

AN ORDINANCE REGULATING THE PLANTING, PROTECTION, CARE, REMOVAL AND CONTROL OF TREES ON PUBLIC HIGHWAYS, PUBLIC PLACES, PUBLIC SQUARES AND OTHER PLACES WITHIN THE CITY OF LUFKIN; PRESCRIBING THE AUTHORITY FOR REGULATING SUCH TO BE IN THE CITY TREE BOARD OF THE CITY OF LUFKIN; PRESCRIBING THE POWERS AND DUTIES OF THE CITY TREE BOARD IN CONNECTION WITH SUCH REGULATIONS; PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND CONTAINING A SAVINGS CLAUSE.

BE IT ORDAINED BY THE CITY OF LUFKIN, TEXAS:

WHEREAS, the public welfare, convenience and general beautification of the City of Lufkin demands that proper protection and regulation be had over trees, shrubbery and plants located in the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LUFKIN that the City Tree Board of the City of Lufkin is hereby granted jurisdiction, authority, control and supervision over all trees, plants and shrubs planted or growing in or upon the public highways and public places in the City of Lufkin and the planting, removal, care, maintenance and protection thereof.

SECTION 1.

Definitions.

"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.

"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.

SECTION 2.

Creation and Establishment of a City Tree Board.

There is hereby created and established a City Tree Board for the City of Lufkin, Texas which shall consist of five (5) members, three of whom will be members of the City Commission, and the other two members shall be citizens and residents of this City who shall be appointed by the City Commission.
SECTION 3.

Term of Office.

The term of the five persons to be appointed by the City Commission shall be three (3) years except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

SECTION 4.

Compensation.

Members of the Board shall serve without compensation.

SECTION 5.

Duties and Responsibilities.

It shall be the responsibility of the Board to study, investigate, counsel and develop and/or update annually, and administer 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 presented annually to the City Commission and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City of Lufkin, Texas.

The Board, when requested by the City Commission, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.

SECTION 6.

Operation.

The Board shall choose its own officers, make its own procedural rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

SECTION 7.

Street Tree Species to be Planted.

The following list constitutes the official Street Tree species for Lufkin, Texas. The following shall be the suggested varieties:

Small Trees	Medium Trees	Large Trees
Crape Myrtle	Persimmon	Live Oak
Flowering Crab Apple	Golden Rain Tree	Sumark Oak
Hawthorn	Sugar Maple	Southern Red Oak
Bradford Pear	River Birch	Water Oak
Redbud	American Holly	Willow Oak
Peach	Sassafras	Bur Oak
Purpleleaf Plum	Black Gum	Bald Cypress
Flowering Dogwood	Sweet Gum	Southern Magnolia
Youpon Holly	Eastern Red Cedar	Loblolly Pine
	Honey Locust	Slash Pine
		Yellow Poplar

SECTION 8.

Spacing.

The spacing of Street Trees will be in accordance with the three species size classes listed in Section 7 of this Ordinance, and no trees may be planted closer together than the following: Small Trees, 30 feet; Medium Trees, 40 feet; and, Large Trees, 50 feet; except in special plantings designed or approved by a landscape architect.

SECTION 9.

Distance from Curb and Sidewalk.

The distance trees may be planted from the curbs or curb-lines and sidewalks will be in accordance with the three species size classes listed in Section 7 of this ordinance, and no trees may be planted closer to any curb or sidewalk than the following: Small trees, 2 feet; Medium trees, 3 feet; and Large trees, 4 feet.

SECTION 10.

Distance from Street Corners and Fireplugs.

No Street tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curb-lines. No Street tree shall be planted closer than 10 feet of any fireplug.

SECTION 11.

Utilities.

No Street Trees other than those species listed as Small Trees in Section 7 of this ordinance may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

SECTION 12.

Public Tree Care.

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 insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The City Tree Board may remove or cause or order to be removed, any 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 affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and location of said trees is in accordance with Section 7 of this Ordinance.

SECTION 13.

Tree Topping.

It shall be unlawful as a normal practice for any person, firm, or city department to top any Street Tree, Park Tree, or other tree on public property. 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 so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the City Tree Board.

SECTION 14.

Pruning.

The City shall have the right to prune the branches of trees 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 (8') above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or 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.

SECTION 15.

Dead or Diseased Tree Removal on Private Property.

The City shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the City. The City Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees at no cost to owner.

SECTION 16.

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.

SECTION 17.

Interference with City Tree Board

It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Street Trees, Park Trees, or trees on private grounds, as authorized in this ordinance.

SECTION 18.

Review by City Commission.

The City Commission shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree board to the City Commission who may hear the matter and make final decision.

SECTION 19.

The City Manager of the City of Lufkin is hereby expressly granted the authority to delegate any responsibility designated to his office hereunder to any employee or

department within the City of Lufkin and the action of such employee or department so designated shall constitute the action required of the Office of the City Manager as provided for hereunder.
SECTION 20.

Penalty.

Any person, firm, association, partnership or corporation, agent or employee thereof, who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof in the Municipal Court of the City of Lufkin shall be subject to a fine of not less than TEN DOLLARS (\$10.00) nor more than TWO HUNDRED DOLLARS (\$200.00).

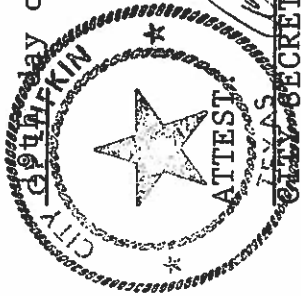
SECTION 21.

If any provision or section or subdivision of this Ordinance or any part thereof shall be determined to be invalid, such invalidity shall not affect the validity of any other section or part hereof, but all other sections, subdivisions and parts of subdivisions shall be and remain in full force and effect.

PASSED AND APPROVED on first reading by the City

Commission of the City of Lufkin at a regular meeting the

_____ day of _____, 1984



Ann Shuffin
CITY SECRETARY

Peter J. Barrison
MAYOR, CITY OF LUFKIN, TEXAS

PASSED AND APPROVED on second and final reading by the

City Commission of the City of Lufkin at a regular meeting

the _____ day of _____, 1984.



Ann Shuffin
CITY SECRETARY

Peter J. Barrison
MAYOR, CITY OF LUFKIN, TEXAS

Published in Lufkin News:
Wednesday, July 18, 1984

Effective: July 28, 1984