

ORDINANCE NO. O2019-038

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, REPEALING AND REPLACING YUMA CITY CODE TITLE 13, CHAPTER 137: TREES, TO PROMOTE AND PROTECT THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE BY PROVIDING FOR THE REGULATION OF THE PLANTING, MAINTENANCE, AND REMOVAL OF MUNICIPAL TREES, SHRUBS, AND CACTI AND PROVIDING A PENALTY FOR VIOLATIONS THEREOF

WHEREAS, Arizona Revised Statutes (A.R.S.) § 9-240(B)(9) authorizes the City of Yuma (City) to adopt and maintain regulations governing the planting, protection and maintenance of trees within the City's public grounds and rights-of-way; and,

WHEREAS, to protect, enhance and promote the health, safety and welfare of the City, City residents and City trees, on November 20, 2007, the Yuma City Council adopted Ordinance No. O2007-69, creating City Code Chapter 137: Trees, governing the maintenance of City owned trees, vines and other woody plants; and,

WHEREAS, the City of Yuma recognizes that trees are a valuable part of our community infrastructure and that well-maintained trees enhance the comfort of our community by providing shade, preventing erosion, moderating temperatures, reducing storm water runoff, absorbing air pollution and dust, and reducing energy needs; and,

WHEREAS, the City of Yuma recognizes that well-maintained trees increase property values, enhance the economic vitality of business areas, beautify our community wherever they are planted, and are a source of joy and spiritual renewal; and,

WHEREAS, the City of Yuma recognizes that accepted industry standards exist for the maintenance and care of urban trees, and that promoting these standards significantly increases overall tree health and reduces liability and risk, ensuring that our community forest will increase in value and benefits provided; and

WHEREAS, the City of Yuma recognizes that this ordinance is critical to continue to earn recognition as a "Tree City, USA," as bestowed by the National Arbor Day Foundation, a designation that will increase the opportunity for the City to pursue and successfully obtain grant funding specific to the establishment, promotion, and management of our community forest; and,

WHEREAS, the City's adoption of this Ordinance will repeal and replace Chapter 137: Trees, to further protect and maintain the City's trees, shrubs and cacti.

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

SECTION 1: Yuma City Code Title 13, Chapter 137, Trees, is hereby repealed in its entirety and replaced with a new Chapter 137: Trees, three (3) copies of which are on file as public record in the office of the City Clerk of the City of Yuma, that was declared a public record through Resolution R2019-048, and is hereby adopted by reference and made a part hereof.

SECTION 2: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 3: Violations of this ordinance are subject to the following penalties:

- (A) Unless otherwise specifically provided for in this ordinance, any person or corporation who shall violate any provision of this ordinance shall be deemed guilty of a class 3 misdemeanor, and shall be punished as provided in § 10-99 of the Yuma City Code.
- (B) Any and all amounts paid or collected pursuant to this ordinance, with the exception of enforcement and administrative costs, shall be deposited into the Municipal Tree Fund.

ADOPTED this _____ day of _____, 2019

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney