

**ORDINANCE NO.2016-04-12**

**AN ORDINANCE AMENDING CHAPTER 48, VEGETATION, OF THE CODE OF ORDINANCES, BY ADOPTING A NEW SECTION 48-78 PERTAINING TO AN OAK TREE TRIMMING CYCLE AND RENUMBERING THE PREVIOUS SECTION 48-78 THROUGH SECTION 48-82**

**WHEREAS**, Ordinance 2016-01-12C was adopted on January 12, 2016, which ordinance substantially revised Article III, Divisions 1 and 2 of Chapter 48 pertaining to tree regulations; and

**WHEREAS**, Ordinance 2016-02-09A was adopted on February 9, 2016, which ordinance revised Article III, Division 2, Section 48-105 pertaining to oak wilt reporting and remediation; and

**WHEREAS**, Ordinance 2016-03-08 was adopted on March 8, 2016, which ordinance revised Article III, Division 1, Sections 48-77,48-80, 48-105, 48-106, 48-107and 48-108 pertaining to permits, red oaks, oak wilt reporting and remediation, and a penalty.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASTLE HILLS, TEXAS** that Chapter 48, Vegetation, of the Code of Ordinances is amended by revising Section 48-78, and renumbering Sections 48-79 through Section 48-82 to read as follows:

"Sec. 48-78. Oak trimming prohibited February through June  
Oak trees of any type growing within the corporate limits of the City may not be trimmed during the months of February, March, April, May, and June due to the increased activity of the nitidulid beetles and the potential for the spread of oak wilt. Any branches posing an immediate threat of danger to persons or property may be trimmed during the prohibited months with the issuance of a special permit and the approval of the city manager.

Sec. 48-79. Duration of permit.  
The permit shall be effective for 30 days from the date of issuance and shall apply only to the lot or parcel of land for which it is issued. The permit may be extended for an additional 30-day period without charge upon the request of the holder of the permit.

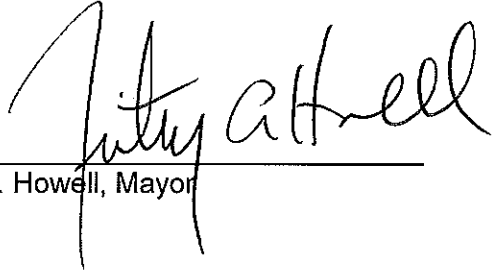
Sec. 48-80. - Posting of permit.  
The permit shall be posted in a place where it can be seen from the nearest street while the work is in progress.

Sec. 48-81. – Red oak firewood prohibited.  
No individual or business shall knowingly bring red oak firewood into Castle Hills' jurisdiction.

Secs. 48-82—48-101. – Reserved"

This Ordinance shall become effective five (5) days after its publication.

PASSED AND APPROVED this 12<sup>th</sup> day of April, 2016.




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Tim A. Howell, Mayor

ATTEST:

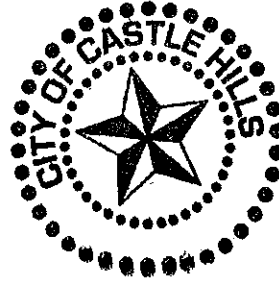


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Kimberlee Bunlyn, City Secretary

APPROVED AS TO FORM:



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Michael Brennan, City Attorney



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**Exhibit A**

**ARTICLE III. - OTHER TREES**  
**DIVISION 1. - GENERALLY**

Sec. 48-77. - Permits Required.

- (a) Any firm, corporation, contractor, landscape contractor, tree trimmer, or any other type of entity who will be paid a fee for the trimming, pruning, removing planting, or placing of any tree within the city shall apply for a permit and, upon issuance, shall pay the permit fee provided in the city fee schedule. Permits issued for oak tree trimming, pruning, removing planting or placing of an oak tree includes non-oak trees. There shall be paid at the time of the application a fee in the amount provided in the city fee schedule.
- (b) No permit is required to trim, prune, remove, plant, or place any tree for individual residents residing in a one or two family dwelling occupied by the resident where the work is performed by the resident. Individual residents are required to comply with Division 2 – Planting, Removing and Care of Trees.
- (c) Utility companies who trim, prune, remove, plant, or place any oak tree, or who trim, prune, remove, plant or place any other tree, shall apply for, and be entitled to, a permit without charge. The no-charge permit for utility companies applies to property where the utilities have lines, services, or easements they necessarily and customarily maintain.
- (d) The city is exempt from the requirement of obtaining a permit to prune, remove, plant, or place any tree.
- (e) Trees in need of emergency pruning or removal that threatens lives or property due to damage beyond the control of the owner, may be trimmed or removed without a permit. For heritage trees refer to section 48-54. All wounds on oak trees shall be painted immediately or as soon as weather and/or daylight allows (see section 48-104), and debris must to be removed within 48 hours.
- (f) The trimming of sucker roots under ½ inch in diameter does not require a permit.

