

ORDINANCE NUMBER 745

AN ORDINANCE AMENDING CHAPTER 7, OFFENSES AND NUISANCE OF THE CODE OF ORDINANCES OF THE CITY OF HILSHIRE VILLAGE, TEXAS, BY REPLACING ARTICLE 7.700 IN ITS ENTIRETY, ESTABLISHING RULES AND REGULATIONS CONCERNING TREE PRESERVATION; PROVIDING A PENALTY IN AN AMOUNT AS PROVIDED FOR IN SECTION 1.106 OF THE CITY'S CODE OF ORDINANCES FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

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

**Section 1.** The Chapter 7, Offenses and Nuisance, of the Code of Ordinances of the City of Hilshire Village, Texas, is hereby amended by replacing Article 7.700 in its entirety, to provide as follows:

**ARTICLE 7.700. - TREE PRESERVATION**

Sec. 7.701 – Purpose

1. The purpose of this article is to preserve the Tree canopy and continue the wooded character that have been the hallmark of the city since its founding while protecting owners' rights to utilize and enjoy their property by:
  - a. establishing minimum tree requirements,
  - b. requiring careful site planning and the protection of trees,
  - c. controlling unnecessary tree removal,
  - d. requiring tree replacement, and
  - e. prohibiting indiscriminate cutting or clearing of trees.
2. This article applies only to property in Zoning Districts R-1, R-2, R-3, and R-4.

Sec. 7.702 – Definitions

As used in this article, the following words, terms, and phrases shall have the meanings ascribed to them in this section:

*Approved Tree List* shall mean a list approved and maintained by the city that lists species of Trees that are approved for meeting the minimum tree requirement described in this article.

*Building* shall mean any structure with a roof and enclosing walls that is used or intended for supporting or sheltering any use or occupancy.

*Circumference or Diameter* shall mean Circumference or Diameter measured at a point on a Tree four and one-half feet (4½') above the surrounding ground level. The equivalent Circumference or Diameter may be used for measurement purposes. Tree diameter in inches x 3.14 = Tree Circumference in inches. (For example, 6" Diameter X 3.14 = 18.84" Circumference). To measure a Tree which forks or has two boles or stems at or below four and one-half feet (4½'), only the Circumference or Diameter of the larger bole or stem shall be measured.

*Critical Root Zone* shall mean the area of a Tree that is within a circle centered on the trunk location, with the circle's Diameter being one-half of the sum of the longest and shortest drip line Diameters.

*High Canopy Tree* shall mean a Tree which, under normal conditions, will exceed 40 feet in height during its lifetime and which would be expected to live more than 40 years under normal conditions. Examples are identified on the Approved Tree List.

*Mid Canopy Tree* shall mean a Tree which, under normal conditions, will exceed 25 feet in height during its lifetime and which would be expected to live more than 20 years under normal conditions. Examples are identified on the Approved Tree List.

*Subject Site* shall mean any particular lot, tract, or parcel of land that is subject to the Building permit process or otherwise invokes the regulations established in this article.

*Tree* shall mean a woody, perennial plant typically having a single stem or trunk, growing to a considerable height and bearing lateral branches at some distance from the ground.

*Tree Removal Permit* shall mean a permit issued by the city for the removal of a Tree.

#### Sec. 7.703 – Minimum Tree Requirement

- (1) A lot owner must maintain at least one (1) Tree that is six inches (6") or greater in Diameter for every 1,500 square feet of lot area (excluding any land in an easement area owned by the Harris County Flood Control District), rounded to the nearest whole number (see Table 1). Seventy-five percent of the Trees shall be High Canopy Trees and the remaining 25% shall be either High Canopy or Mid Canopy Trees.
- (2) If a lot has less than the number of Trees described in the preceding subsection, the owner shall maintain the number of High Canopy Trees and Mid Canopy Trees larger than three inches (3") in Diameter, counting from the largest Diameter to the smallest Diameter, that are on the lot at the time a Tree Removal Permit is sought or the provisions of this article are otherwise invoked.
- (3) Every lot shall be required to have a minimum of one Tree.
- (4) A lot owner who is applying for a permit issued under the building permit process of the city's Code of Ordinances for the demolition of, construction of, or addition to any Building shall, regardless of the number or size of the Trees existing on a lot prior to issuance of a permit, plant the additional Trees as may

be necessary to meet the minimum tree requirement described in subsection (1) above if the owner is:

- (a) constructing a new or replacement Building, or
- (b) constructing an addition[s] or extension[s] to an existing Building that increases the square footage of the Building by 40% or more.

