

Sec. 36-1. Maintenance of public rights-of-way by owners or occupants of adjacent lots.

*F. Pruning to prevent obstructions.* The owner of land abutting on any public street and alley right-of-way shall be required to provide reasonable and routine care of trees and vegetation in or adjacent to the right-of-way, and shall promptly take action to remove all dead, diseased or hazardous trees, or broken or decayed limbs which may constitute a threat or danger to the safety of the public. Owners of land abutting on any public street and alley right-of-way must also prune trees in or adjacent to the right-of-way in such a manner that they will not obstruct or shade the streetlights, obstruct the passage of pedestrians or vehicles, obstruct vision of traffic signs, or obstruct the view of any street or alley intersection. Such owners shall also maintain a minimum clearance of twelve (12) feet above all streets and alleys and must maintain a minimum clearance of eight (8) feet above a sidewalk. Shrubs, trees and other similar plantings in street rights-of-way shall not encroach the street and must have a minimum six (6) inch clearance back of curb, or from the edge of the street, if curb is not present. Shrubs, trees and other similar plantings in alley rights-of-way shall not encroach the alley and must have a minimum six (6) inch clearance from the edge of the alley.

- (1) *Notice to prune.* Should any person required in this chapter to prune trees fail to prune trees as provided this chapter, the code enforcement officer shall notify such person in writing that they are not in compliance with this section and require that such person comply with this section within ten days after receipt of the written notice.
- (2) *Notice served.* The notice required in subsection (f)(1) of this section shall be served by personal hand delivery to the owner or occupant or by mailing by certified mail a copy of the notice to the last known address of the owner or occupant.
- (3) *Failure to comply.* When a person to whom notice is given fails to comply with this section within the specified time, it shall be lawful for the city to either prune the obstructing trees and the exact cost thereof shall be billed to and become a personal liability of such person or issue a citation to the owner or occupant of the property.
- (4) *Emergency.* In any location in the city where any overhanging trees have not been pruned as required in this subsection and are obstructing the view of a stop sign or other traffic control device or obstructing visibility at an intersection, the city may, without notice to the person owning or occupying the property on which the trees are located, prune such trees so as to eliminate the obstruction. In such case, the city shall assume the cost of the pruning.

(Code 1982, § 23-1; Ord. No. 83-29, §§ 1—5, 6-6-1983; Ord. No. 01-07, § 1, 3-19-2001; Ord. No. 09-04, § 1, 1-20-2009; Ord. No. 12-16, § 1, 7-2-2012)