

ORDINANCE NO. 612

AN ORDINANCE OF THE CITY OF HOWE, TEXAS PROTECTING EXISTING TREES AND CREATING LANDSCAPE REQUIREMENTS AND STANDARDS; PRESERVATION, PROTECTION AND PLANTING OF TREES; ESTABLISHING PERMIT REQUIREMENTS; PROVIDING CRIMINAL AND CIVIL VIOLATIONS AND PENALTIES; PROVIDING A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE, EXCEPT WHERE A DIFFERENT PENALTY HAS BEEN ESTABLISHED BY STATE LAW, AND EACH AND EVERY DAY SAID VIOLATION IS CONTINUED SHALL CONSTITUTE A SEPARATE OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PUBLICATION CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Howe, Texas is experiencing and is expected to continue to experience growth in both residential development and commercial development; and

WHEREAS, this development will typically involve the use of open areas including agricultural land, grassland and pastures; and

WHEREAS, loss of these areas would tend to diminish the existence of trees, grass, and naturally occurring vegetation; and

WHEREAS, the City Council finds that it is in the best interest of the public health, safety and welfare to develop regulations that provide for the preservation of trees where appropriate and providing for the use of landscaping to replace naturally lost trees and vegetation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOWE, TEXAS:

SECTION 1 – PURPOSE

The terms and provisions of this ordinance are intended to accomplish the following public purposes:

1. To encourage preservation of existing public and private trees that are shade, ornamental, specimen, and/or of historic value through incentives and penalties.
2. To encourage ecological stabilization through urban forest management that contributes to the processes of air purification, oxygen regeneration, ground water recharge, storm water runoff retardation; and promote energy efficiency and water conservation through tree preservation and cultivation, thereby abating noise, heat, and glare.
3. To acknowledge that trees and landscaping add value to property and protect public and private investments to the general benefit of the City and its residents.

4. To define reasonable protective measures required to preserve the protected tree population.
5. To protect healthy, quality trees and promote the natural ecological, environmental, and existing aesthetic qualities of the City.
6. To preserve and promote the appearance and rural heritage of the City.
7. To protect and preserve native and specimen vegetative species, their ecosystems, and natural habitats and prevent damage to and unnecessary removal of vegetation during the land development and construction processes.
8. To prohibit indiscriminate clear-cutting.
9. To preserve trees on both public and private property and, in the event that tree removal is necessary, to ensure that appropriate replacement trees are planted. This ordinance is also intended to minimize erosion and storm water runoff, provide buffers between neighboring properties, preserve historic streetscapes, minimize the visual and environmental impacts of paved surfaces and buildings, and ensure landscaping in conjunction with new development and redevelopment in a manner that preserves native vegetation. This ordinance is intended to balance the property rights of individual property owners with those of the overall health, safety and welfare interests of the community. A permit system is utilized, intended to prevent the damage, destruction or removal of a protected tree unless this ordinance and its requirements are met.
10. To protect and increase the value of residential and commercial properties within the City.
11. To maintain and enhance a positive image for the attraction of new businesses and residents to the City.

SECTION 2 – DEFINITIONS

A. General rules. For the purpose of this ordinance, the following rules shall be applied in constructing, interpreting or other wise defining the terms and provisions hereof:

1. Terms used in the present tense shall include the future, terms used in the singular number shall include the plural number, and terms used in the plural shall include the singular.
2. The term “shall” is mandatory and the term “may” is permissive.

B. Enumeration. The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning. Words and terms used in this ordinance, but not defined in this ordinance, shall have the meaning ascribed thereto in other ordinances of the City. Words and terms defined in two ordinances shall be read in harmony unless there exists an irreconcilable conflict, in which case the definition contained in this ordinance shall control.

Buildable area: That portion of a building site exclusive of the required yard areas on which a structure or building improvements may be erected, including the actual structure, driveway, parking lot, pool, and other construction shown on a site plan. The buildable area shall extend five feet from such area to allow for the normal operation of construction equipment.

Building pad: The actual foundation area of a building and a reasonable area around the foundation necessary for construction and grade transitions.

Caliper: The diameter measurement of a tree trunk. Caliper of the trunk shall be measured 12 inches **above** the soil line for trees up to and including four-inch caliper size, and 18 inches above the ground for larger sizes.

Clear cutting: The removal of all trees or a significant majority of the trees within an area of land.

Critical root zone: The area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line. As a practical matter, this is the acute portion of the tree's root system.