**Table 1 - number of Trees required for representative lot sizes**

Lot Size (sq. ft.)	Lot Size / 1,500	# of Trees
22,000	14.7	15
21,000	14.0	14
20,000	13.3	13
19,000	12.7	13
18,000	12.0	12
17,000	11.3	11
16,000	10.7	11
15,000	10.0	10
14,000	9.3	9
13,000	8.7	9
12,000	8.0	8
11,000	7.3	7
10,000	6.7	7
9,000	6.0	6
8,000	5.3	5

Sec. 7.704 – Preservation and Protection of Trees

- (1) It is unlawful to remove any Tree that is six inches (6”) in Diameter or greater without first obtaining permission from the city for each Tree to be removed.
- (2) It is unlawful to remove a Tree that is less than six inches (6”) in Diameter without first obtaining permission from the city if
  - (a) the Tree is required to meet the minimum tree requirement for the lot as described in section 7.703(2), or
  - (b) the Tree was planted as a replacement for a previously removed Tree.
- (3) It is unlawful to intentionally cause serious damage or death to any Tree that is six inches (6”) in Diameter or greater by severing the main trunk or large branches or large roots, girding, poisoning, carving, mutilating, touching with live wires, piercing with nails or spikes, crushing or exposing the roots, digging

or drilling any hole or trench larger than three cubic feet (3 ft<sup>3</sup>) within the Critical Root Zone.

- (4) Before beginning demolition or construction, the lot owner shall put in place all appropriate methods of protecting Trees during demolition and/or construction. Proper protection shall mean, at a minimum, a fence four feet (4') in height and composed of a material that is strong enough to prevent vehicles, materials, debris, dirt and other demolition or construction refuse from piling up within the Critical Root Zone. The fence shall be a minimum of six feet (6') away from the base of the Tree at all points to prevent damage to the Tree.

**Sec. 7.705 – Tree Removal**

- (1) The city will permit the removal of a Tree only if an owner demonstrates to the city that at least one of the following criteria exists:

- (a) The applicant's lot will, after removal of the Tree, satisfy the minimum Tree requirement as described in section 7.703(1).
- (b) The Tree is diseased, dying or dead.
- (c) Construction is planned in the area where the Tree stands.
- (d) The Tree creates a hazard that is or is likely to cause damage to property or danger to the public health, safety or welfare.
- (e) Good arbor management practices indicate removal will be beneficial to surrounding Trees.

The city may require an owner to provide certification by an arborist that a Tree meets criteria (b), (d) or (e).

- (2) If the previous subsection is satisfied, the city will issue a Tree Removal Permit if a lot owner completes the following steps:

- (a) Executes the city's Tree Removal Permit application, which includes a certification that, upon removal of the Tree, either the lot will continue to satisfy the minimum tree requirement as described in section 7.703(1) or the lot owner will comply with Section 7.706 below regarding Tree replacement. If concurrent Tree Removal Permits are sought, the minimum tree requirement must be satisfied after all Trees are removed.
- (b) Pays the application fee as adopted by city council and posts a deposit for each replacement Tree that is required to be planted to comply with this article. The deposit will be fully refundable after the city has inspected the lot and confirmed that all required replacement and/or additional Trees have been planted. The deposit may be waived by the city if a natural disaster, fire or other catastrophe results in the loss of a number of Trees on a lot. The application fee shall be waived by the city if the applicant shows that the Tree to be removed is diseased, dying or dead or if, after removal of a Tree, the lot has more than the minimum Tree requirement in section 7.703(1).

