

#### **Part 4. Tree and Grass Care along Public Streets**

504.01. **Street Superintendent to Control Trees.** The street superintendent shall have, under the direction of the city council control and supervision over all trees bordering or overhanging all public streets, alleys and highways, and all grass plots bordering public streets, alleys, and highways. The word "tree" as used herein shall be construed to include shrubs.

504.02. **Superintendent May Order Work Done.** Whenever the street superintendent shall find that any tree needs trimming, removal, treatment or other care in order to preserve the same in good condition or to protect the public from damage or injury he/she shall, upon direction of the city council, see that the necessary work is done. He/she shall keep an account of the cost of such work.

504.03. **Permit to Plant Trees in Public Grounds.** Any person desiring to plant any tree or trees in any public ground, *city right-of-way, or city setback (05-21-18)* shall make application to the street superintendent for a permit to do so. If he/she approves the location and kind of trees, he/she shall issue the permit. If he/she does not approve, such applicant may appeal to the council, whose action shall be final.

504.04. **Trees Menacing Public Safety to be Reported.** Every property owner whose property abuts on a public street shall notify the street superintendent at once when the condition of any tree thereon or in the grass plot adjacent thereto is in such a condition as to be a menace to public safety. Any tree whose branches are closer than 8 feet above the surface of any street is hereby declared to be a menace to public safety. If a tree becomes a menace to public safety the council shall notify the owner to remove or trim same. If said owner fails to do so within 30 days the council shall order the required work done. The cost of such removal shall be assessed against the abutting property.

504.05. **Duty of Property Owners to Cut Grass and Weeds.** Every owner of platted property abutting on any platted public street or alley shall cause the grass and weeds to be cut from the line of such property nearest to such street or alley to the center of such street or alley. If the grass or weeds in such a place is 10 inches or more in height it shall be prima facie evidence of a violation of this section.

504.055. In complying with Section 504.05, every property owner must not allow grass/weed cuttings, leaves or rubbish to collect and accumulate along the curbs, the sidewalks and the roadways for longer than 12 hours after its deposit thereon. If such condition lasts longer than 12 hours, the street superintendent shall remove such cut grass/weeds, leaves or rubbish and keep an accurate account of the cost as provided in Section 504.06, to be specially assessed against the abutting property(s). (Added 10-16-06)

504.06. **Superintendent May Order Work Done.** The street superintendent shall cut and destroy all grass and weeds growing within the platted limits of any public street or alley when the same are not cut by the property owners as required by Section 504.05. He/she shall likewise keep an accurate account of the cost of such cutting opposite each lot and certify the

same to the council, to be specially assessed against the abutting property.

504.07. **Penalty.** Any person who violates any of the provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed One Thousand Dollars (\$1000.00) or imprisonment in the county jail for a period of not to exceed ninety (90) days or both. Each day such violation shall continue shall constitute a separate offense.