

Ordinance amending the City Code of Ordinances to establish the Tree Advisory Committee and include provisions to address diseased trees.

Whereas, trees are a valuable asset that provide shade, beauty and wildlife habitat; while improving the quality of air, soil and waters around them; increasing property values; and making the City more attractive to visitors and potential new citizens;

Whereas, the City desires to receive designation as Tree City USA;

Whereas, the four standards of Tree City USA are: 1) a tree board or department; 2) a tree care ordinance, 3) a community forestry program with an annual budget of at least \$2 per capita; and 4) an Arbor Day observance and proclamation;

Whereas, pursuant to standards of Tree City USA, the tree ordinance must designate the establishment of a tree board or a forestry department and give them the responsibility for writing and implementing an annual community forestry work plan;

Whereas, the City Council desires to establish a tree advisory committee to assist the city in its management and care of trees on City property

Now, therefore, be it Ordained by the City Council of the City of Corpus Christi, Texas:

Section 1. That Chapter 2 of the City Code of Ordinances, Article IV, Miscellaneous Boards, Commissions and Committees, is amended to establish Tree Advisory Committee, to read as follows:

“ Section 2-315. Creation and Establishment of Tree Advisory Committee.

The City Council hereby establishes a Tree Advisory Committee for the City of Corpus Christi, Texas, which shall consist of five (5) members to be approved by the City Council. Members of the Committee shall serve without compensation.

Membership of the Committee shall consist of one (1) Landscape Architect, one (1) Certified Arborist; one (1) representative from electric utility provider AEP, and two (2) At-Large community members.

Committee Liaisons shall be a representative from the Parks and Recreation Advisory Committee and also from the Planning Commission. The Committee Liaisons shall have no voting power.

Staff Liaisons to the Committee shall be an employee from each of the following City departments: Parks and Recreation, Planning, Development Services, Traffic Engineering, Engineering, and Code Enforcement.”

“Section 2-316. Term of Office; Chair and Vice-Chair, and Quorum requirements.

Terms of office for the Tree Advisory Committee members shall be two years. The Committee shall choose a Chair and Vice-Chair, upon approval of the majority of the Committee members present and voting. The Committee shall comply with the Texas Open Meetings Act. A majority of the Committee members shall be a quorum for the transaction of meetings.”

Section 2-317. Duties and Responsibilities.

A. Development of City’s Public Tree Plan.

- 1) It shall be the responsibility of the Tree Advisory Committee to review and recommend a formal written plan to the City Council for the care, preservation, pruning, planting, replanting, removal or disposition of Public Trees. The plan must not conflict with the Parks and Recreation Master Plans. The Committee shall provide a recommendation to Planning Commission on any proposed amendments to the Unified Development Code pertaining to planting and landscaping requirements.
- 2) A Public Tree is defined for purposes of this Ordinance as trees, shrubs, bushes and all other woody vegetation planted in land owned by the City of Corpus Christi, Texas.
- 3) The Committee shall work with the staff of the Parks and Recreation Department to develop a recommended list of tree species for Public Trees to be planted on lands owned by the City. The list shall be broken into categories of small, medium, and large trees, such terms to be defined in the City’s Public Tree Plan.

- 4) The City's Public Tree Plan shall provide for the following:
 - a. No Public Tree may be closer than the following distances from the curb or sidewalk: small trees, 2 feet; medium trees, 3 feet, and large trees, 4 feet.
 - b. No Public Tree shall be planted closer than 20 feet to any street corner, measured from the point of curbs and curblines of the nearest intersection.
 - c. No Public Tree shall be planted closer than 10 feet to any fire hydrant.
 - d. The City shall retain all rights to plant, prune, maintain, and remove Public Trees, plants and shrubs on City owned property.
 - e. The Public Tree Plan shall incorporate all applicable City ordinances regarding tree care and maintenance, including but not limited to the provisions of Section 53-264 which requires that every owner of any tree overhanging any street or right-of-way within the city shall prune the branches in accordance with Section 53-264 so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clearance space of at least seven feet (7') above the surface of the sidewalk and at least thirteen (13) feet above the surface of the street.
 - f. The plan shall address unnecessary topping of Public Trees. Trees severely damaged by storms or other causes or certain trees under utility wires and other obstructions where alternative pruning practices are impractical may be exempt from the plan at the determination of the Tree Advisory Committee.
- 5) The written plan shall be presented to the City Council for review and consideration for approval. Upon approval by the City Council, such plan shall constitute the official Public Tree Plan for the City of Corpus Christi.
- 6) The Tree Advisory Committee shall periodically review such approved plan for recommended updates to the City Council. Upon City Council approval, the Committee shall work with the Parks and Recreation Department to implement the plan.

