

Sec. 86-111. Height restrictions; interference with motorists, pedestrians.

- (a) It shall be unlawful for any person owning, leasing, claiming, occupying, or having supervision or control of any real property, occupied or unoccupied, improved or unimproved, within the corporate limits of the city, to permit or allow trees or tree limbs to grow upon any such real property, or along the sidewalk or street adjacent to the same between the property line and the curb, or if there is no curb between the property line and the edge of the street, if any portion of the tree or tree limbs are growing at a height less than 13 feet six inches above the pavement of the roadway or eight feet above the pavement of the sidewalk, or if any portion of the tree or tree limbs are growing in a manner that interferes with or causes an obstruction to motorists using the roadway or pedestrians using the sidewalk.
- (b) A tree or tree limb shall be deemed to interfere with or cause an obstruction to motorists or pedestrians if it obscures the motorists' or pedestrians' view of any street intersection, sign or traffic control device or if it otherwise causes or creates a hazard that could reasonably cause property damage or personal injury.

(Ord. No. O-97-029-01, § 1, 11-10-97)

Sec. 86-113. Nuisance declared.

All trees or tree limbs which are growing at a height less than required by this article or in a manner that interferes with or causes an obstruction to motorists or pedestrians using the roadway or sidewalk shall be presumed to be objectionable, unsightly, and unsafe, and are hereby declared a public nuisance.

(Ord. No. O-97-029-01, § 3, 11-10-97)

Sec. 86-114. Notice; abatement by city.

- (a) In the event that any person owning any real property, occupied or unoccupied, improved or unimproved, within the corporate limits of the city fails or refuses to comply with the provisions of this article, it shall be the duty of the city to give ten days notice of the violation to the owner prior to abating the violation. The notice shall be given:
 - (1) Personally to the owner in writing;
 - (2) By letter addressed to the owner at the owner's post office address; or
 - (3) If personal service cannot be obtained or the owner's post office address is unknown:

- a. By publication at least twice within ten consecutive days;
 - b. By posting notice on or near the front door of each building on the property to which the violation relates; or
 - c. By posting notice on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings.
- (b) If such person fails or refuses to comply with the provisions of this article within ten days after the date of notification as provided above, the city may go upon such property, or authorize another to go upon such property, and do or cause to be done the work necessary to obtain compliance with this article, and may charge the expenses incurred in having same done to the owner of such property as provided hereinafter. The remedy provided in this section is in addition to the remedies provided for in sections 86-116 and 86-118.
- (c) In the notice of a violation the city may inform the owner that:
- (1) If the owner commits or allows another violation of the same kind or nature that constitutes a public nuisance on or before the first anniversary date of the notice, the city may, without further notice, abate the violation at the owner's expense and assess the expenses against the property; and
 - (2) If a violation covered by a notice under this section occurs within the one-year period and the city has not been informed in writing by the owner of an ownership change, then the city may, without notice, take any action permitted by this section and assess the expenses as provided in section 86-115.

(Ord. No. O-97-029-01, § 4, 11-10-97)

Sec. 70-137. Erecting structures.

It shall be unlawful to place or erect any structure, sign, bulletin board, post, pole, or advertising device of any kind whatever in any park or playground, or to attach to any tree, shrub, fence, railing, post, or structure within any park or playground; provided, however, the director of parks and recreation may permit the erection of temporary decorations on occasions of public celebrations or holidays.

(Ord. No. 685, art. III, § 6, 7-11-71; Code 1973, § 14-14)

Sec. 70-138. Removing, mutilating property--Generally.

It shall be unlawful to remove, destroy, mutilate, or deface any structure, monument, statue, vase, fountain, wall, fence, railing, vehicle, bench, or other property in any park or playground.

(Ord. No. 685, art. III, § 7, 7-11-71; Code 1973, § 14-15)

Sec. 70-139. Same--Trees, shrubs, fences and other property.

It shall be unlawful for any person to cut, break, deface, or in any way injure the trees, shrubs, plants, grass, turf, seats, fountains, fences, structures, improvements, ornaments, or property within or upon any of the parks or playgrounds.

(Ord. No. 685, art. III, § 2, 7-11-71; Code 1973, § 14-16)