

Ordinance No. 752

An Ordinance Amending Ordinance No. 748 for Providing  
for the Development of a Community Forestry Plan

Be it ordered by the Council of the City of Monticello, Arkansas:

Section 1 Purpose

It is the purpose of this ordinance to promote and protect the public health, safety, and general welfare of citizens and visitors by providing for the development of a Community Forestry Plan to address the planning, maintenance, and removal of public trees within the City of Monticello 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 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: Any publicly owned land in the city limits, including street rights-of-way, easements, alleys, parks, medians, substations, treatment plants, plazas, squares, public buildings, and any other area designed for public use.

Public trees: Trees growing on property owned by the City of Monticello.

Street right-of-way: That portion of a street dedicated to public use, or conveyed to the public for use as a street, or an area subject to a prescriptive easement for public use as a street, but in any case limited to that area maintained by the City of Monticello as a way for vehicular traffic.

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, and including crepe myrtles and other woody plants with multiple stems.

Section 3 Administration

The Monticello Tree Board 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 in Monticello, in accordance with the intents and purposes of this ordinance.

Section 4 Establishment of a Tree Board

The purpose of the Tree Board shall be promoting the responsible planting of trees on public 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 Tree Board shall consist of a total of seven (7) members. A minimum of five (5) members must be residents of the City, who shall be appointed by the Mayor of Monticello and approved by the City Council. A maximum of two (2) members may be non-resident “experts” or certified arborists, who are ineligible to become officers.
- (B) Terms of membership on the Tree Board 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 appointed term, the vacancy shall be filled, for the unexpired term appointed by the Mayor.
- (C) Staff support to the Tree Board shall be appointed by the Mayor from employees of the Department of Sanitation, Streets, or Parks and Recreation.
- (D) Members of the Tree Board shall serve without compensation.
- (E) The Tree Board may call special meetings as necessary to carry out its duties.
- (F) The Tree Board shall choose its own officers, keep a journal of its proceedings and file them with the City Clerk.
- (G) It shall be the responsibility of the Tree Board to study, investigate, consult, develop, update annually a written plan for the care, protection, pruning, planting or removal of trees and shrubs in parks, and in other public areas. The plan will include standards for tree planting and care. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive tree management plan.

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

Section 5 Tree Planting, Maintenance and Removal

It is the public policy of the City of Monticello to maintain existing trees and to provide and encourage the planting of new trees on public grounds within Monticello 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 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 visibility of any traffic control device, sign or sight triangle at intersections. The discretion to prune such trees or shrubs is vested in the Chief of Police.
- (C) Each City department shall be responsible for enforcing this ordinance on lands for which it is otherwise responsible. The Mayor or his or her designee will ensure that the applicable department will administer this ordinance in it's assigned area of responsibility.
- (D) It shall be a violation of this ordinance to damage, destroy or mutilate any tree in a public right-of-way or any other public grounds, or attach or place any rope or wire, sign, poster, handbill or any other object to any such tree. Staking and guying material are permitted.
- (E) Trees shall not be planted to conceal a fire hydrant from the street or impede the line of sight on any street.
- (F) Public utility companies shall notify the City prior to performing above or below ground tree care on 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.

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Section 6 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) 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 permit of the City.

Section 7 Penalty

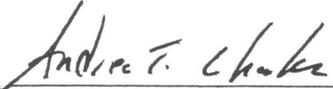
Any person or company violating any provision of this ordinance shall be upon conviction or a plea of guilty subject to a fine not to exceed \$500.00 for each separate offense.

Section 8 Conflicts in Regulation

- (A) Where a conflict arises between this chapter and another ordinance, the more stringent requirements 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 20th day of NOVEMBER, 2008

  
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Monticello Mayor

  
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City Clerk