

City of Arnegard, North Dakota

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**CHAPTER TWELVE**

**PUBLIC NUISANCES**

ARTICLE 1 – Sanitary Nuisances

12.0101      Residence – When Sewer and Water Required

It shall be unlawful for any person to use or occupy or permit to be used or occupied for residence purposes, any premises or building within the corporate limits of this City without first making or causing to be made proper connections with the City's sewer and water facilities and mains.

The term "proper connections" when used in this section shall be construed to mean connections with the water mains and sanitary sewers which are equipped and furnished with proper valves and fittings so as to enable such water connections to be used at all times. Sanitary toilets and drains and such equipment shall at all times be kept in repair so as to make them available for household use and in condition to be used at all seasons of the year.

12.0106      Dead Animals

Any person who owned or had possession or control of a dead animal prior to its death shall remove or cause the same to be removed within five (5) hours from the time the animal dies and have the same buried or disposed of in some other sanitary way approved by the City health officer. Any dead animal remaining in any street, alley or other public place in this City, or in any private premises within this City, for more than five (5) hours after the animal shall have died, is hereby declared to be a nuisance. Any person allowing any animal which that person controlled or possessed, prior to its death, to remain in any street, alley or public place, or on any private premises within the City for more than five (5) hours after its death shall be guilty of a violation of this Article.

12.0107      Water Pools – Putrid Substances

It shall be unlawful for the owner or occupant of any parcel of ground in this City to suffer or permit water or putrid substance whether animal or vegetable to accumulate or stand so as to cause an offensive odor to be emitted therefrom or to become injurious or dangerous to the health of the neighborhood. Any pool of water and any putrid substance permitted to become offensive or injurious to the public health are hereby declared to be a public nuisance.

ARTICLE 2 – Smoke – Gases

12.0201      Smoke, Dust, Ashes, Cinders, Gases – A Nuisance

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The emission of dense smoke, ash, dust, cinders or noxious gases from any machine, contrivance or from the smoke stack or chimney of any building or premises in such quantities as to cause injury or detriment to any person or persons or to the public, or to endanger the comfort, health or safety of any person or persons, or in such manner as to cause or tend to cause damage or injury to property, is hereby declared to be a public nuisance.

### 12.0202 Smoke, Dust, Ashes, Cinders, Gases – Prohibited

No person, persons, association or corporation shall cause, permit or allow the escape from any smoke stack or chimney into the open air, of such quantities of dense smoke, ash, dust, soot, cinders, acid or other fumes, dirt, or other material, or noxious gases, in such place or manner as to cause injury, detriment or nuisance to any person or persons, or to the public, or to endanger the comfort, health or safety to any such person or persons, or the public, or in such manner as to cause or have a natural tendency to cause injury or damage to business or property.

## ARTICLE 3 – Radio Interference and Noise Control

### 12.0301 Radio Interference Prohibited

It shall be unlawful for any person knowingly to maintain, use, operate or cause to be operated within this City, any machine, device, appliance, equipment or apparatus of any kind whatsoever, the operation of which shall cause reasonably preventable electrical interference with radio reception within said municipal limits. The maintenance, use or operation within the City of any machine, device, appliance, equipment or apparatus of any kind so as to interfere with radio reception in violation hereof is hereby declared a public nuisance.

### 12.0302 Loud, Disturbing, Unnecessary Noises – Prohibited

The making, creating or maintenance of loud, unnatural or unusual and disturbing noises are a detriment to public health, comfort, convenience, safety and welfare, and are hereby declared to be unlawful and a public nuisance. The following acts, among others, are declared to be prohibited noises in violation of this section, but such enumeration is not exclusive:

1. The sounding of horns or signaling devices on any motor vehicle or motorcycle on any street or public place except as a danger warning.
2. The using, operating or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated, and who are voluntary listeners thereto. The operations of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible at a

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distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section.

3. The using, operating or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph, loudspeaker, amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of advertising or attracting the attention of the public to any structure.
4. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 10:30 PM and 7:00 AM, or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
5. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed indicating that a school, hospital, or court is in the vicinity.

