

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF UNIVERSITY PARK, TEXAS, AMENDING THE CODE OF ORDINANCES, ARTICLE 1.10, TO REGULATE TREES, SHRUBS, WEEDS, AND GRASS IN PUBLIC PLACES AND PARKWAYS; PROVIDING DEFINITIONS; PROHIBITING CERTAIN CONDITIONS; REGULATING PARKWAY TREE PLANTING, MAINTENANCE, AND REMOVAL; CREATING A TREE ADVISORY BOARD; PROVIDING FOR APPOINTMENT OF A CITY ARBORIST; PROVIDING FOR ADOPTION OF A TREE MANUAL; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the City of University Park is blessed with thousands of healthy trees on public and private property; and

WHEREAS it is in the best interest of the public health, safety, and welfare of its citizens to protect the trees, provide for adequate maintenance, replacement, or removal of trees; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PARK, TEXAS:

SECTION 1. The Code of Ordinances of the City of University Park, Texas, is hereby amended by amending Article 1.10 “Trees, Shrubs, Weeds, and Grass in Public Places” in part as follows:

**“ARTICLE 1.10
TREES, SHRUBS, WEEDS AND GRASS IN PUBLIC PLACES AND PARKWAYS**

DIVISION 1

Generally

§ 1.10.001. Definitions.

For the purpose of this article, the words and phrases used herein shall have the following meanings:

Abutting. To be adjacent or have a common boundary with.

Alley. From the middle of the alley to the subject property line.

Alley tree. Any tree growing in an alley.

Grass. Any of low, green, nonwoody plants belonging to the grass family (Poaceae).

Lion tailing. An unacceptable pruning method by the removal of an excessive number of inner, lateral branches from the parent branch, leaving only tufts of leaves and small branches at the ends. This practice can result in more weight at the tips of branches, making them more likely to break.

Maintain or maintenance. When used in reference to parkway trees and shrubs, shall mean and include pruning, trimming, root pruning, removal, spraying, watering, treating for disease, or any similar act which promotes the life, growth, health, or beauty of trees.

Parkway. The area of right-of-way between the curb and the property line.

Parkway tree application. An application required for planting trees in parkways, and which will be reviewed and approved or disapproved by the city.

Shrub. Any woody vegetation or woody plant having multiple stems and bearing foliage from the ground up.

Topping. The reduction of a tree's size using heading cuts (cutting a branch or stem back to a stub or a lateral branch not large enough to assume apical dominance) that shorten limbs or branches back to a predetermined crown limit. Topping is not an acceptable maintenance practice.

Tree. A large, perennial, woody plant that supports branches and leaves, generally has a single, main trunk, and is long lived. Below ground, the tree has a root system that acts as an anchor, absorbs water and nutrients, stores food, and performs respiration.

University Park Tree Manual. A supplemental document applicable to this and other tree related ordinances that provides detailed, practical guidelines, procedures, and technical specifications for the implementation, enforcement, and compliance with this Article. It acts as a dynamic resource to ensure that this Article is applied consistently and effectively, allowing for updates as science and best practices evolve.

Weeds. Plants that are considered by the general populace to be noxious and are usually not cultivated for landscaping purposes.

§ 1.10.002. Prohibited conditions.

It shall be unlawful for any person, firm, or corporation to permit to remain on any parkway, or public place abutting the property of such person, firm, or corporation any shrubs, weeds, or grass which has or may become an obstruction to traffic, a hazard, or unsightly, or which does or may interfere with proper street lighting on such property. No trees whatsoever may be planted or permitted to grow in any alley right of way. Such trees shall be considered "alley trees" and are not permitted.

§ 1.10.003. Responsibility of abutting property owner or occupant.

The abutting property owner, lessee or person in charge of property shall maintain all trees, shrubs, grass or growing matter of any kind in the parkways and alleys abutting such property in a safe and healthy manner and shall maintain parkways and alleys so that grass and weeds do not grow to a height greater than eight inches (8") in any such parkway or alley. Trees shall be continuously maintained to prevent the creation of hazardous or unhealthy conditions. Residents can refer to the ANSI A300 Pruning Standards for more details.

