

## **Sec. 9-11-11. Tree ordinance.**

### **A. Definitions.**

*Street trees* are herein defined as trees, shrubs, bushes, and all other woody vegetation on public land along either side of all streets, avenues, or other rights-of-way within the city.

*Park trees* are trees, shrubs, bushes, and all other woody vegetation in public parklands within the city, all areas owned by the city, or to which the public has free access as a park.

*Approved plant palette* means section VII of appendix D of the subdivision regulations of the City of Coppell, copy of which is attached hereto as Exhibit "A".

*Streetscape plan* means appendix D of the subdivision regulations of the City of Coppell.

*Topping* is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.

- B. *Creation and establishment of the city tree board.*** There is hereby created and established a city tree board which shall consist of the members of the parks and recreation board.
- C. *Duties and responsibilities.*** It shall be the responsibility of the tree board to study, investigate, counsel, and recommend to the city council a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be updated annually and presented to the city council, and upon acceptance and approval, shall become the official comprehensive Coppell Tree Plan for the city.

The tree board shall conduct hearings and make findings, and orders, as provided in section L.

- D. *Operation.*** The tree board shall elect its own chairperson and keep a record of its meetings. A majority of the members shall be a quorum for the transaction of business.

### **E. *Street trees.***

1. Street trees to be planted shall be chosen from the approved plant palette. No other species may be planted as street trees without written permission of the city staff.

2. Street trees will be spaced in accordance with the two species size classes listed in the approved plant palette, and no trees may be planted closer together than as identified in the streetscape plan: accent trees, 30 feet; overstory trees, 50 feet; except in special plantings designed or approved by a landscape architect.
  3. No street tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines.
- F. *Distance from fire plugs.* No tree shall be planted closer than ten feet of any fireplug.
- [F.] *Distance from utilities.* No trees other than those species listed as accent trees in the approved plant palette may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.
- G. *Distance from curb or sidewalk.* The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the two species size classes listed in the approved plant palette, and no trees may be planted closer to any curb or sidewalk than the following: accent trees, two feet; and overstory trees, four feet.
- H. *Credit for existing trees.* Any trees preserved on a site, meeting the herein specifications, shall be credited toward meeting the tree requirement of any landscaping provision of this section. Trees of exceptional quality due to size, large canopy cover, trunk diameter, rareness, age, or species may, at the discretion of the parks operations superintendent be credited as two trees to meet the minimum requirement.
- I. *Public tree care.*
1. The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.
  2. The city may remove or cause to be removed, any street tree or park tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is infected with any injurious fungus, insect, or other pest.
  3. This subsection does not prohibit the planting of street trees by adjacent property owners providing that the section and location of said trees is in accordance with subsections E. and G. above.

J. *Tree topping.* It shall be unlawful for any person, firm, or corporation to top any street tree, park tree or other tree on public property, except trees severely damaged by storms or other causes, or trees under utility wires or other obstructions where other pruning practices are impractical, such exception to be determined and approved by city staff.

K. *Pruning, corner clearance.* Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection, and so that there shall be a clear space of eight feet above the surface of the street, and shall prune broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

L. *Dead or diseased tree removal on private property.*

1. If any tree or shrub on any private property is infested or diseased, and in the opinion of the parks operations superintendent, after receiving an opinion from a licensed arborist retained by the city, is liable to spread the disease or infection, or if any tree, plant, or shrub is dangerous to the public, the parks operations superintendent shall give written notice to the owner of the real property possessing the hazards, stating the conditions in non-compliance, that said conditions must be abated within 30 days after receipt of the notice, and that a request for a hearing must be made in writing and received by the department before the expiration of the 30 day period. Such notice may be served upon such person in any of the following ways:

(a) Personal delivery;

(b) Addressed to such person at his post office address and deposited postpaid in the United States mail, certified, return receipt requested; or

(c) Publication in a newspaper of general circulation within the city no less than two times within ten consecutive days.

If any notice is returned undelivered by the United States Post Office, official action to prune or remove the tree, plant, or shrub shall be continued to a date not less than ten days after the date of return. The request for hearing must include a correct name and address of the person requesting a hearing.

2. If such person fails or refuses to comply with the demand for abatement of the condition(s) in the notice within 15 days of the date of delivery of such

notice or publication, and if such person fails to request a hearing in accordance with this section, the parks operations superintendent may do such work or cause such work to be done to remove said hazard, infestation, or infection from public exposure.