Cut/fill: Areas where the natural ground level has been excavated (cut), or where fill material such as rock, concrete, soil or sod has been brought in such that the cumulative thickness of all materials is equivalent to six inches or greater.

Drip line: Whichever is greater:

1. A vertical line running through the outermost portion of the canopy of a tree and extending to the ground, or
2. If the tree is damaged or deformed, a circular area with a radius equal to two feet per inch of caliper.

Grading: The movement of dirt, topsoil, grass, native material, bushes, trees, landscaping or other forms of surface material which will result in a long term difference of six inches or greater from the initial elevation.

Grading plan: A topographical map of the subdivision with sufficient perimeter area to provide a clear definition of the initial elevations, watercourses and drainage patterns. In addition, the plan includes one-foot contours, spot elevations, and flow arrows. The plan is sufficient in detail and scale to determine limits and depths of excavation or fill. The plan must be signed and sealed by a registered professional engineer licensed by the state.

Limits of construction: A delineation on the graphic exhibit which shows the boundary of the area within which all construction activity will occur.

Person: Any corporation, partnership, association or other artificial entity; or any individual; or any agent or employee of the foregoing.

Protected tree: Any self-supporting, woody perennial plant which has a caliper of four inches or more when measured at a point 4.5 feet above ground level and which normally attains an overall height of at least 15 feet at maturity, usually with one main stem or trunk and many branches. It may appear to have several stems or trunks as in several varieties of oaks.

Protective fencing: Snow fencing, chain link fence, barbed wire fence, orange vinyl construction fencing or other similar fencing with a four-foot approximate height.

Selective thinning: Selective clearing of undesirable trees to allow unrestricted growth of young, vigorous trees, especially hardwoods. Fifty to 60 percent shade is more desirable and conducive to all activities. Dense shade is the least desirable. On densely wooded properties, selective thinning may be used to accomplish a required tree survey on the property.

Tree removal authorization: Permission granted by either the building official, the Board of Adjustment or City Council to remove protected trees in accordance with this Ordinance.

Yard area: The front, side and rear yard areas as defined under the comprehensive zoning chapter (chapter 118 of this Code) and the zoning district requirements applicable thereto.

SECTION 3 – APPLICABILITY OF ORDINANCE PROVISIONS.

A. Generally. The terms and provisions of this ordinance shall apply to real property as follows except as noted in Section 4, Tree Removal. All developments which have not submitted a preliminary plat/construction plan, site plan or building permit, whichever is applicable, as of the effective date of this ordinance, shall be subject to the requirements for tree protection and replacement specified herein.

1. All vacant and undeveloped property.
2. All property to be redeveloped, including additions and alterations.
3. All easements and rights-of-way, except those included in a preliminary plat approved by the planning and zoning commission shall meet the terms and provisions of this ordinance.
4. The yard areas of all developed property, excluding developed single-family residential property.

B. Protected trees.

1. A “protected tree” is any tree that has a trunk caliper of four inches or more, as measured 4.5 feet above natural grade level.
2. Protected trees shall not include the following species:

Bois d’Arc (*Maclura pomifera* – female only)

Cottonwood (*Populus deltoides*)

Chinaberry (*Melia azedarach*)

Hackberry (*Celtis occidentalis laevigata*)

Honeylocust (*Gleditsia triacanthos*)

Mesquite (*Prosopis glandulosa*)

Mulberry (*Morus alba*)

Tree of Heaven (*Ailanthus altissima*)

Black Willow (*Salix nigra*)

SECTION 4 – TREE REMOVAL

A. Authorization required.

1. *Required on private and public property; exception.* A tree removal authorization shall be required when protected trees are requested to be removed except as allowed by subsection B of this section, removal procedures. No person, directly or indirectly, shall cut down, destroy, move or remove, or effectively destroy through damaging, any protected tree situated on private or public property regulated by this ordinance without first obtaining a tree removal authorization unless the conditions of subsection (b) of this section apply.
2. *Clear-cutting.* The clear-cutting of land as defined in this ordinance is prohibited except as allowed by subsection B of this section, removal procedures.
3. *Selective thinning.* The removal of selected trees from within a densely forested area when done in a professionally accepted manner shall be allowed as a single permit upon approval by the building official or his designee. Approval will only granted when the building official or his designee determines that the selective thinning is being done in a manner that would enhance the environment and likelihood of survival for the remaining trees. Approved selective thinning may take place either before, during or after construction.

