

CHAPTER XVI

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ARTICLE I**PUBLIC PARKS**

16-101. CREATION OF PARK DISTRICT OF THE CITY OF LISBON. The City Council of the City of Lisbon has heretofore created a Park District of the City of Lisbon in accordance with and under the provisions of the appropriate laws of the State of North Dakota then in existence, the said laws now being embodied in Chapter 40-49 of the North Dakota Century Code.

ARTICLE II**PLANTING AND PRESERVATION OF TREES**

16-201. CITY COUNCIL TO CONTROL PLANTING OF TREES AND SHRUBS. The City Council shall have the power and control over all trees, shrubs, and plants planted in the streets of the City of Lisbon, and shall have the power to determine the kind and location of such trees, shrubs and plants.

16-202. DEFINITION OF TREES.. The word "tree" as used in this article shall not be construed to include shrubs that do not grow higher than twelve (12) feet.

16-203. DEFINITION OF STREETS. The word "streets" shall include in addition to the traffic roadway all boulevards or berms adjoining such streets.

16-204. SHADE TREES; PRESCRIBED HEIGHT OVER STREETS AND SIDEWALKS. No person or persons, corporation or otherwise, whether owners or tenants, of any property along the public streets and avenues of the City of Lisbon, shall permit any shade trees to project over the sidewalks, streets and avenues of said City less than eight (8) feet in height from such sidewalks, streets and avenues.

16-205. DUTY TO TRIM TREES. It shall be the duty of all persons, whether owner or tenants, to keep the shade trees along the public streets and avenues adjoining such property trimmed in such manner that such trees shall not interfere with travel on said streets and avenues aforesaid.

16-206. PERMIT REQUIRED BEFORE PLANTING TREES IN STREETS. No person, firm or corporation shall hereafter plant or cause to be planted any tree, shrub or other vegetable growth within the limits of any street, alley, boulevard, or other public way of the City of Lisbon without first having obtained therefore a written permit from the Street Commissioner.

16-207. APPLICATION FOR AND GRANTING OF PERMIT. Any person, firm or corporation desiring to plant any tree, shrub or other vegetable growth within the limits of any street, alley, boulevard or other public way of the City must first apply to the Street Commissioner for a written permit therefore. After the receipt of such application, the Street Commissioner shall investigate the locality where the tree, shrub or other vegetable growth is to be placed, and shall grant a permit therefore only if the location is such as to allow the normal growth and development of such tree, shrub or other vegetable growth, and is consistent with the public safety and welfare. The permit shall be in writing and shall specify the location, the variety of trees, shrub or vegetable growth and the method of planting. The permit shall be in writing and shall be good only for the season stated on the same in the year issued, and no charge shall be made for such permit.

16-208. SIZE REQUIREMENT OF TREES; OTHER RESTRICTIONS. No tree shall be planted or located on any street, alley, boulevard or other public way of the City measuring less than one and one-half (1 1/2) inches in diameter of trunk, one foot above the ground. The trunk of each tree shall be without branches eight (8) feet from the ground and the lowest branch shall not be over nine and one-half (9 1/2) feet from the ground. In issuing permits for planting or location of trees, shrubs, or other vegetable growth the Street Commissioner may in the furtherance of uniformity, convenience and public safety designate the variety, the location and the method of planting such tree, shrub or other vegetable growth the Street Commissioner may in the furtherance of uniformity, convenience and public safety designate the variety, the location and the method of planting such tree, shrub or other vegetable growth, and may prohibit the planting of trees, shrubs, or other vegetable growths which are carriers or transmitters of plant disease, including smut and rust. In the issuance of such permit for the location or planting of any tree, shrub, or other vegetable growth upon the streets, alley, boulevards, or other public ways of the City, the Street Commissioner shall be guided by the necessity of preserving an unrestricted view at intersections for the safe and convenient passage of street, alley, and other public way traffic.

16-209. PERMIT REQUIRED TO REMOVE, DESTROY, CUT, DEFACE, TRIM, ETC., TREES AND SHRUBS. No person, firm, or corporation shall remove, destroy, cut, deface, trim, or in any way injure or interfere with any tree, shrub, or other vegetable growth located upon any street, alley, boulevard, or other public way of the City without first obtaining a written permit from the Street Commissioner.

16-210. SIGNS, POSTERS NOT TO BE ATTACHED TO TREES. No person shall attach any sign, card, poster, advertising, or any article to any such tree.

16-211. NON-LIABILITY OF CITY. The City of Lisbon shall not in any way be liable for the removal or destruction of any tree, shrub, or other vegetable growth located on any street, alley, boulevard or other public way, except as specifically otherwise provided in these revised ordinances.

16-212. APPLICATION OF CHAPTER TO PRIVATE PROPERTY. The provisions of this chapter shall likewise apply to any tree, shrub, or other vegetable growth planted or located within private property lines any portion of which tree, shrub, or other vegetable growth projects over or upon any such street, alley, boulevard or other public way.

16-213. PERMISSION TO TRAVEL ON LAWNS AND BOULEVARDS. No person shall go upon, cross or otherwise travel upon the grass or turf of any land or lot abutting on a public street within the City of Lisbon where the same is used for lawn or park purposes, without permission from the owner or person in charge.