3. In the event a request for hearing is timely made, a public hearing shall be held before the pruning or removal of any tree, plant, or shrub on private property. The public hearing shall be held by the tree board. The hearing shall be held no sooner than ten days after receipt by the parks operations supervisor of a request for hearing, or ten days after the return of an undelivered notice, whichever occurs later.
4. All persons requesting a hearing shall be given written notice, by personal delivery or by regular first class mail, of the time and place of the hearing. The notice of hearing shall be mailed or delivered at least five days prior to the hearing. The tree board shall conduct the hearing. Adherence to the strict rules of evidence shall not be required. Two members of the board shall constitute a quorum for conducting a hearing. A simple majority vote is necessary in order for the board to make a finding or ruling. If, after the hearing, the board finds that a tree, plant, or shrub is infectious and liable to spread any disease or is dangerous to the public, the board shall order the pruning or removal of the tree, plant, or shrub. The order shall include a description of the tree, plant, or shrub, the correct scientific name, the location, the ailment, and a description of the work to be performed.
5. An appeal to the city council from a ruling or order of the tree board may be made within ten days of the final ruling of the tree board, by request to the city manager, who shall schedule a hearing before the city council.
6. The costs, charges, and expenses, (hereinafter referred to as "the charges") incurred in doing or have such work done or improvements made to the real property shall be a charge to, and personal liability of, such person. If a notice as provided herein is delivered to the owner of such real property, and he fails or refuses to comply with the demand for compliance within the applicable time period as herein provided, the aforementioned charges shall be, in addition to a charge to, and personal liability of, the owner, a privileged lien upon and against such real property, including all fixtures and improvements thereon. In order to perfect such lien, the parks operations superintendent shall first give such Owner written notice of demand for payment of such charges. Such written notice may be given by any one of the methods provided for the initial notice requiring compliance. If the owner fails or refuses to make complete payment of the charges within 20 days of the delivery of the notice, the parks operations superintendent, or his designee, shall file a written statement of such charges with the county clerk of the county in

which the real property is located, for filing in the county land records. The statement shall be sufficient if it contains the following:

- (a) The name of the owner;
- (b) A description of the real property;
- (c) The amount of the charges;
- (d) A statement that all prerequisites required by this section for the imposition of the charges and the affixing of the lien have been met;
- (e) A statement signed by the parks operations superintendent, or his designee, under oath, that the statements made therein are true and correct.

The statement may also contain such other information deemed appropriate by the parks operations superintendent.

- 7. Any tree, plant, or shrub removed by the parks operations superintendent due to it being unsafe, injurious to the common good, infectious, or dangerous to the public is not required to be replaced by the parks operations superintendent and the city shall not be required to compensate the owner for said removal. All charges shall bear interest at the rate of ten percent per annum from the date the city incurs the expense. The city may bring suit to collect the charges, institute foreclosure proceedings, or both. The statement, as provided herein, or certified copy thereof, shall be prima facie evidence of the city's claim for charges or right to foreclose the lien. The owner or any other person responsible as provided herein, shall be jointly and severally liable for the charges.
- M. *Removal of stumps.* 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.
- N. *Arborist license and bond.* It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the city without first applying for and procuring a license. The license fee, to be established by resolution of the city council, shall be payable annually in advance, provided, however, that no license shall be required of any public service company or the city doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of liability insurance in the minimum amounts of \$50,000.00 for bodily injury and \$100,000.00 property damage indemnifying the city or any person injured or damaged.

(Ord. No. 95696; Ord. No. 96737; Ord. No. 96765; Ord. No. 97811; Ord. No. 98842)

**Sec. 12-34-7. General standards.**

The following criteria and standards shall apply to landscape materials and installation.

- (A) *Quality.* Plant materials used in conformance with the provisions of this ordinance shall conform to the standards of the American standards for nursery stock, or equal thereto. Grass seed, sod and other material shall be clean and free of weeds and noxious pests and insects.
- (B) *Trees.* Trees referred to in this section shall be chosen from the approved plant palette located in Table 1. Trees shall have an average spread of crown of greater than 15 feet at maturity. Trees having a lesser average mature crown of 15 feet may be substituted by grouping the same so as to create the equivalent of 15 feet spread of crown. At time of planting trees shall be a minimum of three inches in caliper, measured 12 inches above the ground, and a minimum of seven feet in height.
- (C) *Shrubs and hedges.* Shrubs shall be a minimum of two feet in height when measured immediately after planting and shall be chosen from the approved plant palette located in Table 1. Hedges, where installed, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen which will be three feet high within one year after time of planting.
- (D) *Vines.* Vines shall be a minimum of two feet in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet screening requirements as specified. Vine material shall be chosen from the approved plant palette located in Table 1.
- (E) *Ground cover.* Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one year of planting. Ground cover material shall be chosen from the approved plant palette located in Table 1.
- (F) *Lawn grass.* Grass areas may be sodded, plugged, sprigged or seeded except that solid sod shall be used in swales, berms, or other areas subject to erosion.
- (G) *Credit for existing trees.* Any trees preserved on a site meeting the herein specifications shall be credited toward meeting the tree requirement of any landscaping provision of this section. Trees of exceptional quality due to size, large canopy cover, trunk diameter, rareness, age or species may, at the discretion of the building official, be credited as two trees to meet the minimum requirement.