B. Other duties.

- 1) The Committee may recommend to the Parks Director the removal of any Public Tree or part thereof which is damaged by disease, storm or which is in an unsafe condition.
- 2) The City Council may request the Tree Advisory Committee to consider, investigate, make findings, report or recommend upon any special matter of question pertinent to the City Public Tree plan.
- 3) The Tree Advisory Committee shall provide a recommendation to Planning Commission on any proposed amendments to the Unified Development Code pertaining to tree planting and landscaping requirements.

Section 2. That City Code of Ordinances, Chapter 23, Health and Sanitation, Article III, Unhealthful or Dangerous Conditions, is amended to add provisions regarding diseased trees, to read as follows:

“Sec. 23-70. - Tall weeds, brush, and diseased trees prohibited on lots.

(a) No person who owns or occupies any lot or parcel of land in the city may permit or allow weeds or brush twelve (12) inches or higher to grow on the lot or parcel of land. No person who owns or occupies any lot or parcel of land in the city may permit or allow any diseased tree to remain on the lot or parcel of land. For purposes of this chapter, a diseased tree means a tree or plant infected by a lethal disease communicable to another tree or plant as determined by a certified arborist.

(b) Upon conviction of a violation under this section, the person must be fined an amount not less than one hundred dollars (\$100.00) and not more than two thousand dollars (\$2,000.00) per violation; provided, however, in the event a person has once previously been convicted under section 23-70 of this article, the person must be fined an amount not less than two hundred dollars (\$200.00), and must be fined not less than three hundred dollars (\$300.00) for a third conviction and for each conviction thereafter.”

* * * * *

“Sec. 23-72. - Work or improvements by municipality.

(a) If the owner of property in the municipality does not comply with a municipal ordinance or requirement relating to stagnant water, filth,

carrion, weeds, rubbish, brush, diseased trees, and other objectionable, unsightly, unwholesome, or unsanitary matter, or conditions under this chapter within seven (7) days of notice of a violation, the director of public health, the director of housing and community development, or the director of solid waste services, or their designees, may:

- (1) Do the work or make the improvements required; and
- (2) Pay for the work done or improvements made and charge the expenses to the owner of the property.

(b) The notice must be given:

- (1) Personally to the owner in writing;
- (2) By letter addressed to the owner at the owner's address as recorded in the records of the appraisal district in which the property is located; or
- (3) If personal service cannot be obtained, notice to the property owner must be:
 - a. By publication at least once;
 - b. By posting the notice on or near the front door of each building on the property to which the violation relates; or
 - c. By posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.

(c) If the director of public health, the director of housing and community development, or the director of solid waste services, or their designees, mails a notice to a property owner in accordance with subsection (b)(2) of this section and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected and the notice is considered delivered.

(d) In a notice provided under this section, the director of public health, the director of housing and community development, or the director of solid waste services, or their designees, may inform the owner by regular mail and a posting on the property, or by personally delivering the notice, that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the director of public health, the director of housing and community development, or the director of solid waste services, or their designees, may correct the violation, without further notice, at the owner's expense and assess the expense against the property. If a violation covered by a notice under this subsection occurs

within the one-year period, and the director of public health, the director of housing and community development, or the director of solid waste services, or their designees, has not been informed in writing by the owner of an ownership change, then the municipality without notice may take any action permitted by subsections (a)(1) and (2) and assess its expenses as provided by section 23-73.”

Section 3. Inapplicability to Electric Franchisee

Nothing in this Ordinance shall be applied or interpreted to reduce or alter any of the rights granted to AEP Texas Central Company or their assignees in Ordinance No. 028022.

Section 4. Effective Date.

This Ordinance takes effect on date of publication after final City Council approval.

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, _____, by the following vote:

Nelda Martinez	_____	Chad Magill	_____
Kelley Allen	_____	Colleen McIntyre	_____
Rudy Garza	_____	Lillian Riojas	_____
Priscilla Leal	_____	Mark Scott	_____
David Loeb	_____		

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, _____, by the following vote:

Nelda Martinez	_____	Chad Magill	_____
Kelley Allen	_____	Colleen McIntyre	_____
Rudy Garza	_____	Lillian Riojas	_____
Priscilla Leal	_____	Mark Scott	_____
David Loeb	_____		

PASSED AND APPROVED, this the _____ day of _____, _____.

ATTEST:

Armando Chapa
City Secretary

Nelda Martinez
Mayor