- (3) Removal of a Tree without a Tree Removal Permit shall not constitute a violation of this article if the removal was required due to an emergency situation requiring its immediate removal to protect against a serious and immediate risk

- to health, safety or property and, because of the emergency, the lot owner could not obtain the Tree Removal Permit, provided that, as soon as reasonably possible after the Tree removal, the lot owner submits a Tree Removal Permit application without the fee and an explanation of the nature of the emergency.
- (4) The city may require a lot owner to remove any Tree that is damaged, dead or dying and that the city deems a danger to person or property. The owner shall have thirty days (30) after receipt of the notice to remove the Tree.
  - (5) Removal of a Tree shall be performed by the lot owner or by a reputable Tree removal company, and the owner shall ensure that the Tree removal work is adequately covered by bond or insurance.

**Sec. 7.706 – Replacement of Trees**

- (1) If, after removal of a Tree, a lot does not or will not satisfy the minimum tree requirement as described in section 7.703(1), then, as a condition to issuance of a Tree Removal Permit, the lot owner shall, within 120 days after removal of the Tree, properly plant and maintain a Tree from the Approved Tree List that is at least three inches (3”) in Diameter measured at six inches (6”) above the grade for each removed Tree.
- (2) A lot owner may request additional species be added to the Approved Tree List by submitting a written request to city council. Property owners are encouraged (but not required) to plant Trees native to the Texas Gulf Coast.

**Sec. 7.707 - Tree Survey**

- (1) Every permit issued under the Building permit process of the city’s Code of Ordinances for the demolition of, construction of, or addition to any Building shall include a Tree survey. Permit applicants must obtain and complete the proper forms, available in the city office, to show compliance with this article.
- (2) The permit holder will make every effort to maintain the distribution of existing Trees. However, if the design, layout, plans, or construction of the proposed Building cannot avoid the removal of any Tree that is six inches (6”) in diameter (18.84” in Circumference) or larger, then the permit holder shall be required to replace each removed Tree with a Tree from the Approved Tree List. Each replacement Tree shall have a minimum caliper of three inches (3”) in diameter (9.42” in Circumference).
- (3) The Tree survey shall be prepared by a person with expertise to prepare the a document, the as an architect, engineer, arborist, or surveyor.
- (4) The Tree survey shall accurately reflect, at a minimum, the following information:
  - (a) The actual location (i.e., trunk location), diameter and type of each Tree on the Subject Site which is six inches (6”) in diameter (18.84” in Circumference) or larger.
  - (b) Building or structure outlines, parking areas and other paved surfaces, fences, utilities, and other improvements existing or to be constructed.
  - (c) The location of Tree protection fences.

- (d) A scale, north arrow, name, address, phone number and profession or occupation of the person who prepared it, and the name of the site owner and of the permit applicant.
- (e) Identification of the real estate development and a description of the Subject Site and its location.
- (f) The number and anticipated placement of the replacement and additional Trees as may be required by this article.

**Sec. 7.708 - Final Inspection, Issuance of Certificate of Occupancy**

At final inspection under every Building permit that includes a Tree Survey, the building official shall inspect and confirm compliance with the Tree survey and planting of required Trees, if any. No certificate of occupancy shall be issued until the minimum Tree requirement has been met, or the owner has made the appropriate deposit under 7.705(2)(b) if the certificate of occupancy is to be issued between May and September.

**Sec. 7.709 - Destruction of or Damage to Trees on Public Property**

In addition to the violation of any criminal law dealing with destruction of public property, it shall be unlawful to remove, destroy, kill, or damage any Tree located on any public property in the city except when necessary in furtherance of the public health, safety or welfare. This section shall not prevent the city or any public utility from performing necessary maintenance or repair activities that may affect Trees located within easements or on public property.