Table 1

PLANT PALETTE

TABLE INSET:

Overstory Trees: Range 20--60'	
Austrian Pine	<i>Pinus nigra</i>
Bald Cypress	<i>Taxodium distichum</i>
Big Tooth Maple	<i>Acer grandidentatum</i>
Bur Oak	<i>Quercus macrocarpa</i>
Cedar Elm	<i>Ulmus crassifolia</i>
Chinese Pistache	<i>Pistacia chinensis</i>
Chinquapin Oak	<i>Quercus muhlenbergii</i>
Common Persimmon	<i>Diospyros virginiana</i>
Eastern Red Cedar	<i>Juniperus virginiana</i>
Eldarica Pine (Afghan Pine)	<i>Pinus eldarica</i>
Green Ash "Marshall Seedless"	<i>Fraxinus pennsylvanica</i>
Lacebark (Drake) Elm	<i>Ulmus parvifolia sempervirens</i>
Leyland Cypress	<i>Cupressocyparis leylandi</i>
Live Oak	<i>Quercus virginiana</i>
Pecan	<i>Carya illinoensis</i>
Pond Cypress	<i>Taxodium ascendens</i>
Red Maple "October Glory"	<i>Acer Rubrum "October Glory"</i>
Shumard Red Oak	<i>Quercus shumardi</i>
Southern Magnolia	<i>Magnolia grandiflora</i>
Sweet Gum	<i>Liquidambar styraciflua</i>
Texas Ash	<i>Fraxinus texensis</i>
Texas Red Oak	<i>Quercus buckleyi</i>
Urbanite Ash	<i>Fraxinus pennsylvanica</i>
Western Soapberry	<i>Sapindus drummondii</i>
Accent Trees: Range 10--20'	
American Smoketree	<i>Cotinus abovatus</i>
Aristocrat Pear	<i>Pyrus calleryana "Aristocrat"</i>
Carolina Buckthorn	<i>Thamnus caroliniana</i>
Carolina Cherry Laurel	<i>Prunus caroliniana</i>
Chaste Tree	<i>Vitex agnus-castus</i>
Crabapple	<i>Malus augustifolia</i> or spp.
Crapemyrtle	<i>Lagerstroemia indica</i>
Deciduous Holly	<i>Ilex decidua</i>
Desert Willow	<i>Chilopsis linearis</i>

East Palatka Holly	<i>Ilex x attenuata</i> "East Palatka"
Eastern Redbud	<i>Cercis canadensis</i>
Flameleaf Sumac	<i>Rhus copallina</i>
Foster Holly	<i>Ilex x attenuata</i> "Foster"
Japanese Maple	<i>Acer palmatum</i>
Mexican Buckeye	<i>Ungnadia speciosa</i>
Mexican Plum	<i>Prunus mexicana</i>
Redbud "Forest Pansy"	<i>Cercis canadensis</i>
Redbud "Oklahoma"	<i>Cercis yexensis</i>
Rough-Leaf Dogwood	<i>Cornus drummondii</i>
Rusty Blackhaw Viburnum	<i>Viburnum rufidulum</i>
Savannah Holly	<i>Ilex</i> "Savannah"
Southern Magnolia "Little Gem"	<i>Magnolia grandiflora</i> "Little Gem"
Southern Wax Myrtle	<i>Myrica cerifera</i>
Texas Persimmon	<i>Diospyros texana</i>
Texas Redbud	<i>Cercis canadensis</i> var. <i>texensis</i>
Texas Sophora (Eve's Necklace)	<i>Sophora affinis</i>
Washington Hawthorn	<i>Crataegus phaenopyrum</i>
Weeping Yaupon Holly	<i>Ilex vomitoria</i> "Pendula"
Wild Plum	<i>Prunus americana</i>
Yaupon Holly	<i>Ilex vomitoria</i>
Shrubs: Range 3--5'	
Abelia	<i>Abelia grandiflora</i>
Abelia "Edward Goucher"	<i>Abelia grandiflora</i> "Edward Goucher"
American Beautyberry	<i>Callicarpa americana</i>
Aromatic Sumac	<i>Rhus aromatica</i>
Aucuba	<i>Aucuba japonica</i>
Boxwood	<i>Buxus microphylla</i>
Carissa Holly	<i>Illex cornuta</i> "Carissa"
Chinese Fringe Flower	<i>Loropetalum chinese</i> "Hines Purpleleaf"
Cleyera	<i>Ternstroemia gymnanthera</i>
Compact Nandina	<i>Nandina d. compacta</i>
Coralberry	<i>Symphoricarpos orbiculatus</i>
Dwarf Abelia	<i>Abelia grandiflora</i> "Compacta"
Dwarf Burford Holly	<i>Ilex cornuta</i> "Burfordii Nana"
Dwarf Chinese Holly	<i>Ilex cornuta</i> "Rotunda"
Dwarf Crapemyrtle	<i>Lagerstroemia indica</i> "Nana"