### ARTICLE 4 – Automobiles – Personal Property

#### 12.0401 Automobiles, Personal Property – When a Nuisance

Unsheltered storage of old, used, stripped, junked and other automobiles not in good, safe operating condition, and of any other vehicles, machinery implements and/or equipment and personal property of any kind which is no longer safe for the purposes for which it was manufactured, for a period of thirty (30) days or more (except in a licensed junk yard) within the City, and any motor vehicle, animal and article of personal property which constitutes an obstruction to, hazard or detriment to public traffic, snow removal operations, public safety and public health, or which may be abandoned or unclaimed within the City, is hereby declared to be a nuisance and shall be abated in the manner prescribed in this article.

#### 12.0402 Abatement Required by Owners

The owner, owners, tenants, lessees and/or occupants of any lot within the corporate limits of this City upon which such storage is made, and also the owner, /owners and /or lessees of the property involved in such storage (all of whom are hereinafter referred to collectively as “owners”), shall jointly and severally abate the nuisance by the prompt removal of the personal property into completely enclosed buildings authorized to be used for storage purposes, if within the corporate limits of the City, or otherwise to remove it to a location outside of corporate limits.

#### 12.0403 Abatement Required – Penalty for Failure

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If the owners allow a nuisance to exist or fail to abate a nuisance they, and each of them upon conviction thereof, shall be **fined not more than five hundred dollars (\$500.00) for each infraction and a separate infraction may be deemed committed on each day during or on which the nuisance is permitted to exist.**

### 12.0404 Removal and Impoundment by City

The police department may remove or cause to be removed to the City Hall, or any other place within the City selected for storage purposes, any personal property described in 12.0401, and may impound and retain the same until the expense of removal, storage and impounding is paid, together with the amount of any fine, costs, bail or other claims of the City against the owner, or any other person lawfully entitled to the possession thereof.

### 12.0405 Removal and Impoundment – When Sold

If not reclaimed and redeemed by the true owner or the person lawfully entitled to the possession thereof within a period of thirty (30) days after impounding, any article of personal property described in 12.0401 may be sold and disposed of by the police department in the manner hereinafter provided. Notice that such property will be sold shall be published once, at least (6) days prior to the sale, in the official newspaper. Such notice shall specify a description of the property to be sold and the time and place of sale. Any sale may be postponed or discontinued by public announcement at the time of the sale where there are not bidders or when the amount offered is grossly inadequate, or for other reasonable cause. The City may become a purchaser of any or all property at the sale. The chief of person making the sale shall give the purchaser at the sale a receipt for the purchase of such property.

### 12.0406 Removal and Impoundment Proceeds

Within thirty (30) days after a sale, the person making the sale shall make out, in writing, and file with the City a full report of the sale, specifying the property sold, the amount received therefore, the amount of costs and expenses and the disposition of the proceeds of the sale. The proceeds arising from the sale shall be delivered to the city auditor and credited to the general fund.

## ARTICLE 5 – Noxious Weeds

### 12.0501 Definition

Whenever used in these ordinances, the term "noxious weeds" shall mean and include any plant propagated by either seed or vegetative parts which is determined by the North Dakota State Commissioner of Agriculture after consulting with the State Cooperative Extension Service, or the McKenzie County Weed Control Board after consulting with the McKenzie County Extension Agent, to be injurious to public health, crops, livestock, land, or other property.

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### 12.0502 Weeds Prohibited

No owner of any lot, place or area within the City or the agent of such owner shall permit on such lot, place or area and the one-half of any road or street lying next to the lands or boulevards abutting thereon, noxious weeds or other deleterious, unhealthful growths.

### 12.0503 Notice to Destroy

The City health officer or person designated by the City is hereby authorized and empowered to notify in writing the owner of any lot, place, or area within the City or the agent of such owner, to cut, destroy, and /or remove any noxious weeds found growing, lying, or located on such owner's property or upon the one-half of any road or street lying next to the lands or boulevards abutting thereon. The notice shall be by registered or certified mail addressed to said owner or agent of said owner at their last known address and shall give such owner or agent a minimum of five days to cut or destroy the noxious weeds.

