

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE CODE OF ORDINANCES, AS HERETOFORE AMENDED BY AMENDING CHAPTER 3; ARTICLE II "TREE PRESERVATION" BY ADDING SECTION 3-49 TO ESTABLISH A TREE CARE PROGRAM FOR PUBLIC PROPERTY, STREETS AND RIGHT-OF-WAYS; WITH THE MEMBERS OF THE PARKS AND RECREATION COMMISSION SERVING AS THE TREE PRESERVATION BOARD; DESIGNATING THE CITY PARKS AND RECREATION DIRECTOR WITH ADMINISTRATIVE RESPONSIBILITY FOR THE MAINTENANCE AND REMOVAL OF TREES ON CITY PROPERTY; AND PROVIDING FOR THE REMOVAL OF DISEASED OR HAZARDOUS TREES ON PRIVATE PROPERTY UNDER CERTAIN CONDITIONS; PROVIDING A SERVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CIVIL PENALTIES; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Sachse, Texas, has determined that the protection of trees on public property within the City is not only aesthetically desirable but is essential to the present and future health, safety, and welfare of all citizens; thus, creating a Tree Care Program; and

WHEREAS, the City Council has further determined that it will be beneficial to designate the City Parks and Recreation Director with administrative responsibility for the Tree Care Program including the care, planting, pruning, and maintenance of trees on City property and City parks; and

WHEREAS, the City of Sachse Tree Preservation Board will serve as the advisory board to assist the Parks & Recreation Director with monitoring the Tree Care Program for public trees in addition to continual advice on the Tree Management Plan for preservation and mitigation.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS, THAT:

SECTION 1. The Code of Ordinances, City of Sachse, Texas, is hereby amended by adding Section 3-49 to Chapter 3, to read as follows:

"Sec.3-49. Tree Care.

There is hereby created and established a Tree Care Program to provide full power and authority over the care of all trees, plants and shrubs located within public rights-of-ways, parks and public places and aids in the proper growth of a landscape program to enhance the beauty of the city.

Sec.3-49.1. Care of Public Trees

- A. The Parks and Recreation Director and/or his designees shall have the responsibility, to plant, prune, maintain and remove trees, plants and shrubs within the public right-of-way of all streets, alleys, avenues, lanes, squares, parks, and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.
- B. Every owner of any tree or shrub overhanging any street or right-of-way within the City shall, in accordance to the City Pruning Guidelines, prune the branches so that such branches shall not [severely] obstruct the light from any street lamp or obstruct the view of any street intersection;

will not obstruct the passage of pedestrians on sidewalks; will not obstruct vision of traffic signs; and will not obstruct the view of any street or alley intersection. If the property owner fails to do so, the Parks and Recreation Director and/or his designee shall have the right to remove or prune any tree or shrub on private property which threatens the safety of those who may use a city street or city park. A fee shall be assessed for this service on an hourly basis. Fees will be based on the current hourly wages of city maintenance workers.

- C. No person shall remove, destroy, or cause the removal or destruction of a tree on city property or in any city park without first having obtained written permission for such removal or destruction from the Parks and Recreation director.
- D. It shall be unlawful for any person, firm or corporation to attach any cable, wire, rope sign or any object to any city tree, plant or shrub without written permission from the Parks and Recreation Director.

Sec.3-49.2. Tree Preservation Board.

- A. *Board membership.* The Tree Preservation Board shall consist of the members of the Parks and Recreation Commission.
- B. *Term of Office.* The board shall elect its own officers and each officer shall serve for a term of 2 years or until a successor is appointed.
- C. *Meetings.* The board shall meet a minimum of 6 times each year. All stated meetings shall be open to the public. The board chairman may schedule additional meetings as needed.
- D. *Officers.* The board shall annually select one of the members to serve as chair, and may appoint a second member to serve as vice-chair, and may appoint a third member to serve as secretary.
- E. *Duties.* The duties of the Tree Preservation Board shall include:
 - a. To Review the Tree Management Plan, Tree Preservation and Mitigation Guidelines, and the Tree Care Program as may be necessary.
 - b. To promote the protection of healthy trees and provide guidelines for the replacement and/or replanting of trees necessarily removed during construction, development, and redevelopment.
 - c. To uphold rules and regulations governing the protection and preservation of native or established trees within the City, which provide for purification of air and water, provide for shade, windbreaks and the cooling of air, provide for open space and more efficient drainage of land, thus reducing the effects on soil erosion.
 - d. To study, investigate, counsel and develop and/or update periodically a written plan for the care, preservation, pruning, planting, replanting, removal or disposal of public trees and shrubs on city property.
 - e. To review and recommend specific beautification projects and public awareness programs to the Parks & Recreation Department, City Manager and/or City Council as may be appropriate.
 - f. Coordinating and promoting Arbor Day activities.
 - g. Submitting the annual application to renew the tree city USA designation and
 - h. Other duties that may be assigned by the City Council.”

SECTION 2. If any section, paragraph, clause or provision of this ordinance shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

SECTION 3. All ordinances of the City of Sachse, Texas, in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the City of Sachse Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 5. That any person, firm or corporation violating any of the provisions of this ordinance or of the Code of Ordinances, as amended hereby, shall be deemed guilty of a misdemeanor and shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense.

SECTION 6. This ordinance shall take effect immediately from and after its passage, and publication of the caption, as the law and charter in such cases provide.

DULY APPROVED AND PASSED by the City Council of the City of Sachse, Texas on the ____ day of _____, 2008.

APPROVED:

Mike Felix, Mayor

ATTEST:

Terry Smith, City Secretary

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(PGS/JJG/33078/11-24-08)