

**ORDINANCE NO. 810**

**AN ORDINANCE OF THE CITY OF HEDWIG VILLAGE, TEXAS, AMENDING ARTICLE VII, TREES, OF THE HEDWIG VILLAGE CODE OF ORDINANCES, BY ADDING SECTION 14-250, PUBLIC TREES, TO CREATE A TREE ADVISORY BOARD AND ESTABLISH PRACTICES GOVERNING THE PLANTING AND CARE OF TREES ON PUBLIC PROPERTY.**

**WHEREAS**, the City Council has deemed it necessary and in the public's best interest to create a tree advisory board to oversee the planting and care of trees on public property; and

**WHEREAS**, City Council has deemed it necessary and in the public's best interest to establish practices governing the planting and care of trees on public property.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEDWIG VILLAGE, TEXAS, THAT:**

**Section 1.** The Recitals set forth above are found to be true and correct and are adopted as the findings of fact of the City.

**Section 2.** Article VII, Trees, of the Hedwig Village Code of Ordinances, is hereby amended by Adding Section 14-250, Public Trees, to read as set out in Appendix A, attached hereto.

**Section 3.** All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

**Section 4.** If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

**Section 5.** The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

## Appendix A

### Sec. 14-250. Public Trees.

- a) **Purpose:** To enhance the quality of life and the present and future health, safety, and welfare of all residents, to enhance property values, and to ensure proper planting and care of trees on public property, the City Council herein delegates the authority and responsibility for managing public trees, creates a Tree Advisory Board and establishes practices governing the planting and care of trees on public property.
- b) **Authority and Power:**
  - 1) **Director:** The City Administrator or their designee, hereinafter referred to as the “Director”, shall have full authority and responsibility to plant, prune, maintain and remove trees and woody plants growing in or upon all municipal streets, rights-of-ways, city parks, and other public property. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.
  - 2) **Coordination:** All city departments will coordinate as necessary with the Director and will provide services as required to ensure compliance with this Ordinance as it relates to streets, alleys, rights-of-way, drainage, easements, and other public properties not under direct jurisdiction of the Director.
- c) **Tree Advisory Board:** The City Council hereby creates a “Tree Advisory Board,” hereinafter referred to as the “Board.”
  - 1) **Duties:** The Board shall act in an advisory capacity to the Director and shall:
    - i. Coordinate and promote Arbor Day activities;
    - ii. Review and update a five-year plan to plant and maintain trees on city property;
    - iii. Support public awareness and education programs relating to trees;
    - iv. Review city department concerns relating to tree care;
    - v. Submit an annual report of its activities to the city council;
    - vi. Assist with the annual application to renew the Tree City USA designation;
    - vii. Recommend a list of tree species for planting on city property, and a list of prohibited species; and
    - viii. Other duties that may be assigned by City Council.
  - 2) **Membership:** The Board shall consist of five (5) members appointed by the

Mayor. Members of the Board will serve 2 year staggered terms.

- 3) **Term of office:** Board members shall be appointed for two-year staggered terms. If a vacancy shall occur during the term of any member, a successor shall be appointed by the Mayor to fill the remainder of the unexpired term.
- 4) **Officers:** Mayor shall select one of the Board members to serve as chair, the Board may appoint a second member to serve as vice-chair, and the Board may appoint a third member to serve as secretary.
- 5) **Meetings:** The Board shall meet a minimum of two times each year. All meetings shall be open to the public. The Board chair may schedule additional meetings as needed.

**d) Tree Planting and Care Standards:**

- 1) **Standards:** All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations" and shall follow all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture.
- 2) **Public Utilities:** The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards. An employee of a public utility, or an authorized contractor working in a dedicated public right-of-way or drainage or utility easement, may in the course of business, prune that portion of a tree, including a protected tree, that prohibits the safe construction, operation, repair or maintenance of a service line or facility as set out in Section 14-243(c)(1) and Section 14-243(c)(2).
- 3) **Preferred Species List:** The Director shall utilize Approved Tree Replacement List contained in Section 14-249 of this Code as the list of desirable tree species for planting on public property.
- 4) **Planting Distances:** The Director shall develop and maintain an official set of spacing requirements for the planting of trees on public property. No tree may be planted within the visibility triangle of a street intersection or within 10 feet of a fire hydrant.
- 5) **Planting Trees Under Utility Lines:** Trees listed as Ornamental trees on the official city tree species list or with written approval from the Director trees may be planted under or within 15 lateral feet of any overhead utility wire.

**e) Prohibition Against Harming Public Trees:**

- 1) It shall be unlawful for any person, firm, or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the Director.
- 2) It shall be unlawful for any person, firm, or corporation to attach any cable, wire, sign, or any other object to any street, park, or public tree.

- 3) It shall be unlawful for any person, firm, or corporation to “top” any public tree without written consent from the Director. Trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the determination of the Director.
- 4) Any person, firm, corporation, or city department performing construction near any public tree(s) shall consult with the Director and shall employ appropriate measures to protect the tree(s), according to procedures contained in the Best Management Practices (BMPs) for “Managing Trees During Construction” published by the International Society of Arboriculture.

**f) Certain Trees Declared a Nuisance:**


Any public tree, or limb thereof, determined by the Director to have contracted a lethal, communicable disease or insect; to be dead or dying; to obstruct the view of traffic signs or the free passage of pedestrians or vehicles; or that threatens public health, safety, and welfare is declared a nuisance and the City may require its treatment or removal.

**g) Violations and Penalty:**

Any person, firm or corporation violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each offense.

Section 6. This Ordinance shall be effective immediately upon its passage and adoption and the City Secretary is hereby authorized to publish notice of its adoption as required by law.

**PASSED, APPROVED and ADOPTED** this, the 9<sup>th</sup> day of February 2023.



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Tom Jines, Mayor  
City of Hedwig Village, Texas

**ATTEST:**



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Lisa Modisette, City Secretary  
City of Hedwig Village, Texas