### 12.0504 Action Upon Non-Compliance

Upon the failure, neglect, or refusal of any owner or agent to cut, destroy and/or remove noxious weeds growing, lying or located upon the owner's property or upon the one-half of any road or street lying next to the lands or boulevards abutting thereon, after receipt of the written notice provided for in 12.0503 or within five days after the date of such notice in the event the same is returned to the City because of inability to make delivery thereof, the health officer or person designated by the City is hereby authorized and empowered to pay for the cutting, destroying, and/or removal of such noxious weeds or to order their removal by the City.

### 12.0505 Penalty - Cost Assessed to Property

**When the City has affected the removal of such noxious weeds or has paid for their removal, the actual cost thereof, if not paid by the owner prior thereto, shall be charged and assessed against the property upon which the noxious weeds were cut or destroyed. An assessment list showing the lots or tracts to be assessed with the cost against each lot or tract shall be prepared as are other special assessment lists and shall be approved by the governing body. Such assessments shall be subject to the same procedure for certification to the county auditor, payment and collection as are other special assessments under state law. (Source: North Dakota Century Code section 40-05-01.1)**

## ARTICLE 6 – General Penalty Provision

### 12.601 Penalty for Violation of Chapter

Any person violating any of the provisions of this Chapter, upon conviction, is subject to a **fine of not more than five hundred dollars (\$500.00) for each violation, and a separate violation may be deemed committed on each day the violation is permitted to exist.**

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### ARTICLE 07 – Track-Out Materials

#### 12.0701 – Definition

Any material which is tracked onto a Public Streets or Alleys from a place of business or construction site within the City limits must be removed as quickly as safely possible by the property owner or their contractor. At a minimum all track-out must be cleaned up by the end of the workday as applicable.

#### 12.0702 – Penalty – Failure to Clear Track Out Materials

**A fine of up to five hundred dollars (\$500.00) per day will be assessed to the property owner or their contractor for violations.**

Exceptions to this provision may be made by the Zoning Administrator for the construction, maintenance, and/or repair of Public Streets or Alleys and for the application of traction materials for wintertime driving conditions.

### ARTICLE 08 - Grass, Weeds and Lawn Regulation

It shall be the duty of every person in charge of or in possession of land in this city, whether a land owner, lessee, renter or tenant to prevent the grass and/or weeds on those lands from becoming a potential fire hazard, habitat for various insects, rodents and reptiles, as well as creating an unsightly appearance

#### 12.0801. Responsibility.

It shall be the duty of every person in charge of or in possession of land in this city, whether a land owner, lessee, renter or tenant to cut the grass and/or weeds on those lands at any time it exceeds the height of ten (10) inches.

#### 12.0801.1 - Exemptions for Grass Height.

- a) Where the land owner, lessee, or renter of unplatted property within the City Limits makes an Annual written request to the City Auditor asking for such an exemption, as such crops or grasses are grown and are annually harvested for Human or Animal consumption.
- b) The City Council may motion to grant such an exemption Annually.

#### 12.0802. Notice to Mow.

The Superintendent of Public Works, is hereby authorized and empowered to notify in writing the owner of any such lot, place or area within the City or the agent of such owner, to mow the grass and/or weeds located on such owner's property or upon the one-half of any road or street lying next to the lands or boulevards abutting thereon. Such notice shall be by registered or certified mail addressed to the owner or owner's agent at the last known address and shall give owner or owner's agent a minimum of five (5) days to mow the grass and/or weeds.



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### 12.0803. Action Upon Non-Compliance.

Upon the failure, neglect, or refusal of any owner or agent so notified to mow the grass and/or weeds lying or located upon the owner's property or upon the one-half of any road or street lying next to the lands or boulevards abutting thereon after receipt of the written notice provided for above, or within five (5) days after the date of such notice in event the same is returned to the City Post Office Department because of inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner or agent, the Superintendent of Public Works is hereby authorized and empowered to pay for the mowing and/or removal of such grass and/or weeds or to order their removal.

