

ORDINANCE NO. 05/15

**AN ORDINANCE OF THE CITY OF UNIVERSITY PARK, TEXAS, ADDING SECTION 13.1906 "TREE ORDINANCE" TO THE CODE OF ORDINANCES; PROVIDING FOR THE ESTABLISHMENT OF A TREE BOARD; PROHIBITING THE PLANTING OF TREES EXCEPT FROM THE TREE LIST; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PARK, TEXAS:**

**SECTION 1.** That the Code of Ordinances of the City of University Park, Texas, is amended by adding Section 13.1906 "Tree Ordinance" as follows:

**"Sec. 13.1906 Tree Ordinance**

**A. Definitions**

**Parkway trees:** "Parkway trees" are herein defined as trees on land lying between the back of curb and the city sidewalk on either side of all streets, avenues or ways on public property.

**Park trees:** "Park trees" are herein defined as trees in public parks having individual names, and all areas owned by the City, or to which the public has free access as city property.

**B. Creation and Establishment of City Tree Board**

There is hereby created and established a City Tree Board for the City of University Park, Texas which shall consist of the mayor appointed members of the Park Advisory Board and the city's Urban Forester. The board will also review the planning and implementation of the city's annual Arbor Day Celebration.

**C. Duties and Responsibilities**

It shall be the responsibility of the City Urban Forester to study, investigate, council and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees , along streets and in other public areas. The City Urban Forester, when requested by the Park Advisory Board or City Council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within scope of its work.

#### D. Parkway Trees Species to be planted

The following list constitutes the official Tree Species for the City of University Park, Texas. No species other than those included in this list may be planted in a parkway.

| <u>Tree Common Name</u> | <u>Botanical/Scientific Name</u> |
|-------------------------|----------------------------------|
| Bald Cypress            | Taxodium Distichum               |
| Bur Oak                 | Quercus Macrocarpa               |
| Cedar Elm               | Ulmus Crassifolia                |
| Chinese Pistachio       | Pistachia Chinensis              |
| Chinquapin Oak          | Quercus Muehlenbergi             |
| *Crape Myrtle           | Lagerstroemia Indica             |
| Mexican White Oak       | Quercus Mexiana                  |
| Live Oak                | Quercus Virginiana               |
| Red Oak                 | Quercus Shumardi                 |
| *Yaupon Holly           | Ilex Vomitoria                   |

\* Trees recommended for planting under power lines with a mature height estimated at less than 25 feet.

#### E. Park Trees Species to be planted

Trees from the official Tree Species list for the City of University Park may be planted within the City park system. Any additions to this list including small ornamental trees shall be reviewed and approved by the Director of Parks, the City's Urban Forester and the Park Advisory Board.

#### F. Distance from Street Corners and Fireplugs

No parkway tree shall be planted closer than 35 feet to any street corner or 15 feet to any alley corner, measured from the point of the nearest intersecting curbs or curb lines. No parkway tree shall be planted closer than 10 feet to any fireplug. No parkway tree shall be planted within 20 feet of an overhead Power Line unless its mature height is less than 25 feet. For underground lines, call Dig Tess (1-800-Dig Tess) prior to digging.

#### G. Public Tree Care

The City shall have the right to plant, prune, maintain and remove trees 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 Urban Forester may remove or cause 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.

H. Pruning, Corner Clearance

Every owner of any tree overhanging any parkway or right-of-way within the City shall prune the branches so that such branches shall not become an obstruction to traffic, a hazard, unsightly, or interfere with lights 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 sidewalk and fourteen feet (14') above the curb line. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs that 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 overhangs a public right-of-way or easement and interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign.

I. Interference with Tree Ordinance

It shall be unlawful for any person to prevent, delay or interfere with a City employee or agent while he is engaging in the planting, cultivating, mulching, pruning, spraying, or removing of any parkway tree or park tree as authorized in this article."

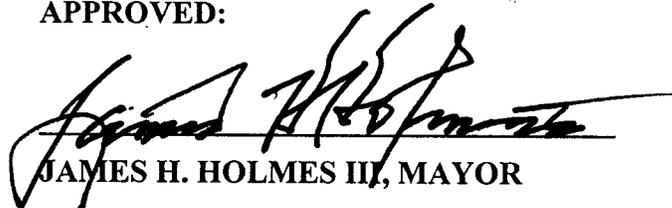
**SECTION 2.** All ordinances of the City of University Park in conflict herewith are repealed.

**SECTION 3.** Should any word, phrase, paragraph, section or portion of this ordinance, or of the Code of Ordinances, as amended hereby, be held to be unenforceable, void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, or of the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

**SECTION 4.** This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

**DULY PASSED** by the City Council of the City of University Park, Texas, this the 7<sup>th</sup> day of June 2005.

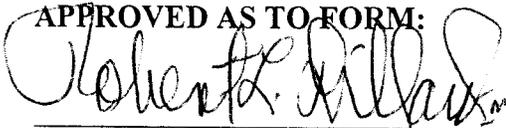
**APPROVED:**

  
JAMES H. HOLMES III, MAYOR

**ATTEST:**

  
NINA WILSON, CITY SECRETARY

**APPROVED AS TO FORM:**



CITY ATTORNEY (RLD/5/11/05) (74240)