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The Dallas City Code

VOLUME II

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CHAPTER 48

TREES AND SHRUBS

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SEC. 48-1. PARK BOARD - AUTHORITY TO REGULATE PLANTING, CUTTING, ETC.

The park board shall have the power to regulate and

control the planting, cutting, trimming and caring for all trees within the highways and streets of the city and shall make such rules and regulations governing the same as may be deemed advisable in conjunction with the city forester and shall from time to time make such rules and regulations as they may deem advisable concerning the planting, cutting and caring for trees and require the city forester to be governed thereby. (Code 1941, Art. 147-1)

SEC. 48-2. SAME - APPOINTMENT AND QUALIFICATIONS OF CITY FORESTER.

The park board shall have the authority to appoint and employ a city forester and such other officers, assistants and laborers as it may deem necessary for the efficient administration of the duties prescribed by this chapter. No person shall be appointed to the office of city forester unless such person, at the date of his appointment, has satisfied the park board that he possesses at least four years of practical experience in regular forest service, two of which shall have been in city forestry, and also that he has a thorough knowledge of soils, insects and plant diseases as they affect trees and their growth. The park board shall have the power to establish such rules and regulations as it shall deem necessary for the conduct of the city forester and for the administration of this chapter. (Code 1941, Art. 147-2; Ord. 8020)

SEC. 48-3. DUTY TO ENCOURAGE PLANTING OF TREES; PECUNIARY INTEREST IN MARKETING TREES.

It shall be the duty of the park board either directly or through the city forester to encourage the planting of trees within the city and to recommend the kind and character of trees to be planted which are suitable to the soil and will furnish the most practical results with a view of yielding shade and being ornamental in their nature. The city forester shall be courteous and attentive to the public in seeking advice and in aiding and assisting the public as well as encouraging the public in the planting of the proper kind of trees. No member of the park board nor the city forester shall be interested directly or indirectly in a pecuniary manner in selling or marketing any shade trees required to be used by the public but nothing in this section shall be construed to prevent the park board or the city forester from

giving proper advice as to the kind and character of trees to be planted and the time when such planting shall be done and all other information that may be necessary for such purposes. (Code 1941, Art. 147-3; Ord. 8020)

SEC. 48-4. PERMITS REQUIRED FOR PLANTING, TRIMMING, SPRAYING, ETC.

It shall be unlawful for any person to plant or set out any shade trees or cause or authorize any person to plant or set out any shade trees in or on any public highway within the city without first obtaining from the director of the park department a written permit to do so. It shall be unlawful for any individual or officer or employee of a corporation without the written permit of director of the park department to cut, prune, break, climb, injure or remove any living tree in a public highway, or cut, disturb or interfere in any way with the roots of any tree on a public highway or spray with any chemicals or insecticides any tree in a public highway; or place any rope, sign, poster or other fixture on a tree or guard in a public highway; or injure, misuse or remove any device placed to protect such tree on a public highway. (Code 1941, Art. 147-4)

SEC. 48-5. INJURING TREES.

It shall be unlawful for any person to pull up, cut down, burn or destroy, or in any manner injure any living tree standing in any street or public highway of the city. (Code 1941, Art. 147-5)

SEC. 48-6. INTERFERING WITH WORK OF PARK BOARD.

It shall be unlawful for any person to wilfully prevent, delay or in any manner interfere with the park board or any person acting under its direction and instruction in the planting, pruning, spraying, cultivating, caring for or removal of any living tree standing in any street or public highway in the city. (Code 1941, Art. 147-7)

SEC. 48-7. PROTECTION OF TREES IN CASE OF ERECTION OR REPAIR OF BUILDINGS.

In the erection or repair of any building or structure the owner thereof shall place such guards around all nearby

trees on the public highways as shall effectually prevent injury to them. (Code 1941, Art. 147-8)

SEC. 48-8. REMOVAL OF ELECTRIC WIRES TO PERMIT PRUNING, ETC.

Every person having any wire or wires charged with electricity running through a public highway shall temporarily remove any such wire or wires or the electricity therefrom when it shall be necessary, in order to take down or prune any trees growing in a public highway, within 48 hours after service upon the owner of such wires, or his agent, of a written notice signed by the director of the park department, to remove the wire or wires or the electricity therefrom. (Code 1941, Art. 147-9)

SEC. 48-9. INJURING TREES, SHRUBS OR PLANTS ON ANOTHER'S PROPERTY.

