

CITY OF WINDY HILLS
ORDINANCE NO.94
SERIES 1975

AN ORDINANCE RELATING TO MAINTENANCE
OF AREAS ADJACENT TO PUBLIC WAYS

THE CITY COUNCIL OF THE CITY OF WINDY HILLS DOES ORDAIN

AS FOLLOWS:

Section 1. Removal of Dead Trees

Whenever the City Council by resolution shall condemn any dead or decaying trees on the sidewalks or thoroughfares of the City, and notice is served by the City Clerk on the owner of a lot or property abutting on the street or sidewalk where said condemned trees shall be located, the owner shall, within thirty (30) days after notice, at his expense, remove the said condemned trees from the street or right-of-way in such manner as will least impede public travel, and he shall put the surface of the street or right-of-way in an even and uniform shape after removal, provided, however, there shall be no duty on the part of an abutting owner to maintain any area constituting the unmade extension of any street.

Section 2. Duty of Owner to Trim

Whenever there exists trees or overhanging branches of same, hedges, shrubs or weeds on the sidewalk or public ways of the City or on private property adjacent thereto, which in the opinion of the City Council obstruct the vision of any operator of vehicles over said public ways, or obstruct any traffic sign, so as to create a hazard to the safe operation of such vehicles, the City Council may order the removal of such obstructions by giving the owner of such property written notice to removal of said obstructions within ten (10) days from the receipt thereof, and if said notice is not complied with within the said time, then the City Council may have such obstructions removed at the expense of such property owner.

The notice herein provided shall state the nature of such obstructions and what part thereof shall be removed, and such notice may be delivered or mailed to the owner of such property or his agent.

Section 3. Removal of or Damage to Shade Trees

It shall be unlawful for any person to trim, cut, damage or remove any shade or ornamental tree on any of the sidewalks or other public ways of the City without having first secured a permit to do so from the City Engineer who may seek approval by resolution to the City Council but shall not be required to do so, provided, however, no permit shall be required to trim trees, hedges or shrubs in order to remove a traffic hazard.

Section 4. Weeds in Sidewalks or Gutters

It shall hereafter be unlawful for the owner or his agent of property abutting any public ways to permit noxious weeds or vegetable matter to grow or remain in the area between his property line and the paved portion of the street and it shall be the duty of such abutting owner to maintain the grass in the unpaved portion of the public way adjacent to his property and to keep drainage facilities adjacent to his property free from obstruction.

The owner of property may take reasonable steps to protect the area adjacent to his property from damage or harm, including the maintenance of curb stones or similar devices no closer than one-inch to the paved portion of the roadway in areas subject to continued abuse.

The City Council shall give notice of violations of this section to the owner or his agent requiring the nuisance to be abated within five (5) days.

Section 5. Failure of Owner to Comply with Notice

Upon the failure of the owner of the property to comply with any notice specified herein, the City Engineer, with the approval of the City Council, may send City employees upon said property to remedy the situation and the City shall have a lien against the property for reasonable value of labor and materials used in remedying the situation, which claim shall be in the form of an affidavit signed by the City Engineer and shall be recorded in the Jefferson County Court Clerk's Office and which lien shall bear interest at the rate of six percent (6%) per annum thereafter until paid.


Section 6. Penalty

Any person violating any of the provisions of this ordinance shall be fined not less than \$15.00 nor more than \$50.00 for each offense. Each day's continued violations shall constitute a separate offense.

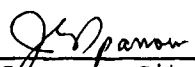
Section 7. Effective Date

This ordinance shall take effect from and after its passage, signing and publication as required by law.

PASSED AND APPROVED this 14 day of May 1975


Betty Walsh Mayor

ATTEST:


J.E. Sparrow, City Clerk