

ORDINANCE NO.: 1927

**CITY OF PRICHARD URBAN FORESTRY
AND GREENSPACE ORDINANCE**

Sponsored by: Councilwoman Ossia Edwards

Section 1. Short Title. This ordinance shall be known as the *City of Prichard Urban Forestry and Greenspace Ordinance*.

Section 2. Findings. The City Council of the City of Prichard, Alabama, finds that urban forest and greenspace is the interaction of people and plants wherever they coexist and that the management of this coexistence improves the quality of life of the citizens and their immediate environs; that urban forest can include the trees in our backyards as well as the street trees and trees in the expanses of our city parks; that trees and plants in our most urbanized and degraded neighborhoods produce a sense of community and vitality for all residents; that educating the public about the essential role plants play in the quality of life in the City of Prichard, supporting efforts to protect, enhancing and restoring natural resources in urban communities, and the promotion of communication and partnerships among groups interested in natural resource management, education and equity conveys a substantial benefit to the public at large.

The Council also finds and recognizes that the promotion and management of its greenspace assets are a critical element in the enhancement of city-wide neighborhood social ties (NSTs) which contribute to improve civic pride and cohesion. The City needs a coordinated strategic plan for community beautification and landscape improvements in order to ensure the attractiveness of the City of Prichard for public and private investors, funders and corporate sponsors interested in contributing to the City's economic growth and vitality.

The Council further finds that municipalities with proactive greenspace initiatives are recognized as pro-growth advocates because of their appreciation for the link between community development and economic growth; thus treescape enhancement becomes an

economic development asset that can play an important role in Prichard's economic and community revitalization agenda.

Section 3. Definitions. For the purpose of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- 1) Alter - means to take action by cutting or pruning any tree, or by filling, surfacing, grading, compacting or changing the drainage patter of the soil around any three in a manner that threatens to diminish the vigor of the tree; provided that, as used in this ordinance, the term "alter" does not include normals seasonal trimming, shaping, thinning or pruning of a tree necessary to its health, growth and aesthetic appearance.
- 2) Park Trees - Park trees are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.
- 3) Street Trees - Street trees are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the City.

Section 4. Jurisdiction. The City of Prichard shall have control of all street trees, park trees, shrubs, and other plantings now or hereafter in any street, park, public right-of-way or easement, or other public place within the City, and shall have the power to plant, care for, maintain, remove, and replace such trees, shrubs and other plantings.

Section 5. Policy Regarding Trees. It shall be the policy of the city to encourage tree planting and other vegetation on public and private property and to cultivate a flourishing community in conformity with law. The City recognizes and supports the interplay of the *Urban Forestry and Greenspace Advisory Board of the City of Prichard* with its litter control and beautification committees' efforts to enhance the attractiveness of Prichard thereby contributing to the City's economic and social quality of life. It shall be the policy of the City to incorporate greenspace development and community beautification into its economic development strategic planning process.

Section 6. Interference with Plantings, Maintenance, and Removal Unlawful. No person, firm or corporation shall interfere with persons acting under the authority of this

ordinance while engaged in planting, mulching, pruning, or removing any tree, shrub or plant in any street, or public place within the City of Prichard.

Section 7. Disclaimer of Liability. Nothing contained in this ordinance shall be deemed to impose any liability upon the city, its officers or employees, nor to relieve the owner of any private property from the duty to keep and tree, shrub or plant upon any street are on his property or under his control in such condition as to prevent it from constituting a hazard or impediment to ravel or vision upon any street, park, pleasure ground, boulevard, alley or public place with the city.

Section 8. Penalty for Violation. Any person, partnership, firm, occupation, or other legal entity who violates any provision of this ordinance is guilty of a misdemeanor punishable by fine of not more than one thousand (\$1,000.00) dollars or by imprisonment in the city jail for a period not exceeding six months, or both such fine and imprisonment. All such violations where are of a continuing nature shall constitute a separate offense for each day of such continuance. Any violation of this ordinance shall also constitute a public nuisance and may be enjoined and abated as provided for by law.

Section 9. Enforcement. Environmental and Police Officers of the City of Prichard are hereby charge with the responsibility for the enforcement of this ordinance and may serve notice to any person in violation thereof or institute legal proceedings as may be required.

Section 10. City of Prichard Urban Forestry and Greenspace Advisory Board. Advisory responsibility for the implementation of this ordinance and the policies herein contained shall be assigned to a five-member board to be appointed by the Council.

Section 11. Severability. Should any part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part held to be invalid.

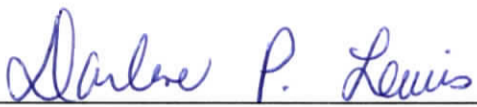
ADOPTED this the 20th day of December, 2004.

APPROVED:

A handwritten signature in black ink, appearing to be a stylized name, is written over a horizontal line.

RONALD K. DAVIS, Mayor

ATTEST:



DARLENE PALMER LEWIS, City Clerk