**Sec. 7.710 - Exemptions from Requirements of this Article**

- (1) The provisions of this article shall not apply to Trees removed or trimmed within an easement for public or private utilities by the easement's owner or the owner's employee or authorized contractor by the utility provider or its authorized contractor, if the trimming or removal of the Trees is required to properly use or maintain the easement. This article shall also not apply to Trees removed or trimmed by the city or its authorized representative or by the utility provider or its authorized contractor on any public property or within any public right-of-way, including, but not limited to, drainage easements and roadway easements.
- (2) If this article would require a Tree to be planted from May through September in any year, the planting may be delayed until October of that same year, provided the owner posts a deposit in accordance with section 7.705(1)(b).

**Sec. 7.711 - Enforcement ; Penalty**

- (1) During the time of an active permit, the city has the authority and right to inspect any property, including by entering that property, to monitor or ensure compliance with this ordinance.
- (2) The city may require any lot owner to prove that the owner is in compliance with this ordinance.

- (3) The city may withhold, revoke, or suspend any Tree Removal Permit or Building permit if any condition or requirement of this article or the permit is not fulfilled.
- (4) The city may order an immediate stop to the removal of any Tree, any activity that is likely to cause serious damage or death to any Tree, or any demolition or construction of a Building, if the activity is being done in violation of this ordinance.
- (5) The city may hire a tree inspector for advice in enforcement of this ordinance.
- (6) Penalty. Anyone who intentionally, knowingly, recklessly, or with criminal negligence violates any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount as provided for in the general penalty provision in Section 1.106. Each day during which the violation shall exist or occur shall constitute a separate offense. The owner of any property where any violation of this article occurs and any agent, contractor, builder, architect, individual or entity that assists in the commission of the offense shall be guilty of a separate offense and, upon conviction thereof, may be fined.

**Sec. 7.712 - Appeal**

Anyone whose request for a Building permit, Tree Removal Permit, or certificate of occupancy has been denied or revoked may appeal that decision to the city council by filing a written notice of appeal with the city. The city council shall provide the applicant an opportunity to present evidence and arguments demonstrating that the applicant has complied with this article and is entitled to a permit or certificate of occupancy, and that the city erred in refusing to issue the requested permit or certificate of occupancy. If, at the conclusion of the hearing, a majority of the city council determines that the applicant is entitled to a permit or certificate of occupancy, the city shall issue one. Otherwise, the city's denial shall be affirmed.

**Sec. 7.713 - Approved Tree List**

The two tables in below (High Canopy Trees and Mid Canopy Trees) list the approved trees for replacement or new planting as described in the previous sections. This list may be amended from time to time when additional trees are approved by the City Council.

Residents planning to plant trees are encouraged to review the following:

- A. Texas Tree Planting Guide provided by the Texas A&M University Forest Service ([texastreeplanting.tamu.edu](http://texastreeplanting.tamu.edu)). This web site has detailed information on the types of trees that are suited to the climate and soil conditions in Texas. It also includes detailed descriptions of hundreds of individual species.
- B. Tree Planting Guide by the Houston Area Urban Forestry Council ([https://www.houstontx.gov/parks/pdfs/2015/TreePlantingGuideBooklet\\_Eng.pdf](https://www.houstontx.gov/parks/pdfs/2015/TreePlantingGuideBooklet_Eng.pdf)). The document contains valuable information on the planting and maintenance of trees in the Houston area.

[Document continues on next pages with chart.]

