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Doc#2011- 10996

Date 07/12/2011

08:30:35 AM

Filed & Recorded in

Official Records of

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**City of Conway, Arkansas
Ordinance No. O-11-51**

**AN ORDINANCE TO AMEND THE CONWAY TREE BOARD ORDINANCE
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 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:
Ordinance 0-06-26 is hereby amended to read as follows:**

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) Right of Way. As Defined by the Conway Subdivision Ordinance, Rights of Way are intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency or a public utility shall be dedicated to public use by the maker of the plat on which such right-of-way is established.
- C) Tree. A tree will be considered a significant tree if it meets the following criteria: 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 4 ½ feet from the ground and a height of over ten feet.

- D) Public Tree. Any tree as defined in subsection (b) growing on Public Property except for property used as a water or sewer plant, electric substation or in a Right of Way.
- E) Destroy. Any intentional or negligent act, which in the opinion of the Tree Board, will cause a tree to decline and die within a period of two years including and limited to only the following reasons:
 - 1) Damage inflicted upon the root system of a tree by the application of toxic substance.
 - 2) The operation of heavy machinery within the Drip Line of a Tree.
 - 3) The change of Natural grade by excavation or filling the area from the trunk of a tree to the drip line.
 - 4) The deposit of a nonporous substance such as asphalt or concrete to a point within the Drip Line of a Tree.
 - 5) The Abuse or mutilation of a Tree, except that nothing herein shall be construed to prevent reasonable and proper trimming of trees in accordance with Accepted Horticultural practices.
- F) Drip Line. An imaginary vertical line extending from the outermost portion of a Tree canopy to the ground.
- G) Easement. As defined in the Conway Subdivision Ordinance (0-00-03), an easement is a grant by a property owner of the use, for a specific purpose or purposes, of land by the public, a corporation or certain persons.
- H) Tree Board. The Conway Tree Board established by Ordinance 0-06-26.

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 appointed by Conway Corporation Management. At least one member shall be a nursery man, professional horticulturist, landscape architect, or master gardener.

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 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 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 Tree Board shall have authority to determine the Tree species that will be in the general area of utility lines in order to decrease the need for pruning and maintenance in such areas.

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. However, 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, private or public 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, Conway Corporation and any Public Utility that has a Franchise Agreement with the city of Conway may remove or cause to be removed, any Tree located in an Easement or Right of Way 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. It shall be unlawful for any person to destroy, transplant or remove any Public Tree within the city of Conway without first receiving the permission of the Tree Board and the City Council.
5. 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.
6. 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 the year.
7. 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.

SECTION 6. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PASSED this 28th day of June, 2011.

Approved:



Mayor Tab Townsell

Attest:



Michael O. Garrett
City Clerk/Treasurer