

ORDINANCE NO. 05-18

AN ORDINANCE OF THE CITY OF WESTON LAKES, TEXAS TO PROVIDE FOR THE CARE OF PUBLIC TREES; TO CREATE A TREE ADVISORY BOARD; TO ESTABLISH PRACTICES GOVERNING THE PLANTING, CARE AND REMOVAL OF TREES ON PUBLIC PROPERTY; TO MAKE RECOMMENDSTIONS FOR THE REMOVAL OF DISEASED TREES ON PRIVATE PROPERTY UNDER CERTAIN CONDITIONS.

WHEREAS, the City Council of the City of Weston Lakes, Texas, recognizes that trees generally protect and enhance the quality of life and general welfare of the town; and

WHEREAS, the citizens of Weston Lakes have long valued trees as a natural and often community resource and recognize them as assets for their beauty and service; and

WHEREAS, the City Council of Weston Lakes, Texas, has further determined that the protection and care of trees is important to the present and future health, safety, and welfare of all citizens, and accordingly, have determined that the adoption and implementation of this "Tree Care" ordinance is creditable.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WESTON LAKES, TEXAS:

PART 1: To read as follows:

"Article 1. TREE CARE

Sec. A. Purpose

To enhance the quality of life and the present and future health, safety, and welfare of all citizens, to enhance property values, and to provide education and guidance in the proper planting and care of trees, the City Council herein delegates the authority and responsibility for managing public trees to a newly created Tree Advisory Board. The Tree Advisory Board will establish "best" practices regarding the planting and care of trees;

Sec. B. Definitions.

As used in this Article, the following words and phrases shall have the meanings indicated:

Damage – any major injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; or any trauma caused by accident or collision.

Nuisance – any tree, or limb thereof, that has an incurable infectious disease; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety and welfare.

Sec. C. Tree advisory board.

The City Council hereby creates a “Tree Advisory Board,” hereinafter referred to as the “Board.”

- (a) *Membership.* The Board shall consist of six (6) members approved by City Council. Members of the Board will serve without compensation.
- (b) *Term of office.* Board members shall be appointed for two (2) year staggered terms. In the event that a vacancy shall occur during the term of any member, a successor shall be appointed by City Council.
- (c) *Officers.* The Board shall annually select one of the members to serve as chair, may appoint a second member to serve as vice-chair, and may appoint a third member to serve as secretary.
- (d) *Meetings.* The Board shall meet a minimum of four (4) times each year. All meetings shall be open to the public. The Board chair may schedule additional meetings as needed.
- (e) *Duties.* The Board shall act in an advisory capacity and shall:
 - (1) Coordinate tree planting and care activities on any City owned property;
 - (2) Coordinate and promote Arbor Day activities;
 - (3) Support public awareness and education programs relating to trees;
 - (4) Submit an annual report of its activities to the city council;
 - (5) Reasonable assistance with the annual application to apply for/renew the Tree City USA designation, if City Council feels membership is warranted.
 - (6) Develop of a list of recommended trees for planting; and
 - (7) Other duties that may be assigned by City Council.

Sec. D. Tree planting and care standards for educational purposes.

- (a) *Standards.* All care of public trees and education and guidance regarding planting and maintenance of 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.
- (b) *Requirement of franchise utility companies.* Franchise utility companies shall provide advance notice to the City of their intended non-emergency tree pruning schedule and location of impacted area. The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards.
- (c) *Tree species list.* The Tree Advisory Board shall develop and maintain an official list of recommended tree species for planting within Weston Lakes in two size classes: Ornamental (20 feet or less in height at maturity) and Shade (greater than 20 feet at maturity).

Sec. E. Certain trees declared a nuisance.

Any tree, or limb thereof, on public property determined by the City Council, on advice of the Tree Advisory Board 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 recommend its treatment or removal.

PART 2. Savings/repeal.

That all ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

PART 3. Severability.

That should any word, sentence, clause, paragraph or provision of this Ordinance be held to be invalid or unconstitutional the remaining provisions of this Ordinance shall remain in full force and effect.

PART 4. Effective date.

That this Ordinance shall become effective after its passage and publication according to law.

PASSED, APPROVED and ADOPTED by the City Council of City of Weston Lakes,
Texas, on this 27 day of November 2018.

Mary Rose Zdenkewicz
Mayor

ATTEST:

APPROVED AS TO FORM:

Joni McJunkin
City Secretary

City Attorney