

CHAPTER 3. - TREES AND SHRUBBERY

13-3-1. - Director's Power to Adopt Rules and Specifications.

The Director of Parks, Recreation and Libraries shall have the power to promulgate rules, regulations, and specifications for the trimming, spraying, removal, planting, pruning, and protection of trees, shrubs, vines, and other plants upon the public right-of-way of any street, alley, sidewalk, or any other public place in the City.

13-3-2. - Director's Power to Trim Trees and Collect Costs.

- (A) The Director of Parks, Recreation and Libraries or his authorized representatives shall have the power to trim, spray, remove, plant, and protect all trees, shrubs, vines, hedges, and other plants upon the public right-of-way of any street, alley, sidewalk, or other public place or to require the owner or occupant of the property, or their agent, abutting on the right-of-way of any street, alley, sidewalk, or other public place to trim, remove or protect any tree, shrub, vine, hedge, or other plant that may project beyond the property line of such owner, occupant, or agent, onto or over public property in a manner that interferes with the safe use of the right-of-way at the expense of such owner.
- (B) If the property owner, occupant or agent refuses or neglects to trim, protect, or remove any such tree, shrub, vine, hedge, or other plant within ten days after receipt of a written notice from the Director to do so, the Director may do or cause to be done the necessary work incident thereto, and the expenses thereof shall be collected from the owner, occupant, or agent of such property and shall be a lien against said property until paid or may be assessed and collected pursuant to Subsection 8-4-5(B), W.M.C.

(792 1634)

13-3-3. - Removal of Dead or Dangerous Trees.

- (A) It shall be the duty of the owner, occupant or agent of any property to remove any dead trees or dead, overhanging boughs dangerous to life, limb, or property located on the premises of such owner, occupant or agent, or upon public property abutting the premises of such owner, occupant, or agent, upon receipt of written notice from the Director of Parks, Recreation and Libraries to do so and within such reasonable time as specified in said notice.
- (B) If such owner, occupant, or agent fails to remove same within the time required, the Director of Parks, Recreation and Libraries or his authorized representative is authorized to remove or cause to be removed such trees or branches at the expense of such owner, occupant or agent and the cost of such removal shall be a first and prior lien on the property as provided by Title I, Chapter 31 of this Code, and may be assessed and collected pursuant to Subsection 8-4-5(B), W.M.C.

(792 1634 1680 1889 A1889)

13-3-4. - Removal or Treatment of Infected or Infested Trees.

- (A) The department of parks, recreation and libraries has discovered the existence of Dutch Elm and Emerald Ash Borer disease in trees at various locations within the City, and such trees must be treated or disposed of immediately to prevent the spread of that disease to uninfected trees. The Director of Parks, Recreation and Libraries or his authorized representatives are empowered to inspect any trees, shrubs, vines, hedges, plants, logs or branches existing or growing upon any property within the City. The Director or his authorized representatives shall from time to time conduct surveys to determine if any destructive or communicable disease or other pestilence exists that may be detrimental or endanger the good health and well-being of trees or other plant life in the City.

- (B) Upon discovery of any destructive or communicable disease or other pestilence that endangers the growth, health, life, or well-being of other trees or plants, or that is capable of causing an epidemic spread of communicable disease or insect infestation, such as Dutch Elm and Emerald Ash Borer disease, the Director of Parks, Recreation and Libraries or his authorized representatives shall at once notify in writing the owner, occupant or agent of the premises whereon the same are located, or the owner, occupant or agent of the premises abutting on public property whereon the same are located, of the condition thereof, and direct such owner, agent or occupant to eradicate, remove, or otherwise control such condition within a reasonable time to be specified in said written notice.
- (C) Should the owner, occupant or agent of said premises fail or refuse to comply with the terms of the written notice provided for in Subsection 13-3-4(B), W.M.C., the Director of Parks, Recreation and Libraries or his authorized representatives may enter upon the premises and cause to be removed, treated or otherwise care for such infected or infested trees, shrubs, vines, hedges, plants, logs, or branches, in order to eradicate or control disease or insect infestation. The expense thereof shall be a first and prior lien upon the property, shall be collected from the owner, occupant or agent and may be assessed and collected pursuant to Subsection 8-4-5(B), W.M.C., and Title I, Chapter 31 of this Code.

(792 1634 1680 1889 3711)

13-3-5. - Compliance Required; Unlawful Acts.

- (A) It shall be unlawful for the owner, occupant or agent of any premises to fail or refuse to comply with the requirements set forth in any notice issued under any section of this chapter within the time specified in said notice, or to fail or refuse to comply with any rule or regulation promulgated by the Director of Parks, Recreation and Libraries under the authority granted in this chapter.
- (B) It shall be unlawful to plant or place upon any public right-of-way or other public place in the city any trees, shrubs or other plants, other than as prescribed in rules and regulations promulgated by the Director of Parks, Recreation and Libraries.

(792 1889 A1889 3711)