

GILBERT, ARKANSAS

TREE ORDINANCE

2-2021

Be it ordained by the City Council of the City of Gilbert, Arkansas

PART 1

Section 1. Definitions

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

Park trees: "Park trees" are heron defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned buy 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 Gilbert, 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 two 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 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 the care, preservation, pruning, planting, replanting, removal or deposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council, shall consider, investigate, make finding, report, recommend upon any special matter of question coming within the scope of its work.

SECTION 6. OPERATION

The Board shall choose its own officers. They will keep a journal of its proceedings & report monthly at City Council meetings. A majority of the members shall be a quorum for the transaction of business. A quorum is not needed for planting & educational events.

SECTION 7. STREET TREE SPECIES TO BE PLANTED

The board shall maintain a list of trees approved for planting on public property. Species can be added to list when asked. The street trees add

special interest to the town when coordinated. This does not apply to what is planted in yards of residents.

SECTION 8. SPACING

The spacing of Street Trees and Park Trees will be in accordance with the three species size classes in the list of trees approved for planting on public property. No trees may be planted closer together than the following: Small Trees, 30 feet; Medium Trees 40 feet, and Large Trees, 50 feet: except in special plantings designed or approved by a landscape architect.

SECTION 9. DISTANCE FROM ROADWAY AND SIDEWALK

The distance trees may be planted from roadways will be in accordance with the three species size classes in the list of trees approved for planting on public property. No trees may be planted closer to any roadway than the following: Small Trees, 2 feet: Medium Trees, 3 feet: and Large Trees, 4 feet.

SECTION 10. DISTANCE FROM STREET CORNERS AND FIREPLUG

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

SECTION 11. UTILITIES

No Street Trees other than those species listed as Small Trees in the list of trees approved for planting on public property 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

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The City 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 affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by accordance with Section 7 through 11 of this ordinance.

SECTION 13. TREE TOPPING

It shall be unlawful as a normal practice for any person, firm, or city department to top any Street Tree, Park Tree, or other tree on public property, except utility. Topping is defined as the sever cutting back of limbs to stubs larger than three 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 expected.

SECTION 14. PRUNING, CORNER CLEARANCE

Every owner of any tree overhanging any street or right-of-way within the City 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 feet (8') above the surface of the street. 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 interfere with visibility of any traffic sign.

SECTION 15. 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 or volunteer at their own expense within ninety days after the 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 owner.

SECTION 16. PROHIBITION AGAINST HARMING PUBLIC TREES

It shall be unlawful for any person, firm or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the City Tree Board. It shall be unlawful for any person, firm or corporation to attach any cable, wire or signs or any other object to any street, park, or public tree. Any person, firm, corporation, or city department performing construction in the area of any public tree must employ appropriate measures to protect the tree, including, but not limited to, placing barriers around the tree to prevent any damage.

SECTION 17. REVIEW BY CITY COUNCIL

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

SECTION 18. PENALTY

Any person violating any provision of the ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$200 per offense after discussing and/or writing said person.

PART 2. SAVINGS/REPEAL

That all ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

PART 3. SEVERABILITY

That should any word, sentence, clause, paragraph or provision of the Ordinance be held to be invalid or unconstitutional the remains provisions of this Ordinance shall remain in full force and effect.

PART 4. EFFECTIVE DATE

That this Ordinance shall become effective after its passage and publication according to law. PASSED, APPROVED and ADOPTED by the City Council of Gilbert, Arkansas on this 13th day of December, 2021



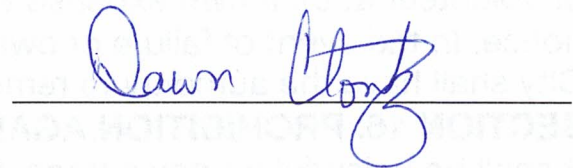
Mayor

ATTEST:

APPROVED AS TO FORM:



Diane Sheltnath



Dawn Clontz