

AN ORDINANCE 2011-10-20-0862

**AMENDING CHAPTER 21, ARTICLE VIII, SECTION 21-171,
OF THE CITY CODE OF SAN ANTONIO, TEXAS
REGARDING TREE MAINTENANCE LICENSES.**

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WHEREAS, the City Master Plan provides for the continued implementation and strengthening of tree preservation for the preservation of the natural settings of neighborhoods, communities, open spaces and parks; and

WHEREAS; the City Council desires to continue the policy to preserve trees and to promote increased tree canopy; and

WHEREAS, the City Council recognizes that improper tree pruning and trimming can kill trees and cause harm to the community through the spread of disease such as Oak Wilt; and

WHEREAS, the impact of improper tree pruning and trimming extends far beyond the property the subject of the trimming by becoming a public health, safety and welfare concern for the City of San Antonio; and

WHEREAS, these amendments to Chapter 21 of the City Code, *Tree Maintenance License*, will enhance training requirements and incentivize obtainment of a proper tree maintenance license; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 21 of the City Code of San Antonio, Texas is hereby amended by adding language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth in this Ordinance.

SECTION 2. Chapter 21 of the City Code of San Antonio, Texas is hereby amended as follows:

Chapter 21, Article VIII, Section 21-171, is amended as follows:

Sec. 21-171. Tree Maintenance License.

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing trees without a valid tree maintenance license by the City of San Antonio. A tree maintenance license shall be valid for three (3) years from the date of issuance. An application for a tree maintenance license shall not be deemed complete until proof of successful completion of continuing education credits and proof of current Liability Insurance are submitted, and all applicable fees are paid. The applicant is required to carry General Liability Insurance in a minimum amount of three

hundred thousand (\$300,000) dollars in the aggregate each. Further, proof of insurance shall be required as a condition precedent to secure a permit as required in this subsection and upon each subsequent renewal. A failure to maintain proof of insurance for the permitted year shall result in a revocation of the issued permit. Proof of minimum coverage amounts maintained for the preceding year must be provided with each application for renewal. Proof of insurance shall be underwritten by an organization licensed/authorized to do business in the State of Texas. The City shall be listed on the policy for notification of any lapse in coverage.

A tree maintenance license shall require proof of completion of a minimum of fifteen (15) continuing education credits (CEU's) as approved by the City Arborist per three-year licensing period before the license is issued, including written acknowledgement by signature of the Code of Ethics for the City tree maintenance license. An initial temporary license may be issued for a period of one (1) year to allow the applicant time to obtain the necessary CEU's. A temporary license shall only be issued following the completion of a two (2) hour City sponsored introductory class on safety, Oak Wilt, tree biology, tree pruning and tree identification. The two (2) hours credit will be applied to the fifteen (15) hour CEU requirement for the 3 year maintenance license. A knowledge assessment administered by the City must be successfully completed to receive credit. Certified Arborists will qualify automatically for the tree maintenance license and shall receive 50% reduction on their tree maintenance license fee. In addition, if the tree maintenance license holder is not on the job site, a crew member with at least a minimum of two (2) hours of City Arborist approved continuing education credits shall be on site during tree pruning operations.

Failure to maintain or submit any of the above requirements will result in the immediate revocation of the tree maintenance license. No license shall be required of any employee of a public utility or the city while performing tree maintenance in their capacity as such employee.

~~It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing trees for profit without first applying for and procuring a tree maintenance license. A tree maintenance license shall require proof of continuing education credits at a minimum of four (4) hours per three-year licensing period before the license is issued, provided however, the initial issuance of a license shall be for a period of one (1) year to allow the applicant to obtain the necessary continuing education credits. The license shall be valid for three (3) years and the fee shall be paid in advance. No license shall be required of any employee of a public utility or the city.~~

SECTION 3. All other provisions of Chapter 21 of the City Code of San Antonio, Texas shall remain in full force and effect unless expressly amended by this ordinance.

SECTION 4. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or

limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 5. The City Clerk is directed to publish notice of these amendments to Chapter 21, Article VIII of the City Code of the City of San Antonio, Texas. Publication shall be in an official newspaper of general circulation in accordance with Section 17 of the City Charter.

SECTION 6. The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

SECTION 7. This ordinance shall be effective immediately upon passage by eight or more affirmative votes; otherwise it shall be effective on the tenth day after passage.

PASSED AND APPROVED this 20th day of October 2011



M A Y O R
Julián Castro

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

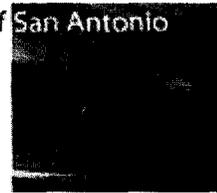


Michael Bernard, City Attorney
for



Request for
COUNCIL
ACTION

City of San Antonio



Agenda Voting Results - 23

Name:	6, 7, 8, 9, 10, 12, 15, 16, 17, 18, 20, 21, 22, 23, 27, 28, 29, 30, 31, 32, 33A, 33B, 34, 35						
Date:	10/20/2011						
Time:	02:38:13 PM						
Vote Type:	Motion to Approve						
Description:	An Ordinance amending the City of San Antonio Code Chapter 21, Article VIII, Section 21-171, Tree Maintenance License. [T.C. Broadnax, Assistant City Manager, Roderick J. Sanchez, Director, Development Services]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x			x	
Rey Saldaña	District 4		x				
David Medina Jr.	District 5	x					
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
Carlton Soules	District 10		x				x