

Ordinance #1992

AN ORDINANCE AMENDING CHAPTER 7.92, TREE PRESERVATION, OF THE EUREKA SPRINGS MUNICIPAL CODE AND DESIGNATING COLOR FOR FLAGGING OF TREES TO BE REMOVED

WHEREAS, the Planning Commission of the City of Eureka Springs, Arkansas, finds it necessary to recommend amendments to the Eureka Springs Municipal Code from time to time in order to ensure consistent application and enforcement of the code, and

WHEREAS, tree preservation is the goal of Chapter 7.92 of the Municipal Code, and

WHEREAS, the Planning Commission believes marking trees to be removed in the field will assist the Board of Zoning Adjustment and the Building Department when evaluating a tree removal request application allowed under Chapter 7.92,

NOW THEREFORE, be it hereby ordained by the City Council of the City of Eureka Springs, Arkansas, that Chapter 7.92 of the Municipal Code be amended by adding the following in Section 7.92.03 Application A:

5. All trees for which removal is being applied for are to be marked by tying neon green flagging tape, or other colors not used by surveyors which are red, orange or blue, around the trunk at least three feet from the ground.

All Ordinances or Resolutions, and parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

In the event one or more of the provisions contained in this Ordinance shall for any reason be held by a court of law to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect the remaining provisions of this Ordinance, and this Ordinance shall be construed as if such invalid, illegal or unenforceable provision or provisions had never been contained therein.

PASSED AND APPROVED, this _____ day of _____, 2005.

Mayor Kathy Harrison

ATTEST:

City Clerk Mary Jean Sell