

## **Chapter 12.20 STREET TREES AND SHRUBS**

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### **12.20.010 Permit to plant in public street.**

- A. Required. No person shall hereafter plant any tree or shrub within the limits of any public street without a permit therefor issued by the tree warden of the city.
- B. Application. Application for such permit shall be in writing upon forms which shall be provided by the tree warden. The application, among other things, shall set forth the size, species and type of such tree or shrub and the location at which the permittee proposes to plant the same.
- C. Factors Considered in Passing Upon Application. The tree warden, in passing upon such application, shall consider the effect of the proposed planting upon the present and future use, safety, maintenance, development and improvement of the public streets and, on the basis of such considerations, shall grant or deny the application.
- D. Conditions. In granting any permit, the tree warden shall set forth such conditions and limitations as he may determine to be necessary in carrying out the purposes of this chapter and in applying the foregoing standards. In the planting or maintenance of any tree or shrub pursuant to any permit, the permittee shall strictly observe such conditions and limitations as may be imposed by the tree warden. (Prior code § 27-129)

### **12.20.020 Restrictions on planting on curb.**

No person shall plant any tree or shrub in the space between the street curblin and the adjacent public sidewalk line unless there shall exist, and thereafter be maintained, an open space of not less than four feet between such curb and sidewalk lines. (Prior code § 27-130)

### **12.20.030 Restrictions on planting close to sidewalks.**

If the base of any tree in a public street shall be of such size as to occupy more than the space between the curb and sidewalk lines or if it is so situated therein as to be in close proximity to the sidewalk, no sidewalk pavement of any kind shall be laid within a space of eight inches from the base of such tree. (Prior code § 27-131)

### **12.20.040 Correction of violations.**

If any person shall plant any tree or shrub without a permit from the tree warden, or in violation of the terms or conditions of any such permit, or shall so plant any tree or shrub as to violate the provisions of this chapter, the tree warden may order the person planting such tree or shrub, or the owner of the property in front of which such planting occurred, to remove the same at his own expense. If the person so ordered to remove such planting shall fail to do so within a period of thirty (30) days after such order, the tree warden may cause the same to be removed and the expense thereof shall be charged to the person to whom the order was given. Such expense shall be reported by the tree warden to the common council and shall be referred by it to the tax collector for collection, who shall have the same remedies for collection thereof as are possessed by him with relation to sidewalk assessments. (Prior code § 27-132)

## **Chapter 2.50 DEPARTMENT OF PARKS AND RECREATION**

Sections:

2.50.010 Established.

2.50.020 Duties.

2.50.030 Powers– Recreational use of property devoted to educational purposes.

2.50.040 Powers– Recreational use of parks and other property.

2.50.050 Duties of director of parks and recreation.

2.50.060 Employees.

2.50.070 Administration of funds.

2.50.080 Recreation commission.

2.50.090 Capital improvement fund.

2.50.100 Annual report.

**2.50.010 Established.**

There shall be a department of parks and recreation in the city, which shall be under the charge of the board of park commissioners, as constituted in Sections 142 through 153 of the compiled Charter and related laws found on file in the office of the city clerk.

(Prior code § 22-28)

**2.50.020 Duties.**

It shall be the duty of the department of parks and recreation to manage, direct and care for whatever provisions are made by the city, or otherwise, for public recreation in its broadest sense, including playgrounds, playfields, indoor and outdoor recreation centers, municipal baths, swimming pools, golf courses, bathing beaches, municipal dance halls, community celebrations, pageants, dramatics, music and similar or related activities.

(Prior code § 22-29)

**2.50.030 Powers– Recreational use of property devoted to educational purposes.**

The department of parks and recreation shall have the power to conduct playgrounds, playfields and other recreational activities, indoors and otherwise, on the grounds and in the buildings in charge of the board of education, and to pay for the necessary supervision and caretaking incident thereto in cooperation and conjunction with such board of education, or otherwise as may be provided for in the respective budgets; provided, however, that nothing in this chapter shall be construed to abridge the power of the board of education as to school property.