B. Removal procedures.

1. *Allowable tree removal prior to issuance of a building permit.* No protected trees shall be removed prior to issuance of a building permit unless one of the following conditions exists. The burden of proof as a qualified exception is upon the person removing the tree.
 - a. Any protected tree located in a new single-family residential subdivision with two lots or less.
 - b. Any protected tree located within street rights-of-way, utility or drainage easements as shown on a preliminary plat approved by the planning and zoning commission. If certain trees outside the above areas or trees based partially outside the easement or right-of-way are requested to be removed to allow the operation of equipment, the applicant shall submit a recorded plat, and a site plan which indicates the exact operation area needed. The building official or his designee may approve selected removal under this condition.
 - c. The protected tree is dying, dead, diseased, injured, in danger of falling, interferes with utility service, creates unsafe vision clearance, or conflicts with other ordinances or regulations and immediate removal is required.
 - d. Any protected tree that has disrupted a public utility service due to a tomado, storm, flood or other act of nature. Removal shall be limited to the portion of the tree reasonably necessary to reestablish and maintain reliable utility service.
 - e. Landscape nursery. All licensed plant or tree nurseries shall be exempt from the tree protection and replacement requirements and from the tree removal provision

only in relation to those trees planted and growing on the premises of said licensee which are so planted and growing for the sale or intended sale to the general public in the ordinary course of said licensee's business. This may also apply to a nursery established and so designated by a developer of a large project within the City, where trees are intended for landscaping future phases of such larger project.

f. Any protected tree that is required to be removed in order to properly grade and drain the property as required on a final grading plan that is approved by the public works department. If this option is utilized on any lot in a single-family residential district, a total of three trees per lot shall be required. These replacement trees will meet the minimum requirements of subsection 5.A and shall be planted prior to the final building inspection. At least one of these trees shall be planted in the required front yard setback. Other types of development shall meet the current approved landscape regulations.

g. The owner of property zoned agricultural and being actively used for agricultural purposes shall be exempt from this ordinance.

h. Utilities operating under a franchise agreement with the City are exempt from this ordinance and are not required to make application for removal of protected trees provided that any trees removed under this exemption pose a direct hindrance to the utility's ability to exercise its rights under the franchise to utilize City property rights-of-way, and dedicated easements to provide safe, reliable service to its customers and that said trees are located in the aforementioned areas governed by the franchise agreement and removal of trees is directly linked to extending service to new customers.

2. *Allowable tree removal after issuance of a building permit.* Upon issuance of a building permit, the developer shall be allowed to remove trees located in the approved buildable area of the property except as noted in subsection B.1 of this section. Trees located in required yard areas, buffers and open space area shall be maintained.

C. Authorization review and approval process.

1. *Authority for review.* The building official or his designee shall be responsible for the review and approval of all requests for tree removal authorizations submitted in accordance with the requirements specified herein. Upon receipt of a completed application, the building official may take one of the following actions:

a. *Deferral of decision.* The building official may defer the approval of a tree removal authorization to the Board of Adjustment for any reason. Any decision made by the Board of Adjustment may be appealed to the City Council. All decisions made by the City Council shall be final.

b. *Approval.* The building official shall issue a tree removal authorization if it is determined that:

(1) the tree constitutes a hazard to life or property which cannot be reasonably mitigated without removing the tree;

(2) the tree is dying, dead or diseased to the point that restoration is not practical;

or

- (3) all reasonable efforts have been made to avoid removing the tree for the development and removal cannot be avoided.
- c. Refusal. The building official shall deny a tree removal authorization application if it is determined that:
 - (1) removal of the tree is not reasonably required in order to conduct anticipated activities; or
 - (2) a reasonable accommodation can be made to preserve the tree.
 - d. Appeal of decision. Any decision made by the building official may be appealed to the Board of Adjustment. Any decision made by the Board of Adjustment may be appealed to the City Council. All decisions made by the City Council shall be final.
 - e. Authorization expiration. Tree removal authorization issued in connection with an approved building permit or site plan shall be valid for the period of that building permit's or site plan's validity. A tree removal authorization not issued in connection with an approved building permit or a site plan shall become void 180 days after the date of the approval.