Regular maintenance "in a safe and healthy manner" includes:

- A. Pruning so that branches shall not become a physical or visual obstruction to traffic, a hazard, or unsightly, or interfere with lights from any streetlamp, or obstruct the view of any street intersection or city signage and so that there shall be a clear space of eight feet (8') above the sidewalk and fourteen feet (14') above the curb line.
- B. Pruning to remove all dead, diseased, or dangerous branches or broken or decayed limbs, which constitute a menace to the safety of the public.
- C. Treatments for pest and disease outbreaks.
- D. Watering of newly planted or drought stressed trees.
- E. Monitoring for any other conditions that may cause trees to become unhealthy or hazardous such as storm damage, mechanical damage to the crown, branches, trunk, or root system below ground due to activities such as construction (above ground and below ground), or other environmental stressors.
- F. Removal of all dead, diseased, or dangerous trees that constitute a menace to the safety of the public.
- G. Removal of all tree stumps remaining in parkways after tree removals.
- H. Avoidance of unacceptable practices such as lion tailing, topping and over pruning.
- I. Avoidance of pruning oak trees when the spread of oak wilt is likely to occur (February-June).
- J. Avoidance of practices that may damage the tree's root system such as trenching, digging, or compacting soil in the root zone.
- K. Pruning of trees overhanging the parkway or right-of-way as described in Section 1.10.038.

§ 1.10.004. Parkway tree planting application.

- A. All plantings or other materials in the parkway and alley are subject to removal, relocation, or damage in the operation and maintenance of the public right of way.
- B. Residents wishing to plant trees in the parkway must submit a parkway tree planting application and the applicable fee of \$20.00 to the Community Development Department. One fee will be charged if a property owner plants multiple trees at the same address.
- C. Residents are encouraged to consult the Approved and Non-Approved Species lists in the Tree Manual, to determine which tree species is recommended for planting in the parkway. Trees planted in the parkway must be a minimum of two caliper inches.
- D. Trees in the parkway shall be the proper canopy size when mature and properly placed and spaced within the parkway to minimize the impact on city infrastructure and to protect the health of the trees.

§ 1.10.005. Removal or trimming by city of trees and other plants; replacement of damaged materials.

- A. Generally. Nothing herein prevents the city from removing or trimming trees or shrubs from parkways and alleys. Such trees or shrubs may be removed to protect sidewalks, curbs, pavement, sewers, or other utilities. Any materials on public property that are removed or damaged during the operation, maintenance, or repair of the public infrastructure may be replaced by the city in the manner and with a material of the city's choosing. Abutting property owner responsibilities are outlined in Section 1.10.003.
- B. Tree stump removal. If the City removes a hazardous tree on public property such as a parkway, during an emergency response, the abutting property owner shall remove the stump at the owner's expense. If the City removes a tree in order to perform work on the City's infrastructure, the City will remove the tree stump for the abutting property owner. Stumps remaining from trees removed by abutting property owner shall be removed by the property owner at the owner's expense.

§ 1.10.006. Prohibited activities.

- A. Topping. Topping is not an acceptable maintenance practice and is prohibited on city property.
- B. Cutting, boring, and girdling. It shall be unlawful to cut, bore into, or girdle any tree standing in any of the public streets, parkways, alleys, parks, or other public places for any purposes other than pruning, removal, chemical treatment, or installation of cabling and bracing systems without having first

obtained the permission in writing of the city arborist. Holiday lighting is permitted.

- C. Other activities. It shall be unlawful to perform any activities listed on 3.08.007. Tree protection during construction to any tree standing in any of the public streets, parkways, alleys, parks, or other public places is required.

§ 1.10.007. Notice of violation.

The Community Development Director or his representative shall notify any person in violation of the provisions of this article, and such notice shall give ten (10) days for abatement of the violation prior to filing a case in municipal court. The city shall have the right to prune, maintain, and remove trees within the city's parkways and alleys as may be necessary to ensure public safety without notice to the abutting owner should the trees present immediate hazards.

§ 1.10.008. through § 1.10.030. (Reserved)

DIVISION 2

Trees in Parks and Parkway

§ 1.10.031. Definitions.

Non-approved tree species list. A list of tree species that are not authorized for planting in the parks and parkways of the city is included in the University Park Tree Manual. The Manual will be subject to periodic review, and any revisions are considered revisions to the original Manual adopted hereby.

Park trees. Trees in dedicated public parks, and in all areas owned by the city, or to which the public has free access as city property.

