

**ARTICLE 931
Trees and Shrubs**

<p>931.01 Permit for planting in public place.</p> <p>931.02 Trimming generally.</p> <p>931.03 Regulations for planting in public places.</p>	<p>931.04 Power of Engineer to trim or remove.</p> <p>931.05 Injuring shade trees.</p> <p>931.99 Penalty.</p>
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CROSS REFERENCES

Power to regulate - see W. Va. Code 8-12-5(29)

931.01 PERMIT FOR PLANTING IN PUBLIC PLACE.

It shall be unlawful for any person to plant or set out any tree, shrub or vine, or cause, authorize or procure any person to plant or set out any tree, shrub or vine in or upon any part of any public street or public place, without first obtaining from the Town Engineer a written permit so to do and without complying in all respects with such conditions as are set forth in such written permit.

All applications for the permits required by the provisions of this section shall be made on blanks furnished by the Town and shall describe the work to be done and shall state the variety, size and exact location of each tree, shrub or vine. After the receipt of such an application, the Engineer shall investigate the locality where the tree, shrub or vine is to be placed and shall take into consideration in considering the application, the normal growth and development of such tree, shrub or vine. Each permit issued by the Engineer shall specify the location, variety and size of each tree, shrub or vine and method of planting, and shall be good only for the period stated therein. There shall be no charge for such permit, but before any permit shall be issued for planting more than ten trees, shrubs or vines, the Engineer may request from the applicant a detailed declaration of intentions, either in the form of a planting plan or a written statement containing such information as the Engineer may require. (1969 Code 22-1.)

931.02 TRIMMING GENERALLY.

Trees, vines, bushes, shrubbery or flowers standing in or upon any public street or public place, or on any lot or land adjacent to any public street or public place, and having branches, limbs, trunks or other parts projecting into the public street or place shall, under the supervision of the City Engineer be kept trimmed by the owner or occupant of the adjoining property so as not to interfere with the free and safe passage along such public way by pedestrians and vehicular traffic. (1969 Code 22-2.)

931.03 REGULATIONS FOR PLANTING IN PUBLIC PLACES.

The following regulations are hereby established for the planting of trees, shrubs or vines in or upon the public streets and public places of the Town.

- (a) No tree shall hereafter be planted at the intersection of two or more streets or within twenty feet of such intersection.
- (b) No tree, shrub or vine shall be planted where the clear space between the curb and the sidewalk is less than three feet. No tree, shrub or vine shall be planted nearer than one foot from the curb line or outer line of the sidewalk.
(1969 Code 22-3.)

931.04 POWER OF ENGINEER TO TRIM OR REMOVE.

The Town Engineer shall have the right to trim or remove such trees and shrubs within the lines of all streets, alleys, lands and public grounds as may be necessary to insure safety to pedestrians and vehicular traffic and the Engineer, under the power herein given, may remove, cause or order to be removed any tree, shrub or part thereof, which is in an unsafe condition or which, by reason of its location, may be hazardous to pedestrians or vehicular traffic. The Engineer shall have the power to enter upon any private grounds for the purpose of trimming or removing trees and shrubbery in order to prevent danger therefrom to person or property, in the event the owner or occupant of such premises does not comply with the Engineer's orders relative to the trimming or removal of trees or shrubbery which, in the Engineer's opinion, are hazardous to pedestrians or vehicular traffic.

(1969 Code 22-4.)

931.05 INJURING SHADE TREES.

It shall be unlawful for any person to cut, saw, tear or break down any ornamental or shade trees, along the sidewalk or in any other public place in the Town, or injure the same in any manner.

(1969 Code 22-5.)

931.99 PENALTY.

(EDITOR'S NOTE: See Section 101.99 for general Codified Ordinances penalty.)