

CITY OF COTTER, ARKANSAS

ORDINANCE NUMBER 05-03

Tree Ordinance

SECTION 1. PURPOSE

The purpose of this ordinance shall be 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 Cotter 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.

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, and a height of over ten feet.

SECTION 3. ADMINISTRATION; TREE ADVISORY COMMITTEE.

The Tree Advisory Committee shall be advisory in nature with the purpose of providing advice to the Mayor, City Council and Director of Public Services, as to the management of the community forest of Cotter, Arkansas, in accordance with the intents and purposes of this ordinance.

The purpose of the Tree Advisory 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 Tree Advisory Committee shall consist of a total of five (5) members, residents of the City, who shall be appointed by the Mayor and approved by a majority of the City Council meeting in regular session.

B. Terms of membership shall be for periods of two (2) years. However, two of the initial membership terms shall be for a period of one year, so as to provide for staggered membership terms. Vacancies shall be filled for the unexpired term, by standard appointment method.

C. Staff Support to the Tree Advisory Committee shall be provided by the Director of Public Services, utilizing available manpower from City Departments, Volunteers, Department of Corrections Work Crews, or other sources.

D. Members of the Tree Advisory Committee shall serve without compensation.

ORIGINAL

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

F. The Tree Advisory Committee shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings to be filed with the Recorder/Treasurer of the City of Cotter..

G. It shall be the responsibility of the Tree Advisory Committee to develop, update annually, and administer a written plan for the care, preservation, pruning, planting or removal of trees and shrubs on all public lands. Such plan shall be presented annually to the City Council and upon its acceptance and approval, shall constitute the official comprehensive tree management plan.

H. The Tree Advisory Committee shall investigate available grants, loans or contributions from other governmental agencies, public or private corporations or individuals in an effort to finance the comprehensive tree plan.

SECTION 4. TREE PLANTING, MAINTENANCE AND REMOVAL

It is the public policy of the City of Cotter, Arkansas, to maintain existing trees and provide for and encourage the planting of new trees within Cotter 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 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, on advice of the Tree Advisory Committee, and provided advance notice be given to the owner of such 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. The Mayor or his designee will ensure that the applicable department will administer this ordinance in its assigned area of responsibility.

D. Trees shall not be removed from public ground unless written approval is first obtained from the City.

E. It shall be a violation of this ordinance to damage, destroy or mutilate any tree on public ground, or permanently attach a rope, 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 on public grounds without first obtaining written permission from the proper authority.

H. City employees performing tree work 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 public property, and shall carry out all such work in accordance with accepted arboricultural practices.

SECTION 5. COMMERCIAL TREE SERVICE.

A. Requirements to be licensed by the City of Cotter, as a Commercial Tree Service shall include proof of completion of an arborist training program equal to that offered by the International Society of Arboriculture.

B. Any applicant for a tree service business permit shall provide at the time of application, a certificate of insurance showing coverage for general liability, automobile liability, and workers compensation.

C. No permit shall be required of any public service or utility company, or City employee doing such work in

pursuit of their public services.

SECTION 6. HAZARDOUS AND NUISANCE TREES

A. The City shall have the authority, upon the advice of the Tree Advisory committee, to order 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. 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 to the owners.

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 or shade the street lights, obstruct the passage of pedestrians on sidewalks, 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 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 previously developed.

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, any stone, brick, concrete, or other materials which may impede the free passage of water, air, or nutrients to the roots within the dripline of any tree, except by written permit of the City.

SECTION 8. PENALTY

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

PASSED THIS 24th. DAY OF MARCH, 2005

APPROVED: _____

ATTEST: _____

Peggy J. Hammack, Recorder-Treasurer