

ORDINANCE NO. 2023-47

AN ORDINANCE OF THE CITY OF WYLIE, TEXAS, AMENDING WYLIE'S CODE OF ORDINANCES, ORDINANCE NO. 2021-17, AS AMENDED, CHAPTER 78 (PARKS AND RECREATION), ARTICLE VIII (PLANTING, MAINTAINING TREES, SHRUBS ON PUBLIC PROPERTY), SECTION 78-256(B)(3)A. (ADJACENT LANDOWNER RESPONSIBILITY); INCREASING THE REQUIRED CLEARANCE HEIGHT OF TREES AND SHRUBS THAT EXTEND OVER THE CURB LINE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Wylie, Texas ("City Council") has investigated and determined that it is in the best interest of the City of Wylie, Texas ("Wylie") to increase the clearance height of trees and shrubs in the public right-of-way; and

WHEREAS, the City Council further finds that it is a reasonable exercise of its police power to regulate said clearance height; and

WHEREAS, the City Council has found that it would be advantageous and beneficial to the citizens of Wylie to adopt said amendments;

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

SECTION 1: FINDINGS INCORPORATED. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to Chapter 78 (Parks and Recreation), Article VIII (Planting, Maintaining Trees, Shrubs on Public Property), Section 78-256(b)(3)a. (Adjacent Landowner Responsibility) of the Wylie Code of Ordinances. Chapter 78 (Parks and Recreation), Article VIII (Planting, Maintaining Trees, Shrubs on Public Property), Section 78-256(b)(3)a. (Adjacent Landowner Responsibility) of the Wylie Code of Ordinances; is hereby amended to increase the required clearance height of trees and shrubs that extend over the curb line from "13 feet" to "15 feet" as follows:

"Sec. 78-256. - Adjacent landowner responsibility.

...

(3) Create a traffic hazard.

- a. Property owners must maintain a clear space of eight feet above the surface of a sidewalk and 15 feet above the curb line of an adjacent street. In any event, no tree, shrub or other landscaping shall interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk or obscure the view of motor vehicle operators of any traffic-control device or street sign, visibility triangle, or otherwise create a traffic hazard and shall at all times comply with city rules, regulations and ordinances.

..."

SECTION 3: SAVINGS/REPEALING CLAUSE. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 4: SEVERABILITY. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Wylie hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 5: AMENDMENTS. For clarity in reading amendments to the Wylie Code of Ordinances, any language intended to be added to the code may be underscored in the amending ordinance, and any language intended to be deleted from the code may be placed in brackets and stricken through. These markings, when used, and the deleted portions shall be removed when amendments are printed in the code. The amended provisions as set forth in this Ordinance have also been renumbered for ease of reading.

SECTION 6: EFFECTIVE DATE. This Ordinance shall be effective upon its passage and publication as required by law.

DULY PASSED AND APPROVED by the City Council of the City of Wylie, Texas, this 26th day of September, 2023.

Matthew Porter, Mayor

**ATTESTED AND CORRECTLY
RECORDED:**

Stephanie Storm, City Secretary

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