

**ORDINANCE # 04-01
TREE ORDINANCE
DELL, ARKANSAS**

Be it ordained by the Council of the Town of Dell, 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 Town of Dell in order to promote the benefits of our community forest resources.

Section 2 Definitions

Commercial Tree Service. A person who 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 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, town 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 town 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, and at maturity normally attaining a trunk diameter greater than three inches at DBH and a height of over ten feet.

Section 2 Administration

The Shade Tree and Beautification Committee shall be the Mayor and Town Council as to the management of the community forest of Dell, in accordance with the intents and purposes of this ordinance.

Section 3 Establishment of a Tree Advisory Committee

The purpose of the Shade Tree and Beautification 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 Town and developing innovative and joint funding for projects from a variety of sources.

(A)The Shade Tree and Beautification Committee shall consist of the mayor and town government or a total of five (5) members, residents of the Town, who shall be appointed through the regular boards and committees appointment procedure.

(B)Terms of membership on the Shade Tree and Beautification Committee, if not the mayor or town government, shall be for a period of two (2) years. However, three of the initial membership terms shall be for a period of one year so as to provide for staggered membership terms. Should a member be unwilling or unable to serve the full membership term, the vacancy shall be filled, for the unexpired term, by standard appointment procedure.

(C)Staff support to the Shade Tree and Beautification Committee shall be appointed by the Town Mayor.

(D)Members of the Shade Tree and Beautification Committee shall serve without compensation.

(E)The Shade Tree and Beautification Committee shall hold regular meetings and may call special meetings if necessary to carry out its duties.

(F)The Shade Tree and Beautification Committee shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings and file them with the Town Clerk.

(G)It shall be the responsibility of the Shade Tree and Beautification Committee to study, investigate, consult, develop, update annually, and administer a written plan for the care, preservation, pruning, planting or removal of trees and shrubs in parks, along streets, and in other public areas. Such plan will be presented annually to the Town Council and upon their acceptance and approval shall constitute the official comprehensive tree management plan.

(H)The Committee will investigate available grants, loans or contributions from other governmental agencies, public or private corporations or individuals.

(I)The Committee will encourage and foster the planting of trees and other vegetation for the beautification of the Town, and disseminate information to the public concerning proper selection and care of trees.

Section 4 Tree Planting, Maintenance and Removal

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

(A) The Town 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 Town 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 streetlight, or interferes with visibility of any traffic control device or sign or sight triangle at intersections.

(C) Each Town department shall be responsible for enforcing this ordinance on lands for which it is otherwise responsible. The Town 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 ground unless approval is received from the Town.

(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 a sight on any street.

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

(H) Town 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 Town prior to pruning any tree located on town-owned property for the purpose of maintaining safe line clearance and shall carry out all such work in accordance with accepted arboricultural practices.

Section 5 Commercial Tree Service

(A) 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 Town of Dell Shade Tree and Beautification Committee (an example may be a course offered by the International Society of Arboricultural or other related organization), subject

matter being 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, worker's compensation, and other coverage required by law.

(C) No permit shall be required of any public service company or Town 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 Town of Dell Town Council taking into consideration recommendations of the Shade Tree and Beautification Committee and the administrator.

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

(F) Any permit issued hereunder shall not be transferable.

Section 6 Hazardous and Nuisance Trees

(A) The town shall have the right to cause the removal of any dead or diseased trees on private property within the Town, 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 town. In the event of failure of owners to comply with such provisions, the town shall have the authority to remove such trees and charge the cost of the removal on the owners 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 property there may be trees, to prune such trees in such manner that they will not obstruct vision of traffic signs, or obstruct view of any street or alley intersection.

Section 7 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 designate wooded areas as park reserves or wildlife habitat.

(B) In new subdivisions or when the development of commercial property occurs, the Town 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 and/or subdivided.

(C)The Planning Commission shall consider a landscape plan as part of its review of any subdivision plat, development plan or site plan application.

Section 8 Penalty

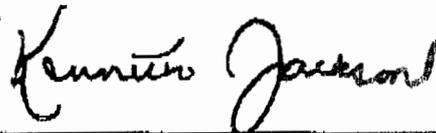
Any person violating any provision of this ordinance shall be upon conviction or a plea of guilty subject to a fine not to exceed \$500.00 for each separate offense.

Section 9 Conflicts in Regulation

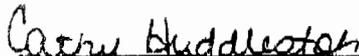
(A)Where a conflict arises between this chapter and another ordinance, the more stringent requirement shall apply.

(B)The provisions of this 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.

Passed and approved this 7th day of October, 2004.



Dell Mayor



Dell Recorder