2. *Tree removal authorization application.*

- a. Authorization. A request for tree removal authorization must be submitted and approved prior to the removal of any protected tree in the City unless the tree is exempt under a provision of this ordinance.
- b. Application. The application shall be made by the property owner in conjunction with a registered landscape architect, certified nurseryman, arborist, registered engineer or registered professional land surveyor. A graphic exhibit shall be attached showing at least the following items:
 - (1) appropriate title (i.e. tree removal authorization exhibit);
 - (2) title block including street address, lot and block, subdivision name, city and date of preparation;
 - (3) north arrow, graphic and written scale in close proximity;
 - (4) scale at a size no larger than one inch equals 200 feet (i.e. one inch equals 100 feet OK);
 - (5) name, address and phone number of owners and persons preparing the exhibit;
 - (6) location of all right-of-way lines and public easements;
 - (7) location of all buildings, structures, pools, parking, and other improvements which are existing or intended on the lot;
 - (8) areas of proposed cut/fill as required per City requirements with amount of each shown (graphically different than subsection C.2.b(9) of this section), and the drainage flow line, if applicable;
 - (9) areas of proposed cut/fill not required per City requirements with amount of each shown (graphically different than subsection C.2.b(8) of this section), and the drainage flow line, if applicable;
 - (10) existing and proposed spot elevation, grades and major contours, along with existing landscaping, streams, ponds and major natural features;
 - (11) limits of construction line shown, if applicable;
 - (12) location of all protected trees and thicket boundaries that are not exempted by subsection B.1. of this section within 50 feet of any construction area that are

- to remain, with a description of the size and types of trees, such trees shall be designated by a circle;
- (13) the location of all protected trees that are not exempted by subsection B.1. of this section which are to be removed, such trees shall be designated by a triangle;
 - (14) note on the graphic exhibit the caliper size (as measured 4.5 feet from the ground), the Latin and common name of tree to be removed; and
 - (15) location of any required replacement trees shown with caliper size and common name of tree found from the list of approved trees as noted in Section 11.

These requirements may be modified by the building official as needed to administer this ordinance. An aerial photograph may be allowed if it includes all of the above items on a transparency at the same scale as the photo.

SECTION 5 – TREE REPLACEMENT

A. Generally. If a tree removal authorization is granted, the applicant shall replace the protected trees being removed with trees listed in Section 11 which shall be a minimum of three caliper inches measured 12 inches from the ground and a minimum of seven feet in height when planted. A sufficient number of trees shall be planted so that the total caliper of the replacement trees is equal to the caliper of the tree removed as measured 4.5 feet high on the trunk. The replacement trees shall be noted either on the required landscape plan for all non-single-family developments or on the plot plan submitted with the building permit application for single-family developments.

B. Replacement procedures. Replacement trees shall be located on the subject site whenever possible. However, if this is not feasible, the building official or his designee has the authority to allow the planting to take place on another property. Such replacement shall occur at the time of landscaping of newly developed property or in the event of removal or death of a tree after the property has been developed, except for developed single-family residential development. Single-family residential lots that have been finalized are exempt from replacing required replacement trees.

C. Reforestation fund. If approved by the building official, the Board of Adjustment or the City Council, the applicant, in lieu of compliance with this ordinance, may make a payment into the reforestation fund, which shall be a special account administered by the City Parks and Recreation Department. The funds shall be used only for purchasing, planting and maintaining trees on public property, or for acquiring and preserving wooded property. The amount of payment required shall be calculated based on an average of three current market prices for the cost of acquiring, planting and maintaining a tree equal in caliper to the trees to be removed for a period of one year. Two prices will be provided by the applicant and the City will provide one price.

SECTION 6 – TREE PROTECTION

A. Prior to construction. The following procedures shall be followed on all types of construction projects (i.e. residential subdivisions, commercial, multi-family, industrial developments, residential buildings and municipal/public). It is the responsibility of the

developer and his subcontractors to take the appropriate action to preserve all protected trees during all phases of construction.

1. *Tree flagging.* All protected trees that are to remain on the subject property within 50 feet of any area where vehicles, materials, and/or equipment are moved, placed, transported or stored, shall be flagged with bright fluorescent orange vinyl tape wrapped around the main trunk at a height of four feet or more, such that the tape is very visible to workers operating construction equipment.
2. *Open space flagging.* All trees or groups of trees within areas intended to be saved as open space shall be enclosed with fluorescent orange tape along all areas of possible access or intrusion by construction equipment. Tape shall be supported at a minimum of 25-foot intervals by wrapping trees or utilizing another approved method. Single incident access for the purposes of clearing underbrush is allowed.
3. *Protective fencing.* In those situations where a protected tree is so close to the construction area that construction equipment will infringe on the root system, a system of protective fencing may be required between the tree and the construction activity.
4. *Bark protection.* In situations where a protected tree remains in the immediate area of intended construction, the tree shall be protected by enclosing the entire circumference of the tree with two-inch by four-inch lumber encircle with wire or other means that do not damage the tree. This will protect the bark of the tree against incidental contact by large construction equipment.

