

ORDINANCE 1999-7

Town of Etowah

Tree Ordinance

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ETOWAH, ARKANSAS.

Section 1 Definitions

Street trees: "Street Tree" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the Town.

Park Trees: "Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the Town, or to which the public has free access as a park.

Section 2 Creation and Establishment of a City Tree Board.

There is hereby created and established a Town Tree Board for the Town of Etowah, Arkansas. Which shall consist of five members, citizens and residents of the this town, who shall be appointed by the mayor with the approval of the Council.

Section 3 Term of Office

The term of the five persons to be appointed by the mayor shall be three (3) years except that the term of two (2) the members appointed to the first board shall be for only one (1) year and the term of two (2) members of the first board shall be for two (2) years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the un-expired portion of the term.

Section 4 Compensation

Members of the Board shall serve without compensation.

Section 5 Duties and Responsibilities

It shall be the responsibility of the Board to study, investigate, council and develop and/or update annually, and administer a written plan for care, preservation, pruning, planting, replanting, removal or disposition 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 city tree plan for he Town of Etowah, Arkansas. The Board, when requested by the town Council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

Section 6 Operation

The Board shall choose its officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

Section 7 Street Tree Species to be Planted

The following list constitutes the official Street Tree species for the Town of Etowah, Arkansas. No species other than those included in the attached list may be planted as Street Trees without written permission of the City Tree Board.

Section 8 Distance from Curb and Sidewalk

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in attachment of this ordinance, and no trees may be planted closer to any curb or sidewalk than the following: Small Trees 2 feet; Medium Trees 3 feet; and Large Trees, 4 feet.

Section 9 Distance form Street Corners and Fireplugs

No Street Tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No Street Tree shall be planted closer than 10 feet of any fireplug.

Section 10 Utilities

No Street Trees other than those species listed as Small Trees in attachment of this ordinance may be planted under of within 10 lateral feet of any overhead utility wire, Or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

Section 11 Public Tree Care

The Town shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all street, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or preserve or enhance the symmetry and beauty of such public grounds.

The Town Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and location of said trees is in accordance with Sections 7 through 11 of this ordinance.

Section 12 Tree Topping

It shall be unlawful as a normal practice for any person, firm, or Town department to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempt from this ordinance at the determination of the Town Tree Board.

Section 13 Pruning Corner Clearance

Every owner of any tree overhanging any street or right-of-way within the Town shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8'0) feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. 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 street light or interferes with visibility of any traffic control device or sign.

Section 14 , Dead or Diseased Tree Removal on Private Property

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. The Town Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. 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 removal on the owners property tax notice.

Section 15 Removal of Stumps

All Stumps of street and park trees shall be removed below the surface of the ground so the top of the stump shall not project above the surface of the ground.

Section 16 Interference with Town Tree Board

It shall be unlawful for any person to prevent, delay or interfere with the Town tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Street Trees, Park Trees, or trees on private grounds, as authorized in this ordinance.

Section 17 Arborists License and Bond

It shall be unlawful for any person firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the Town without first applying for and procuring a license. The license fee shall be \$25 annually in advance; provided however, that no license shall be required of any public service company or Town employee doing such work in the pursuit of their public endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$100,000 property damage indemnifying the Town or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

Section 18 Review by Town Commission

The town Commission shall have the right to review the conduct, acts and decisions of the Town Tree Board. Any person may appeal from any ruling or order of the Town Tree Board to the Town Council who may hear the matter and make final decision.

Section 19 Penalty

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

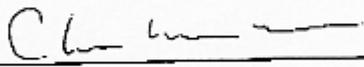
Section 20 the provisions of this ordinance are hereby declared to be separable, and if any provision shall for any reason be held illegal, or invalid, it shall not affect the validity of the remainder of the Ordinance.

Section 21 , All Ordinances and resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 22 This Ordinance being necessary for the immediate preservation of the public peace, health, and safety, and emergency is hereby declared to exist, and the same shall be in full force and effect immediately after its passage.

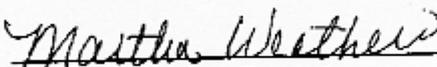
Passed and Approved this 21st day of December, 1999

Approved:



Charles McCollum, Mayor

Attested:



Martha Weathers, Recorder

