

**ORDINANCE NO. 235**

**AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 127  
AND FURTHER ORGANIZING THE CITY OF GOSHEN  
ARKANSAS'S COMMUNITY FORESTRY PLAN WHICH ADDRESSES  
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, the citizens of Goshen Arkansas have long valued trees as a natural and often irreplaceable community resource and recognize them as assets for their beauty and service, and

WHEREAS, the City of Council of the City of Goshen has previously adopted Ordinance No. 127 on July 12, 2016, which initially formed the Arbor Board for the City of Goshen.

WHEREAS, it is the purpose of this ordinance to repeal and replace Ordinance No. 127 and to further 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 within Goshen Arkansas (hereinafter referred to as the "Goshen Arbor Board"). The Goshen Arbor Board shall consist of at least five members, but no more than seven members, and the mayor shall choose the membership of this committee to be presented to the city council for approval. For a Board consisting of five members, the initial terms shall be staggered with three of the members serving two-year terms and two members serving three-year terms. For a Board consisting of six members, the initial terms shall be staggered with three of the members serving two-year terms and three of the members serving three-year terms. For a Board consisting of seven members, the initial terms shall be staggered with four of the members serving two-year terms and three members serving three-year terms. Two of the members may reside outside the city limits in the Goshen planning area. These terms shall commence on January 1st and end on December 31st. Any member who is unable to complete their term or who misses one-half of the annual meetings will be replaced by the mayor with a new board member to be approved by the city council for the remaining term. Once the board's staggered terms are established and the initial terms are concluded, the terms of its members shall thereafter be three years. For a Board consisting of five members, a quorum shall be established if three members are present for a meeting. For a Board consisting of six or seven members, a quorum shall be established if four members are present.

**Officers:** The board will appoint a chairperson annually and the board will select a vice-chair and secretary at their first annual meeting of each year.

**Meetings:** The board shall meet a minimum of 4 times per year: to commence the third Thursdays of January, April, July, and October at 5:30pm at the Goshen Community Building. All meetings shall be open to the public. The board chair may schedule additional meetings as needed. Any recommendations being presented to city council shall be voted on by the membership and must have a majority vote of members present to proceed.

**Duties:** The Board shall act in an advisory capacity and shall:

- 1) Coordinate and promote Arbor Day activities;
- 2) Review and update a five-year plan to plant and maintain trees on city property;
- 3) Support public awareness and education programs relating to trees;
- 4) Review city department concerns relating to tree care;
- 5) Maintain meeting minutes to be filed with the city office manager within two weeks of approval of the meeting minutes;
- 6) Submit biannual reports of its activities to the city council at their June and December city council meetings;
- 7) Assist with the annual application to renew the Tree City USA designation;
- 8) Develop a list of recommended trees for planting on city property; and
- 9) Other duties that may be assigned by the mayor or city council.

The 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 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 within the city's public properties. Such plans shall be presented to the city council biannually and upon their acceptance and approval shall constitute the official comprehensive tree management plan.

**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 and public grounds as may be necessary to ensure 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 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, with the exception of arboretum signage or other exceptions as approved by the City Council. 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.

**SECTION 5. Repeal and Replace.** That Ordinance No. 127 is hereby repealed and replaced with the adoption of this Ordinance.

**SECTION 6. 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 Goshen, Arkansas, on this 10<sup>th</sup> day of December 2024.



Russell Stroud, Mayor

ATTEST:

APPROVED AS TO FORM:



Marjorie Vaillancourt, City Recorder/Treasurer



Brian Hogue, City Attorney



**ROLL CALL VOTE ADOPTING THE ORDINANCE**

Names Of Those Voting YEA

Names Of Those Voting NAY

Birch Wright

John Vaillancourt

Paula Anderson

Max Poye

Colton Martin

Absent

Shawn Mayfield