**High Canopy Trees (expected to grow to 40 ft or taller under normal conditions)**

	<b>Common Name</b>	<b>Scientific Name</b>	<b>Growth</b>	<b>Characteristics</b>
1	American Elm (White Elm)	<i>Ulmus americana</i>	Rapid	Texas native, reliable fall color, seeds or fruit eaten by wildlife. Deep green leaves turn bright yellow in fall. Fast-growing, vase-shaped shade tree that tolerates a wide range of conditions. Dutch elm disease not too bad in Texas; extensive, shallow root system.
2	Bald Cypress	<i>Taxodium distichum</i>	Moderate	Deciduous conifer with feather-like leaves, round seed balls, and fibrous bark. Adapted to many soil and moisture conditions. Grows well in wet areas. Woody 'knees' develop on wet sites.
3	Black Walnut	<i>Juglans nigra</i>	Moderate	Texas native, seeds or fruit eaten by wildlife. Distinctive shade tree for open spaces. Fruits can be extremely messy. Webworm can be a problem. Leaves drop early in the fall.
4	Blackgum (Black Tupelo)	<i>Nyssa sylvatica</i>	Moderate	Texas native, reliable fall color, attractive seeds or fruit, seeds or fruit eaten by wildlife. Prefers acid soils. Bright, shiny foliage turns red and purple early in the fall. Shallow-rooted.
5	Bur Oak (Mossycup Oak)	<i>Quercus macrocarpa</i>	Slow	Texas native, reliable fall color, attractive seeds or fruit, seeds or fruit eaten by wildlife. Unique leaf shape; large acorn is enclosed in a fuzzy cap. Excellent, drought-tolerant native tree, with rough texture and large acorn.
6	Bitternut hickory (swamp hickory)	<i>Carya cordiformis</i>	Moderate	Large pecan hickory with commercial stands located mostly north of the other pecan hickories.
7	Carolina Basswood (Linden)	<i>Tilia caroliniana</i>	Rapid	Texas native, showy or fragrant flower, attractive seeds or fruit. Large, oval shade tree with interesting winged fruits. Flowers are a favorite of honeybees. Needs plenty of room.
8	Cedar Elm	<i>Ulmus crassifolia</i>	Moderate	Texas native, reliable fall color. Fine textured leaves turn yellow in fall. Tough, drought-tolerant shade tree, well-adapted to a variety of conditions.
9	Cherrybark Oak	<i>Quercus falcata var. pagodifolia</i>	Moderate	Texas native, reliable fall color, seeds or fruit eaten by wildlife. Excellent native shade tree for a variety of planting situations.
10	Chinkapin Oak	<i>Quercus muehlenbergii</i>	Moderate	It is also planted widely as a shade tree suitable for limestone soils. Occurs from northeast Texas to Central Texas and south to the Guadalupe River, and also in the mountains of West Texas, growing on mostly limestone soils, especially at the base of bluffs and along stream courses.
11	Green Ash	<i>Fraxinus pennsylvanica</i>	Rapid	Texas native, reliable fall color. Tolerates a wide range of soil conditions. Needs pruning to develop strong branch structure.
12	Laurel Oak (swamp laurel oak, diamond-leaf oak, water oak, obtusa oak)	<i>Quercus laurifolia</i>	Moderate	native to the southeastern and south-central the United States, from coastal Virginia to central Florida and west to southeast Texas



