

**ORDINANCE NO. 2016-01-12C**

**AN ORDINANCE AMENDING CHAPTER 48, VEGETATION, BY REPEALING ARTICLES III OTHER TREES, AND BY ADOPTING NEW ARTICLE III CHAPTER 48 IN THE PLACE OF THE FORMER ARTICLE III.**

**WHEREAS**, Article III Division 1 of Chapter 48 of the Code of Ordinances addresses Other Trees Generally in the City of Castle Hills; and

**WHEREAS**, Article III Division 2 of Chapter 48 of the Code of Ordinances addresses Planting, Removing, and Care of Trees in the City of Castle Hills; and

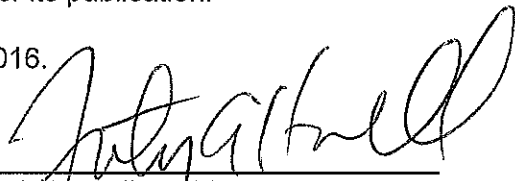
**WHEREAS**, it would enhance the public safety and welfare to update Article III of Chapter 48; and

**WHEREAS**, the city staff and other experts have extensively reviewed and analyzed current Article III of Chapter 48 and have recommended numerous upgrades to said articles.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASTLE HILLS, TEXAS** that Chapter 48, Vegetation, of the Code of Ordinances is amended by repealing the current Article III Other Trees, and by adopting the new Article III Division 1 and Division 2 of Chapter 48 which are attached hereto as Exhibit A.

This Ordinance shall become effective five (5) days after its publication.

PASSED AND APPROVED this 12<sup>th</sup> day of January, 2016.

  
Tim A. Howell, MAYOR

ATTEST:

  
Kymberlee Buntyn, CITY SECRETARY

APPROVED AS TO FORM:

  
Michael Brennan, CITY ATTORNEY



**ORDINANCE NO. 2016-01-12C**  
**Exhibit A**

**ARTICLE III. - OTHER TREES**  
**DIVISION 1. - GENERALLY**

**Sec. 48-77. - Permits Required.**

- (a) Any firm, corporation, contractor, landscape contractor, tree trimmer, or any other type of entity who will be paid a fee for the trimming, pruning, removing planting, or placing of any tree within the city shall apply for a permit and, upon issuance, shall pay the permit fee provided in the city fee schedule. Permits issued for oak tree trimming, pruning, removing planting or placing of an oak tree includes non-oak trees. There shall be paid at the time of the application a fee in the amount provided in the city fee schedule.
- (b) Individual residents of the city who trim, prune, remove, plant, or place any oak tree, shall apply for, and be entitled to, a permit without charge. The no-charge permit for residents applies to the one- or two-family dwellings occupied by the residents where work is performed by the residents.
- (c) Utility companies who trim, prune, remove, plant, or place any oak tree, or who trim, prune, remove, plant or place any other tree, shall apply for, and be entitled to, a permit without charge. The no-charge permit for utility companies applies to property where the utilities have lines, services, or easements they necessarily and customarily maintain.
- (d) The city is exempt from the requirement of obtaining a permit to prune, remove, plant, or place any tree.
- (e) Trees in need of emergency pruning or removal that threatens lives or property due to damage beyond the control of the owner, may be trimmed or removed without a permit. For heritage trees refer to section 48-54. All wounds on oak trees shall be painted immediately or as soon as weather and/or daylight allows (see section 48-104), and debris must to be removed within 48 hours.
- (f) The trimming of sucker roots under ½ inch in diameter does not require a permit.

**Sec. 48-78. Duration of permit.**

The permit shall be effective for 30 days from the date of issuance and shall apply only to the lot or parcel of land for which it is issued. The permit may be extended for an additional 30-day period without charge upon the request of the holder of the permit.

**Sec. 48-79. - Posting of permit.**

The permit shall be posted in a place where it can be seen from the nearest street while the work is in progress.

**Secs. 48-80—48-101. - Reserved.**

**DIVISION 2. - PLANTING, REMOVING AND CARE OF TREES**

**Sec. 48-102. - Removal of cuttings.**

Any person, individual, firm, corporation, contractor, landscape contractor, tree trimmer or any other type of business entity who trims, prunes or removes any tree in the city for a fee shall remove the cuttings, debris, branches and logs resulting from the work within 48 hours from completion of the work.

Sec. 48-103. - Planting near rights-of-way and easements.

No tree may be planted closer than ten feet to any right-of-way or within any drainage easement. No tree may be planted in any other easement without written permission from all parties to, and users of, the easement.

Sec. 48-104. - Painting of wounds to oak trees.

- (a) Any person, individual, firm, corporation, contractor, landscape contractor, tree trimmer or any other type of business entity which causes a wound to an oak tree, whether from ground maintenance equipment, trimming, cutting or pruning at any time of the year, shall paint the wound or stump within one hour of the cutting, trimming, pruning or wounding of the tree with asphaltic, a black exterior oil or a black latex-based paint to prevent contact with contaminated nitidulid beetles.
- (b) Any wound to an oak tree caused by accident or weather conditions, such as a windstorm, shall be painted with asphaltic, a black exterior oil or a black latex-based paint by the owner of the property upon which the oak tree is located during the daylight hours following the damage to the tree.
- (c) The existence of unpainted oak tree wounds is hereby declared to be a nuisance and if the owner of the property upon which the damaged tree is located fails to eliminate the nuisance as required herein, the city may proceed to treat the wound by using its own personnel or by hiring a contractor to perform the work, and in such event, the city shall bill the property owner for the treatment expense. If the bill remains unpaid for more than ten days, the property owner shall be cited for a nuisance violation for failing to treat the oak tree wound as required by this section.

Sec. 48-105. - Oak wilt reporting and remediation.

Any person who discovers or suspects the presence of oak wilt infestation or an infected oak wilt tree shall report that information to the city manager by the next business day. The city will promptly contact the state forest service and request confirmation of the diagnosis of oak wilt. If oak wilt is confirmed, all measures recommended by the state forest service to control and prevent the spread of the oak wilt shall be initiated to prevent the spread of the oak wilt infection. All measures shall be paid for by the homeowner.

Sec. 48-106. - Oak tree warranty.

No person, individual, firm, corporation, contractor, landscape contractor, tree trimmer or any other type of business entity shall transport or plant an oak tree within the city limits unless the tree is warranted to be free of oak wilt infection.

Sec. 48-107. - Diseased red oak trees declared a nuisance.

If a red oak tree is diagnosed with oak wilt, such diseased red oak tree is hereby declared a nuisance, and the owner of the property upon which the red oak tree is located shall remove the infected tree immediately from the property and promptly grind out the stump and dispose of the tree and stump as recommended by the state forest service.

Sec. 48-108. - Penalty.

Any person, individual, firm, corporation, contractor, landscape contractor, tree trimmer or any other type of business entity that violates the provisions of this article shall upon conviction, be punished according to the general penalties described in section 1-17.

Secs. 48-110—48-133. - Reserved.