

④ City of Conway 010386

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**ORDINANCE NO. 0-06-26**

**AN ORDINANCE TO CREATE THE CONWAY TREE BOARD AND SET OBJECTIVES FOR THE MAINTENANCE OF CONWAY'S PUBLIC TREES**

**WHEREAS**, it is the purpose of this ordinance to preserve and enhance the natural beauty of Conway, to protect the health and safety of the residents of Conway, and to protect the environment by providing the development of a Community Forest Management Plan for the regulation of the planting, maintenance, removal, and protection of trees on public property within the City of Conway. Objectives that will fulfill this purpose are as follows:

- To create a desirable environment for Conway residents and improve their quality of life;
- To moderate the effects of the sun, wind, and temperature changes;
- To reduce noise, glare, and visual pollution;
- To filter pollutants and airborne particulate matter from the air and generate oxygen;
- To decrease storm water runoff, flooding, and silt accumulation;
- To stabilize soil and prevent erosion;
- To provide habitat for wildlife;
- To increase property values and protect investment;
- To preserve desirable trees;
- To help preserve river and stream banks;
- To screen incompatible uses;
- To encourage public education about trees and their value to the community;
- To promote the maintenance of trees based upon the American National Standards Institute practices;
- To promote energy conservation;
- To increase tree canopy within the City of Conway.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:**

**SECTION 1.** The City of Conway has determined that a definite plan for the care, preservation, and disposition of the trees on public property is necessary; and that there is hereby established the Conway Tree Board in order to carry out these objectives for the preservation of the public health, safety, and welfare.

**SECTION 2.** The following terms shall be defined for the purposes of this ordinance:

- A) Public Property. Areas owned, leased, or occupied by the City of Conway
- B) Tree. Any self-supporting woody perennial plant, usually having a main trunk(s) and many branches, and, at maturity, normally attaining a trunk diameter greater than six inches at breast height and height of over ten feet.
- C) Public Tree. Any tree as defined in subsection (b) growing on public property as defined in subsection (a).

**SECTION 3.** In order to develop a Community Tree Management Plan, the Conway Tree Board will be established for the City of Conway, Arkansas.

The Conway Tree Board will consist of nine members, all citizens and residents of Conway, who shall be appointed by the Mayor with the approval of the City Council. At least one member shall be a member of the Conway Area Chamber of Commerce, at least one member shall be representative of the City of Conway, at least one member shall be a business owner in the City of Conway, and at least one member shall be an employee of Conway Corporation recommended by Conway Corporation Management. At least one member shall be a nurseryman, professional horticulturist, landscape architect, or master gardener. At least one member shall be a citizen at large. A member of the Arkansas Forestry Commission and a member of the Faulkner County Extension Service shall serve as non-voting, ex-officio members of the Conway Tree Board. Members of the Conway Tree Board shall serve without compensation.

The Conway Tree Board, as it deems necessary for guidance, shall choose its own officers, establish its own rules and by-laws, and keep a record of its proceedings. A majority of the members shall be a quorum for the transaction of business. The term of the persons to be appointed by the Mayor shall be three years with staggered terms. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.

The Conway Tree Board shall assist the community and its officials in disseminating information about the protection, maintenance, and improvement of the City of Conway's tree population.

The Conway Tree Board shall propose such legislation, as may be necessary and practical to pursue the ends for which the Conway Tree Board was created.

The Conway Tree Board shall develop tree-planting programs in conjunction with other public agencies, private agencies, and with City Council approval.

The Conway Tree Board shall educate the public concerning tree maintenance and the benefits of trees.

The Conway Tree Board shall provide technical advice and assistance to developers, builders, contractors, etc. upon request in the selection and protection of naturally occurring trees, during the development of wooded areas.

The Conway Tree Board shall communicate with such professional and technical services as it may see fit, within the scope of this ordinance.

**SECTION 4.** In order to maintain trees on public property:

1. Trees planted on public property shall become City of Conway property.
2. The City of Conway and Conway Corporation shall have the authority to prune, maintain, and remove trees, plants, and shrubs within the rights of way of all

streets, alleys, avenues, lanes, squares, public grounds, and easements as may be necessary to insure public safety or preserve or enhance the symmetry and beauty of such public grounds. The City of Conway and Conway Corporation shall follow American National Standards Institute pruning standards.

3. The City of Conway and Conway Corporation may remove or cause to be removed, any public tree or part thereof which is in an unsafe condition or by which reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, phone lines, cable lines, underground drainage (piped or open) or other public improvements, or is affected with any injurious fungus, insect, or pest.
4. Under disaster or emergency circumstances, the City of Conway and Conway Corporation may remove or prune trees severely damaged by storms or other natural causes.
5. By reasons of its nature and practicality, the City of Conway and Conway Corporation shall have the authority to prune, maintain, and remove trees, plants, and shrubs as necessary during any season or time of year.
6. All supervisory personnel of the City of Conway and Conway Corporation employees who may prune trees in a non-emergency situation shall participate in an educational course on basic tree science and proper techniques of pruning.

**SECTION 5.** The provisions of this ordinance are hereby declared to be separable and if any section, phrase, or provision shall be declared or held illegal, or invalid, such invalidity shall not affect the remainder of the sections, phrases, or provisions.

**PASSED** this 16<sup>th</sup> day of March, 2006.

**APPROVED:**

  
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Mayor Tab Townsell

**ATTEST:**

  
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Michael O. Garrett  
City Clerk/Treasurer