### 12.0804. Penalty - Cost Assessed to Property.

When the City has affected the mowing and removal of such grass and/or weeds or has paid for its removal, the actual cost thereof, **if not paid by said owner prior thereto, shall be charged and assessed against the property** upon which the grass and/or weeds was cut. An assessment list showing the lots or tracts to be assessed with the cost against each lot or tract shall be prepared as are other special assessment lists. Such assessments shall be subject to the same procedure for certification to the County Auditor, payment and collection as are other special assessments under state law.

## ARTICLE 09 - Trees

### 12.0901 - Definitions:

For the purposes of this ordinance, the following terms, phrases, words and their deviations shall have the meaning given herein.

- A. "City" is the City of Arnegard, State of North Dakota and shall mean all property lying within the Corporate City Limits and City lagoons.
- B. "Person" means any person, firm, partnership, association, corporation, company, or organization of any kind.
- C. "Streets" means the entire width of every public way or right of way when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular and pedestrian traffic.
- D. "Boulevard" means the space between the sidewalk, or the normal location of the sidewalk or the property lines and the curb line or curb.
- E. "Width of Boulevard" means the distance between the sidewalk, or the normal location of the sidewalk or the property lines and the curb line or curb.
- F. "Property Lines" means the outer boundaries of any lot or parcel of land.
- G. "Property Owner" means the person owning such property as is shown by the McKenzie County, North Dakota Register of Deeds.
- H. "Public Tree" are all shade and ornamental trees now or hereafter growing on any public right of way or in any public place or park.

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### 12.0902 - Administration

- (a) Tree Committee composed of members of the City Council along with the Superintendent of Public Works.
- (b) The City Forester position is hereby created to be filled by appointment by the City Council in consultation with the Tree Committee

### 12.0903 - Authority and Jurisdiction of the City Forester

The authority and jurisdiction of the City Forester shall be as follows:

- (a) The City Forester shall have the authority and jurisdiction, through the Board, to regulate the planting, maintenance, protection, and removal, of all trees on streets and other public places, to ensure safety, or preserve the esthetics of such streets and public places.
- (b) The City Forester shall have the authority to make known, with the approval of the Tree Committee, the rules and regulations of the Arboricultural Specifications and Standards of Practice governing the planting, maintenance, protection, and removal of trees, as specified on the streets and public areas of the City of Arnegard.
- (c) The City Forester shall have the authority to supervise all work done under any permit, issued in accord with the terms of this ordinance.

### 12.0904 - Nuisance Declared

The following conditions are public nuisances whenever they may be found within the City of Arnegard:

- (a) Any living or standing elm tree or part thereof infected to any degree with the Dutch Elm disease fungus, *Ceratocystis ulmi*, and which harbors any of the elm bark beetle, *Scolytus multistriatus* or *hylurgopinus rufipes*, or other tree species infected by a disease determined a nuisance by the Tree Committee.
- (b) Any dead elm tree or part thereof, including logs, branch, stumps, firewood or other elm material from which the bark has not been removed or chipped during that part of the year, April 1st to October 15th, each year.
- (c) Any tree, shrub or hedge, or part thereof, growing upon public property or upon private property but overhanging or interfering with the use of any public walk, street or highway, park or public place within the City of Arnegard, which in the opinion of the majority of the Tree Committee, endangers the life, health, safety or property of the public, shall be declared a public nuisance.

### 12.0905 – Abatement

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(a) It is unlawful for any person to willfully permit any public nuisance as defined in Section 12.0904 to remain on any premises owned or controlled by him within the City. Such nuisance may be abated in the manner prescribed by this ordinance.

### 12.0906 - Inspection and Investigation

(a) The Forester, under the direction of the Tree Committee, shall inspect all premises and places within the City annually, and at other necessary times, to determine whether any condition described in Section 12.0904 exists therein.

(b) The inspection shall determine all hazards as specified in Section 12.0904. The owner shall be notified in writing of the existence of the nuisance and given a reasonable time for its removal.

(c) The Tree Committee or City Forester may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned to it under this ordinance.

