

RESOLUTION NO. 2021-2132

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, DECLARING A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND TITLED "ENACTING A NEW CHAPTER OF THE CITY OF GOODYEAR CODE OF ORDINANCES, TO ESTABLISH CHAPTER 27 PARKS AND RECREATION, ARTICLE 27-1 TREE CARE AND MANAGEMENT."

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. DECLARATION OF PUBLIC RECORD

That a certain document titled "Enacting a New Chapter of the City of Goodyear Code of Ordinances, to Establish Chapter 27 Parks and Recreation, Article 27-1 Tree Care and Management," a copy of which is attached hereto as Exhibit A, is hereby declared a public record.

SECTION 2. PURPOSE

The aforementioned document is declared a public record in connection with the adoption of Ordinance No. 2021-1496.

SECTION 3. COPIES FILED WITH THE CITY CLERK

Three copies of that certain document titled " Enacting a New Chapter of the City of Goodyear Code of Ordinances, to Establish Chapter 27 Parks and Recreation, Article 27-1 Tree Care and Management," are ordered to remain on file with the City Clerk and to be available for public use and inspection during regular business hours.

PASSED AND ADOPTED by the Mayor and Council of the city of Goodyear, Maricopa County, Arizona, this _____ day of _____, 20_____.

Georgia Lord, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA

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) ss.

County of Maricopa

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I, the undersigned Darcie McCracken, being the duly appointed, qualified City Clerk of the city of Goodyear, Maricopa County, Arizona, certify that the foregoing Resolution No. 2021-2132 is a true, correct and accurate copy of Resolution No. 2021-2132, passed and adopted at a regular meeting of the Council of the city of Goodyear, Maricopa County, Arizona, held on the _____ day of _____, 20____, at which a quorum was present and, by a _____ vote, _____ voted in favor of said resolution.

Given under my hand and sealed this _____ day of _____, 20____.

seal

City Clerk

EXHIBIT “A”

ENACTING A NEW CHAPTER OF THE CITY OF GOODYEAR CODE OF ORDINANCES, TO ESTABLISH CHAPTER 27 PARKS AND RECREATION, ARTICLE 27-1 TREE CARE AND MANAGEMENT

Pursuant to Ordinance No. 2021-1496 adopted by the City of Goodyear City Council on March 22, 2021, CHAPTER 27, PARKS AND RECREATION, ARTICLE 27-1 TREE CARE AND MANAGEMENT is added to the City of Goodyear Code of Ordinances to read as follows:

CHAPTER 27 PARKS AND RECREATION

Article 27-1 TREE CARE AND MANAGEMENT

Sections:

- 27-1-1 Statement of purpose.**
- 27-1-2 Definitions.**
- 27-1-3 Acceptable Tree Species.**
- 27-1-4 Prohibited Species.**
- 27-1-5 Public Tree Care.**
- 27-1-6 Responsibility for Maintenance.**
- 27-1-7 Planting, Removing or Cutting on Public Property.**
- 27-1-8 Tree Topping.**
- 27-1-9 Removal of Stumps.**
- 27-1-10 Interference with the City Arborist.**
- 27-1-11 Review by City Manager.**
- 27-1-12 Violations and Civil Sanctions.**

§ 27-1-1 Statement of purpose.

It is the purpose of this article to promote the public health, safety and welfare by providing guidelines for the care, maintenance, and management of the tree resources in the public rights-of-way, and park and recreation area in the City.

§ 27-1-2 Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY means the City of Goodyear, Maricopa County, Arizona and/or the City Manager and the Parks and Recreation Department

CITY ARBORIST means an (existing) employee of the City designated by the Director of the Parks and Recreation. The City Arborist shall be a Certified Arborist by the International Society of Arboriculture.

PARK TREES means shrubs, bushes and all other woody vegetation, whose individual or combined trunks measure greater than 14" in circumferences at 4'6" above the natural grade, in public park and recreation areas and all areas owned by the City, or to which the public has free access as a park and recreation area.

RIGHT OF WAY means any public access way available for public use for vehicular or pedestrian travel, including public streets and sidewalks, and may consist of fee title dedications and/or easements

STREET TREES means shrubs, bushes and all other woody vegetation, whose individual or combined trunks measure greater than 14" in circumferences at 4'6" above the natural grade, on land lying between property lines on either side of all streets, avenues or rights-of-way within the City and where the landscaping is maintained by the City.

STREET TREE SPECIES means acceptable street tree species for the City.

§ 27-1-3 Acceptable Tree Species.

Acceptable Street Tree Species for the City shall be considered low water use. Species other than those considered low water use may be planted as Street Trees with written permission of the City Arborist.

§ 27-1-4 Prohibited Tree Species.

It shall be unlawful to plant eucalyptus (except microtheca, papuana, kruseana, formanii, erythrocorys, spathulata and torquata), elm (except ulmus parvifolia), Indian Rosewood (dalbergia sissoo), willow, cottonwood or poplar trees in any public right-of-way. The planting and replacement of pollen-producing olive trees (olea europaea) or mulberry trees (morus alba) are also prohibited.

§ 27-1-5 Public Tree Care.

(A) The Director of Parks and Recreation and/or designee shall have full authority to plant, prune, maintain and remove trees, plants and woody plants growing in or upon all municipal streets, rights-of-ways, city parks and other public property as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(B) The City Arborist 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 injurious to sewers, electrical power lines, gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest.

(C) Any person, firm, corporation, or city department performing construction near any public tree must employ appropriate measures to protect the tree, including, but not limited to, placing barriers around the tree to prevent damage.

§ 27-1-6 Maintenance Responsibility.

Unless there is a specific agreement between the property owner and the City relieving the property owner of responsibility, the property shall be responsible for the irrigation and maintenance of the trees planted in public rights-of-way abutting the owner's property. Maintenance of City trees in medians and park areas shall be the responsibility of the Parks and Recreation Department.

§ 27-1-7 Planting, Removing or Cutting Trees on Public Property.

No person shall plant, remove, cut above the ground or disturb any tree within any City maintained right-of-way, park and recreation area or other public place without first obtaining written permission from the City Arborist. The person obtaining permission shall abide by the standards set forth in this Article. Any person maintaining any overhead wires or conduit along or across any street or alley of the City desiring to have any trees that may interfere with any such utility cut, trimmed or pruned must be granted written permission to cut, prune or trim such trees. All trees removed with permission shall be replaced. All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) A-300 "Standard for Tree Care Operations" and shall follow all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture (both of which may be amended from time to time).

§ 27-1-8 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. 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 exempt from this Article at the determination of the City Arborist.

§ 27-1-9 Stump Removal.

All stumps of Street and Park Trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

§ 27-1-10 Interference with the City Arborist.

It shall be unlawful for any person to prevent, delay or interfere with the City, the City Arborist, or any of designated agents or contractors, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any Street Trees or Park Trees as authorized in this Article.

§ 27-1-11 City Manager Review.

The City Manager shall have the right to review the conduct, acts and decisions of the City Arborist and the Director of the Parks and Recreation Department. Any person has ten business days to appeal from a ruling or order of the City Arborist to the City Manager who may hear the matter, and which decision shall be final.

§ 27-1-12 Violations and Civil Sanctions.

Any person violating any provision of this Article 27-1 shall be guilty of a civil infraction, and shall be subject to a civil sanction in accordance with Article 18-1 of Goodyear City Code of Ordinances.