

Chapter 62

VEGETATION*

Article I. In General

Secs. 62-1—62-30. Reserved.

Article II. Trees and Shrubs

Division 1. Generally

Secs. 62-31—62-50. Reserved.

Division 2. Adjacent to Public Property or Rights-of-Way

- Sec. 62-51. Violations; penalties.
- Sec. 62-52. Location of trees.
- Sec. 62-53. Interference with public trees.
- Sec. 62-54. Constitution of interference.
- Sec. 62-55. Public nuisances; removal.
- Sec. 62-56. Injury of trees.
- Secs. 62-57—62-90. Reserved.

Article III. Noxious Weeds

- Sec. 62-91. Definitions.
- Sec. 62-92. Enforcement.
- Sec. 62-93. Duty to remove.
- Sec. 62-94. Notice to remove.

*Cross references—Shrubs and trees in cemeteries, § 14-42; environment, ch. 22; land development regulations, ch. 30; subdivisions and other divisions of land, § 30-341 et seq.; zoning, § 30-471 et seq.; parks and recreation, ch. 38; streets, sidewalks and other public places, ch. 46.

ARTICLE I. IN GENERAL

Secs. 62-1—62-30. Reserved.

ARTICLE II. TREES AND SHRUBS**DIVISION 1. GENERALLY**

Secs. 62-31—62-50. Reserved.

DIVISION 2. ADJACENT TO PUBLIC PROPERTY OR RIGHTS-OF-WAY**Sec. 62-51. Violations; penalties.**

Any person who permits any tree to remain or allows it to grow on his property which interferes in any manner with or causes any injury or damage to any of the sewers, water mains, electric light or power wires or other utilities of the city violates the provisions of sections 62-52—62-56 and shall be subject to the payment of a civil fine of not less than \$50.00 or more than \$500.00, plus costs and other sanctions, for each infraction.
(Ord. No. 486, § 1(91.99), 9-26-1994)

Sec. 62-52. Location of trees.

Any person owning or occupying any land adjoining any public street in the city may plant, set or maintain shade or ornamental trees in accordance with the policies governed by the city forester. Tree roots or branches may extend into the public streets under the conditions set forth in this division.

(Ord. No. 486, § 1(91.70), 9-26-1994)

Sec. 62-53. Interference with public trees.

It shall be unlawful for any person to permit any trees or branches to grow or remain on his land, or in the portion of the street abutting his land, which in any manner interfere with the use of the streets or avenues for the purpose of travel, furnishing of electricity, telephone, fire alarm, water or sewer service to the inhabitants of the city, or which interfere with any other proper public use of streets. Any such interference shall be declared a public and common nuisance.

(Ord. No. 486, § 1(91.71), 9-26-1994)

Sec. 62-54. Constitution of interference.

The following shall constitute an interference with the use of the streets or avenues within the meaning of section 62-53 and shall constitute a violation of this article:

- (1) Any tree whose branches extend over any sidewalk or over the traveled portion of any street at a height of less than eight feet from the street level;

Unsightly vegetation means all grass and weeds permitted to grow over six inches in height, and all shrubs, bushes and brush permitted to grow in any unkept and disorderly fashion.
(Code 1976, § 93.11)

Cross reference—Definitions generally, § 1-2.

Sec. 62-92. Enforcement.

It shall be the duty of the director of the public safety department to enforce the provisions of this article.

(Code 1976, § 93.10(B))

Sec. 62-93. Duty to remove.

It shall be the duty of the owner of land within the city to cut and remove, or destroy by lawful means, all unsightly, inflammable, noxious or poisonous vegetation at least three times every summer and whenever a fire hazard exists.

(Code 1976, § 93.12)

Sec. 62-94. Notice to remove.

(a) The director of the department of public safety or his authorized agents shall make periodic inspection of all properties within the city, shall make note of violations of section 62-93, and shall serve, or cause to be served, upon the owner, personally or by registered mail to his last known address, a notice to cut or cause to be cut down and destroyed or removed all inflammable, noxious, poisonous or unsightly vegetation growing upon his property. The owner shall comply with such notice within a period of five days from receipt of the notice.

(b) If the owner shall continue to neglect or refuse to comply with the provisions set forth in section 62-93 after the service of notice and the expiration of the specified time limit, then the director of the department of public safety shall order the superintendent of public works to cut down and remove or destroy all such inflammable, noxious, poisonous or unsightly vegetation on the property of the owner and certify the cost of such removal or destruction to the city assessor, who shall record it as a lien upon such land, to be collected in the same manner and at the same time as other special assessments and city taxes are collected.

(Code 1976, § 93.13)