(d) It shall be in the discretion of the Tree Committee or City Forester to determine if a laboratory diagnosis of a suspect Dutch elm diseased tree or other diseased tree is necessary. A field evaluation will usually be adequate unless there is some question about the tree being diseased or if the landowner requests that a sample be sent into the lab. If the landowner requests a laboratory diagnosis, the landowner shall pay all costs incurred therein.

(e) If the Tree Committee or City Forester, upon finding a suspect Dutch elm diseased tree, decides to send appropriate specimens or samples to a qualified plant disease diagnostician, no action to remove suspect trees or wood shall be taken until positive diagnosis of the disease has been made.

(f) Within five days of receipt of the diagnosis, the owner of the property from which the specimen was obtained shall be notified by the City Forester of the result by mail.

### 12.0907 - Abatement of Nuisance in the City of Arnegard

(a) In abating the nuisance on public streets, alleys, boulevards, public ways and private property as defined in Section 12.0904 (a) and 4 (b), the City of Arnegard shall cause the infected tree or wood to be removed or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of Dutch Elm disease fungus and elm bark beetles. Such abatement procedures shall be carried out in accordance with the latest technical and expert methods and plans as may be designated by the Commissioner of Agriculture of the State of North Dakota. The Tree Committee shall establish specifications for tree removal and disposal methods consistent therewith.

(b) In abating tree hazards on public property as defined in Section 12.0904 (c), the City Forester shall cause such hazards to be removed and disposed in accordance with tree care specifications which the Board shall accept, the cost to be assessed as defined in Section 12.0913

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### 12.0908 - Abatement of Nuisance on Private Property

(a) Whenever the Tree Committee or City Forester finds with reasonable certainty that the Dutch Elm or other disease defined in Section 12.0904 (a) exists in any tree or wood located on private property, outside of any public way in the City, he shall notify the owner or person in control of such property of which the nuisance is found by mail within ten days of receipt of the diagnosis. The Tree Committee shall direct that the diseased tree be removed and effectively treated in a manner approved by the Board within ten (10) days after receipt of such notice. If such owner cannot be found, a copy of said notice shall be posted upon said infected tree. If said tree is not so removed and/or treated as specified within ten (10) days after actual receipt or posting of the notice, the City of Arnegard shall remove and/or treat said tree. The owner or person in charge may be charged with a violation of this ordinance for maintaining a nuisance and that the City may abate the nuisance, the cost to be assessed as defined in Section 12.0913

(b) The nuisance as defined in Section 12.0904 (c) shall be abated by the owner following notification of the existing nuisance. If not corrected or removed within the time allotted, the Tree Committee shall authorize the removal or correction to be done in accordance with recommended procedures, the property owner to bear the cost.

### 12.0909 - Certification as Special Assessment

(a) The City Auditor shall keep in the City office a book called "Nuisance Abatement, Special Assessment Book" and shall enter the cost of the abatement of a nuisance as declared by the City Council therein as a special assessment against the lot or parcel of land from which the nuisance was abated, with the name of the owner.

(b) At the regular meeting of the City Council in October of each year, the City Council shall review all such assessments and hear all complaints against the same and approve the same finally adjusted, and the City Auditor shall certify to the County Auditor a list of the lots and parcels of land specially assessed for such purpose, and the sum shall be collected as other city taxes are collected.

### 12.0910 - Spraying

(a) Whenever the Tree Committee or the City Forester determines that any elm tree or part thereof is infected with Dutch Elm disease fungus and is in a weakened condition, he may cause all elm trees within a 1,000 foot radius thereof to be treated with an effective elm bark beetle destroying concentrate as recommended by the State Entomologist.

(b) Whenever the Tree Committee or City Forester determines that other disease or insects pose a problem, it may cause all trees to be treated with control materials as recommended by the State Entomologist.

(c) In order to facilitate the work and minimize the inconvenience to the public of any treating operations conducted under this ordinance, the Tree Committee or City Forester shall cause to be given advance public notice of such operations by newspaper, radio, public service announcements or other effective means and shall also cause the posting of

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appropriate warning notices in the areas and along the streets where trees are to be treated at least 24 hours in advance.