(a) It shall be unlawful for any person to cut, injure, mutilate or destroy any shrub, plant or tree in the city, in or upon property not belonging to such person, without the permission of the owner of the property.

(b) Any person violating any provision of this section is guilty of an offense. (Code 1941, Art. 87-3; Ord. 19963)

SEC. 48-10. DISCHARGE OF OIL, BRINE OR SUBSTANCE LIKELY TO INJURE GRASS, SHRUBS OR TREES.

It shall be unlawful for any person, or his agent, servant, or employee, while handling, using, or transporting any oil, salt water, brine, or other substance or liquid of any character in connection with any ice cream business, oil business, or other character or kind of business, or otherwise, to suffer or permit any of the substance or liquid to drip upon or be thrown or discharged into any street or gutter of any street, or on any sidewalk or parkway on any street, so that the substance or liquid may injure or likely or probably cause injury to any growing grass plot, shrubbery, or tree, or to discharge any of the substance or liquid into any gutter of any street or otherwise so that the substance or liquid may flow onto or near any growing grass plot, shrubbery, or tree so as to injure or likely or probably cause injury to the grass plot, shrubbery, or tree; provided, that

nothing contained in this section shall prevent any person from discharging, throwing, or placing any substance or liquid described in this section into the inlet of any sewer that may be in any street where the substance or liquid will not cause injury to any shrubbery, grass, or tree, save and except that nothing shall be placed or discharged in any inlet that is likely to cause fire or combustion or that may be otherwise prohibited by this code or any other city ordinance. Any person, or his agent, servant, or employee, who violates any provision of this section shall be guilty of an offense. (Code 1941, Art. 87-16; Ord. 19963)

SEC. 48-11.DUTY TO REMOVE DEAD, DISEASED, AND DAMAGED TREES FROM PARKWAY.

(a) Every person owning, occupying, or in control of property shall, at the person's own expense, remove any dead, diseased, or damaged tree from the parkway abutting the property owned, occupied, or controlled by the person.

(b) The park department may remove a dead, diseased, or damaged tree from a parkway at the request of the owner, occupant, or person in control of the abutting property or upon failure of the owner, occupant, or person in control of the abutting property to remove the tree after being issued notice of removal by the park department. The fee for removal of a dead, diseased, or damaged tree from a parkway is \$75.

(c) For purposes of this section, parkway means the area along a public street between the curb and the sidewalk. (Ord. 20736)

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(3) to establish all rules and regulations for the protection of rights and property under the control of the said board for use, care, maintenance and management of all parks and the activities conducted therein;

(4) to conduct playgrounds and recreational facilities on the grounds and in the buildings in charge of the board; to supervise and equip playgrounds and play fields and manage and direct the same; and provide such other means and methods of recreation as it may deem advisable;

(5) to have authority to make such charges for such facilities of amusement, entertainment, refreshment or transportation of the public upon the park properties, and to grant or lease concession rights within the parks on such terms and conditions as it shall deem proper;

(6) to plant, set out, place, protect and care for flowers, vines, shrubs and trees to adorn and improve the public squares, grounds, boulevards, streets, avenues, parkways or other spaces within the city;

(7) to provide for an animal zoo and to exercise supervision and control thereof;

(8) to enforce all ordinances, rules and regulations governing parks and boulevards and such recreation centers, grounds and areas as have been or may hereafter be established, and to provide for the policing of same;

(9) to take and hold by purchase, gift, devise, bequest or otherwise, such real and personal property as may be useful or needful in connection with park purposes and to administer the same according to the provisions of the instrument of conveyance;

(10) in acquiring lands for the use of the park system, to exercise the rights of condemnation available to the city and in the name of the city;

(11) with the approval of the city council, when required by law, to sell and convey or lease lands whenever required in the interest of the city;

(12) to make all contracts necessary to carry out the objects and purposes of the park system as herein provided, the same to be approved by the city council as herein set out;

(13) when deemed advisable, to provide for park and recreation facilities on all public lands adjacent and recreational activities conducted on, the municipal water reservoirs of the city, and to provide for the maintenance, control and policing of same where not otherwise provided for, whether located within or without the city limits of the city;