

ORDINANCE NO. 559

AN ORDINANCE OF THE CITY OF MANOR, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANOR, TEXAS BY ADDING ARTICLE 1.14, PUBLIC TREE CARE, TO CHAPTER 1, GENERAL PROVISIONS, ESTABLISHING PUBLIC TREE CARE REGULATIONS; ESTABLISHING PUBLIC TREE CARE ADVISORY BOARD; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Manor (“City”) desires to enhance the natural environment and public spaces through the continued care, maintenance, and planting of trees in the public spaces; and

WHEREAS, the City intends to make application to become a “Tree City USA” as designated by the Arbor Day Foundation; and

WHEREAS, the City also desires to establish a Public Tree Advisory Committee which will develop a plan to oversee the protection, enhancement, and/or installation of trees in the public spaces and areas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, THAT;

Section 1. Findings. All of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

Section 2. Amendment of Code of Ordinances. The City Council hereby amends Chapter 1, General Provisions, of the City of Manor Code of Ordinances to add a new *Article 1.14, Public Tree Care* section to read as follows:

ARTICLE 1.14 PUBLIC TREE CARE

Section 1.14.001 Purpose and Intent

The purpose of this Article 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’s public spaces and its environs. The intent of this subchapter is that it applies to all trees located on public property in the City limits.

Section 1.14.002 Created and Established

Public Tree Care provisions are hereby adopted, granting the City the legal authority over the care of all trees, plants and shrubs located within city-owned and controlled property, public rights-of-way, parks and other public places, which will aid in the establishment of a municipal landscape program and will enhance the public health, safety and beauty of the City.

Section 1.14.003 Care of Public Trees

(A) The Public Works Director and/or designee shall have the responsibility to plant, prune, maintain and remove trees and woody plants on all City streets, rights-of-way, and/or City parks, as well as within any other City-owned and controlled property. The Public Works Director and/or 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 Public Works Director or designee may recommend the removal of any tree or part of a tree that threatens the safety of any person, property or structure 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 Public Works Director and/or their designee.

(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 Public Works Director and/or their designee.

Section 1.14.004 Establishment of a Public Tree Advisory Board

(A) Creation. There is hereby designated a committee to be known as the Public Tree Advisory Board. This committee is to function as an advisory board to City staff or City council, as the case may be, in regard to regulations pertaining to public trees.

(B) Membership. The Public Tree Advisory Board shall be composed of the then seated members of the City's Parks Committee, plus two members of P&Z who shall be selected by the City Council. All provisions related to membership service, including appointment by place, filling vacancies, residency requirements, attendance and terms of service are the same as those applicable to the City's Parks Committee. Additional duties of Parks Committee members, pertaining specifically to this Article, include the following.

(B) Duties.

- (1) Promote the protection of healthy trees on public property;
- (2) Coordinate and promote Arbor Day activities;
- (3) Develop public awareness and education programs relating to trees in the city community;

- (4) Review city department and public concerns relating to tree care on the city's public property;
- (5) Consult with the state forest service for advice on protection of existing native or established trees and/or the planting of new native trees;
- (6) Submit an annual application to renew the Tree City USA designation; and
- (7) Other duties that may be assigned by the City Council.

Section 3. Repealing all Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City of Manor ("City"), the terms and provisions of this ordinance shall control.

Section 4. Savings Clause. This City Council of the City of Manor, Texas hereby declares that if any section, subsection, paragraph, sentence, clause, phrase, work or portion of this ordinance is declared invalid, or unconstitutional, by a court of competent jurisdiction, that, in such event that it would have passed and ordained any and all remaining portions of this ordinance without the inclusion of that portion or portions which may be so found to be unconstitutional or invalid, and declares that its intent is to make no portion of this Ordinance dependent upon the validity of any portion thereof, and that all said remaining portions shall continue in full force and effect.

Section 5. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 6. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance was considered was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

Section 7. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code.

PASSED AND APPROVED THIS the 6th day of November 2019.

THE CITY OF MANOR, TEXAS

Rita G. Jonse, Mayor

ATTEST:

Lluvia T. Almaraz, TRMC
City Secretary