CHAPTER 5

TREES

SECTION:

7-5-1: Definitions
7-5-2: Creation And Establishment Of A Muenster Tree Board
7-5-3: Term Of Office
7-5-4: Duties And Responsibilities
7-5-5: Operation
7-5-6: Street Tree Species To Be Planted
7-5-7: Spacing
7-5-8: Distance From Curb And Sidewalk
7-5-9: Distance From Street Corners And Fireplugs
7-5-10: Utilities
7-5-11: Public Tree Care
7-5-12: Trimming Corner Clearance
7-5-13: Interference With City Tree Board
7-5-14: Review By City Council
7-5-15: Penalty

7-5-1: DEFINITIONS:

PARK TREES: Trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

STREET TREES: Trees, shrubs, bushes and all other woody vegetation on land lying between the curb, pavement line and the property lines on either side of all streets, avenues or ways within the city. (Ord. 261, 7-1-2002)
7-5-2:  CREATION AND ESTABLISHMENT OF A MUENSTERTREE BOARD: There is hereby created and established a city tree board for the city of Muenster, Texas, which shall consist of five (5) members, citizens and residents of this city or county, who shall be appointed by the mayor with the approval of the city council. This tree board shall serve in an advisory capacity to the Muenster city council. (Ord. 261, 7-1-2002)

7-5-3:  TERM OF OFFICE: The term of the five (5) persons to be appointed by the mayor shall be two (2) years; the same persons serve as the Muenster park board. (Ord. 261, 7-1-2002)

7-5-4:  DUTIES AND RESPONSIBILITIES: It shall be the responsibility of the board to study, investigate, counsel and develop and/or update annually a written plan for the care, preservation, trimming, planting, replanting, removal or disposition of trees and shrubs in public ways, streets, and alleys. Such a plan will be presented annually to the Muenster city council; and upon acceptance and approval of the city council, shall constitute the official comprehensive city tree plan for the city of Muenster, Texas.

The Muenster tree board, or its agent, shall be responsible for the planting, pruning and removal of all trees located within the street right of way, easements, alleys and parks of the city of Muenster. The owner of land abutting on any street may, when acting within the provisions of this chapter, prune, spray, plant or remove trees in that part of the street abutting his land. Permission of the Muenster tree board shall only be required when the owner of the abutting property intends to deviate from the rules and regulations contained in this chapter.

The board, when requested by the city council, shall consider, investigate, make finding, report and recommend upon any special matter or question coming within the scope of its work. (Ord. 261, 7-1-2002)

7-5-5:  OPERATION: The board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. (Ord. 261, 7-1-2002)
7-5-6: STREET TREE SPECIES TO BE PLANTED:

<table>
<thead>
<tr>
<th>Small Trees</th>
<th>Medium Trees</th>
<th>Large Trees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crepe myrtle</td>
<td>Bald cypress</td>
<td>Bald cypress</td>
</tr>
<tr>
<td>Hawthorn</td>
<td>Big tooth maple</td>
<td>Bur oak</td>
</tr>
<tr>
<td>Japanese black pine</td>
<td>Bradford pear</td>
<td>Cedar elm</td>
</tr>
<tr>
<td>Mexican plum</td>
<td>Eastern red cedar</td>
<td>Chinese pistachio</td>
</tr>
<tr>
<td>Redbud (Texas or eastern)</td>
<td>Texas red oak</td>
<td>Chinkapin oak</td>
</tr>
<tr>
<td></td>
<td>Western soap berry</td>
<td>Live oak</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pecan (native)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Red oak (Shumardii)</td>
</tr>
</tbody>
</table>

(Ord. 261, 7-1-2002)

7-5-7: SPACING: The spacing of street trees will be in accordance with the three (3) species size classes listed in section 7-5-6 of this chapter, and no trees may be planted closer together than the following (without approval of the Muenster tree board): small trees, twenty feet (20’); medium trees, thirty feet (30’); and large trees, forty feet (40’). (Ord. 261, 7-1-2002)

7-5-8: DISTANCE FROM CURB AND SIDEWALK: The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three (3) species size classes listed in section 7-5-6 of this chapter, and no trees may be planted closer to any curb or sidewalk than the following: small trees, two feet (2’); medium trees, three feet (3’); and large trees, four feet (4’) in accordance with existing city ordinances. (Ord. 261, 7-1-2002)

7-5-9: DISTANCE FROM STREET CORNERS AND FIREPLUGS: No street tree shall be planted closer than twenty feet (20’) of any street corner, measured from the point nearest intersecting curbs or curb lines. No street tree shall be planted closer than ten feet (10’) of any fireplug. (Ord. 261, 7-1-2002)

7-5-10: UTILITIES: No street trees other than those species listed as small and medium trees in section 7-5-6 of this chapter 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. 261, 7-1-2002)

City of Muenster

April 2005
7-5-11: **PUBLIC TREE CARE:** The city shall have the right to plant, trim, spray, preserve and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure safety when servicing city utilities or to preserve the symmetry and beauty of such public grounds. The Muenster tree board 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. (Ord. 261, 7-1-2002)

7-5-12: **TRIMMING CORNER CLEARANCE:** Every owner of any tree overhanging any street or right of way within the city shall trim the branches so that such branches shall not obstruct the light from any streetlamp or obstruct the view of any street intersection and so that there shall be a space of eight feet (8') clear of branches that would obstruct access of street sweeper, firetrucks, or city vehicles within the city's right of way. The city shall have the right to trim any tree or shrub on private property when it interferes with visibility of any traffic control device or sign. Such trimming is to be confined to the area immediately above the right of way. (Ord. 261, 7-1-2002)

7-5-13: **INTERFERENCE WITH CITY TREE BOARD:** It shall be unlawful for any person to prevent, delay or interfere with the Muenster tree board or its authorized agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees and park trees as authorized in this chapter. (Ord. 261, 7-1-2002)

7-5-14: **REVIEW BY CITY COUNCIL:** The city council shall have the right to review the conduct, acts and decisions of the Muenster tree board. Any person may appeal from any ruling or order of the Muenster tree board to the city council who may hear the matter and make final decision. (Ord. 261, 7-1-2002)

7-5-15: **PENALTY:** Any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction or a plea of guilty, shall be subject to a fine in an amount not to exceed two hundred dollars ($200.00) for each offense. (Ord. 261, 7-1-2002)

April 2005

City of Muenster