Dwarf Needlepoint Holly	Ilex cornuta "Needlepoint"
Dwarf Wax Myrtle	Myrica pusilla
Dwarf Yaupon Holly	Ilex vomitoria "Nana"
Elaeagnus	Elaeagnus pungens
Flowering Quince	Chaenomeles japonica
Gulfstream Nandina	Nandina domestica "Gulfstream"
Indian Hawthorn	Thapiolepis indica
Juniper	Juniperus chinensis
Leatherleaf Mahonia	Mahonia bealei
Nandina	Nandina domestica
Nellie R. Stevens' Holly	Ilex x "Nellie R. Stevens"
Oakleaf Hydrangea	Hydrangea quercifolia erthrosoa
Pampas Grass	Cortaderia selloana
Red-leafed Japanese Barberry	Berberis thunbergii "Atropurpurea"
Red Yucca	Hesperaloe parriflora
Rose Glow Barberry	Leucophyllum frutescens
Spirea	Spirea spp.
Texas Sage	Leucophyllum frutescens
Variegated Ligustrum	Lugustrum lucidum variegata
Ground Cover: Range 18"	
Arkansas Yucca	Carex texensis
Asian Jasmine	Trachaelospermum asiaticum
Bar Harbor Trailing Juniper	Juniperus horizontalis "Bar Harbor"
Blue Pacific Trailing Juniper	Juniperus conferta "Blue Pacific"
Germander	Teucrium chamaedrys
Harbour Dwarf Nandina	Nandina domestic
Holly Fern	Cyrtomium falcatum
Horseherb	Calyptocarpus vialis
Liriope	Liriope muscari
Mondograss (monkeygrass)	Ophiopogon japonicus
Moneywort	Lysimachia nummularia
Purple Wintercreeper	Euonymus fortunei "Colorata"
Tam Juniper	Juniperus sabina "tamariseifolia"
Vinca	Vinca Major
Wood Fern	Dryopteris normalis
Wood Violets	Viola missouriensis
Vines:	

Boston Ivy	Parthenocissus tricuspidata
Carolina Jessamine	Gelsemium sempervirens
Coral Honeysuckle	Lonicera sempervirens
Cross Vine	Anisotichus capreolata
English Ivy	Hedera helix
Fig Ivy	Ficus pumila
Lady Banks Rose	Rosa banksiae
Passion Vine	Passiflora incarnata
Sweet Autumn Clematis	Clematis paniculata
Trumpet Vine	Campsis radicans
Virginia Creeper	Parthenocissus quinquefolia
Wisteria	Wisteria sp.
Grasses:	
Canadian Wildrye	Elymus canadensis
Inland Seaoats	Chasmanthium latifolium
Little Bluestem	Schizachyrium scoparium
Lovegrass	Eragrostis sp.
Miscanthus	Miscanthus sinensis
Muhly	Muhlenbergia sp.
Pampas Grass	Cortaderia selloana
Sideoats Grama	Bouteloua curtipendula
Perennial and Annual Flowers:	
The planting of annual and perennial flowers compatible in the Coppell geographic area is permitted to provide for color and variation within landscape design. Commonly used at entry features in retail, commercial, office industrial developments.	

(Ord. No. 91599-A-30; Ord. No. 91500-A-189, § 1, 5-12-98; Ord. No. 91500-A-306, § 1, 10-9-01)