

ORDINANCE NO. 165

AN ORDINANCE OF THE TOWN OF ANNETTA, TEXAS REGULATING TREE MAINTENANCE WITHIN PUBLIC STREETS; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Annetta is a type A general law municipality located in Parker County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, in the interest of the health, safety and general welfare of all residents, the Town Council has determined that it is necessary to require the maintenance of trees within public streets to provide sufficient transit space for fire trucks, emergency vehicles, and solid waste trucks.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ANNETTA, TEXAS:

SECTION 1.

It is unlawful for a person to maintain a tree or allow branches of a tree to extend into a public street unless the branches are pruned so that:

- (a) They do not substantially obstruct a motorist's view of traffic control devices; and
- (b) There is unobstructed clearance from the street surface to 12 feet above the street surface.

SECTION 2.

No provision of this ordinance shall be construed to in any way limit or restrict any and all rights that the Town may have to remove any part of a tree or vegetation that has encroached into a public street and measures at a height above street surface less than permitted in Section 1 above, or to maintain any civil suit for injunctive relief to require the removal or the prohibition of the same.

SECTION 3.

This ordinance shall be cumulative of all provisions of the Town of Annetta, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 4.

It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if a phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not effect the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the Town Council without the incorporation in this ordinance of the invalid or unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 5.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

The Town Secretary is hereby directed to publish the caption, penalty clause, publication clause, and the effective date clause in the official Town newspaper one time as authorized by Section 52.011 of the Texas Local Government Code.

SECTION 7.

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 15th DAY OF OCTOBER, 2015.



Bruce Pinckard, Mayor

ATTEST:



Diana Kotlinski, Interim City Secretary

