

TOM BEAN



## **ORDINANCE 2016-08**

**AN ORDINANCE REGULATING THE ORGANIZED AND PROPER TRIMMING OF TREES AND VEGETATION ADJOINING ROADWAYS, STREETS, AND ALLEYS WITHIN THE CITY OF TOM BEAN, TEXAS. REPEALING ORDINANCE NO. 2005-01 OF THE CITY OF TOM BEAN AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOM BEAN:**

**Section 1:** Short title of this ordinance shall be called: **Tree Trimming Ordinance.**

**Section 2:** That all tree, shrub or other vegetation trimming done by utility companies, private contractors, or commercial tree trimming companies acting as a representative of utility companies, must follow the American National Standards Institute (ANSI) A-300 standards and/or International Society of Arboriculture (ISA) Tree Pruning Guidelines when trimming trees or vegetation adjoining public streets or alleyways around power lines, utility poles, and other attachments within the City limits of Tom Bean.

**Section 3:** A permit is required for all utility companies, private contractors, and commercial tree trimming companies working within the City limits of Tom Bean. An on site certified arborist must supervise all work performed and be present on the job site. No work may be performed until the permit is issued.

**Section 4:** It shall be the duty of any persons owning or occupying real estate property bordering on any street upon which there may be trees to prune or trim such trees in such a manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct the visibility of traffic signs, or obstruct the view of any street or alley intersection.

**Section 5:** Every owner or occupant of any house, building, lot or premises shall keep the shade and ornamental trees adjoining the streets and sidewalk spaces trimmed so that the minimum clearance of any overhanging portion of trees or foliage shall be 7 feet over sidewalks, and 12 feet over all streets.

**Section 6:** No owner, agent or occupant of property on which there are trees on the property or in the parkway in front of, or along side of such property, shall permit any tree or branch to overhang a street, alley, boulevard, public way or sidewalk in any way that obstructs public travel or presents an unsafe condition to the traveling public. Likewise, any tree or branch that appears to be structurally unsound such that it presents a falling hazard to the public shall be deemed a public nuisance.

**Section 7:** If the owner, agent or occupant of the property, after notification by the City, shall fail to remove such a tree or branch, as described in the previous section, the City is empowered by this ordinance to remove the tree or branch, entering upon private property if necessary to remove said tree or branch or to contract to have the service performed by others. If it becomes necessary for the City to perform or contract the removal of said tree or branch, the City will assess an appropriate fee for the work. The fee will be billed to the property owner of record, who will be held responsible for payment. The owner of record will have thirty (30) days to pay the assessed fee. Non-payment of any fee will be turned over to the City Attorney for collection.

**Section 8:** All ordinances or parts thereof which are in conflict in whole or in part with any of the provisions of this ordinance as to the effective date of this ordinance, are hereby repealed to the extent of such conflict, except that terms defined herein for purposes of interpretation, administration, and enforcement of this ordinance only, will in no way, manner or form repeal, notify or otherwise change the definition of any such terms as used in other ordinances of the City of Tom Bean.

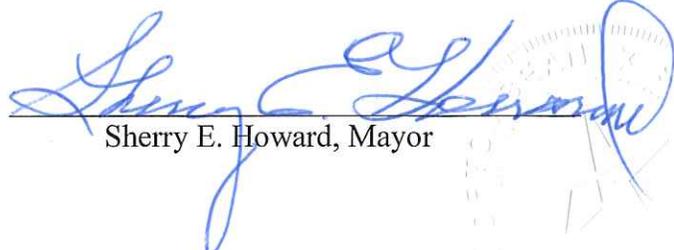
**Section 9: SEVERABILITY:** This ordinance and the various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase, or clause is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this ordinance shall not be affected thereby.

**Section 10: PENALTY:** Any person, company, or contractor who violates any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than TWO HUNDRED DOLLARS (\$200.00) for each occurrence.

**Section 11:** That the City Secretary shall publish this ordinance as required by law and that this ordinance will become law upon publication.

**THIS ORDINANCE SHALL BE IN EFFECT UPON ITS READING AND  
PASSAGE BY THE CITY COUNCIL OF TOM BEAN, TEXAS.**

Duly passed and approved by the City Council of Tom Bean, Texas this 18<sup>th</sup> day of July,  
2016.

  
Sherry E. Howard, Mayor



Attest:

  
Cathy Pugh, City Secretary