<b>High Canopy Trees (expected to grow to 40 ft or taller under normal conditions)</b>				
	<b>Common Name</b>	<b>Scientific Name</b>	<b>Growth</b>	<b>Characteristics</b>
13	Live Oak (Encino)	<i>Quercus virginiana</i>	Rapid	Texas native, seeds or fruit eaten by wildlife. Glossy, deep green leaves remain all winter; long-lived shade tree. Allow plenty of room; can develop surface roots.
14	Loblolly Pine	<i>Pinus taeda</i>	Rapid	Texas native. Medium-length green needles and large, brown cones in the fall. Tolerates a wide range of site conditions, but prefers good drainage.
15	Montezuma Cypress (Bald Cypress)	<i>Taxodium mucronatum</i>	Rapid	Texas native, attractive seeds or fruit. Delicate, feathery foliage casts a light shade. Bark is reddish and shredding.
16	Nuttall Oak	<i>Quercus nuttallii</i>	Moderate	Grows well on heavy, poorly drained, clay soils deposited by rivers.
17	Overcup Oak	<i>Quercus lyrata</i>	Moderate	Texas native, seeds or fruit eaten by wildlife. Small acorns are an important wildlife food source. Tolerates poor drainage and heavy clay soils.
18	Pecan	<i>Carya illinoensis</i>	Moderate	Texas native, seeds or fruit eaten by wildlife. Nuts are an important wildlife food. Mature crown is open and airy. State tree of Texas. Plant with plenty of room.
19	Red Maple	<i>Acer rubrum</i>	Rapid	Texas native, reliable fall color, attractive seeds or fruit. Flowers and winged fruits in spring are red. Brilliant fall color, yellow to red.
20	River Birch	<i>Betula nigra</i>	Rapid	Texas native. Attractive pinkish peeling bark. Works well as multiple trunk specimen. Prefers moist sites like stream banks. Susceptible to ice damage.
21	Shagbark Hickory	<i>Carya ovata</i>	Moderate	Common hickory in the Eastern United States and southeast Canada
22	Shumard Oak	<i>Quercus shumardii</i>	Rapid	Texas native, reliable fall color, seeds or fruit eaten by wildlife. Young trees have "candelabra" shape; fall color is orange to deep red. Widely available; prefers well-drained soils. Seed source of trees may determine success.
23	Southern Magnolia	<i>Magnolia grandiflora</i>	Moderate	Texas native, showy or fragrant flower, attractive seeds or fruit, seeds or fruit eaten by wildlife. Large, white flowers and glossy, deep green leaves. Plant in well drained soil and let limbs grow to the ground. Some cultivars tolerate alkalinity.
24	Swamp Chestnut Oak (Cow Oak)	<i>Quercus michauxii</i>	Moderate	Texas native, reliable fall color, seeds or fruit eaten by wildlife. Large leaves turn deep red in fall; large acorns are popular with wildlife. Tolerates seasonal poor drainage, but prefers loamy soils.
25	Sweetgum	<i>Liquidambar styraciflua</i>	Rapid	Texas native, reliable fall color, attractive seeds or fruit. Distinctive star-shaped leaves and round, spiky seed balls. Rapid, upright growth. Fall color ranges from yellow to purple.

**High Canopy Trees (expected to grow to 40 ft or taller under normal conditions)**

	<b>Common Name</b>	<b>Scientific Name</b>	<b>Growth</b>	<b>Characteristics</b>
26	Sycamore (American Planetree)	<i>Platanus occidentalis</i>	Rapid	Texas native, attractive seeds or fruit. Old bark flakes off to reveal pale new bark. Round fruit is a mass of small seeds. Provide plenty of room and a moist site.
27	Thornless Honeylocust	<i>Gleditsia triacanthos var. inermis</i>	Rapid	Texas native, reliable fall color, attractive seeds or fruit, seeds or fruit eaten by wildlife. Wildlife eat seed pods.
28	Water Oak (Pin Oak)	<i>Quercus nigra</i>	Rapid	Texas native, seeds or fruit eaten by wildlife. Dark green bell-shaped leaves form a dense canopy. This common native does best on well drained, moist sites.
29	White Ash	<i>Fraxinus americana</i>	Rapid	Texas native, reliable fall color .Fall color is yellow, orange, and purple. Male trees are seedless. A relatively clean shade tree. Prefers loamy, well-drained soils.
30	White Oak	<i>Quercus alba</i>	Slow	Texas native, reliable fall color, seeds or fruit eaten by wildlife. Excellent long-lived shade tree. Wildlife eat acorns. Fall color is red. Works best on well-drained, loamy soils.
31	Willow Oak	<i>Quercus phellos</i>	Rapid	Texas native, reliable fall color, seeds or fruit eaten by wildlife. Narrow, light green leaves turn yellow-brown in the fall. Fine twigs and strong branch structure. Prefers moist conditions.