B. Prohibited activities adjacent to trees. The following activities shall be prohibited within the limits of the drip line of any protected tree subject to the requirements of this ordinance:

1. *Material storage.* No materials intended for use in construction or waste materials accumulated due to excavation or demolition shall be placed under the canopy of any protected tree.
2. *Equipment cleaning/liquid disposal.* No equipment shall be cleaned or other materials or liquids deposited or allowed to flow over land within the limits of the canopy of a protected tree. This includes, without limitation, paint, oil, solvents, asphalt, concrete, mortar or similar materials.
3. *Tree attachments.* No signs, wires or other attachments other than those of a protective nature shall be attached to any protected tree.
4. *Vehicular traffic.* No vehicular and/or construction equipment traffic or parking shall take place within the limits of the canopy of any protected tree other than on an existing paved street or parking lot. This restriction does not apply to single incident access within the drip line for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance or emergency restoration of utility service or routine mowing operations.
5. *Grade changes.* No grade changes in excess of two inches (cut or fill) shall be allowed within the limits of the drip line of any protected tree unless adequate construction methods are utilized which have been approved by the building official.

6. *Impervious paving.* No paving with asphalt, concrete or other impervious materials in a manner which may reasonably be expected to kill a tree shall be placed within the limits of the drip line of a protected tree except as otherwise allowed in this ordinance.

C. **Preserved tree criteria.** A protected tree shall be considered preserved only if a minimum of 75% of the area under the drip line is maintained at undisturbed natural grade and no more than 25% of the canopy is removed due to building encroachment.

SECTION 7 – TREE REQUIREMENTS FOR COMMERCIAL PROPERTIES

1. Trees: All commercial properties shall provide trees at a ratio of ten (10) trees per acre (43,560 sq. ft.) or one (1) tree per 4,356 sq. ft. of the gross lot area.
2. All trees planted to satisfy the tree standards must be a minimum of three (3) inches in diameter at breast height (DBH).
3. At the discretion of the City, and at the request of the property owner, the ten trees per acre may be satisfied by planting trees elsewhere in the City of Howe at the direction of the building official.
4. See Section 11 for a suggested species list that may be used to meet the requirements of this section. No trees with a maximum mature height of 25 feet or greater may be planted within 25 feet (measured horizontally) from the nearest overhead utility line.

SECTION 8 – TREE PRUNING RESTRICTIONS

A. **Generally.** Normal pruning required to promote tree health and vitality is permitted. No protected tree shall be pruned in a manner, which would reasonably lead to the death of the tree.

B. **Required pruning.** The owners of any tree adjacent to a public right-of-way shall be required to maintain a minimum clearance of 14 feet above the traveled surface or curb of a public street or open space trail. The City shall also have the right to prune trees overhanging the public right-of-way as necessary to preserve the public safety.

C. **Allowed pruning.** The building official may approve pruning of a protected tree in cases where protected trees must be strategically pruned to allow construction or demolition of a structure. When allowed, all pruning shall be in accordance with subsection 4.A.1, approved arboricultural techniques and the recommendations of Section 12. This section is not intended to require a tree removal authorization for reasonable pruning performed or contracted to be performed by the owner of the tree when unrelated to construction activity.

D. **Tree topping.** It shall be unlawful as a normal practice for any person, firm or City department to top any tree on public property. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the building official.

SECTION 9 – TREE PLANTING RESTRICTIONS

A. Overhead lines. Replacement trees shall not be planted in a location where the natural canopy of the tree will interfere with overhead utility lines.

B. Underground utilities. Any required replacement trees or street trees shall not be planted within an area such that the mature root zone of the tree will interfere with underground public utility lines, including water lines, sewer lines, transmission lines or other utilities. No trees shall be planted within ten feet of a fire hydrant and surface utilities such as pad-mounted transformers and gas meters.

C. Visibility triangle. No trees shall be planted in the visibility triangle as designated for traffic safety.

SECTION 10 – ENFORCEMENT OF ORDINANCE PROVISIONS

A. Developer’s agreement. All developer’s agreements shall state that all construction activities shall meet the requirements of this ordinance.

B. Construction permits. Prior to issuance of a permit to do any site work, a tree survey of the development shall be submitted to the building official.

