

ORDINANCE 988

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF PINEY POINT VILLAGE, TEXAS, BY REMOVING CHAPTER 66, SECTION 1, ARTICLE II, DIVISION 2 REQUIREMENTS FOR COMPLIANCE WITH ORDINANCE, SECTION 66-45, A, 4; AND INSERTING DIVISION 2 REQUIREMENTS FOR COMPLIANCE WITH ORDINANCE, SECTION 66-40, TO PROVIDE MANAGEMENT OF VEGETATION LOCATED ON PUBLIC RIGHTS-OF-WAYS OR OTHER PUBLIC PROPERTY.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE, TEXAS:

**Section 1.** (i) The Code of Ordinances of the City of Piney Point Village, Texas, is hereby amended by deleting Section 66-45, A.4. of Chapter 66, and by inserting Section 66-40 in lieu thereof the following new Section to Chapter 66:

(ii) Section 66-40. Management of Vegetation located on Public Rights-of-Ways or Other Public Property:

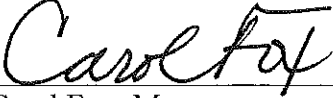
A. Vegetation located on Public Right of Way is hereby defined as trees, shrubs, bushes, and all other woody vegetation on land lying between the curb, pavement line, and the property lines of either side of all public streets, public avenues, or public ways including within the City. This also includes vegetation located on City street rights-of-way, easements, alleys, circles, cul-de-sacs, and parks.

B. The Public Works Officer or his designee shall be responsible for the management of vegetation on public rights-of-way, including but not limited to, planting, pruning, maintaining, replacement, and removal of all trees located within the street rights-of-way, easements, alleys, circles and parks. It shall be unlawful for any other person to perform any of the above actions or to damage or harm any vegetation on public rights-of-way unless a permit is issued by the Public Works Officer or his designee.

C. The Public Works Officer or his designee shall develop the annual tree plan or update necessary to maintain The City of Piney Point Village's Tree City USA status. Such plan shall be subject to approval by city council. The Public Works Officer or his designee shall be responsible for execution of the plan.

**Section 2.** In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City council of the City of Piney Point Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this 31<sup>st</sup> day of March 2008.

  
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Carol Fox, Mayor

ATTEST:

  
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Lorena Briel, City Administrator