

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 009-007

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING THE CODE OF ORDINANCES OF THE TOWN BY AMENDING APPENDIX A - ZONING OF THE SAID CODE OF ORDINANCES BY AMENDING SECTION 8 (TREE REPLACEMENT AND PROTECTION) AND SECTION 9 (LANDSCAPE STANDARDS AND SPECIFICATIONS) OF ARTICLE XXI (LANDSCAPING REGULATIONS) THEREOF BY, AMONG OTHER THINGS, ADDING PROVISIONS REQUIRING A PROPERTY OWNER TO REPLACE CALIPER INCH FOR CALIPER INCH ANY DAMAGED, DEAD, OR REMOVED TREES, AND BY AMENDING SECTION 11 (ENFORCEMENT) OF THE SAID ARTICLE XXI AS SET FORTH HEREIN; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

**Section 1. Amendment.** The Code of Ordinances (the "Code") of the Town of Addison, Texas (the "City") is hereby amended by amending Appendix A - Zoning of the Code in the following particulars, and all other parts of the said Code are not amended but are ratified and affirmed:

A. Section 8.(B) (Replacement Trees) of Article XXI of Appendix A – Zoning of the Code is hereby amended by amending subsections (1) and (2) thereof to read as follows (additions are underlined; deletions are ~~struck through~~):

(1) Every property owner shall ~~be responsible for~~ replace dead, removed, or missing, improperly pruned, or damaged trees, by any act or omission, within 30 days after notification by the Town, unless the existing season, climate, or calendar dictates postponement of the tree replacement beyond the said period of 30 days as agreed to by the Town; in the event of such postponement, a property owner shall replace any such tree within the time period set forth in the notification form the Town. This provision shall also apply to trees that have been severely damaged, or disfigured by improper pruning, including but not limited to lion-tailing or topping. In addition to this section, replacement tree size and configuration shall comply with the standards set forth in Section 9 of this article.

(2) Any tree that is removed, topped, severely damaged or that is disfigured by improper pruning methods without the prior written approval of the Town's Director of Parks (as reflected in a tree permit issued pursuant to subsection (C) of this section) shall be replaced caliper inch for caliper inch as set forth in Section 9 of this article. For example, if a 15 inch caliper tree is removed, it shall be replaced with a 15 inch caliper tree.

B. Section 9(c) (Size and Spacing Standards) of Article XXI of Appendix A – Zoning of the Code is hereby amended by amending the title thereof and by amending subsection (4) thereof to read as follows (additions are underlined; deletions are ~~struck-through~~):

1. The title of the said Section 9.(c) is amended to read as follows:

(c) *Size and spacing standards; replacement of damaged trees.*

2. Subsection (4) of the said Section 9.(c) is amended to read as follows:

(4) Minimum size for newly planted shade trees shall be (4) four inches in diameter, 14 to 16 feet in height. The maximum height shall not exceed 16 feet. Any tree that has been removed, and any tree that has been topped, severely damaged, or disfigured by improper pruning methods, without the Director of Parks prior written approval (as reflected in a Tree Permit issued pursuant to subsection (C) of Section 8 of this article) shall be replaced caliper inch for caliper inch. Tree heights shall be from tops of root balls to nominal tops of plants. Tree spread refers to nominal outer width of the tree, not to the outer leaf tips. Trees shall be healthy, vigorous, full-branched, well-shaped with symmetrical crowns. Root balls shall be firm, neat, slightly tapered and well-burlapped. Trees shall be free of physical damage such as scrapes, bark abrasions, split branches, mistletoe or other parasitic growth. The Town of Addison shall reject any trees delivered and/or planted not meeting the minimum size and shape standards set forth above. Red Oaks other than Shumard Oak (*Quercus shumardii*) or Texas Oak (*Quercus texana*) shall be rejected. The owner or contractor shall be responsible for providing certification that Red Oaks are true to variety.

C. Section 11.(B) (Enforcement) of Article XXI of Appendix A – Zoning of the Code is hereby amended to read as follows (additions are underlined; deletions are ~~struck-through~~):

(B) Any person that intentionally, knowingly, recklessly, or with criminal negligence violates~~violating~~ any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed \$2,000.00 and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

**Section 2. Savings.** This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those Ordinances are in direct conflict with the provisions of this Ordinance.

**Section 3 Severability.** The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of

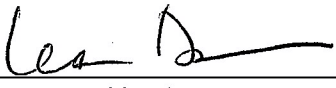
the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**Section 4. Effective Date.** This Ordinance shall become effective from and after its date of passage and approval and publication as may be required by law.


**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas this the 14th day of April, 2009.

  
Joe Chow, Mayor

ATTEST:

By:   
Lea Dunn, City Secretary

APPROVED AS TO FORM:

By:   
John Hill, City Attorney

PUBLISHED  
7/19/2009