

## ARTICLE I. IN GENERAL

### Sec. 134-1. Public tree regulations.

- (a) *Definitions.* As used in this section:

*Public property* means all parks having individual names, esplanades, traffic islands, municipal rights-of-way, and miscellaneous property owned by the city.

*Public trees* mean all trees and shrubs having 50 percent or more of their diameter, measured at existing grade, resting on public property.

- (b) *Duties of parks and recreation advisory board.* It shall be the responsibility of the parks and recreation advisory board to advise the city on the preservation, trimming, planting, replanting, removal and disposition of trees and shrubs on public property.
- (c) *Public tree care.* The city shall have the right to maintain trees, plants and shrubs within the lines of all public property, as may be necessary to ensure safety when servicing city utilities or to preserve the symmetry and beauty of such public grounds. The city may remove or cause or order to be removed any tree or part thereof which is located on public property or municipal utility easement and 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.
- (d) *Abuse or mutilation of public trees.* Unless specifically authorized by the city or its authorized agents, no person shall intentionally damage, cut, carve, transplant, or remove any tree; attach any rope, wire, nails, advertising posters, or other contrivance to any public tree; allow any gaseous, liquid, or solid substance which is harmful to public trees to come in contact with them; or set fire or permit any fire to burn when such fire or heat thereof will injure any portion of any tree.
- (e) *Construction materials on public property.* No person shall deposit, place, store, or maintain upon any public place of the city any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air, and fertilizer to the roots of any public tree growing therein, except by written permit of the city or its authorized agent.
- (f) *Recommended plantings.* Recommended tree species to be planted on public property are as follows:

- (1) *Shade trees:*

Live oak

Bur oak

Red oak

Lacey oak

Chinkapin oak

Monterrey oak

Pecan

Cedar elm

Chinese elm

Chinese pistachio

Osage-orange

Western soapberry

Bald cypress

Montezuma cypress

Anaqua

Sycamore

Magnolia

(2) *Ornamental trees:*

Desert willow

Eve's necklace

Texas mountain laurel

Mexican plum

Redbud

Retama

Crepe myrtle

Gallery pear

Golden raintree

Carolina buckthorn

Golden leadball

Chitalpa

Yaupon

Rusty blackhaw

Anacacho orchid tree

Texas persimmon

(3) *Evergreen trees:*

Afghan pine

Arizona cypress

Italian stone pine

- (g) *Utilities.* No public trees other than those species listed as ornamental trees in subsection (f) of this section 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.
- (h) *Interference with city or its agents.* It shall be unlawful for any person to prevent, delay or interfere with the city or its authorized agents while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any public tree as authorized in this section.
- (i) *Penalty.* Any person violating any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction or a plea of guilty, shall be subject to a fine in an amount not to exceed \$500.00 for each offense.

(Code 1961, § 19-25.1)

Secs. 134-2--134-25. Reserved.