C. Building permit. No building permit shall be issued unless the applicant signs a statement that binds the applicant to ensuring that all construction activities shall meet the requirements of this ordinance.

D. Acceptance of improvements. No acceptance of public improvements shall be authorized until all fines for violations of this ordinance have been paid to the City or otherwise disposed of through the municipal court.

E. Certificate of occupancy. No certificate of occupancy shall be issued until all fines for violations of this article have been paid to the City or otherwise disposed of through the municipal court.

F. Enforcement. Any person, firm, corporation, agent or employee thereof who violates any provision of this ordinance shall be guilty of a misdemeanor, and upon final conviction thereof shall be fined an amount not to exceed \$500.00 for each incident. The unlawful injury, destruction or removal of each protected tree shall be considered a separate incident. In addition, all violations shall be required to meet the requirements of Section 5, Tree Replacement.

SECTION 11 – APPROVED TREE REPLACEMENT LIST

Trees not listed may be approved for use at the discretion of the building official or his designee. The following is the approved tree replacement list:

COMMON NAME	SCIENTIFIC NAME
<i>Large Tree – Deciduous</i>	
*Big Tooth Maple	<i>Acer grandidentatum</i>
*Chinese Pistache	<i>Pistachia chinensis</i>
*Ornamental Pear ('Aristocrat, Bradford')	<i>Pyrus calleryana</i>
Osage Orange (native) (fruitless, thornless cultivars only)	<i>Malcura pomifera</i>
*Panicked Goldenrain Tree	<i>Koelreuteria paniculata</i>
*Texas Red Oak (native)	<i>Quercus buckleyi</i>
Western Soapberry (native)	<i>Sapindus drummondii</i>
Lacebark Elm	<i>Ulmus parvifolia</i>
*Bald Cypress	<i>Taxodium distichum var. distichum</i>
Bur Oak (native)	<i>Quercus macrocarpa</i>
Chinquapin Oak (native)	<i>Quercus muehlenbergii</i>
Pecan (native)	<i>Carya illinoensis</i>
*Shumard Oak (native)	<i>Quercus shumardii</i>
*Caddo Maple	<i>Acer barbatum var. caddo</i>
*Cedar Elm	<i>Ulmus crassifolia</i>
<i>Evergreen</i>	
Afghan Pine	<i>Pinus eldarica</i>
Japanese Black Pine	<i>Pinus thunbergiana</i>
Deodar Cedar	<i>Cedrus deodara</i>
*Southern Live Oak	<i>Quercus virginiana</i>
Southern Magnolia	<i>Magnolia grandiflora</i>

An asterisk (*) denotes those plant materials which are particularly outstanding for this area.

SECTION 12 – TREE PRUNING RECOMMENDATIONS

- A. When removing a branch always cut outside the branch bark ridge and collar. Do not make a flush cut.
- B. Branches that do not have a distinct collar should be cut at a right angle to the branch outside the branch bark ridge.
- C. Trees may have co-dominant stems. If a co-dominant stem must be removed, cut at an angle outside of the bark ridge. Avoid leaving any stub.
- D. When removing heavy limbs, first make an undercut several inches outside of the collar. Then remove the limb by a second cut an inch or so outside of the first cut. Remove the stub with a third cut just outside of the collar.

SECTION 13 – SAVINGS/REPEALING CLAUSE

All provisions of any ordinance in conflict with this ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinance shall remain in full force and effect. This repealing provision does not apply to this ordinance or any part of it once declared or adjudged unconstitutional or invalid by a court of competent jurisdiction; any ordinance or part of any ordinance initially deemed repealed under this section is deemed not repealed to the extent it conflicts with any part of this ordinance declared or adjudged unconstitutional or invalid by a court of competent jurisdiction.

SECTION 14 – SEVERABILITY

Should any section, subsection, sentence, clause, phrase, definition or part of a definition in this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this ordinance shall remain in full force and effect. The City of Howe City Council declares that it would have passed this ordinance, and each section, subsection, clause, phrase or word in it irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, definitions or parts of definitions may be declared unconstitutional or invalid.

SECTION 15 – EFFECTIVE DATE

This ordinance shall become effective immediately upon its passage and publication as required by law. Only the caption of this ordinance need be published.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HOWE, GRAYSON COUNTY, TEXAS THIS 18th DAY OF April, 2006.

ATTEST:

Barbara Alvarado
City Secretary

Sam Hauge
Mayor, City of Howe

