

ORDINANCE NO. 07-14

AN ORDINANCE PROVIDING FOR THE DEVELOPMENT OF A COMMUNITY FORRESTRY PLAN TO ADDRESS THE PLANTING, MAINTENANCE AND REMOVAL OF PUBLIC TREES WITHIN THE CITY OF GREENWOOD AND FOR OTHER PURPOSES:

WHEREAS, the City Council of the City of Greenwood, Arkansas, has determined that there is a need to promote and protect the health, safety and welfare by providing for the development of a community forest plan to address the planning, maintenance and removal of public trees within the City of Greenwood, Arkansas in order to promote the benefit of our community forest resources, and:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, ARKANSAS THAT:

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 Greenwood in order to promote the benefits of our community of our community forest resources.

SECTION 2: Definitions

Commercial Tree Service. A person who performs work on trees for profit.

Dripline. 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, 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.

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 3: Administration

The Shade Tree and 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 Greenwood, in accordance with the intents and purposes of this ordinance.

SECTION 4: 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 City, and developing innovative and joint funding for projects from a variety of sources.

- (A) The Shade Tree and Beautification Committee shall consist of a total of seven (7) members, residents of the City, who shall be appointed through the regular boards and committees appointment procedure.
- (B) Terms of membership on the Shade Tree and Beautification Committee 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 City Administrator from employees of the Department of Planning, Department of Public Works or the Department of Parks and Recreation.
- (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 City 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 City 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 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 Greenwood to maintain existing trees and to provide for and encourage the planting of new trees within Greenwood 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 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. '
- (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 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 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 to top or cut back to stubs the crown of any tree in street rights-of-way or on other public grounds.
- (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) 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 Greenwood 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 City 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 City of Greenwood City 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 City, including the annual permit fee and proof of insurance as required herein.
- (F) Any permit issued hereunder shall not be transferable.

SECTION 7: Hazardous and Nuisance Trees

Refer to City of Greenwood Ordinance #03-40, Section 4

SECTION 8: 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) In new subdivisions or when the development of commercial property occurs, the City 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.

(D) 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 dripline of any tree growing therein, except by written permit of the City.

SECTION 9: 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 10: 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 BY A Full MAJORITY OF THE CITY COUNCIL OF
THE CITY OF GREENWOOD, ARKANSAS ON THIS 2nd DAY OF
July, 2007.

ATTEST:

Miriam J. Cave
City Clerk

APPROVED:

Kenneth J. [Signature]
Mayor

Mh:ts