(d) When appropriate warning notices have been given and posted in accordance with subsection (c) of this section, the City shall not allow any claim for damages to any vehicle damaged by such treating operations.

(e) When trees on private property are to be treated, the City Forester shall notify the owner of such property and proceed in accordance with the requirements of this ordinance.

### 12.0911 - Transporting Elm Wood Prohibited

(a) It shall be unlawful for any person to transport within the City any elm wood bearing bark between April 1 and October 15, without having obtained a permit from the City Forester. The Forester shall grant such permits only when the purpose of this ordinance shall be served thereby.

### 12.0912 - Interference Prohibited

(a) It shall be unlawful for any person to prevent, delay or interfere with the Tree Committee or City Forester while it is engaged in the performance of duties imposed by this ordinance.

### 12.0913 - Costs

The costs for abating of the public nuisances as defined in Section 12.0904 shall be borne as follows:

(a) For abatement of the nuisance as defined in Section 12.0904(a) and with the nuisance occurring on public trees, the cost will be borne by the City of Arnegard, and the cost for City Park land shall be borne by the Arnegard Park Board. For abatement of the nuisance as defined in Section 12.0904(a) and with the nuisance occurring on private land or on any street, alley, boulevard or other public way adjoining the private property, the cost shall be borne by the private owner.

(b) For abatement of the nuisance as defined in Section 12.0904(b) the costs shall be borne as defined in Section 12.0913(a).

(c) For abatement of the nuisance as defined in Section 12.0904(c) and the nuisance occurring on public trees, the cost will be borne by the City of Arnegard, and the cost for City Park land shall be borne by the Arnegard Park Board. When the nuisance occurs on any street, alley, boulevard or any other public way, the cost shall be borne by the property owner adjoining the street, alley, boulevard or public way.

(d) The cost of spraying for abatement of the nuisance as defined in Section 12.0904 (a) and (b) shall be borne by the City of Arnegard when the nuisance is on public trees and the Park Board shall pay the cost on City Park land. The cost of spraying on private property shall be borne by the property owner.

(e) The cost of tree planting for replacement of diseased trees on public property will be borne by the respective City Council owning the property.

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(f) All permits relating to this ordinance will be issued at no cost fee.

(g) The cost of the diagnostic test stated in Section 12.0906 (d) shall be borne by the property owner unless tests are deemed necessary by the City Forester.

### 12.0914 - Tree Planting

(a) The office of the City Forester shall issue permits to plant trees on public parkways, boulevards, berms and alleys in accordance with Section 12.0903(b).

### 12.0915 - Tree Topping

(a) It shall be unlawful as a normal practice for any person, firm or City department to top any street tree, park tree or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

### 12.0916 - Pruning, Corner Clearance

(a) Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8') feet above the surface of the sidewalk and twelve (12') feet above the street.

### 12.0917 - Separability

(a) In case any section of this Article is held invalid by a Court of competent jurisdiction, the invalidity shall extend only to the section affected and other sections of this ordinance shall continue in full force and effect.

### 12.0918 - Penalty

(a) In the event that any person, firm or corporation violates any provision of the above Article sections **they will be subject to revocation of their license and a fine not to exceed \$500.00.**

### 12.0919. Action Upon Non-Compliance.

Upon the failure, neglect, or refusal of any owner or agent so notified to Spray, Remove or Trim such trees lying or located upon the owner's property or upon the one-half of any road or street lying next to the lands or boulevards abutting thereon after receipt of the written notice provided for above, or within five (5) days after the date of such notice in event the same is returned to the City Post Office Department because of inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner or agent, the Superintendent of Public Works is hereby authorized and empowered to Spray, Remove or Trim such trees.

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### 12.0920. Penalty - Cost Assessed to Property.

When the City has effected the Spraying, Pruning or Removal of such Trees or has paid the actual cost thereof, **if not paid by said owner prior thereto, shall be charged and assessed against the property** upon which the Tree(s) were located. An assessment list showing the lots or tracts to be assessed with the cost against each lot or tract shall be prepared as are other special assessment lists. Such assessments shall be subject to the same procedure for certification to the County Auditor, payment and collection as are other special assessments under state law.