

Sec. 62-153. - Obstructions prohibited.

- (a) It shall be prohibited to place, maintain, or allow any tree, shrub, or other obstruction upon any street, sidewalk, or swale area within the city. For purposes of this section, "obstruction" shall not include any tree, shrub, swale treatment, or encroachment approved in writing by the city commission or city manager or as otherwise permitted by the city code. Violations of this section shall be punishable as provided in section 1-7.
- (b) Written notice shall be given to the owner of the abutting property to remove any tree, shrub, or other obstruction upon any street, sidewalk, or swale area within the city. If the owner of the abutting property fails to remove the tree, shrub, or other obstruction within ten days of receipt of the written notice, the city shall then perform the necessary removal operations and shall assess the cost of said removal against the property. Such assessment, if not paid, shall become a lien against the property, pursuant to the procedure set forth in article III of chapter 34.
- (c) If any tree, shrub, or other obstruction upon any street, sidewalk, or swale area within the city creates an emergency situation involving potential danger to the health, safety, and welfare of the community, the city shall perform removal operations immediately, thus eliminating the emergency, and shall assess the cost of such removal against the property. Such assessment, if not paid, shall become a lien against the property, pursuant to the procedure set forth in Article III of chapter 34.

(Ord. No. 2022-51, § 2, 9-13-2022)

**Editor's note—** Ord. No. 2022-51, § 2, adopted Sept. 13, 2022, amended § 62-153 in its entirety, in effect repealing and reenacting said § 62-153 to read as set out herein. The former § 62-153, pertained to removal of obstructions and derived from Code 1958, § 28-37(e); Code 1991, § 22-135; Code 2006, § 62-133; Ord. No. 2581, § 1, adopted Sept. 10, 1985; Ord. No. 2608, § 1, adopted Nov. 26, 1985; Ord. No. 2736, § 1, adopted Oct. 27, 1987; and Ord. No. 2782, § 1, adopted May 24, 1988.