(Prior code § 22-30)

**2.50.040 Powers– Recreational use of parks and other property.**

The department of parks and recreation shall have the power to issue permits for the use of playfields or other facilities for recreation on park property, or other property owned or under the control of the city and adapted for recreational uses, and to supervise, care for and equip playgrounds, playfields and related facilities and generally to have charge of seasonal sports, games and all related activities in the field of recreation in its broadest sense upon such properties. Such department shall have power upon its own initiative to take charge of any grounds, with the buildings erected thereon, the use of which is proffered to them temporarily for playgrounds or other recreational activities, and may

cooperate with and promote by advice, suggestion or otherwise, such voluntary or amateur organizations for recreation, entertainment or mutual improvement as may meet the approval of the board of park commissioners.

(Prior code § 22-31)

#### **2.50.050 Duties of director of parks and recreation.**

The director of parks and recreation duly appointed according to Chapter 11, Section 12 of the compiled Charter and Related Laws of the city found on file in the office of the city clerk, will also serve as the tree warden and as the director and administrative head of the department of parks and recreation. He shall be responsible for the efficiency, discipline and good conduct of the department and its personnel and for the care and custody of all property used by the department, subject to the direction of the board of park commissioners. In his capacity as tree warden he shall have the authority designate deputy tree wardens.

(Ord. dated 8/1/05: Ord. dated 12/21/92 § 75(d); prior code § 22-32)

#### **2.50.060 Employees.**

All permanent employees of the recreation department as formerly constituted shall become permanent employees of the department of parks and recreation and will serve in the same relative capacities as provided by civil service regulations.

(Prior code § 22-33)

#### **2.50.070 Administration of funds.**

The responsibility of administering funds and money set aside in the form of trust which were formerly administered by the recreation commission shall hereafter be administered by the board of park commissioners according to the provisions of the Charter of the city.

(Prior code § 22-34)

#### **2.50.080 Recreation commission.**

There shall continue to be a board of recreation commissioners which shall consist of seven members appointed by the mayor, as follows: one member from the board of education, one member from the common council, and five members at large, at least one of whom shall be a woman. The member from the board of education shall hold office until his successor shall have been appointed by the mayor. The member of the common council shall hold office during his term as alderman. In June 1961, the mayor shall appoint the five members at large, two for terms of four years, one for a term of three years, one for a term of two years and one for a term of one year; on each succeeding June 1st, the mayor shall appoint or reappoint one or two members for a term of four

years. Members of such commission shall serve without compensation. It shall be the duty of the commission to inform, advise and acquaint the board of park commissioners as to the recreational needs of the city.

(Prior code § 22-35)

#### **2.50.090 Capital improvement fund.**

A. Established. There is established a fund to be known as the park department capital improvement fund, as provided in special act number 148 of 1965. This fund shall be separate and distinct from any other fund of the city, and shall consist of all moneys received from the sale of any park department property. Such fund shall be used for the purposes of relocating, equipping, acquiring or developing park properties at any time leased or owned by the city, or any combination of such purposes.

B. Deposit of Funds. All moneys in such fund shall be deposited with the city treasurer; but the direction, management and investment of such fund shall be under the charge of the board of park commissioners. All orders on such fund shall be signed by the president of the board of park commissioners.

C. Before the board of park commissioners shall spend any of the moneys from such fund, it shall first refer to the board of aldermen the matters relating to such park project or improvement. The board of aldermen shall take such matters under consideration and, if it shall be deemed necessary, shall make investigation as to the feasibility and cost of such project or improvement.

(Prior code § 22-1)

#### **2.50.100 Annual report.**

The board of park commissioners shall keep an accurate account of the receipts and expenditures for each park. The board shall annually on or before the fifteenth day of May, and whenever at any other time required, make report to the common council of the condition of such department. Such report shall contain a statement in detail of the receipts and expenditures for each park for the year ending the thirty-first day of March.

(Prior code § 22-3)