

Sec. 23-1. Maintenance of public rights-of-way by owners or occupants of adjacent lots.

(a) It shall be unlawful for any person, firm, corporation or other entities who shall own or occupy any lot or lots within the city to allow the adjacent public right-of-way to accumulate an abundant growth of weeds and grass or brush.

(b) A violation will result if the right-of-way exceeds ten (10) inches high in weed or grass growth or if abundance of brush exists on right-of-way.

(c) It shall be the property owner or its occupants' responsibility to maintain and dispose of any violation as above described.

(d) It shall be the duty of the authorized officer or agent of the city to notify the owner or person in control of any premises where weeds and grass or brush and debris exist.

(e) The property owner shall be notified by registered certified mail. This notice will describe the violation, and the owner or occupant will be given ten (10) days to rectify the violation. If after the ten (10) days have elapsed and no effort to comply with the notice has been achieved, a citation will be issued to appear in the municipal court of the city.

(f) Pruning to prevent obstructions. It shall be the duty of the person owning or occupying real property which borders a public street, alley, or sidewalk to prune the trees located on said property or partially on said property in such a manner that they will not obstruct or shade the streetlights, obstruct the passage of pedestrians, obstruct vision of traffic signs, or obstruct the view of any street or alley intersection. The minimum clearance of any over hanging portion thereof shall be ten (10) feet over sidewalks and twelve (12) feet over all streets and alleys.

(1) *Notice to prune.* Should any person required herein to prune trees fail to prune trees as herein provided, 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 (10) days after receipt of the written notice.

(2) *Notice served.* The notice required herein 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 an overhanging tree or trees have not been pruned as required herein 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 tree or trees are located, prune such trees so as to eliminate the obstruction. In such case, the city shall assume the cost of the pruning. (Ord. No. 83-29, §§ 1--5, 6-6-83; Ord. No. 01-07, § 1, 3-19-01)