

## ARTICLE IV. PUBLIC TREES\*

---

**\*Editor's note:** Ord. No. 725, §§ 1--8, adopted December 21, 1993, did not specifically amend the Code; hence inclusion herein as Art. IV, §§ 12-400--12-470, was at the discretion of the editor.

**Cross references:** Tree preservation, §§ 10-800 et seq.

---

### **Sec. 12-400. Definitions.**

*Public property* is herein defined as all parks having individual names, esplanades, traffic islands, municipal right-of-way and miscellaneous property owned by the City of Keller.

*Public trees* is defined as all trees and shrubs having fifty (50) percent or more of their diameter, measured at existing grade, resting on public property.

(Ord. No. 725, § 1, 12-21-93)

### **Sec. 12-410. Reserved.**

**Editor's note:** The editor has treated the provisions of Ord. No. 935, § 1, adopted Dec. 1, 1998, as superseding former section 12-410 which pertained to the duty of the parks and recreation board to advise the city on trees and shrubs on public property. Former section 12-410 derived from Ord. No. 725, § 2, adopted Dec. 21, 1993.

(Ord. No. 725, § 2, 12-21-93)

### **Sec. 12-420. 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 insure 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, which by reasons 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, or is obstructing any intersection

or line-of-site which could threaten traffic safety or interferes with emergency and service vehicles.

(Ord. No. 725, § 3, 12-21-93)

**Sec. 12-430. 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 tree; allow any gaseous, liquid, or solid substance which is harmful to 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.

(Ord. No. 725, § 4, 12-21-93)

**Sec. 12-440. Construction materials on public property.**

No person shall deposit, place, store or maintain upon any public place of the municipality, any stone, brick, sand, concrete or other materials which may impede the free passage of water, air and fertilizer to the roots of any tree growing therein, except by written permit of the city or its authorized agent.

(Ord. No. 725, § 5, 12-21-93)

**Sec. 12-450. Reserved.**

**Editor's note:** The editor has treated the provisions of Ord. No. 935, § 1, adopted Dec. 1, 1998, as superseding former section 12-450 which pertained to a list of recommended tree species for planting on public property and derived from Ord. No. 725, § 6, adopted Dec. 21, 1993. Appendix A of Ord. No. 935 provided a new list of recommended trees for planting on public property.

**Sec. 12-460. Utilities.**

No public trees other than those species listed as small shade trees in section 12-450 may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility.

(Ord. No. 725, § 7, 12-21-93)

**Sec. 12-470. Interference with the city.**

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 article.

(Ord. No. 725, § 8, 12-21-93)