

ARTICLE II. TREES AND SHRUBBERY

Sec. 102-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Public property means all municipal parks, esplanades, traffic islands, municipal rights-of-way, and miscellaneous property owned by the city.

Public trees means all trees, plants or shrubs having 50 percent or more of their diameter, measured at existing grade, resting on public property.

(Code 1981, § 22-24)

Cross references: Definitions generally, § 1-2.

Sec. 102-32. Authority.

This article provides authority over all trees, plants and shrubs located within street rights-of-way, parks, and public places and properties of the city, and to trees, plants and shrubs located on private property that constitute a hazard or threat as described in this article.

(Code 1981, § 22-23)

Sec. 102-33. Municipal tree board.

- (a) *Created.* There is created and established a municipal tree board for the city, which shall consist of ten members, citizens and residents of this city, who shall be appointed by the mayor with the approval of the city council. Members of the board shall serve without compensation.
- (b) *Terms.* The terms of all members appointed shall be two years; however there shall be no limit to the number of terms any member may serve. If a vacancy shall occur during the term of any member, a successor shall be appointed in the same manner as all other members for the unexpired term.
- (c) *Duties.* The duties of the board shall be to advise the city on the preservation, trimming, planting, replanting, removal, and disposal of trees and shrubs on public property.

(Code 1981, §§ 22-22, 22-23, 22-25)

Cross references: Administration, ch. 2.

Sec. 102-34. Public tree care.

The city shall have the right to maintain trees, plants and shrubs within the lines and boundaries of all public property, as may be necessary to ensure 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 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, disease or other pest.

(Code 1981, § 22-26)

Sec. 102-35. Abuse or mutilation of public trees.

Unless specifically authorized by the city or its authorized agents, no person shall intentionally cut, carve, transplant or remove any tree; attach any rope, wire, nails, advertising posters, or other contrivance to any public tree; allow any gaseous, liquid or solid substance harmful to public trees come into contact with them; or set fire or burn when such fire or heat will injure any portion of any tree.

(Code 1981, § 22-27)

Sec. 102-36. Construction materials injurious to trees on public property.

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

(Code 1981, § 22-28)

Sec. 102-37. Recommended plantings.

Recommended trees to be planted on public property are as follows:

TABLE INSET:

Shade Trees	Ornamental Trees	Evergreen Trees
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Live Oak	Desert Willow	Afghan Pine
Burr Oak	Eve's Necklace	Arizona Cypress
Red Oak	Texas Mountain Laurel	Italian Stone Pine
Lacey Oak	Mexican Plum	
Chinkapin Oak	Redbud	
Monterrey Oak	Retama	
Pecan	Crepe Myrtle	
Cedar Elm	Gallery Pear	
Osage Orange	Golden Raintree	
Western Soapberry	Carolina Buckthorn	
Anaqua	Golden Leadball	
Sycamore	Chitalpa	
Magnolia	Yaupon	
	Rusty Blackhaw	
	Anacacho Orchid Tree	
	Texas Persimmon	

(Code 1981, § 22-29)

Sec. 102-38. Planting near utilities.

No public trees other than those species listed as ornamental trees in section 102-37 may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

(Code 1981, § 22-30)

Cross references: Utilities, ch. 98.

Sec. 102-39. 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 trees as authorized in this article.

(Code 1981, § 22-31)