<b>Mid Canopy Trees (expected to grow to 20 ft or taller under normal conditions)</b>				
	<b>Common Name</b>	<b>Scientific Name</b>	<b>Growth Rate</b>	<b>Characteristics</b>
1	American Holly	<i>Ilex opaca</i>	Slow	Texas native, attractive seeds or fruit, seeds or fruit eaten by wildlife. Glossy, evergreen leaves and bright red berries create a striking winter appearance. A striking landscape tree, can be used as a screen. Plant away from pedestrian areas. Thin bark is easily damaged; leaves have thorny margin; fruit drop.
2	Anacua (Knockaway, Sandpaper Tree)	<i>Ehretia anacua</i>	Slow	Texas native, showy or fragrant flower. Flowers, fruit, and trunk. Drought-tolerant native with gnarled trunk and sandpaper leaves. Fruit drop.
3	Carolina Laurelcherry (Cherry-Laurel)	<i>Prunus caroliniana</i>	Moderate	Indian sub-continent native, showy or fragrant flower, attractive seeds or fruit, seeds or fruit eaten by wildlife. Glossy, evergreen leaves; black fruits are preferred by wildlife. Makes a good vertical screen; requires well-drained soil. Flowers attract bees and fruits can be messy; borers attack trunks.
4	Chinese Pistache	<i>Pistacia chinensis</i>	Rapid	Excellent fall color and bright red fruit, darkening to blue. No pest problems. Tolerant of poor, dry soils. Requires pruning to develop strong branch structure. Poor branch structure when young. Could become invasive in some areas.
5	Eastern Hophornbeam (Ironwood)	<i>Ostrya virginiana</i>	Moderate	Texas native, reliable fall color, attractive seeds or fruit. Orange-brown bark peels in lengthwise strips; seed pods hang on through winter. Dense crown provides a deep shade. Works as an understory tree. Borers, leafminers are minor pests.
6	Eastern Redcedar	<i>Juniperus virginiana</i>	Rapid	Texas native, seeds or fruit eaten by wildlife. Birds eat the blue berries; bark is fibrous and shredding. Often used as a windbreak. 'Canaertii' is a cultivar used as a specimen tree. Can be invasive; males produce lots of pollen.
7	Flowering Dogwood	<i>Cornus florida</i>	Moderate	Texas native, reliable fall color, showy or fragrant flower, attractive seeds or fruit, seeds or fruit eaten by wildlife. Beautiful white flowers in spring, red berry clusters in fall. Often brilliant red fall color. Requires well-drained soils, but is sensitive to drought. Pests include powdery mildew and cankers.
8	Huisache (Sweet Acacia)	<i>Acacia farnesiana</i>	Moderate	Fragrant, orange blooms appear before soft blue-green foliage in early spring. Tough native tree with sweet-smelling spring flowers. Small prickles on branchlets; requires regular pruning to develop a few main trunks.
9	Mexican White Oak (Monterrey Oak, Netleaf White Oak)	<i>Quercus polymorpha</i>	Moderate	Naturally occurring only in one known U.S. population, near the Devil's River in Val Verde county, but more common in Mexico. Now planted widely as a landscape tree.
10	Texas Sabal Palm (Mexican Palmetto)	<i>Sabal texana</i>	Slow	Texas native, seeds or fruit eaten by wildlife. Large blue-green, fan-shaped leaves; seeds eaten by wildlife. Only palm tree native to Texas; cold-tolerant; can be difficult to find nursery stock. Slow growth.
11	Winged elm (wahoo)	<i>Ulmus alata</i>	Slow	The species is tolerant of a wide range of soils, and of ponding, but is the least shade-tolerant of the North American elms. Its growth rate is often very slow

**Section 2.** Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violate any provision of this Ordinance, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500. Each day of violation shall constitute a separate offense.

**Section 3.** To the extent there may exist any conflict or inconsistency between the terms of any two ordinances of the City, the more restrictive of the two documents shall prevail and shall be interpreted and enforced according to its own terms.

**Section 4.** 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 Hilshire Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any the part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2017.

CITY OF HILSHIRE VILLAGE, TEXAS

\_\_\_\_\_  
Russell Herron, Mayor

ATTEST:

\_\_\_\_\_  
Susan Blevins,  
City Secretary