of Beaver Park committee with subject matter related to cutting, pruning, trimming, removing, spraying, or otherwise treating trees.

B. Any applicant for a tree service business permit shall provide at the time of application a certificate of insurance showing insurance coverage for general liability, automobile liability, workers' compensation, and other coverage as required by law.

C. No permit shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors.

D. Fees shall be established from time to time by resolution of the city of Beaver taking into consideration recommendations of the Beaver Park Committee.

E. Tree service contractor's permits may be renewed by filing a renewal application with the city, including the annual permit fee and proof of insurance as required herein.

F. Any permit issued hereunder shall not be transferable.

12.01.09 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, after giving notice to the landowner and a reasonable time for the landowner to remove such trees. In the event of failure of the landowner to comply with such notices, the city shall have the authority to remove such trees at the cost of the landowner.

B. Although the city has the right to enter upon private lands for these purposes,

it shall be the duty of any person or persons owning or occupying real property bordering on any street upon which property there may be trees, to prune such trees in such manner that they will not obstruct or shade the streetlights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct view of any street or alley intersection.

12.01.10 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 area 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. In new subdivisions or when the development of commercial property occurs, the city and Planning Commission will review landscaping plans and may require street trees to be planted in any of the streets, parking lots, parks and other public places abutting lands henceforth developed or subdivided.

C. The planning commission shall consider a landscape plan as part of its review of any subdivision plan, 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 thereon, except by written permission of the city.

12.01.11 Penalty Any person violating this ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$500 for each separate offense.

12.01.12 Repealer and Severability All ordinances or parts of ordinances in conflict herewith are hereby repealed. If any part of this Ordinance is found unlawful or unconstitutional, the remainder shall remain in full force and effect.

PASSED: December 3, 2003.

APPROVED:

BY: _____
Mayor

ATTEST:

BY Judith Higgindotson
Recorder/Treasurer

STATE LAW REFERENCES - A.C.A. 14-56-401 et seq.; 14-56-416;

Administrative notes --

Date posted, 5 public places: _____

Date emergency found (2/3): _____

Date motion to suspend reading rule (2/3): _____

1st reading: _____, 2003

Date(s) of Minutes, acted upon: 12/3, 2003