

**Sec. 7-5-60. Penalty.**

Violation of this Article shall be subject to a penalty as set forth in Section 1-4-20 of this Code in addition to any other remedies provided herein or allowed by ordinance, law, rule or regulation. (Prior code 7-4.6; Ord. 01-20)

**ARTICLE VI****Trees****Sec. 7-6-10. Planting near fireplug.**

No street tree shall be planted closer than ten (10) feet of any fireplug. (Prior code 2-8.4)

**Sec. 7-6-20. Planting near utilities.**

No street trees other than those species listed as small trees may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility. (Prior code 2-8.4)

**Sec. 7-6-30. Public property tree care.**

The Town shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The Town may remove, or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest. This does not prohibit the planting of street trees by adjacent property owners providing that prior approval has been obtained and the selection and location of said trees are in accordance with this Article. (Prior code 2-8.4)

**Sec. 7-6-40. Tree topping.**

It is unlawful as a normal practice for any person or Town department to top a street tree, park tree or other tree on public property. *Top-ping* is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this Section at the recommendation of the Tree Board. (Prior code 2-8.4; Ord. 01-20)

**Sec. 7-6-50. Pruning and removing obstructions.**

Every owner of any tree overhanging any street or right-of-way within the Town shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8) feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The Town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with the visibility of any traffic control device or sign. (Prior code 2-8.4)

**Sec. 7-6-60. Tree removal on private property.**

A private property owner shall be required to remove a dead or diseased tree on such private property in the event that such tree constitutes a hazard to life and property, or harbors insects or diseases which constitute a potential threat to other trees within the Town. The Town will



notify in writing the owners of such trees, and the owners shall have sixty (60) days to remove such trees from the property after the date of service of the need for the tree removal. In the event a private property owner does not remove a dead or diseased tree within sixty (60) days after notice, the Town shall have the authority to remove such trees and seek restitution for the removal in Municipal Court, or in any other court of competent jurisdiction. (Prior code 2-8.4)

**Sec. 7-6-70. Removal of stumps.**

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground. (Prior code 2-8.4)

**ARTICLE VII**

**Animals**

*Division 1*

*General Provisions*

**Sec. 7-7-10. Definitions.**

The definitions and terms used in this Article, unless the context otherwise indicates, are herewith defined as follows:

*Animal* shall include both the male or female, neutered or sterilized. *Animal*, as used in this Article, shall include all warm-blooded domesticated or wild mammals.

*Animal owner* means any person who has legal right or title to, or has possession of, any animal or who shall allow any animal to remain about his or her premises.

*Harboring.* The occupant of any premises on which an animal is kept, or to which

it customarily returns daily for food and care for a period of thirty (30) days, is presumed to be *harboring* or keeping the animal within the meaning of this Article.

*Running at large* means to be off the premises of the animal owner and not under the control of the animal owner or of an authorized person, by leash, but an animal within the automobile or other vehicle of its owner shall be deemed to be upon the animal owner's premises.

*Vicious animal* is any animal that inflicts unprovoked bites or attacks human beings or other animals either on public or private property, or in a vicious or terrorizing manner approaches any person in apparent attitude of attack upon the streets, sidewalks or any public grounds or places. (Prior code 3-1-1.1; Ord. 99-11 §1, 1999)

**Sec. 7-7-20. Interference with police officers or animal control officers.**

It is unlawful for any person to interfere with, molest, hinder or prevent any police officer or animal control officer or his or her authorized representative in the discharge of their duties as herein prescribed, or to violate any of the provisions of this Article. (Prior code 3-1-9.1)

**Sec. 7-7-30. Violations and penalties.**

It is unlawful for any person to violate any of the provisions of this Article, and except as otherwise specifically provided elsewhere in this Article, any such violation shall be punished as provided below:

- (1) In the discretion of the Municipal Court, every person convicted of, or who pleads guilty or no contest to, a violation of any provision of this Article shall be punished by a fine of not less than twenty-five