

An Ordinance of the City of Plano, Texas repealing Section 15-118, Same- On private property; notice of noncompliance; abatement; hearing; review board; lien for unpaid charges, etc., and amending Section 15-119, Breaking, injuring, etc., trees, shrubs on public property, of Article VI, Planting, Maintaining Trees, Shrubs on Public Property, of Chapter 15, Parks and Recreation, and amending Section 6-3(c)(1), Building Standards Commission organization and authority, of Division 2, Building Standards Commission of Article I, In General, of Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano, Texas to establish a process for the Building Standards Commission to enforce vegetation safety standards; and providing a penalty clause, a repealer clause, a severability clause, a publication clause and an effective date.

WHEREAS, winter storm Uri caused widespread damage to vegetation in the area that caused and continues to cause health and safety impacts to nearby private structures and to public infrastructure; and

WHEREAS, the City adopted a process for handling infested trees, but has not utilized the process and wishes to repeal that process in the City of Plano Code of Ordinances Section 15-118 and replace it with a process that allows for broader consideration of health and safety issues arising from vegetation; and

WHEREAS, the Building Standards Commission has authority to enforce health and safety ordinances and is the appropriate City board to enforce ordinances relating to dangerous conditions involving vegetation; and

WHEREAS, the City of Plano adopted Ordinance No. 89-11-15 on November 13, 1989 and amended it by Ordinance No. 2009-4-22 on April 27, 2009, and now wishes to repeal Section 15-118 Same- On private property; notice of noncompliance; abatement; hearing; review board; lien for unpaid charges, etc., and amend Section 15-119, Breaking, injuring, etc., trees, shrubs on public property, of Article VI, Planting, Maintaining Trees, Shrubs on Public Property, of Chapter 15, Parks and Recreation of said ordinance to allow for the establishment of a process for the Building Standards Commission to enforce vegetation safety standards; and

WHEREAS, the City of Plano adopted Ordinance No. 2004-10-7, on October 11, 2004; and Ordinance. No. 2009-11-7, on November 9, 2009; and Ordinance. No. 2011-1-14, on January 10, 2011; and Ordinance No. 2013-8-7, on August 12, 2013; and Ordinance. No. 2020-6-5, on June 8, 2020, and now wishes to amend Section 6(c)(1) to enlarge the jurisdiction of the Building Standards Commission to allow that Commission to enforce ordinances relating to dangerous conditions involving vegetation; and

WHEREAS, the City Council finds it is in the public interest to repeal Section 15-118, Same- On private property; notice of noncompliance; abatement; hearing; review board; lien for unpaid charges, etc. and amend Section 15-119, Breaking, injuring, etc., trees, shrubs on public property, of Article VI, Planting, Maintaining Trees, Shrubs on Public Property, of Chapter 15, Parks and Recreation, and amend Section 6-3(c)(1), Building Standards Commission organization and authority, of Division 2, Building Standards Commission of Article I, In General, of Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano, Texas to establish a process for the Building Standards Commission to enforce vegetation safety standards.

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

Section I. Section 15-118, Same- On private property; notice of noncompliance; abatement; hearing; review board; lien for unpaid charges, etc., of Article VI, Planting, Maintaining Trees, Shrubs on Public Property, of Chapter 15, Parks and Recreation, of the Code of Ordinances of the City of Plano is hereby repealed.

Section II. Section 15-119, Breaking, injuring, etc., trees, shrubs on public property, of Article VI, Planting, Maintaining Trees, Shrubs on Public Property, of Chapter 15, Parks and Recreation, of the Code of Ordinances of the City of Plano is hereby amended to read as follows:

“Sec. 15-119. - Breaking, injuring, etc., trees, shrubs on public property.

Except to remove, prune, trim or maintain trees, shrubs or landscaping as required by the City of Plano Property Maintenance Code, as amended, or as authorized by the director in writing, it shall be unlawful for any person, firm or corporation to cut or break any branch of any tree or shrub or injure in any way the bark of any tree or shrub growing on any public street, parkway area, park or other municipal property. No person, firm or corporation shall allow any injurious substance such as gas, salt, oil or other harmful substance to come in contact with any public tree, plant or shrub. Franchise utility companies are exempt providing there is an easement or right-of-way legally allowing the best practice pruning or removal of trees to protect the utility from damage caused by overgrown trees or landscaping. Utility companies shall provide advance notice to the city of their intended non-emergency tree pruning schedule and location of impacted area.”

Section III. Section 6-3(c)(1), Building Standards Commission organization and authority, of Division 2, Building Standards Commission, of Article I, In General, of Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano, Texas is hereby amended to read as follows:

“(c) Powers and duties.

(1) Jurisdiction. The building standards commission has authority to enforce the enumerated health and safety ordinances as authorized by subchapter C, Chapter 54, Texas Local Government Code, as amended. Specifically, the commission hears cases relative to ordinances:

- a. For the preservation of public safety, the materials or methods used to construct a building or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, and entrances or exits;
- b. Relating to the fire safety of a building or improvement, including provisions for materials, types of construction or design, warning devices, availability of water supply for extinguishing fires, or location, design, or width of entrances or exits;
- c. Relating to dangerously damaged or deteriorated buildings or improvements;

- d. Relating to conditions involving vegetation, landscape, trees, bushes, shrubs, vines, brush, ground-cover plants or other similar matter that causes a public safety hazard; or
- e. Relating to a building code as it pertains to the condition, use, or appearance of property in the City of Plano.”

Section IV. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(b) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section V. It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

Section VI. All provisions of the ordinance of the City of Plano, codified or uncoded, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the ordinances of the City of Plano, codified or uncoded, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section VII. This Ordinance shall become effective immediately upon its passage and publication as provided by law.

DULY PASSED AND APPROVED this the 27th day of September, 2021.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY