

DIVISION 4. NUISANCE TREES

Sec. 38-91. Definitions.

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

A catkin means the pods which grow on willow trees and which produce pollen and a white fleecy substance similar to cottonwood cotton.

Cottonwood cotton means a fleecy white material closely resembling true cotton which, when released from the tatone, carries cottonwood tree seeds through the air.

Pistillate cottonwood tree means any female tree of the genus *Populus*, including all poplar and cottonwood bearing tatones in which cottonwood cotton is formed.

Property owner means any person who owns, occupies or exerts control over any real property within the city.

Prune means the removal of cotton and cotton-producing parts of trees as required in this division.

Public property means that portion of the street right-of-way situated between the street curb and property line along all public streets and highways within the city.

Tatones means the pods which grow on pistillate cottonwood trees and which produce cottonwood cotton.

Willow tree means any male or female tree of the genus *salix* bearing catkins which produce pollen and a white fleecy substance similar to cottonwood cotton.

(Code 1991, § 11-186)

Cross references: Definitions generally, § 1-2.

Sec. 38-92. Planting prohibited, declaration of nuisance.

- (a) It shall be unlawful for any person to plant a cottonwood tree or willow tree within the city.
- (b) All pistillate cottonwood and willow trees situated within the city are hereby declared to be objectionable, unsightly and unsanitary matter, and to constitute a nuisance.

(Code 1991, § 11-187)

Sec. 38-93. Allowing tatonnes or catkins production prohibited.

It shall be unlawful for any property owner within the city to allow the growth and production of tatonnes or catkins on any pistillate cottonwood or willow tree situated on property belonging to the property owner.

(Code 1991, § 11-188)

Sec. 38-94. Duty to remove and prune.

Every property owner within the city shall properly prune or remove every pistillate cottonwood and willow tree situated on his property and any public property adjacent to such owner's property, each year, in such a manner and at such time that the production of tatonnes and catkins by such trees is eliminated.

(Code 1991, § 11-189)

Sec. 38-95. Notice to owner.

If there shall be pistillate cottonwood or willow trees upon any land within the city which have not been removed or pruned each year, as required by this division, the city health officer shall serve written notice upon the property owner that compliance with the provisions of this division is necessary. If such property owner cannot be determined or if the property owner is a nonresident of the city and there is no person within the city who has physical control of the property, such notice shall be served by posting a copy of the written notice upon such premises and by publication of the notice one time in the official newspaper of the city.

(Code 1991, § 11-190)

Sec. 38-96. Performance by city; recording lien.

If the pistillate cottonwood or willow trees are not pruned or removed within ten days after service of notice, as prescribed in section 38-95, the city health officer shall cause such trees to be pruned or removed, and the actual cost of such pruning or removal, plus any other costs allowed by law, shall become a charge against the property and the officer shall promptly execute and file of record with the county clerk an appropriate lien statement.

(Code 1991, § 11-191)

Sec. 38-97. Removal of branches, etc.

Upon completion of the removal or pruning of the pistillate cottonwood and willow trees, all branches, limbs or twigs having catkins or catkins shall be removed from the premises and taken to an approved sanitary disposal site within one week after the cotton or pollen bearing parts have been removed or pruned.

(Code 1991, § 11-192)

Sec. 38-98. Sale, etc., of trees.

No person shall sell, display for sale, distribute, exchange, barter or trade, within the city, a pistillate cottonwood or willow tree as contemplated by this division; provided, however, this section shall not be construed to prevent the transportation of pistillate cottonwood or willow trees through the city for distribution or use at some location other than within the city.

(Code 1991, § 11-193)

Secs. 38-99--38-115. Reserved.

Sec. 18-289. Cutting down trees, disconnecting lights, etc.

It shall be unlawful for any person engaged in moving a building under a permit issued as provided in this article to:

- (1) Cut down any tree, shrub or bush, or portion thereof, without first having obtained written permission from the owner.
- (2) Disconnect any electric light connection, power connection, gas connection, water connection, sewer connection or telephone connection without the consent of the owner of such connection.
- (3) Move, change, remove, tear down or destroy any pole, railing, fence, wire, or other property without the consent of the owner thereof.

(Code 1991, § 6-244)

Sec. 94-1. Obstructions and encroachments--Generally.

- (a) It shall be unlawful for any person to erect, place, build, construct or maintain any fence, barricade, gate, pole, post, sign, building or other obstruction or encroachment upon any public street, or any portion of a public street within the city, or to cause any of such things to be done, except as authorized in this Code.

The enumeration of certain types of obstructions and encroachments shall not limit the scope and effect of this section, but the enumeration of certain types of obstructions and encroachments shall be construed to prohibit and forbid every type and kind of obstruction or encroachment upon any public street, of whatever nature or character.

- (b) It shall be unlawful to plant any tree, shrub or plant, other than grass, upon any public street, street right-of-way or easement within the city.

(Code 1991, § 21-1)

State law references: Authority of city to remove obstructions, Vernon's Ann. Civ. St. art. 1175