Parkway trees. Trees on land lying within right-of-way between the back of a curb and the abutting private property line on either side of all streets, avenues, or ways on public property.

§ 1.10.032. Tree board.

There is hereby created and established a city tree board for the city which will consist of the mayor, appointed members of the park's advisory board and the city's arborist. The Board will also review the planning and implementation of the city's annual Arbor Day celebration and the Trees for UP program.

§ 1.10.033. Duties of city arborist.

It shall be the responsibility of the city arborist, in coordination with the Parks and Recreation and Community Development Departments, to study, investigate, counsel, develop and/or update annually and administer a written plan for the care,

preservation, pruning, planting, replanting, removal, or disposition of trees along streets and in other public areas of the city such as in parks and around public buildings in accordance with ANSI A300 Standards. The city arborist, in coordination with the Community Development Department, when requested by the Board or city council, shall consider, investigate, make findings, report, and recommend upon any special matter or question coming within the scope of the city arborist's work. The city arborist (or his/her designee) shall work with both the Parks and Recreation Department and the Community Development Department to ensure the protection of public trees during construction on adjacent property in accordance with tree preservation requirements and ensure that property owners, contractors, lessees, or persons in charge of property shall maintain all trees in the parkways and alleys abutting such property in accordance with §1.10.003.

§ 1.10.034. Non-approved species for planting in parks and parkways.

Trees listed in the 'Non-approved tree species list' in the University Park Tree Manual shall not be planted within the city park system or in the parkways. Any modifications to this list shall be reviewed and approved by the park director (or his/her designee), the city's arborist, and the Tree Board. Any appeals regarding the non-approved tree species list will be heard by the Tree Board and its recommendation provided to the City Council for final action.

§ 1.10.036. Distance from street corners, fire hydrant, and utility lines.

No parkway tree shall be planted closer than 35 feet to any street corner or 15 feet to any alley corner measured from the point of the nearest intersecting curbs or curb lines. No parkway tree shall be planted closer than 10 feet to any fire hydrant. No parkway tree shall be planted within 20 feet of an overhead power line unless its mature height is less than 25 feet. For underground lines, call Dig Tess (1-800-Dig-Tess) prior to digging.

§ 1.10.037. Planting, maintenance, or removal by city.

The city shall have the right to plant, prune, maintain, and remove trees within the lines of all streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The city's arborist may remove or cause order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements and infrastructure, or is affected with any injurious fungus, insect or other pest. No trees whatsoever may be planted or permitted to grow in any alley right of way. Such trees shall be considered "alley trees" and are not permitted. Abutting property owner responsibilities are outlined in Section 1.10.003.

§ 1.10.038. Pruning of trees overhanging parkway or right-of-way.

Every owner of any tree overhanging any parkway or right-of-way within the city shall prune the branches so that such branches shall not become an obstruction to traffic, a hazard, or unsightly, or interfere with lights from any street lamp or obstruct the view of any street intersection, and so that there shall be a clear space of eight feet (8') above the sidewalk and fourteen feet (14') above the curb line. Said owners shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs, which constitute a menace to the safety of the public. The city shall have the right, after reasonable notification to the abutting owner, to prune any tree or shrub on private property when it overhangs a public right-of-way or easement and interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic-control device or sign.

§ 1.10.039. Interference with city employees.

It shall be unlawful for any person to prevent, delay, or interfere with a city employee or agent while he is engaging in the planting, cultivating, mulching, pruning, spraying, or removing of any parkway tree or park tree as authorized in this article.”

SECTION 2. All ordinances of the City of University Park in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance or the Codes or amendments adopted hereby be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, or the Code of Ordinances as a whole, other than the part so declared to be invalid, illegal, or unconstitutional.

SECTION 4. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of University Park, shall be fined in an amount not to exceed the sum of five hundred dollars (\$500.00) for each offense, and each and every day such offense continues shall constitute a separate offense.

SECTION 5. This ordinance shall take effect immediately from and after its passage, and the

publication of the caption, as the law and Charter in such cases provide.

DULY PASSED by the City Council of the City of University Park, Texas, on the ____ day of January 2026.

APPROVED:

TOMMY STEWART, MAYOR

ATTEST:

CHRISTINE GREEN, CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY

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