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Sec. 48-80. - Posting of permit.

The permit shall be posted in a place where it can be seen from the nearest street while the work is in progress.

Sec. 48-81. – Red oak firewood prohibited.

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Secs. 48-82—48-101. - Reserved.

## **DIVISION 2. - PLANTING, REMOVING AND CARE OF TREES**

Sec. 48-102. - Removal of cuttings.

Any person, individual, firm, corporation, contractor, landscape contractor, tree trimmer or any other type of business entity who trims, prunes or removes any tree in the city for a fee shall remove the cuttings, debris, branches and logs resulting from the work within 48 hours from completion of the work.

Sec. 48-103. - Planting near rights-of-way and easements.

No tree may be planted closer than ten feet to any right-of-way or within any drainage easement. No tree may be planted in any other easement without written permission from all parties to, and users of, the easement.

Sec. 48-104. - Painting of wounds to oak trees.

- (a) Any person, individual, firm, corporation, contractor, landscape contractor, tree trimmer or any other type of business entity which causes a wound to an oak tree, whether from ground maintenance equipment, trimming, cutting or pruning at any time of the year, shall paint the wound or stump within one hour of the cutting, trimming, pruning or wounding of the tree with asphaltic, a black exterior oil or a black latex-based paint to prevent contact with contaminated nitidulid beetles.
- (b) Any wound to an oak tree caused by accident or weather conditions, such as a windstorm, shall be painted with asphaltic, a black exterior oil or a black latex-based paint by the owner of the property upon which the oak tree is located during the daylight hours following the damage to the tree.
- (c) The existence of unpainted oak tree wounds is hereby declared to be a nuisance and if the owner of the property upon which the damaged tree is located fails to eliminate the nuisance as required herein, the city may proceed to treat the wound by using its own personnel or by hiring a contractor to perform the work, and in such event, the city shall bill the property owner for the treatment expense. If the bill remains unpaid for more than ten days, the property owner shall be cited for a nuisance violation for failing to treat the oak tree wound as required by this section.

Sec. 48-105. - Oak wilt reporting and remediation.

Any person who discovers or suspects the presence of oak wilt infestation or an infected oak wilt tree shall report that information to the city manager by the next business day. The city will promptly contact the state forest service and request confirmation of the diagnosis of oak wilt. If oak wilt is confirmed, all measures recommended by the state forest service to control and prevent the spread of the oak wilt shall be initiated and paid for by the owner of the property upon which the oak wilt infestation or infected oak wilt tree is located to prevent the spread of the oak wilt infection. The city will notify the property owners within 100 feet of the oak wilt infected area.

Sec. 48-106. - Oak tree warranty and planting red oaks prohibited.

No person, individual, firm, corporation, contractor, landscape contractor, tree trimmer or any other type of business entity shall transport or plant an oak tree within the city limits unless the tree is warranted to be free of oak wilt infection. The planting of oak trees in the Red Oak Group – *Erythrobalanus* (e.g – Texas red oak, Shumard oak, Spanish oak, and Blackjack oak) is prohibited on all residential and commercial properties.

Sec. 48-107. - Diseased red oak trees declared a nuisance.

If a red oak tree is diagnosed with oak wilt, such diseased red oak tree is hereby declared a nuisance, and the owner of the property upon which the red oak tree is located shall remove the infected tree immediately from the property and promptly grind out the stump and dispose of the tree and stump as recommended by the state forest service. Diseased or dead red oak plant matter shall not be used or stored for firewood or mulch.

Sec. 48-108. - Penalty.

Any person, individual, firm, corporation, contractor, landscape contractor, tree trimmer or any other type of business entity that violates the provisions of this article shall upon conviction, be punished according to the general penalties described in section 1-17. In addition to the foregoing, the city is authorized to seek recovery of the city's cost of litigation and attorney's fees, as well as all monies which the city spends to mitigate or eliminate a violation of this article.

Secs. 48-110—48-133. - Reserved.