

AN ORDINANCE

AMENDING THE LEON VALLEY CITY CODE OF ORDINANCES, CHAPTER 14, "ZONING," SECTION 14.02.052, "DEFINITIONS," SECTION 14.02.501, "LANDSCAPE" SUBSECTION (j)(4), "TREE PRUNING RESTRICTIONS," AND SUBSECTION (j)(12), "TREE PROTECTION MEASURES," TO ADD LANGUAGE WHICH WOULD MAKE THE TREE ADVISORY BOARD ELIGIBLE FOR THE TREE USA PROGRAM

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," Section 14.02.052, "Definitions," is hereby amended by adding language to read as follows:

"Public trees. Shall mean any trees, shrubs, bushes and all woody vegetation on city-owned property and right of ways, city parks, and in all areas owned by the city to which the public has access."

2. The Leon Valley City Code of Ordinances, Chapter 14, "Zoning," Section 14.02.501, Landscape," Subsection (j)(4), "Tree Pruning Restrictions," is hereby amended by adding language to read as follows:

"Public Tree Care & Maintenance

H. The City of Leon Valley and/or its designee(s) shall have the responsibility, to plant, prune, maintain and remove trees, plants and shrubs within the public right-of-way of all streets, alleys, avenues, lanes, squares, parks, and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.

I. Every owner of any tree or shrub overhanging any street or right-of-way within the City shall, in accordance to the Tree Pruning Restrictions, will be responsible for the pruning of branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection; will not obstruct the passage of pedestrians on sidewalks; will not obstruct vision of traffic signs; and will not obstruct the view of any street or alley intersection. If the property owner fails to do so, the City of Leon Valley and/or its designee(s) shall have the right to remove or prune any tree or shrub on private property which threatens the safety of those who may use a city street or city park."

3. The Leon Valley City Code of Ordinances, Chapter 14, "Zoning," Section 14.02.501, Landscape," Subsection (j)(12), "Tree Protection Measures," is hereby amended by adding language to read as follows:

"G. No person shall remove, destroy, damage or cause the removal or destruction of a tree on city property or in any City park without first having obtained written permission for such removal or destruction from the Community Development Department. City of Leon Valley work crews are excepted from the requirement of obtaining written permission."

4. Prescribing a penalty of not less than fifty dollars (\$50) nor more than two hundred fifty dollars (\$250) for a violation of this ordinance.
5. This ordinance shall become effective on and after its passage, approval and publication as prescribed by law.

PASSED AND APPROVED this 16th day of November, 2010.

Chris Riley
Mayor

ATTEST:

Janet Miller
City Secretary

APPROVED AS TO FORM:

Frank Onion
City Attorney

