

## **CHAPTER 45 VEGETATION**

Art. I. In General, §§ 45-1 – 45-15

Art. II. Trees and Shrubs, §§ 45-16–45-32

Art. III. Noxious Weeds and Lawn Grass, §§ 45-33 – 45-37

### **ARTICLE I. IN GENERAL**

**Sec. 45-1 – 45-15. Reserved.**

### **ARTICLE II. TREES AND SHRUBS**

**Sec. 45-16. Planting, removal permit required in right-of-way.**

No person shall plant or remove any tree or shrub within the limits of the street or alley right-of-way without first obtaining a written permit from the city engineer. The granting of such permit shall be contingent upon the requirement that the planting or removal shall not in the opinion of the city manager interfere with the public health or safety or constitute a public nuisance. (Gen. Code 1946, Ch. 5, 204.1; Code 1972, 4.48)

**Sec. 45-17. Distance from sidewalk.**

No person shall plant any tree or shrub between the sidewalk and curb at a distance closer than thirty (30) inches to the sidewalk. (Gen. Code 1946, Ch. 5, 204.2; Code 1972, 4.49)

**Sec. 45-18. Injuring prohibited.**

No person shall injure, mar or deface any tree or shrub on any public street or alley. (Gen. Code 1946, Ch. 5, 204.3; Code 1972, 4.50)

\*Cross references – Planning, Ch. 31; streets, sidewalks and other public places, Ch. 37.

**Sec. 45-19. Trimming of trees over streets and sidewalks.**

No person having the care, either as owner or occupant of any premises bordered by a public street or alley, shall fail to maintain or to trim any limbs or branches of trees or shrubs growing on such premises in such a manner that a clear space of nine (9) feet shall be found between such branches and the ground surface of the public street or alley.

**Sec. 45-20. Hedges not to encroach.**

No person having the care, either as owner or occupant, of any premises bordered by a public street or alley, shall fail to trim any hedge or bush on such premises in such a manner that no part of it encroaches upon the public street or alley. (Gen. Code 1946, Ch. 5, 204.5; Code 1972, 4.52)

**Sec. 45-21. Poplar trees prohibited.**

(a) No person shall set out or plant any tree, shrub or bush of the species commonly called “poplar” in or upon any street, alley, public place, lot, lands or premises within the corporate limits.

(b) When in the judgment of the city manager, the roots of any poplar tree or bush are causing damage to any sewer, sidewalk, pavement or other public property, the same may be declared to be a public nuisance and shall be removed under chapter 25. (Gen. Code 1946, Ch. 3, 111.1, 111.2; Code 1972, 9.45, 9.46)

**Secs. 45-22 – 45-32. Reserved.**

**ARTICLE III. NOXIOUS WEEDS  
AND LAWN GRASS\***

**Sec. 45-33. Definition.**

For the purpose of this article, noxious weeds shall include ragweed, Canada Thistle, milkweed, wild carrot, oxeye daisies, poison ivy, goldenrod, poison sumac or any other plant or weed which, in the opinion of the city commission is regarded as a common nuisance. (Gen. Code 1946, Ch. 3, 112.1; Code 1972, 9.51; Ord. of 6-26-78)

Cross reference – Definitions and rules of construction generally, 1-2.

**Sec. 45-34. Duties of land owners and occupants.**

(a) It shall be the duty of all owners or occupants of lands on which noxious weeds are found growing to destroy the same before they reach a seed-bearing stage and to prevent such weeds from perpetuation themselves, or to prevent such weeds from becoming a detriment to the public health.

(b) It shall be unlawful for the owner or occupants of any lands within the city to permit any of the weeds mentioned in section 45-33 or lawn grass to grow upon any lands owned or occupied by him to a height exceeding six (6) inches, and it shall be the duty of all such persons to cut down such weeds or lawn grass when the same reach a height of six (6) inches; and such weeds or lawn grass exceeding a height of six (6) inches or more are hereby declared to be a nuisance. Fences and fencelines shall be kept clear of grass and weed growth that exceeds six (6) inches.

**Sec. 45-35. Notice to abate.**

It shall be the duty of the Code Enforcement officer to serve or cause to be served a notice upon the owner or occupant of any premises on which weeds, plants or lawn grass are permitted to grow in violation of the provisions of this article and to demand the abatement of the nuisance within three (3) days (see section 2.3).

**Sec. 45-36. Failure to obey notice; action by city.**

(a) If the person so served does not abate the nuisance within three (3) days, the city, through its employees or agents, may enter upon such lands and destroy or cause to be destroyed such noxious weeds or cut the lawn grass and any expenses in such destruction shall be paid by the owner or occupants of such land, and the city shall have a lien against such lands for such expenses, which lien shall be enforced in the manner provided by law for the enforcement of tax liens.

(b) The city may, in addition to all the remedies provided by ordinances, bring suit against and recover from such owner or occupant, in an appropriate action of law, the full cost of cutting down or causing to be cut down any and all such weeds or lawn grass as the city may cut down or

cause to be cut down under the provisions of this article. (Gen. Code 1946, Ch. 3, 112.1; Code 1972, 9.51; Ord. of 6-26-78)

**Sec. 45-37. Penalty for violation.**

Any person who shall violate or fail to comply with any of the provisions of this article shall, upon conviction, be punished by a fine not exceeding one hundred dollars (\$100.00) and costs of prosecution. (Gen. Code 1946, Ch. 3, 112.1; Code 1972, 9.51; Ord. of 6-26-78)