

PUBLIC TREE PROTECTION

§ 95.40 PURPOSE AND INTENT.

The purpose of this subchapter is to protect existing trees, promote the planting of new trees, and establish a city policy regarding the planting, maintenance, and removal of specified trees within the city and its environs. The intent of this subchapter is that it apply to all trees located on public property in the city limits.

§ 95.41 DEFINITIONS.

For the purposes of this subchapter, the following terms shall have the special meanings ascribed to them below, which shall govern in case of any conflict with other definitions set forth in this code:

- (A) BOARD. The term “Board” as used in this subchapter refers to the Tree Care Advisory Board.
- (B) PUBLIC TREE shall mean any trees, shrubs, bushes, and woody vegetation on city parks or city-owned property.
- (C) PRIVATE TREE shall mean any trees, shrubs, bushes, and woody vegetation on private property.
- (D) TOP OR TOPPING shall mean the indiscriminate cutting of tree branches to stubs or lateral branches that are not large enough to assume the terminal role. Topping shall include “heading,” “tipping,” “hat racking” and “rounding over.”

§ 95.42 ESTABLISHMENT OF A TREE CARE ADVISORY BOARD.

- (A) Board Membership. The City Council hereby creates an advisory board known as the Tree Care Advisory Board, hereinafter referred to as the Board. The Board shall consist of five members appointed by the City Council. All members of the Board shall be residents of the city.
- (B) One seat on the Board may be reserved for a person that has experience and training in all issues regarding trees. Such experience may include a bachelor’s degree from an accredited college or university in urban forestry or agriculture with training in arboriculture or equivalent experience. Members of the Board shall serve without compensation. The City Forester shall serve as an ex officio member of the Board and advise the Board as necessary.
- (C) Two seats on the board may be reserved for Parks and Recreation Commission members.
- (D) One seat on the board may be reserved for a member of Keep Pflugerville Beautiful.

- (E) Meetings. The Board shall meet a minimum of four times annually. The Parks and Recreation Director, City Forester, or chair of the tree board may schedule additional meetings as needed.
- (F) 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.
- (G) Duties. The duties of the Board shall include:
 - (1) Coordinating and promoting Arbor Day activities;
 - (2) Developing and updating a five-year plan to plant and maintain trees on city property;
 - (3) Developing public awareness and education programs relating to trees;
 - (4) Reviewing Parks and Recreation Department concerns relating to tree care;
 - (5) Submitting an annual report of its activities to the City Council;
 - (6) Submitting the annual application to renew the Tree City USA designation; and
 - (7) Other duties that may be assigned by the City Council.

§ 95.43 CARE OF PUBLIC TREES.

- (A) The City Forester and/or their designees shall have the responsibility to plant, prune, maintain and remove trees and woody plants on all city streets, rights-of-ways, and/or city parks. The City Forester and/or their designee in appropriate cases, and upon consultation with a property owner and written permission, may remove or prune a tree on private property which threatens the safety of those who may use a public place.
- (B) Property owners are responsible for the reasonable and routine maintenance of trees on the right-of-way which is an extension of the property owner's front yard and/or setback. This shall include maintaining a clearance over the sidewalk of eight feet (8').
- (C) The City Forester or their designee may recommend the removal of any tree or part of a tree that threatens the safety of any person, property or structure or by reason of its location. This shall include but is not limited to threats against electric lines, telephone lines, gas lines or any municipal water or sewer lines or any public improvement. Any tree which is affected by any injurious fungus, insect or other damaging biotic organism may also be removed.
- (D) No person shall remove, destroy, prune, top or cause the removal, destruction, pruning or topping of a tree on City property or in any City park without first having obtained written permission for such removal, destruction, pruning, or topping from the City Forester.

- (E) It shall be unlawful for any person, firm or corporation to attach any cable, wire, rope or sign to any city tree, plant or shrub without first having obtained written permission from the City Forester.

§ 95.44 PUBLIC TREE FUND.

A Public Tree Fund shall be established for the planting of new trees and the maintenance thereof on public property. All fine monies received for infractions of the Public Tree Care Ordinance shall be contributed to the Public Tree Fund. All tree mitigation monies received shall be contributed to the Public Tree Fund.

§ 95.45 PENALTY FOR VIOLATIONS.

Any person who shall violate any of the provisions of this subchapter or fail to comply therewith shall be deemed guilty of a Class C misdemeanor and, upon conviction, shall be fined not less than \$100.00 nor more than \$500.00. This offense is hereby declared to be a strict liability offense and the culpable mental state required by Chapter 6.02 of the Texas Penal Code is hereby specifically negated and clearly dispensed with. Each day that the violation occurs shall constitute a distinct and separate offense.

(Ord. 893-07-06-26, passed 6-26-07; Ord. 959-08-08-26, passed 8-26-08)