

Sec. 106-26. - Definitions. *chapter 106 - Vegetation*

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*ANSI A300* means the most recent revision of the American National Standard for tree care operations, all parts and companion publications. ANSI A300 definitions are incorporated by reference and shall be controlling.

*Certified Arborist* means an individual engaged in the profession of arboriculture who, through experience, education and related training, possesses the technical competence to provide for or supervise the management of trees and other woody plants (per ANSI A300, 4.2) and is certified by the International Society of Arboriculture.

*Director* means the director of the city department of parks and forestry, and any representative, employee or agent authorized by the director to administer or enforce this article.

*Drip line* means an imaginary vertical line extending downward from the outermost tips of the tree branches to the ground.

*Lion's tailing* means the removal of an excessive number of inner, lateral branches from parent branches.

*Ornamental tree* means a tree less than 25 feet tall, with a crown spread of ten feet or more at maturity.

*Park tree* means any tree, shrub, or other woody vegetation planted or located within a city park.

*Pathway* means a non-motorized vehicle-pedestrian pathway.

*Person* means any individual, firm, partnership, association, corporation or other entity.

*Pruning* means the selective removal of plant parts to meet specific goals and objectives (per ANSI A300, 4.30).

*Public utility* means water, sewer and storm drainage systems and facilities, as well as electric, gas, telephone and cable television lines.

*Street tree* means any tree, shrub, or other woody vegetation planted or located within a public street or road right-of-way under the city's jurisdiction.

*Topping* means the reduction of a tree's size using internodal cuts without regard to tree health or structural integrity.

*Tree lawn* means the area between a sidewalk or pathway and the curb or street edge.

Sec. 94-76. - Definitions. *Chapter 94 - streets, sidewalks & certain other public places*

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Adjoining property owner* means a person who holds solely or jointly a fee interest in property adjoining or contiguous to a sidewalk or a nonmotorized vehicle-pedestrian path or who is purchasing such property under a land contract. Where applicable, the term "adjoining property owner" shall include homeowners' associations and condominium associations.

*Construct* means any action taken in the course of construction.

*Construction* means the replacement, repair or realignment of existing nonmotorized vehicle-pedestrian paths or sidewalks.

*Nonmotorized vehicle-pedestrian paths* means asphalt or concrete nonmotorized vehicle-pedestrian pathways abutting either existing or planned rights-of-way of 120 feet in width or greater, as designated on the city-adopted master right-of-way plan and as designated for nonmotorized vehicle-pedestrian paths on the nonmotorized vehicle-pedestrian pathway plan for the city as adopted by resolution of the city council.

*Sidewalk* means a public walk constructed of concrete for public use, five feet in width, and located on public streets.

(Code 1976, § 7-17.02; Ord. No. 566, § 3, 4-2-2012)

**Cross reference**— Definitions generally, § 1-2.

Sec. 94-77. - Purpose.

The city council finds and determines that the construction, maintenance, and repair of sidewalks and nonmotorized vehicle-pedestrian paths is necessary for the public health, safety, and welfare. **Certain acts and conditions occurring on or affecting nonmotorized vehicle-pedestrian paths and sidewalks in the city which may endanger bicyclists or pedestrians or cause damage to or prevent or inhibit public use of nonmotorized vehicle-pedestrian paths and sidewalks shall be prohibited.**

(Code 1976, § 7-17.01; Ord. No. 566, § 3, 4-2-2012)

Sec. 94-78. - Enforcement.

This article shall be enforceable by the mayor, the county sheriff's department, the building department, and other enforcement officers as the mayor may designate.

(Code 1976, § 7-17.07; Ord. No. 566, § 3, 4-2-2012)

Sec. 94-79. - Citation of illegally parked vehicles.

- (a) *Owner presumed responsible.* When a motor vehicle without a driver is found parked or stopped in violation of this article, the registered owner of the vehicle shall be presumed responsible.
- (b) *Identifying information recorded.* The officer who finds the vehicle shall take down its license plate number and any other information displayed on the vehicle that might identify its owner.
- (c) *Appearance citation.* The officer shall conspicuously affix to the vehicle an appearance citation.

(Code 1976, § 7-17.08; Ord. No. 566, § 3, 4-2-2012)

Sec. 94-80. - Prohibitions.

Except for utility company vehicles being used in the performance of utility maintenance or repair or except when necessary to comply with the law or the directions of a police officer or traffic control device or as authorized by the mayor or a department of the city, no person shall:

- (1) Stop, stand, or park a vehicle on or overhanging a nonmotorized vehicle-pedestrian path or sidewalk in the city;
- (2) Operate a vehicle on or across a nonmotorized vehicle-pedestrian path or sidewalk in the city, except to enter or leave adjacent property at a driveway or when necessary for access to a subdivision common area for purposes of lawn maintenance;
- (3) Cause the commission or occurrence of any act or condition which creates a hazard on or near any nonmotorized vehicle-pedestrian path or sidewalk in the city; or
- (4) Cause the commission or occurrence of any other act or condition which damages any nonmotorized vehicle-pedestrian path or sidewalk in the city.

(Code 1976, § 7-17.06; Ord. No. 566, § 3, 4-2-2012)