

ORDINANCE NO. ORD-2009-9140

AN ORDINANCE AMENDING CHAPTER 25 ENTITLED "PARKS AND RECREATION" OF THE CODE OF CIVIL AND CRIMINAL ORDINANCES OF THE CITY OF IRVING, TEXAS, BY PROVIDING DUTIES AND RESPONSIBILITIES OF THE PARKS AND RECREATION BOARD; BY ADDING ARTICLE V. TREE BOARD AND PROVIDING FOR THE ESTABLISHMENT, COMPOSITION, APPOINTMENT OF OFFICERS, TERMS OF OFFICE, MEETINGS, AND DUTIES AND RESPONSIBILITIES OF SAID BOARD; BY ADDING ARTICLE VI. TREE CARE AND PROVIDING FOR THE CARE OF PUBLIC TREES; AND PROVIDING FOR SEVERABILITY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION 1. That Section 25-5 of Chapter 25 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is amended to read as follows:

**Sec. 25-5. Duties and responsibilities.**

The duties and responsibilities of the parks and recreation board shall be to:

- (1) Act in an advisory capacity to the city council and the parks and recreation director in all matters pertaining to parks and recreation and cooperate with other governmental agencies, civic groups and all citizens of the city in the advancement of sound parks and recreation planning and programming.
- (2) Recommend policies on recreation services for approval by the city council.
- (3) Advise the parks and recreation director on problems of development of recreation areas, facilities, programs, and improved recreation services.
- (4) Recommend the adoption of standards for recreational areas, facilities, programs and their financial support.
- (5) Have periodic inventories made of existing services and survey of services needed and interpret the needs of the public to the city council and to the parks and recreation director.
- (6) Aid in coordinating the recreation services with the programs of other governmental agencies and interested groups.
- (7) Review the effectiveness of the parks and recreation program with the parks and recreation director and the city manager.
- (8) Interpret the policies and functions of the parks and recreation department to the public.
- (9) Have the opportunity to review the annual budget of the parks and recreation department proposed by the parks and recreation director before submission to the city manager and advise the parks and recreation director on the development of long-range capital improvement program.

- (10) Serve as host for the Irving Tree Board. The tree board will consist of 9 members, with a minimum of 3 members from the Parks and Recreation Advisory Board.

SECTION 2. That Chapter 25 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is amended by adding "Article V. Tree Board" to read as follows:

## **ARTICLE V. TREE BOARD**

### **Sec. 25-10. Established.**

There is hereby established the tree board for the city.

### **Sec. 25-11. Composition, appointment, officers, terms of office, meetings.**

(a) *Board membership.* The tree board shall consist of 9 members, with a minimum of 3 members from the parks and recreation advisory board, 2 members from the Irving Green Advisory Committee, and 2 members from the Keep Irving Beautiful Committee. These members shall be appointed by the chair of their respective board or committee. The remaining 2 members shall be selected from other community organizations or interested volunteers which shall be appointed by the standing tree board.

(b) *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.

(c) *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.

(d) *Meetings.* The board shall meet a minimum of 4 times each year. All stated meetings shall be open to the public. The board chair may schedule additional meetings as needed.

### **Sec. 25-12. Duties and responsibilities.**

The duties and responsibilities of the tree board shall be to:

- (1) 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 of parks, public property or rights-of-way.
- (2) To promote 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.
- (3) 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.

- (4) To review and recommend specific beautification projects and public awareness programs to the parks and recreation department director or his designee.
- (5) To assist in coordinating and promoting Arbor Day activities.
- (6) To assist in developing the annual application to renew the tree city USA designation.

SECTION 3. That Chapter 25 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is amended by adding "Article VI. Tree Care" to read as follows:

#### **ARTICLE VI. TREE CARE**

##### **Sec. 25-13. Care of public trees.**

(a) The parks and recreation director and/or his designee may plant, prune, maintain and remove trees, plants and shrubs within the public right-of-way of all streets, parks, and public grounds as deemed necessary to ensure 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 any municipal water or sewer line, or any tree that is infected by fungus, insect, or other pest disease. All tree work to be supervised by a certified arborist.

(b) Every owner of any tree or shrub overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not 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 the passage of vehicles on the street; will not obstruct vision of traffic signs, will not obstruct vision of vehicular traffic, 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.

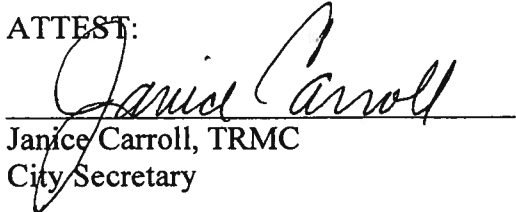
(e) To assist in coordinating and promoting Arbor Day activities.

SECTION 4. That the terms and provisions of this ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause or phrase of this ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause or phrase of this ordinance.

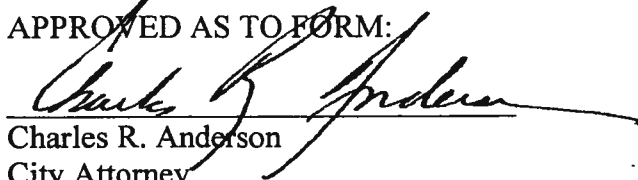
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS,  
on December 3, 2009.

  
HERBERT A. GEARS  
MAYOR

ATTEST:

  
Janice Carroll, TRMC  
City Secretary

APPROVED AS TO FORM:

  
Charles R. Anderson  
City Attorney

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