

Center Line - Tree Ordinance

Chapter 78 VEGETATION*

***Cross references:** Streets, sidewalks and other public places, ch. 62.

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Sec. 78-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Growth includes any or all thereof unless the context otherwise requires.

Shrubs under 15 feet in height may include vines and plants.

Trees includes shrubs which grow higher than 15 feet.

(Code 1962, § 5-201)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 78-2. Trees in public ways.

The department of public works shall have complete charge and control over the planting, cutting, trimming and removal of trees and other growth upon all public highways and places and the department may promulgate and adopt rules and regulations for the control of same.

(Code 1962, § 5-202)

Sec. 78-3. Prohibited varieties.

No person, except the city, shall plant, remove or destroy any ornamental shade tree or shrub in any public way; or plant any poplar, box elder, basswood, cottonwood, willow, soft maple, American maple, common catalpa, horse chestnut, or ailanthus glandulosa tree or American elm or Chinese elm anywhere within the city without first procuring a permit from the department of public works.

(Code 1962, § 5-203)

Sec. 78-4. Trees--Mutilating, posting attachments, etc., prohibited.

No person shall cut, mutilate, remove, saw or trim any tree within any public way in the city to make room for any telegraph, telephone or electric lines, moving buildings or machinery or other things, or for repairing sidewalks without first procuring a permit from the department of public works. No person shall attach, tack, or in any manner fasten to any tree in a public way any wire, rope, chain, cable, sign, card, board, poster or other article, nor hitch any animal thereto.

(Code 1962, § 5-205)

Sec. 78-5. Same--Trimming, etc.; permit required, exception.

No person owning or operating any bus line or other motor transportation over the city streets, or any public utility lines upon, above or below the surface, shall trim, cut or cause to be trimmed or cut any tree along any public way or park, without first having submitted to the department of public works a plan of the work to be done and having procured a permit for such work; provided, however, that nothing in this section shall be construed to apply to the removal, under the direction of the department, of any stump, roots, tree, shrub, vine, plant, or part thereof, wherever such removal shall be found necessary in the construction or repair of any street, sidewalk, sewer, pavement or other public improvement.

(Code 1962, § 5-206)

Sec. 78-6. Application for permit.

Application for any permit required by the provisions of this chapter shall be made in the form and manner prescribed by the city clerk. No permit shall be granted unless same is approved by the superintendent of public works.

(Code 1962, § 5-207)

Sec. 78-7. Obstructions prohibited; removal required; notice.

(a) The owner or person in charge or control of any lot or parcel of land within the city, upon which any tree, shrub, vine or plant may be standing adjacent to any public way, shall trim or cause to be trimmed, either at the property line or to a clear height of at least eight feet above the surface of such public way, all branches thereof which overhang any portion of such public way, or which obstruct or interfere with the passage of light from any street lighting system, and shall not plant or maintain anythereof so close to any property line as to obstruct thereby the vision of travelers along the streets. The city may enter upon any such private premises to do such trimming as it determines necessary, or to remove such obstructions herein prohibited upon the failure of the owner so to do after notice to him in writing. The owner shall, or the city may, remove from such tree, shrub, plant or vine, all dead, decayed, unsightly, broken or dangerous limbs and branches that

overhang or are close to the public way; and when any such tree, shrub, plant or vine is dead, the owner shall remove the same, or after notice of such intention to the owner, the city may do so and charge the cost thereof to such owner. Only trees and brush grown on the property and trimmed by the owner shall be removed by the city.

(b) When an owner, occupant or person in charge of any lot or parcel of land within the city uses a tree removal contractor to cut down or trim a tree or trees on such premises, the contractor shall dispose of all limbs, wood and debris and not deposit the debris at the curb for regular city pickup.

(Code 1962, § 5-208)

Sec. 78-8. Excavations, construction, etc.; guards required.

In any excavation, or the erection, alteration or repair of any building or structure, or other work, the owner thereof or someone for him shall place or cause to be placed such guards around all nearby trees, shrubs and plants in the public way as will effectually prevent injury to them.

