

AN ORDINANCE

AMENDING THE LEON VALLEY CITY CODE OF ORDINANCES, CHAPTER 14, "ZONING ORDINANCE," SECTION 14.02.501, "LANDSCAPING," SUBSECTION (j), "TREE PRESERVATION," TO ADD PROVISIONS FOR OAK WILT DISEASE AND PROVIDING A PENALTY OF NO LESS THAN FIFTY DOLLARS (\$50) AND NO MORE THAN TWO HUNDRED FIFTY DOLLARS (\$250) AND AMENDING APPENDIX A "FEE SCHEDULE," TO ADD SECTION A8.021, "TREE CUTTING/PRUNING CONTRACTOR-ANNUAL REGISTRATION FEE"

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS THAT:

1. **The Leon Valley City Code of Ordinances, Chapter 14, "Zoning Ordinance," Section 14.02.501, "Landscaping" Subsection (j), "Tree Preservation,"** is hereby amended by adding language to read as follows:

"(D) Prevent the clear-cutting of land; and

(E) Address Oak Wilt Disease and its prevention.

(i) Purpose and Scope.

The purpose if the Oak Wilt Prevention Ordinance is to identify measures that city staff, hired contractors and their sub-contractors and property owners who remove or trim trees shall take to prevent the spread of oak wilt.

(ii) Definition.

Oak Wilt Disease: A tree disease caused by the fungus, *Ceratocystis Fagacearum*. The fungus infects the vascular system of a tree. The vascular system contains vessels which transport moisture throughout the tree. The vessels of an infected tree effectively become blocked by the infection of the fungus and cannot transport adequate moisture to sustain a healthy or living tree and the end result is often the death of the tree.

(iii) Prevention Policy.

(aa) Anyone causing a wound to an oak tree, whether from ground maintenance equipment, trimming, cutting or pruning at any time of the year shall paint the wounded tree with permanent sealant or non-phytotoxic tree wound dressing within thirty (30) minutes to prevent contact with contaminated nitidulid beetles. Any wound to an oak tree caused by weather conditions, such as a windstorm, is also to be painted with permanent sealant or non-phytotoxic tree wound dressing as soon as possible after a weather incident.

(bb) Any person who discovers or suspects the presence of oak wilt should report the infected oak tree to the Community Development Department to be examined by a member of the Texas Forest Service for proper diagnosis and subsequent care.

(cc) Whenever possible, persons should avoid trimming or pruning Live oaks and Red oaks (Spanish, Shumard, Texas Red and Blackjack oaks) from March 1 to June 1.

(dd) An annual permit with proof of liability insurance and two (2) hours of professional training is required for commercial contractors providing tree cutting or pruning services. See Chapter 14, "Zoning," Section 14.02.501, "Landscaping," Subsection (j) "Tree Preservation" for additional permit requirements, tree removal guidelines and any applicable exemptions.

(v) Disposal oak trees.

(aa) Red Oak tree disposal. Removal or disposal of Red Oaks with oak wilt disease must be taken more seriously because they can form highly contagious fungal mats. Their quick and proper disposal is important and necessary to prevent other oaks from being exposed or infected.

If a red oak tree is diagnosed with oak wilt, the diseased red oak tree shall be promptly removed and disposed as recommended by the Texas Forest Service.

(bb) Other oaks do not require special disposal (i.e. Live Oaks and White Oaks).

(vi) Education and Management Program

(aa) The Tree Advisory Board (TAB) is directed to implement, as resources permit, measures aimed at education and prevention of oak wilt.

(bb) The Tree Advisory Board shall use the "Eight Step Program to Oak Wilt Management" by the Texas Forest Service to promote Oak Wilt Prevention.

(cc) The Code Enforcement Officer shall be responsible for enforcement of this Article and for checking all tree trimming and/or cutting performed in the City."

2. The Leon Valley City Code of Ordinances, **Appendix A "Fee Schedule," Article A8.000, "Building and Construction Related Fees,"** is hereby amended to add **Section A8.021, "Tree Cutting/Pruning Contractor - Annual Registration Fee,"** to read as follows:

a) Annual registration fee - tree cutting/pruning contractor: \$30.00.

3. Prescribing a penalty of not less than fifty dollars (\$50) nor more than two hundred fifty dollars (\$250) for a violation of this ordinance.

4. This ordinance shall become effective on and after its passage, approval and publication as prescribed by law.

PASSED AND APPROVED this 20th day of April, 2010.

ATTEST:


City Secretary




Mayor

APPROVED AS TO FORM:


City Attorney

MAYOR AND COUNCIL COMMUNICATION

DATE: April 20, 2010
M&C: # 04-10-10

TO: MAYOR AND CITY COUNCIL

SUBJECT: CONSIDER AMENDMENTS TO CHAPTER 14, "ZONING ORDINANCE," SECTION 14.02.501, "LANDSCAPING," SUBSECTION (j), "TREE PRESERVATION," TO ADD PROVISIONS FOR OAK WILT DISEASE AND PROVIDING A PENALTY OF NO LESS THAN FIFTY DOLLARS (\$50) AND NO MORE THAN TWO HUNDRED FIFTY DOLLARS (\$250) FOR VIOLATION OF THE ORDINANCE AND AMENDING APPENDIX A "FEE SCHEDULE," TO ADD SECTION A8.021, "TREE CUTTING/PRUNING CONTRACTOR-ANNUAL REGISTRATION FEE"

PURPOSE

In July 2009, a Tree Advisory Board (TAB) was appointed to oversee all matters concerning trees. The TAB felt that it was important to address Oak Wilt in Leon Valley as it has affected certain areas of the City, such as Monte Robles Park and Castle Estates.

On August 19, 2009, the TAB voted unanimously for the inclusion of language pertaining to the care of Oak Trees after they have been pruned. The information was then sent to the Zoning Commission for review since the tree preservation regulations are part of the Zoning Ordinance. The Zoning Commission considered the proposed amendments on September 22, 2009, agreed with the TAB and recommended approval of the amendments by a vote of 7-0. The City Council considered the ordinance on November 17, 2010, and asked that the TAB and Zoning Commission reconsider some of the items in the proposed ordinance.

After several months of review and collaboration on February 17, 2010, the Tree Advisory Board forwarded their final considerations to the Zoning Commission for final recommendation. The Zoning Commission reviewed the proposed ordinance and voted unanimously, 7-0, to recommend approval of the proposed Oak Wilt Prevention ordinance on March 23, 2010, noting that the revisions appeared to address the Council's original concerns.

S.E.E IMPACT

Social Equity – not applicable

Environmental Stewardship – this ordinance promotes sustainability and protects other Oak trees (and the environment) from further disease.

Economic Development – not applicable

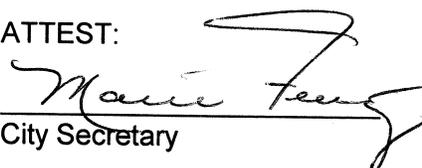
FISCAL IMPACT

Annual registration fee - tree cutting/pruning contractor \$30.

APPROVED: DISAPPROVED:

APPROVED WITH THE FOLLOWING COMMENTS: _____

ATTEST:


City Secretary

See Ord. No 10-013