

**CHAPTER 3**  
**PUBLIC PLACES**

Sections of Chapter 3 Revised, Ordinance #2019-04, Adopted 03/18/19

- 3-101        DEFINITIONS**  
Parks: A park, playground, recreation center such as ball diamonds, golf courses, tennis courts, or any other public area in the City owned or used by the City and devoted to active or passive recreation.  
  
Public Place: Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings open to public use.
- 3-201        DEPTH OF GRAVE**  
All adult graves dug in any cemetery shall be at least six feet deep.
- 3-202        BODIES EXHUMED**  
No body shall be exhumed except by permission of the Board of Health or the public authorities.
- 3-203        DRIVING IN CEMETERY**  
No driving shall be permitted in any cemetery except on the streets thereof.
- 3-204        MALICIOUS MISCHIEF WITHIN**  
No person shall pick flowers, break any tree, shrub or plant and deface or mark any monument or stone or any structure within any cemetery.
- 3-205        CONDUCT WITHIN**  
No person shall disturb the quiet and good order of any cemetery.
- 3-301        PROTECTION OF PARK PROPERTY**  
It shall be unlawful for any person to deface, damage or in any way interfere with any public or private structure or property, without the consent of the owner.  
1992 Revised Ordinance 92, sec. 10; 12/30/92
- 3-302        ANIMALS IN PARKS**  
It shall be unlawful for any person to lead or drive any animal or vehicle upon the grass or planting space in a park, except places provided for parking and driving.
- 3-303        MUNICIPAL TREES**  
The City Council shall have the authority and jurisdiction to regulate the planting, maintenance and removal of trees along public streets and other publicly owned property such as parks and boulevards to insure the public safety and preserve the aesthetics of such public sites. The City Council shall have the authority to determine the type and kind of trees to be planted upon municipal streets, public rights of ways or in parks.
- 3-303.1      PERMISSION TO PLANT AND MAINTAIN**  
No person shall plant, spray, fertilize, preserve, prune, remove, cut above ground, or otherwise disturb any tree on any street or municipally owned property without first receiving permission from the City Council or Public Works Director.

- a) Certain species of trees shall not be planted in the street and alley public right of way for any of the following reasons: high susceptibility to disease, production of large or messy fruit, and growth habit.
- b) Recommended municipal trees are as follows: Redmond Linden; Discovery Elm; Hackberry; Northern Acclaim Honeylocust; Stately Manor Coffeetree (pod-less only); Bur Oak; Heritage Oak; and, Prairie Stature Oak.
- c) Trees planted in the public right of ways shall comply with the following distance requirements.
  - 1. Distance for planting trees in a relation to a street or alley are as follows:
    - a. No tree shall be planted where the distance between any two man-made improvements, such as curb and sidewalk, is less than nine feet (9'); and, trees shall be planted five feet (5') from the back of curb when two man-made improvements exist.
    - b. Trees shall be planted a minimum of ten feet (10') from the back of curb when no other improvements exist.
    - c. Trees shall be planted twelve feet (12') from the outer edge of a street or alley when a curb does not exist.
  - d) No tree shall be planted or permitted to grow so close to any curb, sidewalk or public structure or improvement, such that it interferes with vehicular traffic or parking, pedestrian movement along the walkway or such that it touches or crowds the public structure or improvement.
  - e) No tree shall be planted within fifty feet (50') of the center of any intersection.
  - f) No tree shall be planted within ten feet (10') of any fireplug or water hydrant.
  - g) No tree shall be planted so that its natural growth will eventually interfere with any above ground utility wire.
  - h) No tree shall be planted within five feet (5') of any underground water, sewer or other utility line.

### **3-303.2 RESPONSIBILITIES**

- a) The care, maintenance, pruning and removal of municipal trees, after the planting thereof has been planted according to the guidelines set herein, shall continue to be the responsibility of the private property owner or his/her successor who planted the tree. While the city has jurisdiction over municipal trees, the cost of planting, care, pruning, removal and the like is the responsibility of the private property owner.
- b) Every private owner of every tree adjacent to or in close proximity with a street light, electrical line, sewer or water pipe or other utility line or pipe, shall keep said tree in proper shape and condition, and shall when necessary, prune or remove the same, at his/her expense, in proper manner, so that tree does not interfere with or hinder normal usage of said street, sidewalk, area, utility, etc., or block any light from any such street light. The minimum clearance of any overhanging portion thereof shall be eight feet (8') above any sidewalk; and, sixteen feet (16') above any street or alley.
- c) The City shall also maintain the right to prune, trim, or remove trees, plants and shrubs within the public right of ways of all streets, alleys, boulevards and land as may be necessary to eliminate traffic hazards, insure public safety, and to prevent any injury to sewer and water infrastructure or other public improvements.

### **3-303.3 ABUSE OF TREES**

Unless otherwise specifically authorized by the City Council, no person shall intentionally damage, put, carve, transplant, or remove any tree; attach any rope, wire, nails, advertising posters, or other contrivance to any tree, allow any gaseous liquid or solid substance which is harmful to such tree to come in contact with them; or set fire or permit to set fire to burn when such fire or the heat thereof will injure any portion of any tree on any publicly owned property.

**3-303.4****PERMISSION TO EXCAVATE**

All trees on any street or other publicly owned property near any excavation or construction of any building or structure, or street work, shall be guarded with a good substantial fence, frame or box, and all building material, dirt or other debris shall be kept outside such barrier. No person shall excavate any ditches, tunnels, trenches, or lay any drive within a radius of ten (10) feet from any public tree without first obtaining permission from the City Council.

**3-304****RUBBISH**

It shall be unlawful for any person to throw or deposit any refuse or offal of any kind in any park or any publicly owned body of water.

1992 Revised Ordinance 92, sec. 10; 12/30/92