

0-90-90

ORDINANCE NO. 6478

AN ORDINANCE CREATING A CITY TREE BOARD,  
AUTHORIZING A TREE PLAN, PROVIDING FOR  
ENFORCEMENT THEREOF, DECLARING AN EMERGENCY,  
AND FOR OTHER PURPOSES

WHEREAS, it has been determined by the City Council of the City of North Little Rock that trees are a beneficial resource, the preservation, proliferation, and regulation of which will serve a public interest in aesthetics, environmental safety and economics; and

WHEREAS, it is desireable to designate a board to adopt and administer a policy and plan for the preservation, care and disposition of trees along city streets and in other public areas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: Definitions: "Street Trees" are herein defined as trees on land lying between property lines on either side of all streets, avenues, or ways within the City. "Park Trees" are herein defined as trees in public parks having individual names, and all areas owned by the City, 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 City Tree Board for the City of North Little Rock, Arkansas, which shall consist of five members, citizens and residents of this city, who shall be appointed by the mayor with the approval of the City Council.

SECTION 3: Term of Office. The term of the five persons to be appointed by the mayor shall be three years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

SECTION 4: Compensation. Members of the Board shall serve without compensation.

SECTION 5: Duties & 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 the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan shall be presented annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City of North Little Rock, Arkansas. The Board, when requested by the City 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 own 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: Tree Species. Tree species to be planted will be determined by the Board with the guidance of the Arkansas Forestry Commission or other natural resource advisement body. Placement of the trees will be determined by the Board within the limitations set out herein.

SECTION 8: Spacing. Spacing of trees to be planted will be with the guidance of the Arkansas Forestry Commission, generally as follows: Trees less than 20 feet high, 30 feet apart; trees 30-50 feet high, 40 feet apart; trees 50 feet or higher, 50 feet apart. Exceptions may be made in special plantings designed or approved by the Board.

SECTION 9: Distance from Curb to Sidewalk. The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three tree size classes listed in Section 8 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 10: Distance from Street Corners and Fire Plugs. No Street Tree shall be planted closer than 45 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 11: Utilities. No Street Trees other than those of less than twenty feet in height may be planted under or 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 12: Public Tree Care. Once planted, the trees become City property. The City shall have the authority to prune, maintain and remove trees, plants and shrubs within the lines of all streets, 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 City may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition of 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 provided that the selection and location of said trees is in accordance with the provisions of this ordinance and the provisions of ordinance 4842, as amended by ordinance 6432.

SECTION 13: Pruning and Corner Clearance. Every owner of any tree overhanging any street or right-of-way within the City shall prune-thebranches in accordance with ordinance 6432, which is hereby incorporated herein by reference, 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 ten feet above the surface of the street or sidewalk. Said owners will remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public.

SECTION 14: Dead or Diseased Tree Removal on Private Property. 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. The City Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such

provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owners property tax notice.

10.14  
SECTION 15: Removal of Stumps. All stumps of street and park trees shall be removed below the surface of the ground so that the tops of the stumps do not project above the surface of the ground.

SECTION 16: Interference with City Tree Responsibility. It shall be unlawful to interfere with the City, the Board, or any of their agents while engaged in and about the planting, spraying, cultivating, mulching, pruning, or removing of any street trees, park trees, or trees on private grounds, as authorized in this ordinance.

SECTION 17: Review by City Council. The City Council shall have the right to review the conduct, acts and decisions of the Board. Any person may appeal from any ruling or order of the Board to the City Council who may hear the matter and make a final decision.

SECTION 18: Penalty. Any person violating any provisions of this ordinance shall be, upon conviction or a plea of guilty, subject to a fine of not less than \$50.00, and not more than \$1,000.00.

SECTION 19: That with the exception of ordinance 4842, as amended by ordinance 6432, which is intended to be read in conjunction with this ordinance all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 20: That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 21: It is hereby found and determined that a definite plan for the care, preservation and disposition of the trees on public streets and in other public areas is immediately necessary; and that the establishment of a City Tree Board in order to carry out these objectives is immediately necessary for the preservation of the public health, safety and welfare, THEREFORE, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED:

December 10, 1990

APPROVED:

Mayor Patrick H. Hays

SPONSOR:

Patrick H. Hays by WHB  
Mayor Patrick H. Hays

ATTEST:

City Clerk

APPROVED AS TO FORM:

Jim Hamilton by WHB  
Jim Hamilton, City Attorney

Prepared by the Office of the City Attorney/W

FILED 11/18 A.M. PM.  
BY Asst City Clerk Blavin  
DATE 11-21-90  
City Clerk's Office  
North Little Rock, Ark.  
Rec'd by [Signature]