

**ORDINANCE NO. 127**

**AN ORDINANCE TO DEVELOP A COMMUNITY FORESTRY PLAN TO ADDRESS THE PLANTING, MAINTENANCE, AND REMOVAL OF PUBLIC TREES WITHIN THE CITY OF GOSHEN IN ORDER TO PROMOTE THE BENEFITS OF OUR COMMUNITY FOREST RESOURCES, AND FOR OTHER PURPOSES**

WHEREAS, it is the public policy of the City of Goshen to maintain existing trees and to provide for and encourage the planting of new trees within Goshen to the greatest extent possible; and,

WHEREAS, 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 Goshen in order to promote the benefits of our community forest resources.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Goshen, as follows:

SECTION 1. The City Council hereby directs the Mayor to form a committee for the promotion of Trees and Beautification of Goshen (hereinafter referred to as the "Arbor Board"). This Arbor Board shall consist of at least three members, and the Mayor shall report the membership of this committee to the City Council. The initial terms shall be staggered 1, 2 and 3 years. The assignment of the initial terms and offices shall be set by the Board upon its first meeting. Once the Board is established and the initial terms are concluded, the terms of its members shall thereafter be three years.

The Arbor Board shall be advisory in nature with the purpose of providing advice to the Mayor and City Council as to the best practices and management of trees within Goshen, in accordance with the intent and purposes of this ordinance.

The purpose of the Arbor Board shall be promoting the responsible planting of trees on public property, public education about trees, promotion of proper tree maintenance, advocating trees within the City, and developing innovative and joint funding for projects from a variety of sources. The Board members shall serve without compensation and participate in regular meetings in order to carry out their duties. The Board will write and, upon Council approval, carry out a plan for the care, preservation, pruning, planting, or removal of trees and shrubs within the City's public properties. Such plans shall be presented to the City Council annually and upon their acceptance and approval shall constitute the official comprehensive tree management plan. The terms, public grounds or public properties, shall include, without limitation, conservation easements held by the City.

SECTION 2. The City shall have the right to prune, plant, maintain, and remove trees, plants, and shrubs within the public right-of-way of all streets, alleys, avenues, lanes, squares, conservation easements and public grounds as may be necessary to insure public safety or to preserve and enhance the symmetry and aesthetics of public grounds. A tree shall not be planted to conceal a fire hydrant from the street or impede the line of sight in any way. Trees, plants, and shrubs shall not be removed from any public grounds unless approval is received from the City.

SECTION 3. It shall be a violation of this ordinance to damage, destroy, or mutilate any tree on any public grounds owned by the City. It shall also be a violation of this ordinance to attach or place any rope, wire, sign, poster, handbill or any other object to any such tree. Any person guilty in violating the provisions 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 4. **Severability Provision.** In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.


PASSED AND APPROVED this 12<sup>th</sup> day of July, 2016.

  
\_\_\_\_\_  
Max Poye, Mayor

ATTEST:

  
\_\_\_\_\_  
Sharon Baggett, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Charles L. Harwell, City Attorney

**ROLL CALL VOTE ADOPTING THE ORDINANCE**

Names Of Those Voting YEA

Paula Anderson  
Andy Bethell  
Brian Buell  
Cathy Oliver  
Lanny Samuels

Names Of Those Voting NAY

Absent

Dick Seddon