(Code 1962, § 5-209)

Sec. 78-9. Deposits of stones, bricks, sand, etc.

No person shall place or maintain upon the ground in any public way or place of the city any stone, brick, sand, concrete or other material or article which may injure or which may in any way impede the full and free passage of water, air or fertilizer to the roots of any tree, shrub, vine or plant, without leaving an open space of ground not less than four feet in diameter around the same.

(Code 1962, § 5-210)

Sec. 78-10. Destruction of diseased trees.

The owner or occupant of any premises on which is located any tree or other growth, if infected by disease or by injurious insects or if in a dangerous condition, shall destroy same when such destruction is necessary for the protection of other trees and growths and for the public safety, health and welfare.

(Code 1962, § 5-211)

Sec. 78-11. Owners, occupants failing to perform duties; city authority; costs and charges.

If the owner or occupant of any premises fails to perform any duty required of him by this chapter, within a reasonable length of time, the department of public works may serve notice upon such owner and occupant directing him to cause such work to be done, and upon his failure to comply with the notice, the city may enter upon the premises and perform the work required and charge the cost thereof to the owner or occupant. Such costs may be recovered by the city as a special assessment or by a suit in assumpsit in addition to any other remedy the city may have.

(Code 1962, § 5-212)

Sec. 78-12. Penalty.

Any person who violates any provision of this chapter shall, upon conviction, be fined as provided in section 1-13 of this Code.

(Code 1962, § 5-213)

Sec. 78-13. Noxious weeds, dense growth--Duty to remove.

(a) The following words, terms and phrases, when used in sections 78-13--78-17, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Noxious and poisonous weeds means and shall include Canada thistles, milkweed, wild carrots, ox-eye daisies, ragweed goldenrod, burdock and poison ivy.

Owner means the person appearing on the city tax rolls to whom the property tax is assessed.

Vegetation means any grass or rank vegetation detrimental to the public health.

(b) It shall be unlawful for the owner and occupant of any lot or lands, either public or private, within the city to allow or maintain on any portion of such lot or lands any growth of any noxious or poisonous weeds which may create a condition detrimental to the public health, or any growth of vegetation, of a height greater than six inches on the average, or any accumulation of dead weeds, grass or brush, which may create a condition detrimental to the public health. The owner or occupant shall cut down all noxious or poisonous weeds or other vegetation from time to time to prevent such weeds or vegetation from going to seed.

(Code 1962, § 7-105)

Sec. 78-14. Same--Destruction by city.

Where it has been established that noxious weeds or vegetation are present on any lot or lands within the city, and the owner or occupant has failed to comply with the provisions of section 78-13, the city shall assign employees to enter upon such lands for the purpose of destroying such growths.

(Code 1962, § 7-106)

Sec. 78-15. Same--Accounts of city expenditures.

The city shall keep an accurate account of the expenses incurred in destroying growths of noxious and poisonous weeds and other vegetation as described in section 78-13 with respect to each parcel of land entered upon therefor, and shall make a sworn statement of such account and deliver the same to the city clerk.

(Code 1962, § 7-107)

Sec. 78-16. Same--Collection of expenses; procedure.

After such accounts have been audited, allowed and paid as provided in section 78-15, it shall be the duty of the city clerk to certify them forthwith to the city assessor. Payment of all expenditures represented by such accounts shall be enforced as a special assessment as prescribed in the Charter and city ordinances.

(Code 1962, § 7-108)

Sec. 78-17. Same--Cutting required; notice.

(a) Notice shall be given by publishing in a newspaper of general circulation in the city or by such other method as may be directed by the city.

(b) If at any time during a period commencing ten days after the publication of such notice and before October 15, the city clerk shall find that any owner or owner's agent has failed to cut, destroy or remove the material and vegetation referred to in section 78-13, he shall cause such material and vegetation to be cut, destroyed or removed, and bill the owner at rates established by the city.