

Sec. 17-11. Tree ordinance.

- (a) *Tree board established.* This section will be governed by the parks and recreation commission, which shall be referred to herein as the "tree board." The day to day operation of this section will be administered by the director of parks and recreation.
- (b) *Duties of tree board.* The tree board shall recommend approval of the city tree plan that is administered through the parks and recreation department and approved by city council. This plan will outline the three (3) stages for tree care. First, proper planting techniques, second, regular maintenance, and, third, removal. A copy of this plan shall be kept on file at the parks and recreation department.
- (c) *Prohibition against harming city-owned trees.* It shall be unlawful for any person on public property owned by the city to damage, cut, carve, abuse, poison or harm any tree or injure the bark of any tree without authorization from the city manager or a duly authorized representative thereof.
- (d) *Recommended trees in city rights-of-way.* The city and its authorized agents, employees, and contractors shall have the right to trim or remove any trees in city rights-of-way. The property owner adjacent to any city street or right-of-way shall be responsible for any damage caused by negligently pruned trees that is actionable under state law. This provision is not intended to create any duties that do not currently exist under state law and shall not constitute a waiver of any governmental immunity of the city.
- (e) *Prohibition of trees in city rights-of-way.* It shall be unlawful to plant any tree in a city right-of-way other than a shrub that normally grows, at maturity, to a height of less than four (4) feet.
- (f) *Recommended distance of trees from curb and sidewalk.* It is recommended that the following trees not be planted any closer to curb or sidewalk than the following distances:
 - Small trees--2 feet.
 - Medium trees--3 feet.
 - Large trees--4 feet or as specified on the recommended tree species list.
- (g) *Recommended trees to be planted under utilities.* It is recommended that no trees other than those species listed as small trees be planted within ten (10) feet of any overhead utility line or over or within five (5) lateral feet of any underground water or sewer line.

- (h) *Public tree care.* The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all rights-of-way, streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to preserve or enhance the symmetry and beauty of such public areas.
- (i) *Topping of trees.* It is recommended not to top trees as a normal practice. 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.
- (j) *Education.* The city will serve as a resource for educational and training opportunities for groups and individuals for tree maintenance, selection, planting and programs. The city will offer, provide or make the public aware of training/educational opportunities in the area.
- (k) *Recommended tree species.* Recommended tree species will be available at the parks and recreation department and the library. This list will be updated annually and established by the tree board. Contributing agencies on the recommended list are the Texas Forest Service - Urban Forestry Program, and the city.

(Ord. No. 99-36, § 1, 12-14-99)