

CITY OF PRESCOTT, ARKANSAS
ORDINANCE NO. 4 2009

AN ORDINANCE TO PROVIDE FOR A COMMUNITY FORESTRY PLAN AND FOR OTHER RELATED PURPOSES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PRESCOTT, ARKANSAS.

Section 1. Purpose.

It is the purpose of this ordinance to promote and protect the public health, safety, and general welfare by providing for the development of a Community Forestry Plan to address the planting, maintenance, and removal of public trees within the City of Prescott in order to promote the benefits of our community forest resources.

Section 2. Definitions

Hazardous tree. A tree or tree parts with high probability of falling or causing injury or property loss; also, a tree harboring insects or a disease that could be detrimental to surrounding 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. Areas including street rights-of-way, alleys, parks, medians, substations, treatment plants, plazas, squares, public buildings and any other area designated for public 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.

Public Service Company. A public service company is a corporation, partnership, limited liability company or sole proprietorship engaged in providing utilities or other similar services to the general public.

Tree. Any self-supporting woody perennial plant, usually having a main stem or trunk and many branches, and at maturity normally attaining a trunk diameter greater than three inches at DBH and a height of over ten feet.

Commercial Tree Service. Any private company including a corporation, partnership, limited liability company or sole proprietorship engaged in the cutting, trimming, pruning, removing, spraying or otherwise treating trees for profit.

Section 3. Administration.

The City of Prescott Beautification Committee 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 Prescott, in accordance with the intents and purposes of this ordinance.

Section 4. Establishment of a Tree Advisory Committee.

- (A) The purpose of the City of Prescott Beautification Committee shall be promoting the responsible planting of trees on public, public

education about trees, promotion of proper maintenance of public trees, advocating trees within the City, and developing innovative and joint funding for projects from a variety of sources.

- (B) The Committee will encourage and foster the planting of trees and other vegetation on public property for the beautification of the City; and disseminate information to the public concerning proper selection and care of trees.
- (C) The Beautification Committee shall be comprised of nine (9) members. The members of the Beautification Committee shall consist of the Mayor, a City Councilman to be appointed by the Mayor, a member of the Nevada County Quorum Court that resides in the City of Prescott, Arkansas, to be appointed by the Mayor, the Director of the Nevada County Economic Development office, the Director of the Prescott-Nevada County Chamber of Commerce, and four (4) at large members, who must be residents of the City of Prescott to be appointed by the Mayor, subject to approval of the City Council.

Section 5. Tree Planting, Maintenance and Removal.

It is the public policy of the City of Prescott, Arkansas to maintain existing trees and to provide for and encourage the planting of new trees on public property within Prescott, Arkansas to the greatest extent possible. Accordingly, the following rights, responsibilities and prohibitions shall be in effect in the City of Prescott:

- (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 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 visibility of any traffic control device or sign or sight triangle at intersections or when a tree on private property interferes with City power lines or other City services. In performing such pruning the City shall only prune and remove such trees or shrubs as is reasonably necessary in the sole discretion of the City.
- (C) Each City department shall be responsible for enforcing this ordinance on lands for which it is otherwise responsible. The City Administrator 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 property unless approval is received from the City.
- (E) 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.
- (F) Trees shall not be planted to conceal a fire hydrant from the street

or impede the line of sight on any street.

- (G) It shall be unlawful for any person or company to top or cut back to stubs the crown of any tree in street rights-of-way or on other public grounds unless prior advance written approval is obtained from the City.
- (H) City employees performing tree work on public grounds shall be trained in basic tree science and the proper techniques of tree pruning.
- (I) 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.

Section 6. Commercial Tree Service.

- (A) Any commercial tree service performing work in the City on private or public property shall be required to obtain a permit from the City before commencing its work.
- (B) The permit to engage in the cutting, trimming, removing, spraying or otherwise treating trees may be obtained by its application with the office of the City Manager for the City of Prescott, Arkansas. The cost of such a permit shall be \$75.00 per year.
- (C) Requirements to procure a permit to engage in cutting, trimming, pruning, removing, spraying or otherwise treating trees shall include: attendance at, and completion of an arborist training program approved by the City of Prescott Beautification Committee (an example may be a course offered by the International Society of Arboricultural or other related organization), covering subject matter related to cutting, pruning, trimming, removing, spraying, or otherwise treating trees.
- (D) 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, worker's compensation, and other coverage required by law.
- (E) No permit shall be required of any public service company or City employee doing such work in the pursuit of their public service endeavors.
- (F) The permit fee shall be established from time to time by resolution of the City of Prescott City Council taking into consideration recommendations of the City of Prescott Beautification Committee, as well as City officials and staff.
- (G) Tree service contractor's permits may be renewed by filing a renewal application with the City, including payment of the annual permit fee and proof of insurance as required herein.
- (H) Any permit issued hereunder shall not be transferable.

Section 7. Hazardous and Nuisance Trees.

It shall be the duty of any person or persons owning or occupying real property

bordering on any street or bordering on any City power line or other utility easement upon which property there may be trees, to prune such trees in such manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, obstruct the view of any street or alley intersection, or obstruct, touch or otherwise interfere with City power transmission of other City utilities.

Section 8. Conflicts in Regulation.

- (A) Where a conflict arises between this chapter and another ordinance, the more stringent requirement shall apply.

- (B) The provisions of the ordinance 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 ordinance.

Section 9. Penalty.

Any person or any business, operating under any legally authorized business entity, violating any provision of this Ordinance shall be subject to a fine not to exceed \$100.00 for each separate offense, upon conviction or entry of a plea of guilty.

Passed and approved this 21st day of September, 2009.

CITY OF PRESCOTT, ARKANSAS

By: Howard Taylor
Howard Taylor, Mayor

ATTEST:

Sandra Cason
Sandra Cason, City Clerk and
Recorder